

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

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

**HALLORAN:** Please join me in prayer. Psalms 118:24: This is the day that the Lord has made. Let us rejoice and be glad in it. Can I have an amen? Amen. Thank you.

**FOLEY:** Thank you, Senator Halloran. I call to order the fifty-eighth 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.

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

**CLERK:** Enrollment and Review reports LB 1107 to Select File with E&R amendments. Communication from the Governor, the following bills signed: LB1008, LB1009, LB43, LB247, LB461, LB705, LB751, LB760, LB774, LB780, LB780A, LB797, LB803, LB803A, LB832, LB835, LB840, LB850, LB858, LB889, LB899, LB910, LB911, LB911A, LB912, LB924, LB927, LB931, LB944, LB944A, LB1003, LB1140, LB1144, LB1148 (also LB1188) and LB881, LB1028, LB1042, LB1042A, LB1052, LB1055, LB1080, LB1124, LB1130, LB1152, LB1166, LB1183, LB1185, LB1185A, LB1186 and LB681, LB783, LB956, LB1158, LB1160, These bills were all signed, delivered to the Secretary of State. Sincerely, Pete Ricketts, Governor. That's all that I have, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business. I propose to sign and do hereby sign the following two legislative resolutions: LR465 and LR467. Pursuant to the agenda, our first bill is LB1107, Select File. Mr. Clerk.

**CLERK:** Mr. President, LB1107. Senator Slama, E&R amendments, first of all.

**FOLEY:** Senator Slama.

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

**SLAMA:** Mr. President, I move that the E&R amendments to LB1107 be adopted.

**FOLEY:** That is a debatable motion. In the queue we have Senators Stinner, Williams, Chambers, and Erdman. Senator Stinner.

**STINNER:** Thank you, Mr. President. Members of the Legislature, I believe that Senator Linehan is going to bring an amendment that really kind of is the bill. I know that there's been various groups that have worked on it. I want to thank Senator Linehan and certainly commend her office for all the hard work over-- over the last couple of days and over the weekend. I want to thank the Fiscal Office for their participation in this, in making the bill actually replicate what we're talking about, so there were some-- some technical issues right there. I want to commend Senator Bolz, Wishart, and Vargas from my committee, and certainly Senator Crawford and DeBoer, for their hard work and really taking every sentence and every word apart and seeing that-- making it a better bill. Certainly, Senator Scheer needs commended for his leadership because we wouldn't be here otherwise. And Senator Kolterman, my friend Senator Kolterman, LB720, as well as the UNMC bill, he was big enough and-- and amicable to actually change some of the due dates and-- and making this more fiscally responsible, so I thank him for all his hard work and his flexibility. Senator McDonnell was advocating for UNMC. Senator Lathrop was very instrumental in saying, hey, let's take a look and make sure that this is a fiscally responsible bill. And Senator Briese, his advocacy for the ag sector, I think his thoughtful approach to that was-- was instrumental. But I also want to thank the entire Legislature for their thoughtful debate and thoughtful discussions on General File. I expect as we move forward that that will be the case, and I'm hope-- hopeful that it will be. This is a critical time. It's a critical time because of COVID, but it's a critical time because we need to make a positive statement to the people in Nebraska. And I think the biggest risk is not to-- not to act, but to act. And obviously, when you take a look at what we're doing on the incentive program, it's a much more transparent, more focused approach. It tells business that we're open for business. It tells business we're here to help, help certainly in a time of need, but ongoing help. UNMC, what better time to-- to-- to approach Department of Defense and FEMA with a solution to the problem, a long-term problem that will help not only Omaha and that region and the state of Nebraska but will help the United States? They are-- they have the solution to this long-term pandemic, bioterrorism threats that we have-- have to deal with. And, of course, from the property tax side, I think that is something that we've talked about and needed to be big enough to where it does make a difference. It

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Floor Debate August 11, 2020

makes a difference in everybody's lives as a property tax owner, certainly helps the farm, but it helps the residential people along with the commercial people. So this-- this bill covers a lot of-- a lot of bases. It's a good bill. It's thought out. It has protections for the state as it relates to coming back with a 3.5 percent spend, acknowledging we-- we're going to do this in a fiscally responsible manner, that we're going to fund it through growth, that we're going to worry about the fiscal posture of this state. So there is a piece in there that says, you know, the rainy-day fund needs to be replenished. And so when I talk about fiscal posture, that's what I'm talking about, is making sure when somebody from the outside looks at the state of Nebraska, that we have a rainy-day fund, that we are taking care of the expenditures of the state and our responsibilities in a responsible fashion so that, again, we can-- we can say that we have reacted to a situation--

**FOLEY:** One minute.

**STINNER:** --we brought this all together and we reacted in a very responsible manner. I would appreciate your green vote on LB1107 and certainly the amendment that Senator Linehan will be bringing.

**FOLEY:** Thank you, Senator Stinner. Senator Williams.

**WILLIAMS:** Thank you, Mr. President, and good morning, colleagues. And a big thank-you to Senator Stinner for all his work on LB1107, and he gave a lot of great thank-yous. You know, we have been here during very difficult times. We were here as the session started in January with goals of creating property tax, creating economic development, looking at the NExT project. And then we were certainly hit with COVID. I will tell you, from business, the last thing you want to do when you're faced with adversity is sit on your hands. It's time to step up and take action, and that's what we're doing. It is clear to me that these three bills go very well together, and the intent of them all is to help continue to grow our state. We've talked about that in here many times and the necessity of doing that and how important it is that we stay together, that we work together to provide property tax relief which causes growth, that we pass updated economic development incentives that cause growth, and that we engage in the investment in the Omaha project. With that, Mr. President, I encourage a green vote on LB1107. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Williams. Senator Erdman.

**ERDMAN:** Good morning. Thank you, Lieutenant Governor. I appreciate it. The lovefest has now started again. It was on last week and it looks

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Floor Debate August 11, 2020

like it's carrying over. Not so fast, my friend. This bill is one of those bills that doesn't do anything for anybody anytime soon. And I was wondering if Senator Briese would yield to a question.

**FOLEY:** Senator Briese, would you yield, please?

**BRIESE:** Yes.

**ERDMAN:** Senator Briese, last week you and I had a conversation about a friend of mine whose property tax is going up \$500 and they were going to get a \$90 reimbursement through this LB1107, and I asked you if that was significant and it was my fault that I was caught off guard there and didn't consider the whole ramifications of that. So let me share with you what it really means, because I was amiss at saying that. But their total tax bill is going to be \$4,600 and it's going to be a \$500 increase this year. And so they're going to get a \$90 credit for this year's increase, but their total tax bill is going to go up \$410, so the total percentage of relief is going to be just slightly over 2 percent. So instead of being 20 percent, like the \$90 is on \$500, it's going to be just over 2 percent. So now knowing that it's going to be 2 percent and knowing that their tax bill is going to be \$410 higher this year-- next year than it was this year, do you consider that relief?

**BRIESE:** It's a reduction in the increase. That is relief.

**ERDMAN:** You-- you've said it well. It is a reduction in the increase. Thank you, sir, appreciate that. Senator Stinner, you yield to a question?

**FOLEY:** Senator Stinner, would you yield, please? I do not see Senator Stinner on the floor.

**ERDMAN:** OK. Well, let's see, maybe Senator Lathrop. Is he here?

**FOLEY:** Did you say Senator Lathrop?

**ERDMAN:** Yes.

**FOLEY:** Senator Lathrop, would you yield, please?

**LATHROP:** Yes.

**ERDMAN:** Senator Lathrop, you were part of the committee that put this together. So here's my question. I've asked it about eight or nine times on the floor and nobody chooses to answer it. So here it is. Why do we have to find the money-- why do we have to have an appropriation

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

for property tax relief if it's an income tax credit, which is exactly the same thing that we get with the Nebraska Advantage Act or the Imagine Act? They never talk about-- we have never talked about finding the funding to reimburse the state or whoever for the amount of money that these incentives are going to go to the businesses. So why do we have to have the money to do property tax credit through an income tax credit and we don't have to have the money to do it for the Imagine Act? You understand the question?

**LATHROP:** I think I do, and I'll take a swing at it. I see Senator Linehan has come to the floor and she may be a better person to answer this question, or she can wave her arms if I'm going in the wrong direction. The second tier of the property tax relief that's found in this bill is a tax credit, not an appropriation, so it is much like the tax credits that are available under the Imagine Act. It does not require an appropriation. The bill doesn't call for an appropriation. It simply says there shall be a credit on your income-- a refundable tax credit on your income tax against your income tax liability or, if you don't have any, you still get a check from the state, so the-- the new tier of property tax relief is, in my estimation and in my reading, not unlike the business tax incentive. The first tier, on the other hand, which is what we've been operating with since the inception of the Property Tax Relief Fund, is an appropriation, and that's been-- been the case since--

**FOLEY:** One minute.

**LATHROP:** --2007.

**ERDMAN:** Oh, OK. I'm not sure that's-- that's the answer, but here-- here's-- here's the crux of the question. If we do not have to find the money to pay for the Nebraska Advantage Act or now the Imagine Act, we never talk about that. The only money that we need to do the income tax credit for the property tax paid is the amount that is going to be refunded to those who don't owe any income tax. It's not \$125 million. We do not need to appropriate \$125 million do this property tax credit. But I realize it's probably the Chamber of Commerce that doesn't want it to happen that way, so we put this limitation on property tax relief that we have to have the money appropriated to give property tax relief. We don't need the money because those people are just not going to pay their taxes. It's going to be an offset.

**FOLEY:** That's time.

**ERDMAN:** Thank you.

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

**FOLEY:** Thank you, Senator Erdman. Senator Halloran.

**HALLORAN:** I'd yield my time to Senator Erdman.

**FOLEY:** Senator Erdman, you've been yielded 4:50.

**ERDMAN:** Thank you, Lieutenant Governor. Thank you, Senator Halloran. So that's-- that's my question. So maybe-- maybe someone else can answer the question. I don't know who it would be. Maybe Senator Linehan can do that, if she would yield to a question.

**FOLEY:** Senator Linehan, would you yield, please?

**LINEHAN:** Certainly.

**ERDMAN:** Senator Linehan, you heard the question that I asked to Senator Lathrop. So this is-- I want to try to be as specific as I can so you can answer this. We do not need the \$125 million in appropriations or the money in-- to be accounted for, for property tax relief, if it's an income tax credit. Would you agree?

**LINEHAN:** I would defer to Chairman Stinner to say it exactly how it needs to be, but I understand what you're saying. It's a credit, just like the credits we do for the incentive package. But even if we don't have to do an appropriation, we do have to balance the books and we have to account for money that will not come in, in revenue, just like we have to account for the money that we will have to expend on incentive packages.

**ERDMAN:** Right.

**LINEHAN:** So I think what Senator-- Chairman Stinner is doing is making sure that we don't come up short and we can't pay our bills.

**ERDMAN:** Right. Right. So you-- you've really pointed to the problem that I have, and the problem that I have is this. When we're doing property tax relief, we must account for that. But when we're doing the Nebraska Imagine Act, when we're doing Nebraska Advantage Act, we never account for those. We never account for those. Go ahead.

**LINEHAN:** That is not my understanding. That's why in this bill, we have accounted for how much money would go to the incentive package every year, starting with the first and second year at \$25 million, and then I think it's \$100 million and then \$150 million.

**ERDMAN:** Oh.

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

**LINEHAN:** It is much less than the original LB720 was expected to cost.

**ERDMAN:** I agree.

**LINEHAN:** So we are accounting for that money.

**ERDMAN:** I agree. You're accounting for the money. I agree that.

**LINEHAN:** OK.

**ERDMAN:** We put that in there. But here's the point. You're missing the point. We don't say-- we don't say in the bill. We've never talked on the floor. We have to somehow find that \$25 million. We have to have an appropriations of \$25 million to offset that incentive that's going to go back to those businesses and have a tax credit. We don't talk about that. We never talk about the \$150 million that's going to be credited to them in year three or four and the 3 percent increase. Only thing we talk about the appropriation that has to go to property tax. We never talk about the appropriations has to be put in place for the Nebraska Advantage Act. That never comes up. I'm trying to figure out what the difference is and I can't get my hand around why it works one way and on the other side it doesn't work the other way, except that's the way the Chamber of Commerce wants it or somebody else. I can't figure this out.

**LINEHAN:** [INAUDIBLE]

**ERDMAN:** Thank you. Thank you. Senator Stinner is now back. Can I ask him a question?

**FOLEY:** Senator Stinner, would you yield, please?

**STINNER:** Yes, I will.

**ERDMAN:** Senator Stinner, did you hear any of my comments to Senator Lathrop and-- and Linehan?

**STINNER:** I did. And in the forecast, the impact of all bills, all tax legislation, bills-- and I will take you and demonstrate to you how that is already in the formulation of total receipts. So if it's an income tax credit, it comes out of total receipts. What we're trying to do here is to gauge what the fiscal impact is of our decisions as we move to the future.

**ERDMAN:** OK. So--

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

**STINNER:** So it will be in the forecast. it will be part of that tax rate base adjustment that they do.

**ERDMAN:** Right.

**STINNER:** It is considered in there.

**ERDMAN:** All right. But when I asked you-- the first year that I was on the Appropriations, I asked you how we account for and accrue for the property tax or the income tax credits that have been earned in the first two incentive packages. And you said we don't have to accrue-- accrue for those because they just don't pay the taxes.

**STINNER:** No, no, I-- I--

**FOLEY:** One minute.

**STINNER:** I think you misunderstood me at that time. You asked me about do we appropriate for it. That is a different story than whether we account for it in the top-line revenue.

**ERDMAN:** OK. So in--

**STINNER:** So when you're using that top-line revenue and you're forecasting out and I get a re-- I get a listing of what the potential impact is--

**ERDMAN:** Right.

**STINNER:** --projected forward for six months, every month I get that--

**ERDMAN:** Right.

**STINNER:** --that is considered into the revenue mix--

**ERDMAN:** So--

**STINNER:** --which is then in turn--

**ERDMAN:** OK.

**STINNER:** --part of that forecast.

**ERDMAN:** OK, thank you. So here's-- here's the deal. When the forecasting board meets, I ask them if they spend some time talking about what might be recovered in the incentives that have been earned but not collected, and they-- they spend very little time or no time at all. So we're focused on the appropriations for property tax, but

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

we never focus on the appropriations for the incentives because it's already--

**FOLEY:** Senator Erdman, that's-- Senator, that's time, but you're next in the queue. You may continue. Senator Erdman, you're recognized.

**ERDMAN:** Oh, thank you. All right. So let me-- let me conclude with this, is we do it one way for one tax incentive and another way for another. And I know that Senator Hughes last week stood up on the floor and said he doesn't speak much because it doesn't change anybody's mind. I understand that. And I'm surely, surely convinced that that's happening today because when I look around, there may be three or four listening, maybe five. But I want the people at home to know that this bill is going to raise your taxes. This bill is going to allow your taxes to go up, I should say, because as property values increase, your taxes go up. This is a decrease in the increase. This is a decrease in the increase. And know this. If the revenues don't come in, if they don't come in, you're not going to get any additional so-called property tax relief. We never talk about the Nebraska Advantage Act or worry that we won't have the funding to pay for the Nebraska Advantage Act or the Imagine Act or any of those. We don't talk about that because we've already figured that into part of-- it's part of the cost of doing business. And so it's not contingent. If you apply for the Imagine Act, it's not contingent upon whether the-- we have the appropriate funds for it. That's not it. They signed a contract that they're going to get \$25 million this year and next year, then 100, then 150. It's an agreement that they've made with those businesses. It's not contingent upon increased revenue. It's just contingent upon the contract we have with the state. So why is it for the business incentives we have a contract that's guaranteeing those, but when it comes to property tax, it's all contingent upon increase in revenue? Well, maybe this is the reason, is our focus is wrong. Our focus has been for years and years on the people who collect and spend the taxes, and the focus should change to the side of those people who pay the taxes. And if we did that, we would do this differently. But we're not interested in that. And so I just want to know you-- notify you people out there that are going to pay more taxes next year. Don't blame me that your taxes went up, even though we give you what is so-called property tax relief, because this is not it. This is a decrease in the increase. Call it what it is. And the Imagine Act is good for only those businesses who receive it. And I had several questions that I had asked Senator Kolterman the last time LB720 was up by itself, and I haven't gotten an answer to those. But I don't believe anybody on the floor today is interested in any discussion about what these bills actually do. They're more interested

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Floor Debate August 11, 2020

in the lovefest and how wonderful everybody did putting this together at the last minute, 149 pages that we get at the last minute that we've got to try to read over when we're doing all the other bills. It's kind of like Nancy Pelosi when they passed the Obamacare. Well, we have to pass it to see what's in it. That's about what this is. But so this was well put together, according to some senators, well put together in the last 11th hour. We had a chance to do this back in February. We had a chance to do this in January. But we wait until August 5 or whatever day it was they brought this out. This is not the way to make laws. You throw three bills together. Some people don't like one or some people don't like two, but they like one of them, and so they're all going to be painted into a corner to vote for these--

**FOLEY:** One minute.

**ERDMAN:** --thank you-- because it's something they like. This is wrong. This is not property tax relief. If you want to pass this and call it a decrease in the increase, I understand that. But to call it property tax relief? It is not property tax relief. Thank you.

**FOLEY:** Senator Erdman, you're recognized for your third opportunity.

**ERDMAN:** Thank you very much. OK. I'm going to switch gears here a little bit. This week, you may have seen in the Lincoln Journal Star that the, what shall I say, uninformed Lancaster County Board of Commissioners declined to accept a destroyed property request from the insurance building that burned by the criminals that burned it down on May 30. And the Douglas County-- or the-- excuse me, the Lancaster County Attorney-- deputy attorney, excuse me, Dan Zieg, had informed the board that they denied it because it was not an act of Mother Nature. Well, if you read the bill, and if the commissioners had read the bill, and I'm sure they hadn't-- I surely wouldn't want to credit them to have reading it and not understood it-- because he advised them, because it was not a national calamity, that it wasn't applicable for destroyed property, property tax relief. So let me read what the bill says. The bill says a calamity means a disastrous event, including, but not limited to-- not limited to, has no limit, all right?-- to fire, an earthquake, a flood, a tornado or other natural event which significantly affects an assessed value of the real property. The definition isn't limited to just a tornado or a natural disaster. It says not limited to. It applies. And it goes on to say the bill says this. The county board of equalization receives a report of destroyed real property pursuant to Section 16 of this act, and the county board of equalization. Now get this. This may be hard for some lawyers to understand. The word "shall" is there, all right? It says the county board of equal [SIC] shall adjust the value of the

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

destroyed property to the assessed value on the date it suffered significant property tax damage. It shall do that. It's not a request that they can decline. They shall do that. So if those county commissioners pick up the bill, and I'm sure they can read, and if they would have taken the time to read it, they would have seen that that bill applies to this very situation that happened at that building. But obviously, either they didn't read or they're relying upon the county deputy attorney to have read it, and he didn't read it either. This is ridiculous that a taxpayer follows the statute that we wrote, and we wrote it in a way that these county commissioners couldn't sidestep it, I didn't think, and they make the decision to disallow his claim. That is amazing. I can't understand it. So not only that, but let's talk about Cherry County. Cherry County had numerous 424 forms. That's the form you fill out for disaster relief. And they disallowed those because their land was flooded, and they said that that didn't equate to being destroyed. In the bill it says flooding is a form of destruction. So I don't know who these people are that are sitting at these county board seats, but the voters need to start looking at who they elect. They elect people to represent them and to apply the laws as they are written. and what we get is their own interpretation based on something someone told them. And so the county attorney-- a deputy county attorney advised them to decline accepting his request, based on what, on how he feels? He's a lawyer. He should have been able to read it and he should have advised them that--

**FOLEY:** One minute.

**ERDMAN:** Thank you, sir. He should have advised them and said, hey, the bill says you shall do this; my advice to you is you shall give him the relief he is requesting. And if the county has a problem with that, if the county assessor has a problem with that, it's their obligation to take him to TERC to rectify the problem. It's not the other way around. The word "shall" means something. It's not "may" or "if you want to." It's "shall." And so any of those county commissioners from Lancaster County or Cherry County who's listening, or anybody that lives in those counties, you need to call your county commissioner and say, hey, what are you doing? The law says you shall give relief if you meet these qualifications, and fire is one of those relief-- one of those calamities. "Not limited to," it says. Doesn't make any difference who started it, except if the owner started it. The owner did not start that fire or burn that building down. We know that.

**FOLEY:** That's time.

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

**ERDMAN:** So it's quite obvious they're eligible for relief. Thank you.

**FOLEY:** Thank you, Senator Erdman. Members, the question before the body is the adoption of E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments have been adopted.

**CLERK:** Mr. President, the next amendment, as ordered by the Speaker, is AM3381.

**FOLEY:** Speaker Scheer, you're recognized-- I guess Senator Linehan is going to handle this. Senator Linehan, AM3381.

**LINEHAN:** Thank you, Mr. President. Good morning, colleagues. This is a comprehensive amendment that includes some technical changes as well as sub-- substantive changes. The residency requirement for employees remains under the Imagine Nebraska Act, but is removed from the key employer retention credit program. Language is added to clarify that financial institutions may claim the new property tax refundable credit. Personal property tax exclusion is repealed. This saves approximately \$14.8 million per year. Since it was too late to introduce an A bill, appropriation language is added for the first two years for the Department of Economic Development and the Department of Revenue to implement and administer the new programs. The agencies submitted the following request: \$1,714,700 to Revenue from the General Fund and \$3,033,420 to DED from the General Fund. The deadline for applications under the Nebraska Transformational Project Act, the NExT Act, is moved from 2021 to 2023 since we have moved the funding back. The reporting requirements under the NExT Act are moved from the initial date of 2022 to 2024. Language is added to clarify that any funds appropriated to the refundable property tax credit are based on growth of 3.5 percent in actual net receipts over the prior fiscal year, not estimated or forecast growth. This is on pages 83 and 84 of AM3316 pages 143 to 144. The allowable growth for the refundable property tax credit is limited to no more than 5 percent in any given year. Language is added to clarify that the property tax credit may not receive funds from the Cash Reserve other than the initial transfer of \$30 million this fiscal year when the balance in the reserve is below \$500 million. The intent language is added to the fact that the intent of the Legislature is to fully fund TEEOSA each year. I would like to thank everyone in this body. I don't think there's probably been anyone who hasn't had strong feelings and been involved at this at some juncture or another. Obviously, the Speaker deserves great credit, as does Senator Stinner, and I want to assure the body that the Revenue Committee spent a lot of time talking about the incentive package and the cost and the Property Tax Credit Fund and the new property tax, income tax credit. We spend hours back and

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

forth with Chairman Stinner on how the funding would work. None of this was done haphazardly. The committee has spent hours and hours, and without their names in front of me, so if I forget somebody, but I'll count: Senator Kolterman, Senator Crawford, Senator Lindstrom, Senator Groene, Senator Brieese, Senator McCollister. Who am I forgetting? Who am I forgetting? Lindstrom-- shy do I-- because it sounds too much like Linehan, I just get that in my head-- Senator Lindstrom. I promise you that they've all worked very hard on each and every one of these issues, and not just while we were in session but all summer and over the last few weeks. So I really do appreciate all their hard work, and I appreciate everyone who's been involved with this. Thank you very much.

**FOLEY:** Thank you, Senator Linehan. Speaker Scheer.

**SCHEER:** Thank you, Mr. President. Colleagues, I want to just make a quick announcement this morning. Last Thursday, as I was putting together today's agenda, it became obvious to me that if I was going to be able to give everyone on Select File an opportunity to get their bill in a passable position, I would have to modify some time restraints because each bill cannot come back twice for an hour and a half. So this morning all Select bills will go an hour and a half maximum. At that time, the introducer, at their choice, may ask for a cloture vote and it will be taken. If they do not want to have a cloture vote, they don't feel that they have sufficient enough numbers, that's up to them. They don't have to have that, but that's at their request. Final Reading will then also be reduced. Those that have concerns on Final Reading will be a maximum of 45 minutes so that we're able to move bills along. I'm passing out the announcement. We will probably be going late today because those items that do get passed on Select have to go up to Revisor's and come back and be read across in order for us to read any of those that we pass today on Final on Wednesday. So that's why you'll see a large number of Final Reading on today's agenda. As far as a dinner time, I will run through the dinner hour, if need be, to get the Select finished on the agenda so that everyone has that opportunity. We may take a-- a recess after that point in time, but I've been told that 7:00 is just absolutely the deadline for Revisor's is to be able to get those back to us, recalling that we only have until 10:00, an order to vacate the building for the cleaning that goes on every night for our protection. So I don't want this to be misconstrued. This has nothing to do with politics; it's not an R or D deal. It's just trying to give all of our colleagues the opportunity for the bills that have made it this far the opportunity to be successful in their try to change statutes. So, again, I'm announcing those modifications, and that's the purpose, is

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

just simply to make sure that everybody has that opportunity. Thank you, Mr. President.

**FOLEY:** Thank you, Mr. Speaker. Continuing debate on LB1107 and the pending amendment, Senator Groene.

**GROENE:** Thank you, Mr. President. I again will clarify that I will give Senator Kolterman a cloture vote on his LB720 portion of this bill. He worked with me on the rural tier. It, at least, is something, some peanuts for rural-- rural Nebraska. But I absolutely cannot support throwing money at a problem and calling it property tax relief. I've said it here on the floor. I've said it in the press. I'd be a hypocrite to go back on that. Do you really think \$375 million is going to be there in five years? Let me give you an example. The other day we voted on the-- on the CARES Act tax changes. In 2017-- 2000-- President Trump had his tax reform. Part of that was that S corporations, privately owned corporations, the best way to say it, would give up taking their losses back two years and three years. Everybody was set. That was going to happen. Guess what happened three years later? That changed. If you don't think the \$375 million will change in five years, I've got some land in a swamp for you. It won't be there. One hundred twenty-five million dollars is peanuts, and it will devalue over the next five years because that's what it is, \$125 million a year period, period. Ag gets \$38 million. I dropped an amendment, which I knew would happen. The seven had agreed not to accept anything and all get on board, like a small-town school board. But Omaha gets \$300 million for an economic project there. They get another \$40 million, Lincoln and Omaha do, for Pfizer-- Fiserv. Columbus and Blair right now, which, no, not holding any grudges, get \$6 million for their companies that exist there for bio-research companies. You go west of Columbus, we get nothing. Northeast Nebraska gets nothing. Southwest Nebraska gets nothing. So I brought an in-- my local economic development corporation nonprofit is-- is trying to create a rail yard. You want to read it? It's AM33-- I forget what it is-- AM3362. It's on the board-- it's not on the board because of the way this bill is being handled. But it would be huge for western Nebraska to have a rail spur and an industrial yard off the largest classification rail yard in the world and one of the-- next to an interstate to haul more tonnage than most other roads in the United States, freight. But I guess-- it didn't have a hearing. I'll bring it back next year. And it did not have a hearing, but neither did some of these changes in-- in the AM3381. To correct Senator Linehan, I worked diligently with her and others for four years on good policy and how we fund our schools to receive property tax relief. I was blindsided by this income tax. I was not in the room. I was not told about it

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

previously. It just showed up. So, no, I did not work on that, and I don't believe any of the other Revenue Committee members did except Senator Briese. It just showed up, an income tax credit against your property taxes that you pay for your school-- to your schools. So excuse me. I don't think that had a hearing either. I was told my amendment had-- hadn't had a hearing. I don't believe that one did either. Or maybe it did. I can't remember at the last minute. We did so many odd things this--

**FOLEY:** One minute.

**GROENE:** --this year, can't remember what the rules are and how-- how to-- I do know how to play them now. By the way, in six years, I've never dropped a bracket motion; I've never done an IPP. I've managed any filibusters I was involved with by debating the issue, always staying on the issue, never read poems. And I didn't do one this year, did I, a filibuster? There are some bad bills. LB1089 is coming up. It's a bad bill. I could just easily filibuster that for an hour and a half. And I agree with the Speaker on his move. We've got to get some things moved in an hour and a half. We're just out of time. But I will never support throwing money. It's against my core beliefs. I will never throw money at a problem and claim I did something. And if anybody runs for higher office in this body and they come out to rural Nebraska and claim they get property tax relief--

**FOLEY:** That's time, Senator.

**GROENE:** --I will be there.

**FOLEY:** That's time. Thank you, Senator Groene. Next in the queue are Senators Erdman, Pansing Brooks, Kolterman, and Lowe. Senator Erdman.

**ERDMAN:** Thank you, Lieutenant Governor. Good morning again. So I'd like to switch gears a little bit. We'll talk about the bill that I dislike almost as much as land banks, almost. And that is "I can imagine how your taxes are going to be now" act, and it's part of this bill. So I was wondering if Senator Kolterman would yield to a question.

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

**KOLTERMAN:** Yes, I will.

**ERDMAN:** Senator Kolterman, thank you. Last time LB720 was up by itself, I asked a couple of questions, so let me-- let me ask those again. And you said you were going to research it to see, and so we'll

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

see if you have an answer for me. The first question is, can a business outside the state of Nebraska take advantage of the Imagine Act?

**KOLTERMAN:** You have to-- if-- if you're going to take-- no, you have to be in the state of Nebraska.

**ERDMAN:** So I--

**KOLTERMAN:** You have to make an investment or create jobs in the state of Nebraska.

**ERDMAN:** OK. Let me-- let me ask it in a-- and maybe I can clarify it. Does a business have to be headquartered and be permanently situated in Nebraska to take advantage of the Imagine Act?

**KOLTERMAN:** No.

**ERDMAN:** OK, that's good to know. Secondly, the provision in the Nebraska Advantage Act had a provision that when the sales tax reimbursement would happen for those businesses that qualified for the Nebraska Advantage Act, that sales tax was then reimbursed from the city's sales tax collected, and it would go to the people who had applied for that Advantage Act. I believe that same provision is available in the Imagine Act. Am I correct?

**KOLTERMAN:** Yes, it is.

**ERDMAN:** OK. So in the case of Sidney, Nebraska, and I mentioned this earlier, they had a situation where, and they don't know who, one of the businesses qualified for the Nebraska Advantage Act and when they met all the qualifications and they were eligible for reimbursement, they took-- the state took \$8 million out of Sidney's sales tax collections to reimburse whomever it was that got that. The city of Sidney lost \$8 million, which is about two years of budgeting, and I think it has happened in other cities as well. So what I want to tell people listening today, and of course it won't make any difference to the people on the floor here but I'll say it anyway, is that provision is still there. And so when that business that qualified for the incentives is eligible for a reimbursement of sales tax, your city is going to lose tax revenue, sales tax revenue. Get ready because it's going to go to that business and you will have no choice but to reimburse them. Those are the things that this incentive package does. And if you're OK with that and you have an opportunity to vote, vote red on this because it's protecting the taxpayer, because as we move forward, these incentives have to be reimbursed by someone. And so

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

there is no proof-- there is no proof at all that these incentives help the average taxpayer in the state of Nebraska. And so when you ask the people who have received these incentives, the businesses, if they were to come to the state irregardless whether we give them incentive or not, the ones that The Wall Street Journal had polled to see, 79 percent said, we would have come to the state even if they give us nothing, but if you want to give us something, we'll take it. So we don't spend any time at all asking people, would you come to the state of Nebraska if we don't incentivize you?

**FOLEY:** One minute.

**ERDMAN:** No, we don't. And so, consequently, we're making decisions about people's tax dollars that are going to be spent for incentives for the Nebraska Advantage or the ImagiNE Act that they're going to get no benefit from. Looks to me like it's a great program. And the other issue is we never account for the money. And even though Senator Stinner says we-- we figure that into the appropriations when we start, but we don't do it the same way. We don't act the same way. We don't try to fund it the same way as we do property tax relief. There's a problem with that. I don't know how anybody can vote for this bill and think they're helping anybody pay less taxes. It just isn't going to happen. Thank you.

**FOLEY:** Thank you, Senator Erdman. Senator Pansing Brooks.

**PANSING BROOKS:** Good morning. Thank you, Mr. President. So I'm rising, of course, to discuss what hasn't happened with an act of God, basically, here in the-- in the-- in the Chamber. I'm still going back and forth on LB1107 and the underlying amendment. I know that a lot of people have worked on it, and I know that it's not perfect and the enemy of good is perfect. I know all of that. But the fact that we have been unable to respond to the urgent needs of Nebraskans due to COVID and what's going on is-- is beyond disappointing. To the Nebraskans listening, I'm sorry. I'm sorry that we have turned our-- our sights away from your specific and urgent and actual and real and current needs. I'm sorry that we have a lack of vision and we continue to wallow in our lack of "nimbleness." But you know where we were nimble? Boy, the minute we need to get to being-- paying corporations, the minute we get to worrying about the haves and not the have-nots, we can move mountains in this body. We can take laws and make giant changes, add three major bills together and-- and do a lot. We can do what we want to do. But what did the progressives get in this grand-- this grand bargain? Did we get any help or eviction relief? Nope. Did we get help for the meat packers that are asking for help? Nope. We got a hearing that wasn't promoted by the whole body, but we did get a

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

hearing. Did we get childcare subsidies to help those childcare businesses that are being forced to take on people because the schools are opening in many places? No, we didn't do that. Paid leave? Nope. Any additional jobless support? No, we did not have time to be nimble for any of that, Nebraskans. What about setting aside resources for the issues that we know are still going on due to COVID. No, we-- we aren't doing that either. We had-- we had to delay the operative date on a bill of mine, the \$61,000 to take care of some Native kids, Native kids who are falling through the cracks, whom we're going to spend tens of thousands of dollars on if they end up entering the criminal-- the juvenile justice system. But, you know, those are-- those are just bad kids, I guess. We can't dare think of spending \$60,000 this year on some Native kids. The inability and unwillingness to be adapt-- adept-- everything was thrown together at the last minute, 149 pages at the last minute. But being adept and trying to work on our Nebraskans who are hurting, who are still hurting from the floods? If you look at the most re-- recent NEMA report, the people that were affected by the floods last year and now are losing their jobs, these are critical issues that are truly hurting families. But again, we're not nimble enough. We're not quick enough on our feet except for the things that really matter--

**FOLEY:** One minute.

**PANSING BROOKS:** --taxes, corporations, making sure the haves have what they need to continue their wealthy lifestyle. I-- my husband and I do corporate law, so I get all of that. I get why corporations are important. I get all of that. But when we are tone deaf to the needs of individual Nebraskans, we're not doing our job. And I'm not proud of this session. We are going to be criticized for what we haven't done this session. What did you do during the session of 2020? What did you do? I can tell you what we didn't do. We didn't help individual people, individual Nebraskans. So I-- I am going to walk away from this session, Nebraskans, remorseful and sorry and apologetic for not fighting more, for not doing more, for not forcing people to listen and bargain in an appropriate manner to protect you.

**FOLEY:** That's time.

**PANSING BROOKS:** Thank you, Mr. President.

**FOLEY:** Thank you, Senator Pansing Brooks. In the queue: Senators Kolterman, Lowe, Cavanaugh, and Morfeld. Senator Kolterman.

**KOLTERMAN:** Thank you very much, Mr. President. Good morning, colleagues. Over the past couple of days, I've received some questions

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

about the health insurance requirements in the incentive package. Before the COVID break, my staff reached out to Department of Insurance to request more information about how health insurance provisions of the Imagine Nebraska Act would affect premium payments for employees. In addition to talking to the Department of Insurance, I worked very closely with my colleagues, Senator Matt Hansen, Senator Tony Vargas, and Senator Mike McDonnell, as we discussed the benefit package that would be available inside the incentive package. They represented Business and Labor, and between the four of us and other added people, I don't remember completely who was all involved, but those three were in my office to make sure that this plan that we're adding requires an employer to offer an ACA-compliant health insurance package. According to federal law, the premiums in a package like this, an Affordable Care package, must-- they cannot be greater than 9.5 percent of the employer's income-- employee's income, and they must provide at least 60 percent of the cost by the employer. Employers already know what's required of them through the ACA because in many cases they've already been working with that with-- in maybe another state or another business that they operate. But we-- we-- we needed to add that language, and so the bill says that a company must comply with the ACA, and if they don't, they simply won't qualify for incentives. So at the end of the day, they could meet all the requirements in the world that we-- we have of them. They could have the number of employees. They could have the financial impact that they say they're going to make, the investment that they're going to make. But at the end of the day, if they don't offer a compliant Affordable Care Act policy to these employees and pay at least 60 percent of that cost, they are not going to qualify for this incentive package. It's as simple as that. So, again, I'd like to thank Senator Hansen, Senator McDonnell, Senator Vargas for their input in this, as well as a business community that came forward and said we can comply with that. Another thing that I'd like to talk a little bit about is I'd like to thank the people that have helped get us where we are today. I could-- I could probably go to every person in this body and ask-- pinpoint something that you've either liked or disliked. There's a few of you that don't like anything that we're doing about it, and I get that. But there's-- on the other hand, there are 43 people that supported the bill last week, and they like what we're trying to do here. I'd really like to thank my colleagues that helped us put all this together, Senator Briese and Linehan and Stinner, McDonnell, Lathrop, myself. I probably missed somebody. But the reality is, without everybody coming together behind the scenes, we couldn't have gotten this done. The other thing that I would like to say to-- in answer to Senator Erdman's concerns, when a city works with a company to bring them to your community or to take advantage of the

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

investment, invest in Nebraska, either LB775 or the Advantage Act or now the ImagiNE Act, they know up front, with full disclosure, how much potential sales tax they're going to have to-- they're going to collect.

**FOLEY:** One minute.

**KOLTERMAN:** And they're also-- know how much they're going to have to pay back if the incentives are reached. So for-- to say that there-- that's a hidden figure, that's absolutely incorrect. And I will tell you that there are companies that-- or there are cities that don't put the money away. They utilize the money, but they've had the use of that money for those years. Sometimes it's four or five years. Sometimes it never gets collected or it never gets spent because they don't-- they don't qualify. If that's the case, they've had the use of that money and they never have to pay anything out, so it goes both ways. But what we have done inside the bill, we've made provisions for the accounting every year so that a city or municipality knows exactly what they're going to-- their liability might be in the future. That's an advantage incentive in the ImagiNE Nebraska Act. So with that, again, I'd like to thank all my colleagues, encourage you to support LB1107 and AM3381. Thank you very much.

**FOLEY:** Thank you, Senator Kolterman. Senator Lowe.

**LOWE:** Thank you, Lieutenant Governor. You know, this LB1107 and AM3381 is not a great bill. It's a bill that has other bills combined into it. But it is what we have today that will pass. The property tax relief portion of it has no control on spending, and that's what we need to do, is control spending. That's how you get your expenses down. The LB720, I really don't like incentive packages, but it is what we need to entice businesses to grow in Nebraska and to come to Nebraska. And I know my district, the economic development, we're looking at several businesses now to come into Nebraska that are not in the United States or even in Nebraska at this time. And the UNMC Hospital portion of this, it's basically in Omaha, but UNMC has a nursing school in Kearney at UNK, and it will help that. The portion of money that the property tax release-- relief is working with, it-- it's not-- it's not property tax relief, but we are giving money back to the taxpaying citizens. I think that's the important part. We are putting money back into the hands of our citizens and we are not looking for ways to spend it. That's important to me because it is the people's money. It is not our money. We're supposed to be judicious on the way we spend it and very thrifty when we do spend it. With that, I'd like to yield my time to Senator Erdman.

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

**FOLEY:** Senator Erdman, would you yield, please?

**ERDMAN:** Yes.

**FOLEY:** You have 2:20.

**ERDMAN:** Oh, OK. You yield time to me, John? Thank you, sir.

**FOLEY:** You've been yielded 2:20.

**ERDMAN:** OK. Thank you. Thank you, Senator Lowe. You know, we're in an opportunity of a lovefest here, so I want to continue that. And I'm going to talk about how many people have worked hard, worked hard circulating petitions to actually do property tax relief. It was significant property tax relief. And that is Senator Halloran, Senator Bostelman, Senator Clements, Senator Brewer, Senator Murman, and several others-- I hope I didn't leave anybody out-- circulated petitions. We spent three days or so at the State Fair and three days at the farm show there in Grand Island. So we worked hard at it. We spent a lot of time, a lot of effort to do real property tax relief. And so we're here today talking about something that's insignificant. But what concerns me about this, more than probably the little bit of relief or the reduction we're going to get, is if we pass this, then we're going to go home and we're going to say we have now fixed the property tax issue in the state of Nebraska. We've now fixed it.

**FOLEY:** One minute.

**ERDMAN:** Thank you. Well, let me share something with you. If we reduced our property tax by 35 percent, if we did, we would move from the 4th or 5th highest tax state in the nation only to 28th, only to 28th. It doesn't even get us halfway if we reduced \$1.4 billion and we're going to reduce it accordingly; we're going to decrease the increase by \$125 million. That moves us nowhere. OK? And it doesn't even make us competitive with any of our neighboring states. It doesn't help us do any of that. And so the greatest incentive that we can give to businesses to come here, and farmers and ranchers and young people to stay here, is fix our-- our tax system. The total thing is broken. And I have an answer to fix that, because most often people say I--

**SCHEER:** Time, Senator.

**ERDMAN:** Thank you.

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

**SCHEER:** Thank you, Senator. Those waiting in the queue: Senator Cavanaugh, Morfeld, Lathrop, and DeBoer and others. Senator Cavanaugh, you're recognized.

**CAVANAUGH:** Thank you, Mr. Speaker. Good morning, colleagues. I hope everyone had a nice long break. I am still trying to figure out this bill. I feel the term that keeps coming to mind is gaslighting. Don't know if people know what gaslighting is, but it's when someone manipulates you into questioning your own sanity. I feel gaslighted by this bill, like, as Senator Erdman says, there's this whole lovefest happening for this bill. And I guess I learned math differently because we have to have a balanced budget every year. And I'm looking at this green General Fund financial status and I'm like negative \$754 million next biennium. Whoa. That's a-- that's a hefty thing to have to balance. And I hear don't worry about it. It's kind of my job. It's kind of all of our jobs to worry about how we balance a \$754 million shortfall. I don't understand how we are paying for this. I also don't understand what in this bill is-- needs immediate action. Why are we doing this right now? Why is this the thing on the last three days of this session that is the most important thing that we could possibly do for Nebraskans? Is this going to immediately change people's lives? I-- it's a genuine question that no one has answered. Is there an immediate need that's being met? We're not stopping people from losing their homes. We're not creating access to healthcare for individuals during a pandemic. We're not doing anything about our school crisis and reopening during a pandemic. I mean, it's 149 pages. I get it. I read it. I don't think that I misunderstood that those things weren't in there. But again, I feel like I'm being gaslit, like I don't know my own mind anymore. I'm reading words on a page and they say one thing and then I'm hearing people speak on the floor and you're saying something totally different. And I'm-- I'm just-- I'm just flummoxed, I guess I would say. I'm flummoxed. So then there's the additional costs that we don't even have accounted for, like how many employees for these businesses that are getting tax incentives will be on public assistance because the wages are too low. That's an additional cost. Where is that accounted for? Now, we could lower the threshold or, I guess, higher-- raise the threshold for public assistance so fewer people can qualify. That would save us some dollars. Maybe we should do that. Let's-- let's-- let's hurt more individuals, not help more. How many people are going to be on Medicaid because they aren't going to get health insurance? They will be offered health insurance through their employer, but they still have to pay for it. And if you qualify for public assistance, you qualify for Medicaid. So we're going to be putting those people on Medicaid as well, so we're going to be paying for that. And then there's property tax exemptions in here that I

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

don't see accounted for, but I suppose that's not our problem. That's the county's problem. I mean, my-- I live in-- in the Westside district, which is-- cannot grow, and so property taxes are extremely finite. And if we are starting to give all of the businesses in my district property tax exemptions, guess what's going to happen?

**SCHEER:** One minute.

**CAVANAUGH:** The residential property taxes are going to go up. Yeah, they're going to go up. So why are we doing this? What problem does this solve? What immediate need does this fill? And how do we account for \$754 million next year? Those are just my simple little questions that I just don't understand, and nobody seems to be able to explain to me. But for those of you that understand "mansplaining," this would be a great time for you to start "mansplaining" to me because I don't get it at all. Thank you.

**SCHEER:** Thank you, Senator Cavanaugh. Senator Morfeld, you're recognized.

**MORFELD:** Thank you, Mr. President. Colleagues, as I discussed last time, aside from some of the other concerns that I have with us not addressing some of the direct assistance needs that we have discussed when it comes to rental assistance, eviction, stopping evictions, and several other pressing needs that will become readily apparent over the course of next few months and are already very apparent, I do want to talk a little bit about how we're going to fund this. And I-- I gave Senator Stinner a little bit of a heads-up here, and I was wondering if you could yield to a question or two.

**SCHEER:** Senator Stinner, would you please yield?

**STINNER:** Yes, I will.

**MORFELD:** Thank you, Senator Stinner. So my understanding is that the August 6 General Fund financial stats shows a \$754 million shortfall in the next biennium with more than \$335 million directly attributed to the cost of LB1107. Is that-- is that correct?

**STINNER:** Yes.

**MORFELD:** And so I guess maybe you can understand why I'm a little bit concerned about our state's ability to be able to pay for LB1107. Would you mind walking me through step by step how we can afford this, particularly-- and-- and I'll have time for an answer here in just a second-- particularly when Congress has not approved the ability to

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

use the CFR [SIC] funds for this purpose. So can you just walk us through how we're going to afford this?

**STINNER:** Yeah, I-- actually there are adjustments in the bill, personal property tax relief or repeal. There are lapses that aren't showed, both from one time lapse which is a reappropriation, is what we call it. Normally, it's about \$70 million. I'm going to use an actually \$40 million in that and-- and normal lapses that aren't demonstrated. I have indicated we're--this first year, we're going to lean really hard on the rainy-day fund, so I have \$100 million in there for that, potentially could go to that. But the other side-- and that gives me a budget somewhere close to that to 2-2.5 percent. If you remember, we delivered a 2.9 percent budget, fully funded, but we had flood in there for one-time expenses. So if I take that out, fully funded is 2.6. Our projections in there in terms of costs are 2.5 percent for inflation cost, 2.5 percent for provider rates. We're normally at 2 percent or there less. So there is some sliding and some calculations that you have to do when you're dealing with this. The other thing that I want everybody to understand, we are using the fiscal projections that they came up with based on Moody's and IHS. That is \$115 million lower than what the Revenue Department came up with as their calculation, so I think we're really conservative in this. I think that-- that the likelihood that we actually have that COVID money, the 270, 275, I'm using about 240 in my calculation, you know, and that really kind of squares everything up to where we're at. And obviously, then you start to rely on projections. And as you go out into the future, that's the look back that you have, what has traditionally happened. And we actually only have this coming, actually funding with a \$200 million, \$250 million cushion over a five-year period of time, using about 3.8 percent average-- average revenue gain. So I-- I think we've been fairly conservative. I think there is ways of getting through that first year of the COVID. And then obviously, I think it-- this economy should be straightened out; if not, this is in statute, so--

**MORFELD:** And-- thank-- thank you, Senator Stinner. I appreciate you walking through that. So I guess under this plan, what would be the growth rate of our budget in each year of the next biennium?

**STINNER:** Excuse me? I'm--

**MORFELD:** What would be our growth rate of our budget in each year under the next biennium [INAUDIBLE]

**STINNER:** Under the spend side, I think--

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

**FOLEY:** One minute.

**STINNER:** Yeah. Under the spend side, we're using that 3.5 percent cap.

**MORFELD:** OK.

**STINNER:** And that's in there. So we-- when revenue is at 3.5 percent, it funds the government. When it's above that 3.5 percent, that excess, half goes to the rainy-day fund, half goes to the property tax relief, so we're funded truly through growth with the acknowledgment that we've got a baseline spend to run our government, to make sure that, you know, we can provide the goods and services that the taxpayer expects.

**MORFELD:** And, Senator Stinner, just one last question before my time's up here. So what happens if we don't get the CRF funding to make it so it's flexible so we can use it to help fund this?

**STINNER:** I have some-- some other strategies that we can use, maybe pull on the rainy-day-- I'm using 100. We can possibly do the 150. There is some other adjustments that we can make within the budget that-- that I really don't want to elaborate on right now because I believe that we can--

**FOLEY:** That's time.

**STINNER:** --we can do this.

**MORFELD:** Thank you, Senator.

**STINNER:** I believe that--

**FOLEY:** That-- that's time, Senator. Thank you, Senator Morfeld and Stinner. In the queue: Senators Lathrop, DeBoer, Briese, and Matt Hansen. Senator Lathrop.

**LATHROP:** Thank you Mr. President. Good morning colleagues. Senator Erdman asked me a question earlier today about the appropriation, the process, and I made the distinction between tier one property tax relief and tier two. Tier one is what we know as the Property Tax Relief Fund and we're amending that section in Section 134. His question prompted me to look at that, and I have a couple of questions. If Senator Linehan would yield, I would like to ask her some questions.

**FOLEY:** Senator Linehan, would you yield, please?

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

**LINEHAN:** Certainly.

**LATHROP:** Senator Linehan, what we've referred to as tier one, or the Property Tax Relief Fund, has been a program that has required an appropriation from the Appropriation Committee each biennium in order to fund that?

**LINEHAN:** That's correct.

**LATHROP:** OK. And that will continue to be the case?

**LINEHAN:** Yes, but it's now in statutes.

**LATHROP:** Right. And that's-- so as I read-- as I read the statute or read this section, which is found on page-- for those of you interested, on page 140 of the committee amendment that we adopted, Section 134, we have some language. The last sentence has to do with if the gambling initiative passes and the property tax relief hoped for from that initiative. The last sentence in that paragraph addresses the gambling money.

**LINEHAN:** Right, it matches-- it matches what it says on the ballot. The ballot language, and I don't have it up here but I can get it for you, the ballot language says it is to go to property tax relief, 70 percent.

**LATHROP:** OK. So in the past, as we have appropriated this money, we've said in year 2007 the amount of relief granted under the Property Tax Relief Act shall be \$105 million. And each time we appropriate that money, we have to amend this statute and call for a different amount. That's been the-- that's been the case up to--

**LINEHAN:** Historically, yes, I-- yes.

**LATHROP:** OK. So there is a provision in there that was not stricken that says that we are going to fund the Property Tax Relief Fund with a minim-- with the minimum amount of relief granted under the act-- pardon me, using available revenue. Is that-- apply to our ongoing obligation to fund tier one property tax relief that we're going to use available revenue, or is that just language leftover from our previous efforts at this?

**LINEHAN:** I would-- I can't answer that with great confidence, so I will check for you.

**LATHROP:** OK, so here's-- here's the ultimately my question, and that is, with respect to tier one, the idea that we are going to fund \$275

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

million per year from an appropriation to be appropriated each year, is that a mandate to the appropriators or do they have to make that judgment and they're not obliged in the Appropriations Committee and in the Legislature to appropriate that money from year to year?

**LINEHAN:** That is to ensure that the \$275 million that is currently appropriated every year, that is the floor for that tier.

**LATHROP:** OK.

**LINEHAN:** So they-- going forward-- and again, as Senator Stinner said, it's statute. The statute will say the floor is \$275 million. If gambling passes, if that initiative passes, then, as the ballot says, 70 percent of the revenue raised from the gambling initiative will go into tier one. That was to ensure-- and there was some discussion on the Revenue Committee about this.

**FOLEY:** One minute.

**LINEHAN:** That was to ensure that the 275 didn't go somewhere else and we--

**LATHROP:** Senator Linehan, I appreciate that about the gambling. That part. I understand.

**LINEHAN:** OK.

**LATHROP:** Here's the question. Does a taxpayer have a claim if the Appropriations Committee and the Legislature ultimately don't fund that?

**LINEHAN:** Well, I think that the Legislature would have to change the statute. Yes.

**LATHROP:** So they're obligated to do it year after year.

**LINEHAN:** Yes.

**LATHROP:** OK. That helps clarify the language for me. I appreciate your courtesy in answering the questions. Thank you.

**LINEHAN:** Thank you.

**FOLEY:** Thank you, Senator Lathrop and Linehan. Senator DeBoer.

**DeBOER:** Thank you, Mr. President. I'm wearing my mask that says "hope" today-- my mother made it for me-- because I-- I do feel we're

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

operating in the realm of hope here. I'm not 100 percent concerned-- or not 100 percent certain that we're operating in a field of certainty, so I'm hoping that this works. There were a number of my concerns that I mentioned during Select File. I would like to address where we're at on several of them. One of my concerns was that we were not protecting the rainy-day fund. But it's my understanding that we are now protecting it at \$500 million and keeping it at that amount. That does make me feel a little better about that amount. I was concerned that there were not adequate provisions allowing health insurance for employees in order to claim credits under the LB720 portion. Senator Kolterman has answered that question, that they, in fact, have those protections for health insurance being offered to them in accordance with the ACA. There was a concern about whether the caps that-- that was mentioned, whether the caps on LB720 were, in fact, hard caps as we're describing them. My understanding is that under the language now and as adopted in all of the amendments to LB1107, that there will be caps. So for example, if it says \$25 million is the cap for LB720 in that year, then that is how much the state can spend in that year, that it cannot spend in excess of \$25 million on that program in that year. That's my understanding now. Additionally, I was concerned about whether or not this program that we are adopting on property taxes could at some point squeeze out TEEOSA funding. I appreciate those who worked with-- with us and included intent language that the Legislature will fully fund the TEEOSA formula each year, so I appreciate that. I do have a remaining concern about what happens if we have a particularly bad year, and so our budget growth is something like 1 percent or something less than a cost-of-living raise, that the next year, if we have in excess of 3.5 percent, we will have to siphon off the money without being able to make up for that bad year. So that is a remaining concern that I have. I do take some exception to those on the mikes who are calling this insignificant property tax relief. It will be \$650 million a year by year five, so that's a pretty significant amount of money. The new program itself will be \$375 million by year five. I'm sure that there are folks who would like there to be a lot more. I'm sure there are folks who would like there to be a lot less. So we met somewhere in the middle. And then one of my remaining concerns is the one-time funds issue, which you've heard others discuss. I trust Senator Stinner and his ability to plan for the future of our state, but I-- I do have remaining concerns. So I hope that we have adequately prepared for the funds of the state in the future and that we will have them in place. But, I mean, we are taking a bit of a risk here. It's like buying a car based on your salary when you include a bonus that you received that you don't receive every year. So using one-time funds is a little bit of a concern for me here. So those are my concerns.

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

**FOLEY:** One minute.

**DeBOER:** Some of them have been addressed. I want to thank everyone who-- who worked with us and who helped, you know, sort of address some of the questions we had and-- and helped us to get some additional language that clarified and in some cases provided more fiscal protections. So I want to thank everybody who worked with us. And I think that folks like Senator Crawford and Senator Bolz may not have been in the original "super seven," but I think they really ought to be recognized for their work on this bill, and so I wanted to do that. Thank you, Mr. President.

**FOLEY:** Thank you, Senator DeBoer. Senator Briese and then Senator Matt Hansen. Senator Briese.

**BRIESE:** Thank you, Mr. President. Good morning, colleagues. I first want to say I appreciate everyone's work on this proposal. And by that, I mean the entire body. Everyone in this body has worked on these issues and I want to thank everyone for that. This-- this proposal really is a product of this body, and thank you for that. And I appreciate the conversation today. We've heard a lot of legitimate concerns. You know, clearly, there's folks on the floor that find dislikes in here, things they don't like, and things they'd like to add in here, and me too. I don't like everything in here, and there's things I'd like to add. And in fact, there was something I tried to get in here, couldn't get it done. And there's something I tried to get out of here, couldn't get it done. But you know what? That's what compromise is all about. And this is compromise, compromise that can move our state forward, compromise that can help us grow our state. Anything we don't like in here, anything we'd like to add to this, we can talk about that next year. We can work on tweaks. We can work on adjustments. I've heard it suggested several times that this isn't really property tax relief. I'm not even going to engage in that debate. You run the numbers, look at the numbers. It's putting dollars back into the hands of our taxpayers. It is property tax relief. And if you don't want Nebraska to be only state in the country that doesn't have a business incentive program, this bill provides a pathway for you. If you believe that the NExT project and the state's participation towards the NExT project is critical to our state, this bill provides a pathway. And if you're like me and believe that property tax relief, property tax, sub-- meaningful and substantial property tax relief is critical to economic development in our state, this bill provides a pathway. Is this bill perfect? No, no. But I submit to you that this bill is critical to economic growth in our state, and I would urge you to support AM3381 and ultimately LB1107.

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

And with that, I would yield the rest of my time to Senator Moser.  
Thank you, Mr. President.

**FOLEY:** Thank you, Senator Briese. Senator Moser, 2:30.

**MOSER:** Thank you, Mr. President. Well, is LB1107 perfect? No. Does it do enough for property tax? I wish it did more. You know, are we concerned about the squeeze we're putting ourselves in as we go forward? Yes. But when I went out door to door and talked to citizens in my district, what did they talk about? Did they talk about social issues? Did they talk about provider rates? No. They talked about property tax. That's what they wanted something done with. This does something. It's not perfect, but I'm going to support it because it's something that we can get done. And it's not necessarily going to survive in the form it is. If we go forward and the budget wheels fall off and we have to readdress it, we'll come up with a bill to fix those problems in the future. I know some of the schools are concerned that we're committing a lot of money to business incentives and property tax relief, and they're worried it's going to squeeze their school funding. And if the wheels, I say, fall off, we'll have to readdress that at that point. One of the things we haven't done is supported schools with sufficient funding so that they've had to go rely on property tax, and that's one of the reasons our property taxes are so high. The incentive portion, I think, is big, but my district has had more projects that got state and federal incentives than any other district in Nebraska per capita. And I appreciate how that's helped Columbus grow. And so I'm going to support the bill and the amendment. And I appreciate all the hard work that so many people put into it. And I want to thank you for that. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Moser. Senator Matt Hansen.

**M. HANSEN:** Thank you, Mr. President. And good afternoon, colleagues. I'm rise-- and I'm going to support Senator Linehan's amendment, and I will support LB1107 when I think we end debate here in a few minutes. I wanted to address a couple things. Senator Kolterman invoked my name when he talked about the discussion of health insurance and benefits in the ImagiNE Nebraska section, the former LB720. And I want to sincerely thank him and his time and his effort for working with me and some of the other senators and stakeholders he named, because I do think we did get this to a good place. I wanted to put some things clearly as I can on the record. And if I don't get all of my time, I believe this language is substantially similar to LB720, enough that anybody can look at my comments on LB720 in past debates and get to the same idea and same concepts. And I'm looking at Section 15, subsection (7) and (8) of the committee amendment we adopted on

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

General File. And there's a couple different references there to Section 5000A of the Internal Revenue Code in terms of healthcare coverage requirements. And-- let me flip the page-- Section 490H [SIC] of the Internal Revenue Code, 1986, for the definition of full-time employees. And those are both definitions tied to the Affordable Care Act. And I agree with this idea and I agree with this concept of we are tying our definition of full-time employees and tying our definition of what adequate health insurance is to the federal definitions, because obviously they are the ones that make and play and control this field for the most part. I think those are fair-- fair concepts. And the key thing here is under the Affordable Care Act, a full-time employee is one that is working 30 hours a week, and that's the definition we tied into, and receiving health insurance. And I think those two definitions play in well, and that's a key issue we had with past incentive bills, with the Advantage Act, was that there was opportunities for pooling or some way of otherwise bundling smaller and lesser part-time employees, frankly, part-time employees we didn't want to incentivize or wasn't the goal and focus of the Legislature. Here, the intent, as this section has been written, as I understand it with Senator Kolterman, as I intended as one of the people who helped write this section, is that for the ImagiNE Nebraska Act, you have to have full-time employees, defined as a minimum 30 hours a week, consistently 30 hours a week, such that they fit under the Affordable Care Act as it exists today, as well as receiving the benefits required to them in the Affordable Care Act. And I think that's key and a good-- good concept to have. There's obviously a variety of different mechanisms to enforce this, such that this is obviously a moving number. An employee-- an employer, excuse me, might not always know how many employees they're going to have in a year. So in terms of addressing turnover or loss or things of that nature, they probably have to exceed some of their minimums to have a safety net because it's only the hours worked by those full-time employees receiving benefits that count. And that is kind of fundamentally the issue that we've addressed kind of time and time again. And I know there's lots of different people who have looked at this language, and that is the intent. I want to just be as abundantly clear and I think is in line with what Senator Kolterman mentioned earlier, what we had discussed many, many months ago now when we were discussing this provision of the ImagiNE Nebraska Act as LB720. So putting that in the record, I think that's as clear as I can make it in my five minutes. Moving forward, I did want to kind of address, as best I can in my remaining time, my thoughts on the bill at-large. For me, this is obviously an issue that has taken up much of my tenure and I've heard many times from my colleagues. And I think this is a good opportunity to kind of take the grand compromise, take the grand bargain and be

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

able to move forward. I know people have kind of put their reservations in the record. Nobody's 100 percent happy. But for me, this is largely being able to settle the issue, move on, and we can say we have done some things and we do not have to make this the number--

**FOLEY:** One minute.

**M. HANSEN:** --one issue-- thank you-- of the state. I know there's been some debate and I also want to put this in the record. As far as this bill, in terms of what some of the future goals for the Appropriations Committee, you know, in my mind, my vote, I am in no way trying to bind the hand of a future Appropriations Committee. I always envision-- know that we are required to and always envision them having the opportunity and deference to create a budget for a future Legislature to pass based on the needs, and I'm not trying to unduly bind them. I understand that by spending money today, we-- or, rather, turning back money that we don't get to spend, intend-- depending on your interpretation. That does have an influence on them. But in terms of, you know, requiring them to act a certain way, I wouldn't want to necessarily go on the record as saying anything other than I tend to give them the full deference that they need to, to balance the budget. With that, that's my plan to support Senator Linehan's amendment and move the bill forward today. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Matt Hansen. Mr. Clerk, you have a motion at the desk?

**CLERK:** I do. Mr. President, Senator Scheer would move to invoke cloture pursuant to Rule 7, Section 10.

**FOLEY:** It's the ruling of the Chair that there has been a full and fair debate afforded to LB1107. Speaker Scheer, for what purpose do you rise?

**SCHEER:** Yes. Could I have a call of the house and vote in re-- reverse order, please? Thank you.

**FOLEY:** Thank you, Mr. Speaker. There's been a request to place the house under call. Those in favor of placing the house under call vote aye; those opposed vote nay. Record, please.

**CLERK:** 33 ayes, 2 nays, Mr. President, to place the house under call.

**FOLEY:** The house is under call. All members please return to your desks and check in. The house is under call. Senators Albrecht and

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

Chambers, please return to the Chamber and check in. Senator Hilkemann, please return to the Chamber and check in. Speaker Scheer.

**SCHEER:** You may proceed without the two if they make it.

**FOLEY:** Thank you, Mr. Speaker. The first vote, members, is whether or not to invoke cloture. A roll-call vote in reverse order has been requested. Mr. Clerk.

**CLERK:** Senator Wishart.

**WISHART:** Yes.

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

**WILLIAMS:** Yes.

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

**WAYNE:** Not voting.

**CLERK:** Not voting. Senator Walz.

**WALZ:** Yes.

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

**VARGAS:** Yes.

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

**STINNER:** Yes.

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

**SLAMA:** Yes.

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

**SCHEER:** Yes.

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

**QUICK:** Yes.

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

**PANSING BROOKS:** Not voting.

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

**CLERK:** Not voting. Senator Murman.

**MURMAN:** Yes.

**CLERK:** Voting yes. Senator Moser.

**MOSER:** Yes.

**CLERK:** Voting yes. Senator Morfeld.

**MORFELD:** Yes.

**CLERK:** Voting yes. Senator McDonnell.

**McDONNELL:** Yes.

**CLERK:** Voting yes. Senator McCollister.

**McCOLLISTER:** Yes.

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

**LOWE:** Yes.

**CLERK:** Voting yes. Senator Linehan.

**LINEHAN:** Yes.

**CLERK:** Voting yes. Senator Lindstrom.

**LINDSTROM:** Yes.

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

**LATHROP:** Yes.

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

**La GRONE:** Yes.

**CLERK:** Voting yes. Senator Kolterman.

**KOLTERMAN:** Yes.

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

**KOLOWSKI:** Yes.

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

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

**HUNT:** No.

**CLERK:** Voting no. Senator Hughes.

**HUGHES:** Yes.

**CLERK:** Voting yes. Senator Howard.

**HOWARD:** Yes.

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

**HILKEMANN:** Yes.

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

**HILGERS:** Yes.

**CLERK:** Voting yes. Senator Matt Hansen.

**M. HANSEN:** Yes.

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

**B. HANSEN:** Yes.

**CLERK:** Voting yes. Senator Halloran.

**HALLORAN:** No.

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

**GROENE:** Yes.

**CLERK:** Voting yes. Senator Gragert.

**GRAGERT:** Yes.

**CLERK:** Voting yes. Senator Geist.

**GEIST:** Yes.

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

**FRIESEN:** Yes.

**CLERK:** Voting yes. Senator Erdman.

**ERDMAN:** No.

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

**CLERK:** Voting no. Senator Dorn.

**DORN:** Yes.

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

**DeBOER:** Yes.

**CLERK:** Voting yes. Senator Crawford.

**CRAWFORD:** Yes.

**CLERK:** Voting yes. Senator Clements.

**CLEMENTS:** Yes.

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

**CAVANAUGH:** No.

**CLERK:** Voting no. Senator Briese.

**BRIESE:** Yes.

**CLERK:** Voting yes. Senator Brewer.

**BREWER:** Yes.

**CLERK:** Voting yes. Senator Brandt.

**BRANDT:** Yes.

**CLERK:** Voting yes. Senator Bostelman.

**BOSTELMAN:** Yes.

**CLERK:** Voting yes. Senator Bolz.

**BOLZ:** Yes.

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

**BLOOD:** Yes.

**CLERK:** Voting yes. Senator Arch.

**ARCH:** Yes.

**CLERK:** Voting yes. Senator Albrecht.

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

**ALBRECHT:** Yes.

**CLERK:** Voting yes. 42 ayes, 4 nays, Mr. President, to invoke cloture.

**FOLEY:** Cloture has been invoked. Our next vote is whether or not to adopt AM3381. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 41 ayes, 3 nays, Mr. President, on the adoption of Senator Linehan's amendment.

**FOLEY:** AM3381 has been adopted. Senator Slama for a motion.

**SLAMA:** Mr. President, I move that LB1107 be advanced to E&R for engrossing.

**CAVANAUGH:** Record vote.

**FOLEY:** Record vote has been requested. All those in favor of advancing the bill to E&R for engrossing vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Clements, Crawford, DeBoer, Dorn, Friesen, Geist, Gragert, Hansen, Hansen, Hilgers, Hilkemann, Howard, Hughes, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McDonell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Williams, Wishart. Voting no: Senators Erdman, Groene, Halloran, and Hunt. Not voting: Senators Cavanaugh, Chambers, McCollister, and Wayne. 41 ayes, 4 nays, Mr. President, on the advancement of the bill.

**FOLEY:** LB1107 advances. Proceeding to the next bill, LB-- LB814. I raise the call.

**CLERK:** Mr. President, with respect to LB814, the first item is Enrollment and Review amendments.

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

**SLAMA:** Mr. President, I move that the E&R amendments to LB814 be adopted.

**FOLEY:** That is a debatable motion. Senator Hunt.

**HUNT:** Thank you, Mr. President. Colleagues, here we go. What we're probably going to do is spend 90 minutes debating the E&R amendment. I

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

have two motions pending on this bill that are priority motions. There are many amendments that have been filed on this bill, including six by the introducer, that many of-- of you, of many of my colleagues, have said that you can't support this bill unless those amendments are adopted. But because of the way this bill has been run on time, because of the way the procedure has been messed up from the beginning, we're honestly not going to get to those amendments. And if you would like to, you could drop out of the queue. We can advance E&R, and then we can go through the amendments, including Senator Geist's amendments that many of you say need to be adopted in order for this bill to be in good shape. And then we can pass an unconstitutional abortion ban that's perhaps in a little bit better shape than it is today. You know, I would really like to serve in a Legislature where, in the midst of a global pandemic, we can prioritize something different than property tax relief and an unconstitutional abortion ban. But the train is off the track and nobody wants to help get it back on. And to me, in this body, it's embarrassing. It's a failure of imagination. It's a failure of big-picture thinking. And that is a very poor legacy that many of you are going to be leaving from your time in this body. This whole session has been a mess of process and a mess of priorities. And to me, we're creating a legacy from this session that is just beneath the dignity of the work that we're called here to do. When you all were in quarantine from March to now, did any of that make you think about what's really important? The fact that we had a colleague who was hospitalized for weeks and weeks with COVID, did any of that make you wonder what's really important? And if you reflected on that and decided that passing an unconstitutional abortion ban when we come back for 17 days to get something done in the midst of a global pandemic, in the midst of children facing hunger, figuring out what to do, sending people back to school, evictions, people becoming homeless, and the biggest uprising against racial injustice that we've had in-- in my generation and many of your generations, if you reflected on all of that and thought you would come back and pass an unconstitutional abortion ban, then that's really beneath the dignity of what we're able to do here. And I want the record to show that somebody thought that this bill at this time was not worthy of the amount of time and sturm und drang that we're spending on this right now in the midst of a pandemic. We've done enough to engender shame in Nebraskans. I oppose this bill for many reasons, and many of them are reasons that any reasonable person here would agree. There's the way the pull motion was handled. There's the way the call of the question was handled on the pull motion, which was totally bungled because the Lieutenant Governor, who is presiding, is an activist and he's running legislative strategy from the Chair. A man with more integrity and

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

moral consistency would not preside on a bill that he himself had lobbied and worked to pass. There's the confusing way procedure was handled in the last round of General File debate. There's the language of the bill itself, which is crude language; it's incorrect language. If we thought this bill was so constitutional and it was so ready for prime time, then why did the introducer herself have to put six amendments on it? I hear a lot of you chatting over here who need to be listening and thinking about the constitutionality of this bill and the price--

**FOLEY:** One minute.

**HUNT:** --that we're going to be asking Nebraskans to pay in court fees. We couldn't get anything done for people who are-- who are suffering in the pandemic, but we're going to drop a whole bunch of money on court fees to defend an unconstitutional abortion ban, which is absolutely going to get overturned. We aren't taking the work seriously of making sure that the language and the policy is right. When Senator Geist was asked about the constitutionality of this bill, she simply explained that that's for the courts to decide. But our duty is more than just throwing stuff at a wall and seeing what sticks. We need to be serious on this subject and we have to take healthcare for women seriously. And anything we pass on this is certainly going to be litigated in court. So what this is, is a big waste of time. We have lawyers in this body. We have committees which focus on certain subjects of bills. And the committee that this bill went through--

**FOLEY:** That's time, Senator.

**HUNT:** --didn't vote this bill out.

**FOLEY:** That's time.

**HUNT:** Thank you, Mr. Lieutenant Governor.

**FOLEY:** Thank you, Senator Hunt. In the queue are Senators Wayne, Geist, Arch, and Hilgers. Senator Wayne.

**WAYNE:** Thank you, Mr. President. Will Senator-- Senator Stinner yield to some questions?

**FOLEY:** Senator Stinner, would you yield, please?

**WAYNE:** Senator Stinner, will you--

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

**FOLEY:** Senator Stinner-- Senator Stinner, would you yield, please?  
Senator Stinner, would you yield, please?

**STINNER:** Yes, I will.

**WAYNE:** Thank you. I-- I didn't speak last time on the-- the LB1107 because I think there's a lot of constitutional problems with it, basic as single subject. But I do want to ask you some questions that I can understand better, because I think there's a false narrative about a card [SIC] cap. In the state of Nebraska, sales tax refunds are paid. They ask for a check and we actually send them a check, correct?

**STINNER:** Yes.

**WAYNE:** So that can be done quarterly. That can be done every six months. That could be done yearly. Correct?

**STINNER:** Yes.

**WAYNE:** So what I'm trying to figure out is there's supposed to be a cap, but when I apply for the Imagine Act, underneath the Imagine Act, there is an agreement, a contract that we sign. Is that right?

**STINNER:** Yes.

**WAYNE:** So how do we control what businesses are applying for quarterly versus year-- yearly?

**STINNER:** As far as the application process?

**WAYNE:** No. As far as the-- the refunds, how do we--

**STINNER:** OK, the re--

**WAYNE:** --how do we control that?

**STINNER:** The refunds is it-- and the reason I insisted upon this, think of-- think of the General Fund as a checkbook. Once you've paid out \$25 million in actual cash that came out of the General Fund, that's the cap for that day or that--

**WAYNE:** All right.

**STINNER:** --that year.

**WAYNE:** I appreciate that.

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

**STINNER:** Then we go to the next year.

**WAYNE:** I appreciate that. But if I have-- if I have an agreement with you that you are going to pay me when I submit that, how does the state not follow through, through their-- through their agreement?

**STINNER:** The state will-- they-- the state will say, yes, you-- you have complied with all of the things in the agreement, but you are going to be put in a queue and paid out according to how much dollars are expended and what that cap is about. That's what I was-- insist on.

**WAYNE:** So then are you going to put in-- are you going to put interest on that dollars? Because I didn't see that in the statute.

**STINNER:** No, but they can book it as a receivable. I think when you're a corporation and you apply for it and you receive it, you book that as a receivable at the particular point in time, so you've accounted for it when it's-- actually comes in cash. That's when the receivable actually is eliminated, so--

**WAYNE:** So if we have a receivable in the following year, we're going to keep incurring liability, so it's not truly a cap for that year because we're-- we're incurring liability down the road, correct?

**STINNER:** Yeah. Well, you do incur some liability. You have-- I mean, it's up to the tax commissioner whether-- or the Revenue Department whether they can-- or the Department of Economic Development-- excuse me, I'm sorry-- that, OK, we've got enough applications and try to gauge when those cash-- really, the hard cap is-- the reason we put it into cash is to control what happens in the General Fund for the first two years at 25/25. Then it opens up to 100 and 100. So we've tried to control that flow of funds out, accounting for it in a-- in a prudent fashion. So if, for an example, the first year we only pay out 15, then that 10 would roll out and you'd actually pay in cash 35, because it isn't out of your account. So that's--

**WAYNE:** So we're saying to--

**STINNER:** --that's kind of how we're doing it.

**WAYNE:** Right. I understand that. So what we're saying to businesses who are relying on the end of the year to get that refund from the state and they've actually incurred that and they're banking on that to help cash flow because they projected this out, we're actually

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

saying, nope, we ran out of money, so you're going to have to wait until next year. So who manages or how are you going to manage?

**STINNER:** Yeah, Department of Revenue and Treasurer will manage both of those, yes.

**WAYNE:** So it's just first come, first serve.

**STINNER:** Yes.

**WAYNE:** And then accrue more liability as we go forward.

**STINNER:** We could or we could-- actually they can cut off the-- taking applications at some point if they think that, you know, we've in-- we've actually moved the-- the target--

**FOLEY:** One minute.

**STINNER:** --out too far, so--

**WAYNE:** So how do you get around the takings clause? If I-- if-- and when I--

**STINNER:** Actually they can shut off applications probably right now at any point in time, so--

**WAYNE:** Right. So if we have an agreement, how do you get around the taking clause that if I have an agreement, you are going to pay me and then you don't pay me? That is a takings issue for the state.

**STINNER:** The agreement will not be-- yes, we will incur that liability. We will pay you. And until we have available funds, that is when you will get paid, so--

**WAYNE:** So theoretically then--

**STINNER:** I tried to project that out. You can-- you can work it through a queue system so that you know where you're at in the queue.

**WAYNE:** So theoretically, to your point, we only-- we only spend 150 or 100, whatever, in cash, but our liability from the state can actually increase more in that, so it's really not a hard cap. It's a hard expenditure cap, but the liability can grow exponentially. Is that fair?

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

**STINNER:** That is-- that-- that's most likely fair. But I-- there are some controls on this. What I was more concerned is, is what will happen--

**FOLEY:** That's time.

**STINNER:** --as a General Fund impact, so--

**FOLEY:** That's time.

**WAYNE:** Thank you, Mr. President.

**FOLEY:** Thank you, Senators Wayne and Stinner. Senator Geist.

**GEIST:** Thank you, Mr. President. I want to get back to what the main thing is on this bill, and the main thing that this bill does is it bans a procedure that happens between the 12th and the 24th week of a woman's pregnancy. This procedure is called a dismemberment abortion. It's also called D&E, which is dilation and evacuation. It's horrific and it's barbaric. I also contend it's inhumane. Fortunately, though, this practice is done infrequently in Nebraska, and that's a very important emphasis that I want to make. We're going to be talking more today about the constitutionality of this bill. We would not have brought this bill if we thought it was unconstitutional. This practice is done relatively infrequently in Nebraska. In 2017, there were 21 cases out of 133, or 16 percent. In 2018, there were 32 out of 178, which is 18 percent. In 2019, there were 6 out of 130-- 181, which is only 3 percent. What this shows is we're not limiting women from receiving a second trimester abortion in this state. We are simply discontinuing a procedure which is inhumane, which is the dismemberment of a living baby in the womb. That's what we're talking about. As to Senator Hunt's discussion about the mess of process, the mess of priority, the mess of process I can speak to was out of my hands. I have followed the rules in doing the pull motion. I have not yet been able to even open on my bill. So the mess of process does not rest here as my responsibility. However, I can speak to the mess of priority and mess of priority in my mind determining how we treat the most vulnerable in our society directs-- reflects directly on how we treat each other outside the womb. Do we value the lives of others? I think we can see in our culture a devaluing of the lives of others. When we devalue the life of living children, it's a direct correlation of devaluing the life of each other. When we teach our children that the lives of younger children, unborn children, are not valuable, it reflects on our value of our own children. This is a priority. This is something we need to discuss. In the middle of a pandemic, in the middle of racial unrest, valuing life is a foundational commitment we

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

should have to each other. It is of utmost priority and deserves to be discussed. That's what we're doing with LB814. And as we go through the morning, you're going to hear that this is on very constitutional grounds. I do have an amendment that I would like to attach to this bill. Hopefully we will get there this morning. That is my intention. And with that, thank you, Mr. President.

**FOLEY:** Thank you, Senator Geist. Senator Arch.

**ARCH:** Thank you, Mr. President. I rise in strong support of LB814. And I want to address three of the arguments that have been used in opposition to this bill thus far. Number one, government should not get between a physician and a patient. Well, in fact, government does intervene when the potential harm is greater than the harm of intervention, and government intervenes in the practice of medicine for the health, safety, and general welfare of society. And I want to give you just one example of government intervention: prescribing and dispensing of narcotics. With respect to the regulation of controlled substances, the government dictates which professions can prescribe narcotics. The Uniformed Controlled Substance Act, 28-401, prohibits the prescribing of Schedule I drugs; dictates exactly how prescriptions for other scheduled drugs are written; prohibits the prescribing, dispensing or administering Schedule II drugs for the treatment of exogenous obesity for a period of excess of 30 days in any one year; prohibits the prescribing, dispensing or administering of anabolic anadron-- ana-- androgenic steroids for nontherapeutic purposes; defines when controlled substances can be dispensed in emergency situations; regulates the prescription of narcotic drugs for the purpose of detoxification treatment of mai-- or maintenance treatment; prohibits the prescribing, dispensing or administering of a controlled substance in excess of the recommended dosage for the purpose of assisting in causing death. Government has and will intervene for the health, safety and general welfare of society, especially to prevent great harm. Number two, this procedure is necessary in emergencies. I want to-- I want to quote the definition of an emergency, a medical emergency. It is-- it is "an unforeseen combination of circumstances or the resulting state that calls for immediate action, immediate medical attention." There is a problem with this: the dilation of the cervix in this procedure. Preparation takes time. Reading from Management of Unintended and Abnormal Pregnancy: Comprehensive Abortion Care, which is the textbook in-- in use now for abortion procedures, published in 2009, which is the most recent addition, from my understanding, quote: D&E affords both patients and clinicians more predictable timing of the procedure. The patient typically undergoes one to two days of preoperative cervical

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

preparation with osmotic dilators, chemical ripening agents, or a combination of the two, page 158. Another quote: Experienced clinicians can safely achieve accelerated surgical preparation before D&E abortion up to 24 weeks' gestation in 12 to 16 hours, page 159. Whether it is one to two days or 12 to 16 hours, cervical dilation for the procedure takes time. Twelve to 16 hours does not allow for immediate medical attention, according to the definition of an emergency, using this procedure. Number three, causing fetal demise prior to the abortion procedure can be harmful to the mother. Quoting from a sworn declaration from Michael T. Valley, M.D., in the case of Planned Parenthood Southwest Ohio Region, et al, Plaintiffs v. Ohio Attorney General David Yost, et al, on March 4, 2019, quote: It is my opinion, based on scientific data and studies, any physician qualified to perform second trimester abortions can effectively terminate fetal life without dismemberment prior to performing a dilation and evacuation-- dilation and evacuation procedure at any point during the second trimester of pregnancy. Quote: Such a procedure provides psychological benefits to patients and staff and comports with sound medical ethics, does not add any significant risk to the mother's health during the D&E procedure. Quote: In sum, requiring providers to induce fetal demise before dismembering a fetus provides medical benefit to the fetus, patient, and abortion staff, and presents no serious risk of harm to the mother. Such a requirement is consistent with the ethical standards of the medical profession. And one other quote from Management of Unintended and Abnormal Pregnancy: Comprehensive Abortion Care. Quote: In conclusion, injection to cause fetal demise--

**FOLEY:** One minute.

**ARCH:** --appears to be a safe procedure with low complication rates based on the limited data available. I support LB814. I encourage the passing of this, and I yield the balance of my time to Senator Hilgers.

**FOLEY:** Thank you, Senator Arch. Senator Hilgers, 45 seconds and you're next in the queue, so you have 5:40.

**HILGERS:** Thank you, Mr. President. Will you let me know when I'm on my time?

**FOLEY:** Yes, I will.

**HILGERS:** Thank you. Good morning, colleagues. I rise in strong support of LB814. I'm going to spend probably all my time speaking directly to the constitutionality of this particular bill. There's been a lot of

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

discussion. I think it's been used as a sword suggesting that this is clearly unconstitutional. I think nothing could be further from the truth here. And I'm going to walk through this analysis. I did a little bit of this during the pull motion, but I think this is a good time to walk through this. And I would challenge opponents to-- to-- to come back in and-- and-- and address some of the arguments that I've made and see how-- where I've missed something, because I think ultimately the facts that are before us here, I think, make a very strong case that this is actually unconstitutional [SIC]. So if you take a step back and you walk through how this analysis should go--

**FOLEY:** You're on your time, Senator.

**HILGERS:** --thank you, Mr. President-- the first thing is, is that what we do is presumed constitutional. So it's-- the burden is on those who would oppose this bill to say that it is unconstitutional, and the first place that you go to is, of course, the constitution, either the State or Federal Constitution. You look to the words within each of those two documents, and there is no suggestion and there is no part of either of those two documents that would suggest that there is actually a textual restriction on this particular bill or the procedure that would be prohibited. The next question is, is there a court case from the United States Supreme Court or a binding circuit decision from the Eighth Circuit? As to that question, I think the answer is no. And in a minute, I'll talk about Senator Chambers' argument that he has brought forward and asked the Attorney General to address. Then the last question: If there's not a Supreme Court decision that is binding here and there's not an Eighth Circuit decision that is binding here or a dis-- federal district court decision from the-- from the district of Nebraska that is binding here. Then the next thing you can look at is other circuits or other courts, and maybe that is persuasive as the analysis here. So in this regard, there are two arguments that I have heard on the floor, and I'll call the first one the Senator DeBoer argument and the second one is the Senator Chambers argument. And they both rely on two different-- they rely on two different court cases. So the first argument from Senator DeBoer is the Sixth Circuit Opinion in the Friedlander decision. And in that case, there was a Kentucky-- Kentucky bill that was similar to this, at least on its face, that the district court, after a five-day bench trial, determined was unconstitutional and enjoined it, and then that was affirmed by the Sixth Circuit. And Senator DeBoer, I listened to her argument last week and she said that the facts here are the same as the facts there, therefore, it's persuasive; that's a strong argument as the unconstitutionality. And I think in two foundational, fundamental,

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

you-cannot-avoid reasons, it actually-- there are two different facts that are totally different. The first fact, fundamental, colleagues, is that the Sixth Circuit def-- relied upon and spent several pages relying upon the Whole Woman's Health decision from the United States Supreme Court and the standard laid out in 2016. Now I spent time on the pull motion arguing that with Justice Roberts as the fifth vote in the June Medical case this last June, that that standard changed. Well, just on August 7, a couple of days ago, the Eighth Circuit, which is binding on Nebraska, federal courts in Nebraska, agreed and in a unanimous panel decision said that the standard has changed because of June Medical and vacated an Arkansas state rule-- a ruling from a federal court in Arkansas that enjoined a similar bill in Arkansas and said, you got to start over. So the extent that Senator Boer-- DeBoer or others are relying on the Sixth Circuit decision, on its face, it does not apply because the standard is different under June Medical. That's point number one and I think that's critical. Point number two is a factual point. And in this regard, I think it's helpful to actually go through the district court Opinion that underlies this entire decis-- the-- the Kentucky case. So in the Kentucky case, there was a five-day trial and the court found that 95-- 99 percent-- the court applied this large fraction test. And I'm going to quote from the district court: The court found that standard D&E accounts for over 99 percent of second trimester abortions in Kentucky, and because of that, there were no alternatives, colleagues. Because of that, the federal dist-- cir-- district court found it was unconstitutional. And if appellate court, applying a very lenient bar-- or very high bar for challengers, by the way, a clear error standard which essentially says we're going to defer to the district court, the trial court who did the factual record, unless you show us that there is a clear error, so it's very deferential to the dis-- the district court, upheld that by saying there's really no alternatives. There's no alternatives. So the second fact that is different here is that in Kentucky, and in all the other states, by the way, where there has been an injunction, that there were no functional alternatives to the procedure being prohibited, and that is--

**FOLEY:** One minute.

**HILGERS:** That is not the case here, colleagues.

**FOLEY:** One minute.

**HILGERS:** Thank you, Mr. President. In Nebraska, the record before us is that in '19-- 2019, 3 percent of second trimester abortions used this procedure. It was 18 percent in 2018 and 16 percent in 2017. So the second fact, foundational to that decision, that is different

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

here, is that in the Sixth Circuit case and every other district court that I looked at that has addressed this issue, there was no alternative and the-- but here you cannot tell me that a procedure that accounts for fewer than 20 percent of the procedures in Nebraska means that there is no alternative. It can't. It just does-- the facts do not bear that out. Now I'm going to address Senator Chambers. I don't have time on-- on the mike to discuss that particular argument, although you'll find it has a very similar flavor. But ultimately, colleagues, the facts of the Sixth Circuit case in these other decisions are just vastly different, not by the frame of the statute, what the statute looks like. That's not just the fact we're looking at. We're looking at the impact of the statute in the jurisdiction in which-- which that statute--

**FOLEY:** That's time, Senator.

**HILGERS:** --is there. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hilgers. In the speaking queue are Senators Erdman, Pansing Brooks, Cavanaugh, and Lowe. Senator Erdman.

**ERDMAN:** Thank you, Lieutenant Governor. Good morning again. I stand in support of LB814. As I said the last time this bill was on the floor for discussion, I cannot get my mind around or comprehend how someone could reach into a mother's womb and pull a baby's head off. It-- this is amazing, but we can do this to a baby, but we can't do it to a puppy. And so we're talking about the constitutionality of this bill. I just want to remind you of things that have happened in the past. We, as a legislative body, in past history have voted for and passed things that are unconstitutional. Let me just remind you that when we pass something here, it is constitutional, it is the law, until some court rules it unconstitutional. So this whining about it's unconstitutional is a stall tactic not to get a vote on them being in favor of dismemberment abortion. Case in point, back in 1981, there was a bill that was introduced to prohibit corporations from owning ag land, and it became a ballot initiative. It was called Initiative 300, and when that was on the floor for advancement, Senator Chambers voted to advance that bill. It didn't advance there, and the-- the circulators got the necessary signatures to get it on the ballot and it eventually passed. It was the law for numerous years, several decades, and then someone challenged it in court and the court ruled it was unconstitutional. But until the time the court ruled it was unconstitutional, it was the law. And so to stand up here and say, because the court decided this back then or we're comparing this to some other decision, has absolutely nothing to do with this because it will be the law that we pass here and it will be the law until someone

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

says it's unconstitutional. So we have voted for unconstitutional things before, so don't that let stand in your way. What you need to consider is if you vote against LB814, you are in favor of tearing babies apart in the womb. That is a live person that you are destroying in the womb. So that's what the vote's all about. It has very little to do with the constitutionality, but you don't know how else to address it because you don't want to stand up on the floor and say, yes, I'm in favor of ripping a baby apart, yes, I am. That's not where I'm at, and that is not what most Nebraskans agree with as well. So I am voting for LB814 and I encourage you to do the same. Thank you.

**FOLEY:** Thank you, Senator Erdman. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you, Mr. President. So we-- we've already had discussions on General about stare decisis, and that is the decision that was the reason that-- that the Supreme Court Justice Roberts upheld the most recent abortion case in June. And that is-- stare decisis means that things stand-- that we stand by things that are already decided, so we don't waiver on former precedents with every new judge. And, you know, Senator Hilgers is-- is talking about, well, you know, it's-- it's-- that any laws that we pass are not presumed unconstitutional, but they are presumed unconstitutional if it's a law that contradicts the constitution. So if we came in here and said, OK, that's it, no more First Amendment, that's our decision and we are presumed correct, no more free speech in the state of Nebraska, how many of you think that would actually hold up? It wouldn't. So you take a Supreme Court case that says don't place undue burdens on women who are pregnant and then all of a sudden say, oh, well, we're-- but we are going to place this undue burden on that woman and her right to an-- access to an abortion, as decided by the doctor and the woman, the patient, then that is what we're talking about is unconstitutional. You can-- you can mess around with the verbiage in the case and say this means that and this means this. But again, it's not presumed constitutional if you take a constitutional precept and-- and law and change it and then say, oh, well, we're just going to wait until somebody rules on this. It was-- the-- the Eighth Circuit sent it back to the district court. That-- that basically means nothing. It means that they've sent it back because the case wasn't properly brought before the Eighth Circuit for them to rule. They've sent it back. So you're talking about district court. Remember when all the discussion about LGBT was going on? And you all said, oh, we need to wait for the Supreme Court to act, we need to wait on that. And, you know, people have waited and it's-- it's the same thing. You interpret the constitution somehow, with what knowledge I'm not sure, but you

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

interpret the constitution to-- to say what you want it to say. And that's fine. I-- we're taught in law school to argue both sides of an argument. But again, I'll point out that, of course, what we're talking about and what Senator Geist continues to-- to mention is that, and I agree with her, how we treat each other, how we value each other, that's really important in our lives, and if we're devaluing the life of children, that reflects on us. But being pro-choice doesn't mean that I'm not valuing a life; being anti-choice means that you're actually valuing all birth, no matter what, no matter the case, no matter what is happening to that person and to that person's life. And, yeah, we can talk about the gruesomeness--

**FOLEY:** One minute.

**PANSING BROOKS:** --of all medical procedures. They are gruesome. But what we're talking about is making sure that-- I haven't heard Senator Hilgers talk about stare decisis, which is the-- the way that Chief Justice Roberts voted and-- and wrote the Opinion. So, again, the-- he-- Senator Hilgers said facts are 20 percent of women can't find another alternative. Well, who is he to determine what the doctors determine? And is that 20 percent of the people that are at that point of their pregnancy? Thank you, Mr. Lieutenant Governor.

**FOLEY:** Thank you, Senator Pansing Brooks. Senator Cavanaugh.

**CAVANAUGH:** Thank you, Mr. Lieutenant Governor. Good morning-- it's still morning-- colleagues. I rise in opposition to LB814. Constitutionality aside, I will reiterate that I don't think any of you should be making my healthcare choices for me. When I am in the delivery room giving birth, which this is not an announcement, by the way, in case my mom's watching and freaking out-- not having any more kids, Mom, at least not right now. But when I have been in the delivery room, the last thing I want is policy and politics taking over my healthcare. I have given birth three times. Each one was different. Each one was unique and had its own unique challenges in the delivery room. With my oldest daughter, I had an epidural after being induced. It was an emergency induction because the placenta was losing fluid, and so I had to be induced. But the induction took a long time, and then once-- the it started to take effect, I threw up from pain, which I have never done before in my life and I've never done since. I was in so much pain I threw up. And so then they gave me an epidural. But it was still going to be another, I think, nine or ten hours before she came into this world. She was in distress. She had the umbilical cord wrapped around her, and I was determined to not have a C-section. Probably foolish to be determined to anything when you're delivering a baby, but that was my determination and-- and

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

that's what I was trying to achieve. And I wanted her to come into this world safely, and if I had to have a C-section, fine, but we were going to try and get her here safely. So after having an epidural, which for those that don't know, is where they stick a needle in your spine and numb the bottom half of your body, I was told that she was in serious distress and her blood pressure was dropping. So I had to do what they call labor down. Laboring down is where they take the bed apart and you hold yourself with your forearms. I held myself up, nine months pregnant, with half my body numb, for 45 minutes so that my baby could come down the birth canal and be delivered safely. I don't want any of you making those choices for me. I don't want any of you telling me that I have to have a C-section or that I can't have an epidural or any other myriad of decisions that were made in that room, whether or not forceps are used. Where does it end? This is a medical procedure. It's a medically necessary procedure. As it has been stated over and over and over again by the introducer, this does not ban abortion; this does not even ban this type of abortion. This bans a very narrow scope of this type of abortion, and it, in doing so, risks the health of women who, believe it or not, are people and have lives. With my third child, Barrett, who most of you know, I had to be induced again. I was induced with all three kids. They all went late. I had to be induced with Barrett and he also had the umbilical cord wrapped around his neck. And I knew that--

**FOLEY:** One minute.

**CAVANAUGH:** --he needed-- I needed to labor down that time, and I knew nobody was telling me. And people-- I could tell. The room-- the room changed. People were scared. And I just said, take this bed apart, we're getting this baby out safely, and that's what we did. And he failed his APGAR, which is the-- the test they give as soon as the baby's born. It was seven minutes of torture where people were attending to me and I told my husband that he needed to be with the baby. It was terrifying and excruciating and beautiful and disgusting, all wrapped into one, and none of you have any business being a part of that, none of you. Male or female, you don't have any business being a part of those decisions and you don't have a part-- any business being a part of the decisions between a doctor and a woman when she's terminating a pregnancy. Whatever the reason, that is between her and her God, not us.

**FOLEY:** That's time.

**CAVANAUGH:** Thank you.

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

**FOLEY:** Thank you, Senator Cavanaugh. In the queue are Senators Lowe, La Grone, Bostelman, and Vargas. Senator Lowe.

**LOWE:** Thank you, Lieutenant Governor. We were just made a part of your birth, of your child's birth. Whether you want us there or not, you just made us a part of your child's birth because you described it graphically and graphically is something I don't want to talk on this bill anymore, because I've already done that. I am sad for these babies to endure what they will endure the last few seconds of their life, and I do call it life because it is life. A young couple celebrates the life of their baby the instant they know that the mother is with child. And the term is "with child," because that's what it is. It is a baby. It is a human being at that time. It is growing and it is expanding and it is beautiful, and let's think of it as a child as we make this vote, because they are living; they are beautiful. And with that, I'd like to yield the rest of my time to Senator Hilgers.

**FOLEY:** Thank you, Senator Lowe. Senator Hilgers, 3:30.

**HILGERS:** Thank you, Mr. President. Thank you, Senator Lowe. I rise again in support of LB814. I-- I want to address, since it's fresh in our mind, the comments that Senator Pansing Brooks made-- I always appreciate her comments, especially as a fellow attorney-- and largely focus on the stare decisis issue, which I agree with, and this concept of saying, well, yes, what we do is presume constitutional, but we shouldn't be doing things that are clearly unconstitutional. And with that statement, I, of course, agree. And in fact, in cases in previous years, I have voted against bills that I liked on the policy where-- where I thought those particular bills were unconstitutional. And one example was Senator Hilkemann's right to try from a couple of years ago. I thought that was clearly unconstitutional, and so I voted no. And so I do think it's incumbent on us to not avert our eyes and pretend that something is constitutional when it's not or wait for a court to tell us that we're wrong, of course. Now, here, I don't think that's the case. And as I laid out in my previous comments, the question is, what provision of the constitution says this is unconstitutional? Well, there's nothing written in the constitution that says the state of Nebraska cannot prohibit this particular procedure. The next question: Is there a case that would suggest the right applies to prohibit this particular bill? And on that score, there are two cases. Senator Chambers referenced the-- the Carhart decision and Senator DeBoer's reference to the Sixth Circuit decision, along with some other district courts, which all preceded the June Medical decision. And as I pointed out in my initial comments, those

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

decisions were based on an old standard and those decisions were based on a factual context completely unlike what we are faced with today. In all of those decisions, the underlying procedure was used in nearly all, if not all, of the particular procedures that were available to women in the second trimester. So by prohibiting those procedures-- that procedure, it was essentially prohibiting all. And in that regard, they-- it-- the courts found that there were undue burden. Now the facts that we have before us today is that only 20 percent-- in other words, 80 percent, and in this last year, 97 percent of abortions use other procedures. So in the first set of cases where they were unconstitutional, those procedures, they're unconstitutional because there's no other alternative. Here, there are lots of alternatives because a supermajority, if not nearly all this last year, of the abortions were using these alternative procedures. So when courts, as they do, look at the underlying facts--

**FOLEY:** One minute.

**HILGERS:** --as to how the particular bill is applied, as they will, they will find a tremendous difference between those states and Nebraska. And that is the underlying fact that underlies this argument as to why it's constitutional and the one that I have not heard any counterargument as to how about that-- those facts are incorrect. Now one point on the Justice Roberts argument: The-- the-- the June Medical decision, the reason why he voted to uphold it is because it was exact same case as the Whole Woman's Health decision. It had to do with something totally different from what we're dealing with. It had to do with admitting privileges at abortion clinics, exact same. And Justice Roberts said, look, I don't agree with the standard of the previous case, but when they're the exact same, we ought to treat them the same. That does not mean that those cases in any way are the same as this case, which has to do with-- with the banning of a particular procedure. Admitting privileges, banning a particular procedure, they're totally different.

**FOLEY:** That's time.

**HILGERS:** Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hilgers. Senator La Grone.

**La GRONE:** Thank you, Mr. President. I'll try not to be repetitive with Senator Hilgers' argument. And if I have time, after I've said what I needed to say, I'll give him some to address Senator Chambers' argument. I want to get into why the Eighth Circuit Opinion is so important. And it was-- and really the top-line issue is that it sets

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

the standard that this would be looked at by in Nebraska. And it's the standard that Senator Hilgers and I have been arguing for since this debate began of a rational basis coupled with an undue burden analysis. And why they kicked it back down to the district court is the district court-- court is the fact-finding court. So what the circuit court did is it said this is the legal standard that you should analyze this by. And the reason it kicked it back down is because the district court is the one that uses that standard to analyze the facts that exist on the ground. So that's why it was kicked back down to the district court level. But for Nebraska, what's important is that they set the standard that it would be governed by. And they actually quoted the same passage from Justice Roberts' concurring Opinion that I read on the floor during earlier debate here about why that is the standard that would apply to this situation. And Senator Hilgers has already covered why that standard bears out, and so-- so he can get into Senator Chambers' argument, I'd yield him the remainder of my time. Thank you, Mr. President.

**FOLEY:** Thank you, Senator La Grone. Senator Hilgers, 3:40.

**HILGERS:** Thank you, Mr. President. Thank you. Senator La Grone. I appreciate Senator Chambers. About a week or two ago on the initial General File debate, he came to me and brought the Carhart decision and walked through some of the things that he has put before us. And I'm going to cite from a few of those things in this-- in my argument here that I've got in the next couple of minutes. And I appreciate the argument that he has made, and I will say that the Attorney General-- I understand he has requested an Attorney General Opinion on this particular issue. And so we will, I would expect, in the next 24 hours or so, give or take, maybe a more fulsome analysis of the question that Senator Chambers has posed. However, I will say, at the threshold, Senator Chambers' argument, I believe, fails for the same reason that the other cases fail here, and that is because the factual circumstances are different. Now, if someone says, well, in Casey, the Supreme Court said you can't have an undue burden, therefore, you can't prohibit this particular procedure, I say, well, how do you deal with Gonzales? That's a decision of the United States Supreme Court in which the court upheld a federal partial-birth abortion ban. It was unlike the Carhart decision because it was narrowly tailored in a way that allowed for additional alternatives. So if you think about this, this dichotomy between if there's an alternative, then it's constitutional under Gonzales; if there's no alternative, probably unconstitutional under this-- these other authorities. That's the framework. So the reason why the Sixth Circuit decision fails, it doesn't apply here, is because 99 percent of the abortions there were

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

D&E procedure, would have taken away all the alternatives, unconstitutional. Here in Nebraska, as I've-- I've-- as I have cited the facts, as I understand the unrebut-- unrebutted facts, only 3 percent in 2019 and under 20 percent in both years, 2018 and 2017, there are alternatives. Necessarily, there are alternatives. So it falls under the Gonzales framework and it's constitutional. Now Senator Chambers has cited to Carhart, and in Carhart, again, the facts matter. Now this is 20 years ago and it was an effort to-- to prohibit a partial-birth abortion ban. But along with it, the ban actually, arguably, would have also restricted D&E, and that's what Senator Chambers has, in part, cited. I'm going to refer to page 4 of his memo, and-- and this is cited at 924, 925 of the Carhart decision. In there, the court said that procedure, D&E, accounts for about 95 percent of all abortions performed from 12 to 20 weeks. So the Carhart decision, with different facts, falls within the other set of decisions that don't apply here.

**FOLEY:** One minute.

**HILGERS:** In other words-- thank you, Mr. President. In other words, in Carhart, there was no alternative, same with the Friedlander case in the Sixth Circuit, same with some of the other district court decisions, and would be same here if the restriction of the D&E procedure-- procedure also meant there were no alternatives in Nebraska. So the facts that matter, besides the fact that we're dealing with the June Medical standard, which refers back to Casey and not Whole Woman's Health, which is critical, the facts that matter are the-- the alternatives, the existence of alternatives here. And because there exist alternatives under the facts before us that were-- that were elicited at the hearing, this is constitutional, in my view, and I support the bill. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hilgers. Senator Bostelman.

**BOSTELMAN:** Thank you. I'd like to continue reading from what I started on General File about incidents that happened with two ladies in May of 2020. This is-- information here will be-- may be disturbing to some, but I think it's important because we talk about women's health and how it is important for women's health, and this speaks directly to what happens to some women during this procedure. So patient number 2 was injured on May 21, suffered injuries that included a perforation of her uterus about eight to nine inches wide. Woman arrived at the emergency room in very critical condition following a D&E-- D&E abortion at 25 weeks. The damage was so extensive that the his-- that a hysterectomy had to be performed and she reportedly received four units of blood just to keep her alive. Parts of her baby were also

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

pushed through the hole in her uterus and into her abdominal cavity. The baby was mostly still intact, except for a missing arm and a portion of the spinal column. The child's head was still attached, but only by a strip of flesh, also nothing that was quite-- noting that it was quite upsetting to see a nearly complete fetus pushed inside the abdominal cavity and wondered about the force it took to shove the baby's body that far into the mother's abdomen. The hospital workers who witnessed this grisly-- these gris-- this grisly injuries these women sustained, as well as the dismembered bodies of preborn children still inside of them, was reportedly so severe that the surgeon from the May 12 incident sent out an email in acknowledgment of the trauma that the attending hospital staff members may have experienced. While the abortion industry claims late-term abortions only happen in an effort to save the mother's life or in the event that a child receives heartbreaking diagnosis, this is untrue. About 80 percent of late-term abortions are elective, meaning no medical excuse-- excuse exist and none are medically necessary. What more important it is for us to stand here on the floor today to save a child's life? There is nothing more important, I think, than what we can do this. I would ask everyone to shut off your lights. I would ask the motions to be pulled and let's vote on this. Let's not stall anymore. Let's not filibuster anymore, because we've heard people call about let's not do that anymore. So let's take a vote. I strongly support LB814 and the underlying amendments that Senator Geist has-- will bring here in just a little bit, I hope, and I will yield the rest of my time to Senator Hilgers.

**FOLEY:** Thank you, Senator Bostelman. Senator Hilgers, 2:20.

**HILGERS:** Thank you, Mr. President. Thank you. Senator Bostelman. This may be one of the last times I speak on this, depending on how the debate goes. I want to just unpack the Eighth Circuit decision a little bit because I think it's very timely and highly relevant. If you recall during the pull motion debate, I argued at the time, I said, look, the-- the standard has changed because Justice Roberts gave the fifth vote in June Medical to overturn the Whole Woman's Health standard that has been used for all of these cases in which these types of statutes have been analyzed. Now that was me saying, and I think it was true, but the Eighth Circuit has now issued an order just four days ago confirming that what I said is true, at least in the Eighth Circuit. And a couple of things that I just want to quote to get into the record, first, as a preliminary point, Chief Justice Roberts, as quoted in this particular decision-- I'm on page 4 of the order-- emphasized that in the abortion context, state and federal legislatures have wide discretion to pass legislation in these

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

areas. So the first point to make is to confirm what LB814 does; in other words, it is a-- we have a grant of discretion here, of course, within the bound-- within the boundaries of the constitution, but as-- my view, this is directly within those boundaries. Secondly, the court goes on to say, as a result-- be-- of the district court relying on Whole Woman's Health standard-- which the Eighth Circuit has said that's no longer the standard, so you can't rely on it, so we shouldn't-- if the Eighth Circuit says you can't rely on it within the states under its purview, which include Nebraska, we should not be relying on it--

**FOLEY:** One minute.

**HILGERS:** --thank you, Mr. President-- for this particular discussion and debate here, because it's no longer a good law. That's what the Eighth Circuit has said. And what the court said is we're going to vacate the district court's preliminary injunction and remand for reconsideration. They vacated the injunction; in other words, the Arkansas law went into effect, so there's no injunction in Arkansas anymore. It's gone into effect and what-- what the Eighth Circuit has said is consistent with my arguments on the floor, which is there's a different standard. Those other cases are under an old standard. Doesn't touch, of course, on the factual differences here, which I think are significant and profound and incontrovertible, or least uncontroverted so far with the debate. So ultimately, I'll listen to additional argument on the constitutionality. I appreciate Senator DeBoer taking the time to do her research and talk about the Sixth Circuit case. If there's another case I've missed, I'm happy to look at that as well. But ultimately, I think those are-- not just can be distinguished, are clearly distinct from what we have here before us and I don't think suggest that it's unconstitutional. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hilgers. Speaker Scheer.

**SCHEER:** Thank [RECORDER MALFUNCTION] Colleagues, the time allotment on this will be about ten after 12:00. Rather than come back for ten minutes, continuing debate, we'll just run through the time period here but still offer the minimum of an hour lunch break. So if you're doing some scheduling, we'll-- we'll dispense of this bill and then have lunch. Thank you.

**FOLEY:** Thank you, Mr. Speaker. In the queue: Senators Vargas, Halloran, Matt Hansen, and DeBoer. Senator Vargas.

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

**VARGAS:** Thank you very much, President. Colleagues, I think I made part of my point here in the past, but, you know, I have just a few different things I wanted to chime in here. And I had-- I remember that when the-- when the hearing happened, that the article that came up that said, in the Omaha World-Herald, obstetricians clash over Nebraska bill, and in reference to this bill. And the-- you know, part of the issue that I have is usually when we're in committee, we may be able to work on some amendments on an issue that has clear issues. And this has obviously had some issues with some individuals that are obstetricians on one side saying we don't think you need to change this and some saying that this is-- needs to be changed, which leads me to believe that part of the committee process is to enable legislation to improve. I know that wasn't afforded in this-- in this instance, or not necessarily afforded but didn't happen in this instance. But that's part of the issue that I have with this, because I always like, at least when we're dealing with issues that have to do with the medical community, a level of deference to ensure that we are not imposing in-- in-- in the relationship that exists between the medical community and what is in the best of intention of individuals' health, as a lawmaker, that we-- we typically do not-- or at least I have not liked getting in that. So that's been my stance with this, and I just wanted to make that known and appreciate the debate. But that's the struggle that I have that make it really, really hard for me to-- to vote for this. But with that, we-- I will be giving the rest of my time to Senator Morfeld.

**FOLEY:** Thank you, Senator Vargas. Senator Morfeld, 3:20.

**MORFELD:** Thank you, Senator Vargas. Thank you, Mr. President. In response to Senator Hilgers' comments about the Eighth Circuit decision, I think I need to say just a few things. The bottom line is that this is not the final word on whether or not D&E bans are sound law or policy. What the three-judge panel of the Eighth Circuit said is that it sent it, the Arkansas case, back to district court. It's not unusual for courts to send a case back down once the Supreme Court has issued a new decision, even if the result wouldn't change. The trial court in Arkansas issued an order before June Medical Services that was decided on June of 2020, and the trial court applied the standard articulated in Whole Woman's Health, the Supreme Court case. Sometimes a court may instead ask the parties for supplemental briefing in these instances, but here the court just decided to remand it back to the trial court for consideration under the original Casey standard. There's been a lot of confusion about what June means and what Chief Roberts did or did not do in his concurrence in LB814 during this debate. So let's clarify this. The Eighth Circuit ruling,

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

which is binding in Nebraska, just said very clearly that Chief Justice Roberts' concurrence adhered to and applied Casey. Chief Justice Roberts said the Casey test should look at solely whether or not the law imposes a substantial obstacle or burden. And according to him, the Casey test does not use the balancing test to look at the law's benefits and burdens. Quote: According to Chief-- Chief Justice Roberts, the appropriate inquiry under Casey is whether or not the law poses a substantial obstacle, a substantial obstacle or a substantial burden, not whether benefits outweighs burdens. To the extent that Casey discussed the benefits in regulations, it did so in considering the threshold requirement that a case have a legitimate purpose and that the law be reasonably related to that goal. How do we measure undue burden? Senator Hilgers says that this procedure is only used in 6 percent of the cases in Nebraska, so there's no undue burden or substantial obstacle, in his opinion. But you don't measure the harm from those not affected--

**FOLEY:** One minute.

**MORFELD:** --by the unconstitutional regulation. You look at those affected. This is from Casey, quote: The analysis does not end with 1 percent of women upon whom the statute operates. It begins there. Legislation is-- legislation is measured for consistency with the constitution by its impact on those who con-- whose conduct it affects. The proper focus, and this is key, colleagues, the proper focus of constitutional inquiry is the group for whom the law is a restriction, not the group for whom the law is irrelevant, end of quote. The burden is measured on women who are denied a medical procedure, not for those who don't ask for it, colleagues. Considering this point and the argues-- arguments that Senator Chambers made, this bill is unconstitutional. That is why I stand in opposition to it. It is clear. It is very clear that this bill is unconstitutional based on the Roberts concurrence and then based on the case law previous to it.

**FOLEY:** That's time.

**MORFELD:** Thank you, Mr. President.

**FOLEY:** Thank you, Senator Morfeld. Senator Halloran.

**HALLORAN:** Thank you, Mr. Lieutenant Governor. I yield my time to Senator Hilgers.

**FOLEY:** Thank you, Senator Halloran. Senator Hilgers, 4:55.

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

**HILGERS:** Thank you, Mr. President. Thank you, Senator-- Senator Halloran. Good morning again, colleagues. I want to unpack a little bit Senator Morfeld's comments, which I take really are on two-- two issues. One is sort of the importance of the Eighth Circuit opinion, so I'll-- I'll clarify that. And then the second-- the second argument is, well, this doesn't-- we need to look at are the-- not the people who are not affected by these particular restrictions but the people who are, so let me take them in order. So the Eighth Circuit Opinion, I'm not-- let's be clear about what I'm using that for and what I'm not using that for. Eighth Circuit Opinion takes out, totally takes out the legal underpinning of those who would point to cases such as the Sixth Circuit case, such as other district court cases, to say that similar dismemberment ban-- abortion bans are unconstitutional. So all of those cases rely on Whole Woman's Health as a standard. And what the-- what the Eighth Circuit said, in light of the June Medical decision, is you can't do that anymore. Now, in each of those cases, just like any case, you apply the law to the facts. Each of those cases are going to have different facts, although I'll tell you, the ones that I've looked at all have no alternative, no meaningful alternative to the procedure that is being prohibited. But the law for each of those cases can't be then applied here anymore because of what the-- the Eighth Circuit has said, which is, by the way, a natural consequence of the fact that five justices said that standard doesn't apply. Eighth Circuit didn't break any new ground; it just confirmed what is already there. So the argument is not-- what I'm not arguing is saying, well, Eighth Circuit ruled and it ruled on facts just like these and, therefore, the Eighth Circuit has confirmed this is constitutional. I think this is constitutional anyway. But what I am saying is the Eighth Circuit has knocked out, because of the five-justice majority, the legal underpinnings of everyone who will point to all of those other cases to say, well, this is also a dismemberment ban, therefore, it doesn't apply. So the fact that it got remanded to Arkansas is of no moment to the argument that I'm making, because the Arkansas court still has to apply the new legal standard, the one we need to apply here, with the facts in Arkansas. The fact that it's remanded has nothing to do with the argument that I'm making or the law that we should-- we would apply here or what the district of Nebraska would apply here. So the point one is Eighth Circuit Opinion, I just want to be clear about what it's-- why it's important. It's important because it knocks out the legal foundation for those who would point to those other cases, so that's point one. Point two is this idea of like, well, you don't look at the people who are not affected, and I'm not arguing that point. The point is, for the people who are affected, what is the level of impact? Is there an undue burden on the people who are impacted? And there, the cases

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

really do break out two ways. There's the Carhart decision and what you might describe as its progeny, this idea that if the particular ban prohibits all these procedures or a procedure with no meaningful alternative, then it's an undue burden, it's a substantial obstacle, and-- and it's unconstitutional. And then there's the Gonzales line of cases, or that at least flow from the concept of Gonzales, which is, if there are other alternatives and it otherwise fits within the discretion of the state Legislatures to act or the federal government to act, then it's constitutional. So the question-- I'm not-- I'm not framing this as a question of looking to the people who are not impacted. You're looking at the people to which this law would apply, and are there alternatives or not? And I think the cases bear out that if there are no alternatives, it's-- it's pretty likely to be a substantial burden. But if there are, like in Gonzales, Supreme Court, United States Supreme Court decision where it upheld a congressional ban on partial-birth abortion, when there are, it's more likely to be constitutional. So I appreciate the building of a record that we're doing this morning. I appreciate--

**FOLEY:** One minute.

**HILGERS:** --Senator Morfeld giving me the opportunity to elaborate a little bit to the extent that I wasn't clear on the Eighth Circuit-- the importance of the Eighth Circuit decision. I appreciate the opportunity to clarify. But ultimately, I do think this is constitutional and there's no case that someone can point to, to say there's a dismemberment ban with, you know, 20 percent or fewer where this would apply to and that's-- that is unconstitutional. It just isn't out there. If it is out there and I've missed it, please let me know. Of course, I'll read it and look at it. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hilgers. Senator Matt Hansen, Senator DeBoer, Hughes, Slama, and Clements. Senator Matt Hansen.

**M. HANSEN:** Thank you, Mr. President, and good morning again, colleagues. I'm going to yield some time to Senator Hunt here in a moment, so I'll keep this brief. I haven't had the opportunity to talk on LB814, and rather than spending a lot of time or getting into the nitty-gritty, I agree with the legal argument that this is pretty clearly unconstitutional. I understand that the argument's probably not going to-- well, I hope it carries the day this morning, but I understand its chances that it might not. But I think it will ultimately carry the day in the courts, and I think we've been kind of getting maybe forest-for-the-trees or vice versa in some of the legal debates today, and so I'm not necessarily going to rise up kind of

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

point for point, but I wanted to put that in the record. I did want to address process, and I know I kind of stirred-- kind of stirred up some of the rustle in process on General File. I do think that that was probably inappropriate for time to have been running on LB814 and cut this debate short in a very needed way, as by these constitutional concerns, as we also, and I say neededly, are cutting debate short today with the shortened cloture rules. I think we even on that day held LB814 and LB1107 to different standards in the sense of the rules fight in the morning counted against LB814, where the rules fight in the afternoon didn't count against LB1107 and we got more debate, or at least more debate on the merits of the bill. I just kind of wanted to put that in the record. I won't belabor this point. I know a lot of people have a lot of things to say. So with that, I will yield the balance of my time to Senator Hunt.

**FOLEY:** Thank you, Senator Hansen. Senator Hunt, 3:20.

**HUNT:** Thank you, Senator Hansen. Thank you, Mr. President. Listen, the medical reality, which none of us understand because we are not obstetricians and we are not physicians specializing in reproductive healthcare or birth and delivery, is that every pregnancy is different, every patient is different, and there is no one-size-fits-all procedure that will work for people this bill is going to turn into criminals. People have different fetal diagnosis that makes a certain procedure right for them. They may have underlying conditions like obesity or fibroids that makes other procedures not safe for them. And we know that because the conservative Supreme Court has repeatedly upheld that, and I am asking us to just do what they've said is already constitutional. Senator Chambers requested an Attorney General Opinion regarding LB814, and I wish that he was here to talk about that and I wish that we had time on this bill to have a serious conversation about the constitutional problems with it. This bill is poorly written, period. Senator Blood, who is a proponent of this bill, has raised that very point. Senator Geist says that she's the one who worked with attorneys on the drafting of this bill, but she also filed six amendments to get it in shape because it's not written correctly. In this body, we have to take procedure seriously, and everything Senator Matt Hansen said about that is right. We have to take procedure seriously but also the language and-- and the-- the work that we put into the policy that we pass because this has-- this has effects on people that if we slap it together and we do it on the fly, if it's unorganized, disjointed, it's just not ready to be passed into law. And if the introducer can't get it right, with all of the desire and interest she has in restricting abortion access and banning abortion in Nebraska, then how

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

can we expect doctors to abide by it? And how can we expect the Board of Medicine and Surgery to exercise its oversight authority if we can't even understand what's being written into law? And furthermore-- we don't have time to talk about this, which is a shame-- why doesn't this bill have a fiscal note? Do you guys know that this exact bill was introduced in, oh, 2016 by Senator Tommy Garrett and it had a \$10,000 fiscal note based on the entitlement to a hearing? So maybe you say to yourself, well, this bill's different. It's not exactly the same. No, it is. In LB814, it has the same exact entitlement to a hearing--

**FOLEY:** One minute.

**HUNT:** --but no fiscal note. So, colleagues, this has been so slapped together, the process has been bungled, and all of this is in one-- the service of one goal: to restrict abortion in Nebraska and ban a safe procedure when there is no one-size-fits-all answer for patients and to turn doctors into felons. Senator Geist and others are happy to read nonmedical language and terms to punch up their political rhetoric, but they aren't doctors and doctors oppose this; and they aren't judges, and every court that has taken this up has tossed it out. The proponents refuse to acknowledge that the reason doctors and courts support this procedure is because it protects women's lives; it protects the lives of patients; it supports the children they already have. Seventy-five percent of women who get this procedure already have children at home. And it also protects their future fertility. The other methods that proponents are talking about--

**FOLEY:** That's time, Senator.

**HUNT:** --are essentially a lethal injection into the womb.

**FOLEY:** That's time, Senator.

**HUNT:** It's not safe. Thank you.

**FOLEY:** Thank you, Senator Hunt. Senator DeBoer.

**DeBOER:** Thank you, Mr. President. Senator Hilgers, I appreciate the constitutional conversation that we're having on the floor. You and I have talked in the past about wanting to have these kinds of conversations on the floor, so I do appreciate, and it's not just Senator Hilgers, all the many senators who have been discussing the constitutional questions. Clearly, we all recognize that this is an issue that we have to address on this bill, that there are constitutional concerns that we have to address on this bill. And so

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

we're taking a little time this morning and ultimate--ultimately, it sounds like we might not all end up on the same page about the constitutionality. I don't think Senator Hilgers is going to be persuaded, but I will keep trying because I am convinced about the consti-- the unconstitutionality of this bill. We can have a discussion off the mike about standards because I don't think it changes the analysis. I, too, rely on Casey when I was doing my analysis of this. As to the facts of the case, I do want to make sure that you understand that I wasn't just relying on the Sixth Circuit case but on the what looks like near total consensus of all the courts who have decided on these issues. I know you've distinguished them or attempted to distinguish them, and I wish we had time to go one by one, but, you know, we don't. Senator Hilgers is a good lawyer and good lawyers make arguments to try to distinguish cases when they don't like the holdings of those cases. That's what we do. Senator Hilgers has done that. You know, that's what we're supposed to do. I don't think it gets to the actual uncon-- unconstitutionality of this bill. I will finally also say that I think you've picked the wrong analysis for the facts. It isn't the number of women who have not elected to have the procedure in the past but those who will have been prohibited from having the procedure their doctor thought was best by this bill. So it's an additional, not an alternative, procedure. I think that's been lost here. And I remain absolutely convinced that this bill is unconstitutional. I did, however, before any of this started, before we started to have this conversation, I promised Senator Hunt-- she asked me if I would yield her time. I promised I would. So I'm going to yield the remainder of my time to Senator Hunt.

**FOLEY:** Thank you, Senator DeBoer. Senator Hunt, 2:35.

**HUNT:** Thank you, Senator DeBoer. I would just remind everybody that many of the people who are proponents of this bill, the people who are pushing for this bill inside and outside the Chamber, were expecting the United States Supreme Court to uphold the Louisiana law that required certain regulatory standards for doctors who performed abortion services. And you'll recall the shock and outrage and disappointment expressed by the anti-choice movement after the Supreme Court struck down that law this summer. So if all of these court experts, attorneys and organizations dedicated to passing these types of laws can get it so wrong, why do we think Senator Geist and the people behind this bill are getting it so right? We are taking the position of a conservative Supreme Court to say let's uphold the law that has been decided time and time again, in states all over this country, in a consistent way. Nothing in the Eighth Circuit Opinion changes that this procedure is the most common form of abortion care

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

in the second trimester. A ban on this method of abortion is a ban on second trimester abortion, and that creates an undue burden on patients, it harms women's future fertility, and it harms the families they already have. These specific laws are opposed by leading expert medical groups like ACOG, like the American Medical Association, because they interfere with the doctor-patient relationship and they turn physicians who are exercising their best medical judgment into felons. Every pregnancy is different and every person has different healthcare needs. And my opposition to this bill, besides the procedural mess, which we did have some control over and did not need to happen the way it happened, my opposition to this bill comes from a place of personal values and saying in Nebraska, we do not tell people what's best for them from the State Legislature and we don't have somebody in the Chair presiding over the Legislature who has run legislative strategy on a bill that is an unconstitutional abortion ban that's going to take healthcare away from women across this state. That's not what Nebraskans want us to do. If you ask them to list their priorities and a poll was done of like 15 different priorities in Nebraska, property taxes, business tax incentives, support for people in poverty, pandemic assistance, abortion is like third from the bottom. In this state, we respect life, we have a culture of respecting life, but in this body, we do not have a record of respecting life. We do not have a record of supporting meatpacking plant workers. We don't have a record of supporting people facing eviction. And what have the people on the right gotten in this body for Nebraskans? Corporate tax incentives and an unconstitutional abortion ban.

**FOLEY:** That's time.

**HUNT:** Well, very well done, colleagues. Very well done.

**FOLEY:** Thank you, Senator Hunt. Senator Hughes, Slama, and Clements. Senator Hughes.

**HUGHES:** Thank you, Mr. President. I yield my time to Senator Geist.

**FOLEY:** Thank you, Senator Hughes. Senator Geist, 4:50.

**GEIST:** Thank you, Senator Hughes and Mr. President. I did want to respond to some of the things that have been said here this morning. One of those was by Senator Pansing Brooks, and she talked about all medical procedures are gruesome and-- and I would say, yeah, maybe, not all but some. However, I would also say that we look to our physicians to be our healers. Medical procedures are usually done because they're going to make us better. I don't know of another

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

medical procedure that actually kills a human being, that actually takes the life of a human being. We don't go to the physician for that, except in this case. And I think it's very appropriate as a legislator and as a Legislature to limit some of the procedures that take place in the taking of a human life. What we're talking about today is not a ban on abortion. This is a humanitarian bill. This is a bill that respects the life of a baby so that we do not take its life in a way that we would never take a life outside the womb. This simply cause-- asks a physician-- it tells a physician to cause fetal demise to that human being before you rip it apart. We would never consider doing this to animals, to fish. We would never do this, but we're doing this. This-- it's been said on the floor many times. This is the most common procedure of taking a second trimester abortion. It's the most common. It's not in this state, and I'm thankful for that. So it is very appropriate that we talk about it, that we limit it. It's unconscionable. I believe it shouldn't be tolerated. And then we talk about, wait a minute, it's not safe. Senator Hunt was saying the other procedures, other than this procedure, aren't safe. Then are you saying that 80 percent of the abortions in second trimester in this state aren't safe? Because only 20 percent or less are dismemberment abortions, so that would conclude that 80 percent that are currently being performed in this state are currently not safe. Now I would say that that's probably not the case. I would flip it on its head and say that the dismemberment abortion, to the woman, is most likely not safe, and those 80 percent that are being performed in the state of Nebraska are more humane to the baby and more protective of the mother. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Geist. Senator Slama.

**SLAMA:** Thank you, Mr. President. Good morning, colleagues. I rise in strong support of LB814. And with everything that's been said on the mike in the last hour and a half, as we get to-- close to the wrap-up time for this bill, I want to just take us back to basics as to what this bill is about. At its core, this bill is banning a form of abortion in which a living baby is ripped, limb from limb, from its mother's womb. This bill doesn't ban that practice if the child dies before it is removed, limb from limb, from the womb. This is solely banning the practice of ripping a living baby, limb from limb, from its mother's womb. You know, I get that a lot of people in this body may be desensitized to that mental imagery. So, please, in these last few minutes, picture it to something that you may actually care about. Picture it being done to a dog and a puppy or a cat and a kitten or even a prairie dog, because, for whatever reason, we seem to value the lives of those things more than we do preborn children. So that's why

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

I rise in support of LB814 and I'd like to yield the remainder of my time to Senator Geist.

**FOLEY:** Thank you, Senator Slama. Senator Geist, 3:35.

**GEIST:** Thank you, Mr. President. And thank you, Senator Slama. Another thing that I would like to draw our attention back to is we-- it's been said on the floor that with all the time that we've been taking on this bill, how we're ignoring the fact of racial discord that's going on in our society and-- and then the epidemic and all of those things. And I've said consistently that-- that discussing the value of life, I think, directly imprints how we look at how we're responding to the epidemic, the things that we prioritize in our life because of that. We were all sent home for two weeks to quarantine, and it gave a lot of us time to reflect on the things in our life that are important. And I would submit to you I-- that many of us thought about things like how do we treat our fellow man, what's most important in our life, our family, our faith, our friends. That was a very good exercise. But then as we saw racial tension are blowing up in our streets, I want to bring that back to this issue. Many of us don't think much about how this issue really merges with some of the racial tension and the racial, in some cases, disparities that go on in our society. And one of those I brought up last time we discussed this bill, and that was the very deliberate insertion of these clinics in minority communities and what abortion has done in the minority community. It's wealthy white people who have the lowest number of abortions, and it's the minority community that have the highest number of abortions. This is a bill that attempts to address that. When abortion was legalized in the United States with Planned Parenthood's strong support, its initial effect was a sharp decline in--

**FOLEY:** One minute.

**GEIST:** --minority births. Thank you, Mr. President. According to the Wellesley economic-- economist Phillip Levine, white births dipped only slightly after legalization, while the nonwhite birthrate dropped by 15 percent. Fifty years later, the abortion rate is five times higher for African Americans than for whites. This is important. We need those lives. We need all lives. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Geist. Senator Clements.

**CLEMENTS:** Thank you, Mr. President. I rise in support of LB814 and its advancement today. In the last three years, only one out of eight D&E abortions would have been banned in Nebraska had this law been in

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

effect. These procedures still could have been done by using the fetal demise-- demise method, as was testified in the hearing, so the D&E procedure is still allowed, and I believe that does make it constitutional. The doctor and the counselor who testified about this procedure left the abortion work once they saw the inhumane nature of this specific practice, and they stated this bill would help women, and I believe it will, and babies. The doctor also said the fetal demise method is safe. And I believe it's clear that the baby is a separate and distinct individual with different DNA from its mother. That individual deserves its own rights and protections from inhumane treatment, so that's why I believe we should go ahead and consider this as a constitutional bill, and I'd like to yield the rest of my time to Senator Hilgers.

**FOLEY:** Thank you, Senator Clements. Senator Hilgers, 3:25.

**HILGERS:** Thank you, Mr. President. Thank you, Senator Clements. I appreciate Senator DeBoer's comments on the mike. We've had good conversation off the mike, as well as on, and I appreciate her legal perspective. She's al-- she's always been very diligent, and I appreciate her pointing out things that I may have missed. So thank you for that, Senator DeBoer. I do want to just, on this last point because she did say, well, there are some other cases and there's some constitutionality concerns that I still believe to be true, so I just wanted to end on this. And so ultimately, we can distinguish cases and we can distinguish cases just for the pure reason of we want to distinguish something because we have a political endgame in mind; or we can distinguish things that are ultimately distinct, that truly are distinct, and ultimately it's going to be for the people of Nebraska to decide-- but a court to decide whether or not these cases truly apply or are truly distinct. And I will leave you with these last few points. The Gonzales court, which upheld a partial-birth abortion ban from Congress, did so because the particular ban allowed, I'm quoting, among other means, a commonly used and generally accepted method. And because it did so, it didn't--- did not constitute a substantial obstacle under Casey. Is there another method or not? Now, if you look at the cases that-- the other states, let's just go through as we make the record. In Alabama, 99 percent of second trimester abortions were for dismemberment, 99 percent-- there's no alternative-- struck down; in Nebraska, 4 percent last year. In Arkansas, D&E accounted for 100 percent. Is that a Carhart world or are we in a Gonzales world? That's 3 percent here in Nebraska. In Indiana, the court relied on the fact that 95 percent of abortions in the second trimester across-- across the country were D&E; 3 percent here. In Kansas, that was litigated under state court, as well as Oklahoma. Those had different

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

constitutional provisions at play, and in Texas also relying on the nationwide statistics for commonality of D&E abortions in the second trimester. And finally, Kentucky, as we talked significantly, the trial court had a-- held a five-day trial and found that there was no viable alternative. So the facts that are before us today and on LB814, and I believe the relevant facts when it comes to whether or not this bill is constitutional, have not been controverted. They have not been contradicted.

**FOLEY:** One minute.

**HILGERS:** And they have not been questioned. When we apply the law under June Medical and Casey to those facts, there is not one case that has held the dis-- dismemberment abortion ban to be unconstitutional under those facts. Every case that has been cited to the contrary had different facts. And ultimately a court will have to decide, but this body will decide first whether or not those are distinguished and/or distinct. And if you prohibit 99 to 100 percent of the alternatives, that's different from when you still leave 80 percent or more remaining. So ultimately, colleagues, this bill is constitutional. I support it and I urge your green light on the bill and the motion for cloture. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hilgers. Mr. Clerk, you have a motion at the desk?

**CLERK:** Mr. President, Senator Geist would move to invoke cloture pursuant to Rule 7, Section 10.

**FOLEY:** It's the ruling of the Chair there has been a full and fair debate afforded to LB814. Senator Geist, for what purpose do you rise?

**GEIST:** Call of the house, roll-call vote, regular order.

**FOLEY:** There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 20-- 30 ayes, 0 nays to place the house under call.

**FOLEY:** The house is under call. Senators please return to your desks and check in. The house is under call. Senators Lathrop, Hilkemann, McDonnell and Chambers, please return to the Chamber and check in. The house is under call. Senator Geist, at this point we're lacking Senator Chambers. We can wait or proceed.

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

**GEIST:** Go ahead.

**FOLEY:** We shall proceed. There's been a request for a roll-call vote in regular order. The question before the body is whether not to invoke cloture. Mr. Clerk, please call the roll.

**CLERK:** Senator Albrecht.

**ALBRECHT:** Yes.

**CLERK:** Voting yes. Senator Arch.

**ARCH:** Yes.

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

**BLOOD:** Yes.

**CLERK:** Voting yes. Senator Bolz.

**BOLZ:** Not voting.

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

**BOSTELMAN:** Yes.

**CLERK:** Voting yes. Senator Brandt.

**BRANDT:** Yes.

**CLERK:** Voting yes. Senator Brewer.

**BREWER:** Yes.

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

**BRIESE:** Yes.

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

**CAVANAUGH:** No.

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

**CLEMENTS:** Yes.

**CLERK:** Voting yes. Senator Crawford.

**CRAWFORD:** Yes.

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

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

**DeBOER:** Not voting.

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

**DORN:** Yes.

**CLERK:** Voting yes. Senator Erdman.

**ERDMAN:** Yes.

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

**FRIESEN:** Yes.

**CLERK:** Voting yes. Senator Geist.

**GEIST:** Yes.

**CLERK:** Voting yes. Senator Gragert.

**GRAGERT:** Yes.

**CLERK:** Voting yes. Senator Groene.

**GROENE:** Yes.

**CLERK:** Voting yes. Senator Halloran.

**HALLORAN:** Yes.

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

**B. HANSEN:** Yes.

**CLERK:** Voting yes. Senator Matt Hansen.

**M. HANSEN:** No.

**CLERK:** Voting no. Senator Hilgers.

**HILGERS:** Yes.

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

**HILKEMANN:** Yes.

**CLERK:** Voting yes. Senator Howard.

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

**HOWARD:** No.

**CLERK:** Voting no. Senator Hughes.

**HUGHES:** Yes.

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

**HUNT:** No.

**CLERK:** Voting no. Senator Kolowski.

**KOLOWSKI:** Not voting.

**CLERK:** Not voting. Senator Kolterman.

**KOLTERMAN:** Yes.

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

**La GRONE:** Yes.

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

**LATHROP:** Not voting.

**CLERK:** Not voting. Senator Lindstrom.

**LINDSTROM:** Yes.

**CLERK:** Voting yes. Senator Linehan.

**LINEHAN:** Yes.

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

**LOWE:** Yes.

**CLERK:** Voting yes. Senator McCollister.

**McCOLLISTER:** No.

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

**McDONNELL:** Yes.

**CLERK:** Voting yes. Senator Morfeld.

**MORFELD:** No.

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

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

**MOSER:** Yes.

**CLERK:** Voting yes. Senator Murman.

**MURMAN:** Yes.

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

**PANSING BROOKS:** No.

**CLERK:** Voting no. Senator Quick.

**QUICK:** Yes.

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

**SCHEER:** Yes.

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

**SLAMA:** Yes.

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

**STINNER:** Yes.

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

**VARGAS:** Not voting.

**CLERK:** Not voting. Senator Walz.

**WALZ:** Yes.

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

**WAYNE:** Not voting.

**CLERK:** Not voting. Senator Williams.

**WILLIAMS:** Yes.

**CLERK:** Voting yes. Senator Wishart.

**WISHART:** Not voting.

**CLERK:** Not voting.

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

**CHAMBERS:** Chambers, no.

**CLERK:** Senator Chambers voting no. 34 ayes, 8 nays, Mr. President, on the motion to invoke cloture.

**FOLEY:** Cloture has been invoked. The next question for the body is whether not to adopt the E&R amendments. Senator Cavanaugh, you had indicated--

**CAVANAUGH:** Roll-- machine vote-- record vote. Thank you.

**FOLEY:** Record vote has been request by Senator Cavanaugh. Those in favor of adopting the E&R amendments vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bostelman, Brandt, Brewer, Briese, Clements, Crawford, Dorn, Erdman, Friesen, Geist, Gragert, Groene, Halloran, Ben Hansen. Hilgers, Hilkemann, Hughes, Kolterman, La Grone, Lindstrom, Linehan, Lowe, McDonnell, Moser, Murman, Quick, Scheer, Slama, Stinner, Walz, Williams. Voting no: Senators Cavanaugh and Chambers. 34 ayes, 2 nays on adoption of the Enrollment and Review amendments.

**FOLEY:** E&R amendments have been adopted. Senator Slama for a motion.

**SLAMA:** Mr. President, I move that LB814 be advanced to E&R for engrossing.

**FOLEY:** Those in favor of advancing the bill say aye. Those-- those opposed say nay. LB814 advances. Items for the record, please.

**CLERK:** Mr. President, new resolutions: LR473 by Senator Bolz, LR474 by Senator Arch. Those will both be laid over. I have an amendment from Senator Groene to be printed to LB1103. Mr. President, the Business and Labor Committee will have an Executive Session in Room 1113 upon recess, Business and Labor at 11-- in 1113 upon recess. Senator Bolz would like to add her name to LR466. Senator La Grone would move to recess the body until 1:30 p.m.

**FOLEY:** You've heard the motion to recess. Those in favor say aye; those opposed say nay. We are in recess until 1:30.

[RECESS]

**FOLEY:** Good afternoon, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber. The afternoon session is about to

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

reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

**FOLEY:** Thank you, Mr. Clerk. Do you have any items for the record?

**CLERK:** I have nothing at this time.

**FOLEY:** Thank you, sir. Senator Halloran, for what purpose do you rise?

**HALLORAN:** Point of personal privilege.

**FOLEY:** Please proceed.

**HALLORAN:** Thank you, Mr. Lieutenant Governor. We are all aware of the situation that was unfolded over the past several months with regards to the YRTC-Geneva female youth treatment program. Concerns about the program, the physical state of the facilities, and the possible hasty facility relocation led this body to create LB1140-- LB1140, which passed on a Final Reading of 48-0-1 on July 31, with an emergency clause attached prohibiting the establishment of a new YRTC or establish or move a YRTC to a new or existing state or private facility until March 30, 2021, after the completion of the required planning process. The Governor signed the bill into law. Somewhat paralleling the same timeline, the new Hastings Juvenile Chemical Dependency Program building, located on the Hastings Regional Center, was being completed. The new building was specifically designed with the needs of the chemical dependency program in mind. It came as quite a shock to the mayor of Hastings and myself when, in mid-July of this year, DHHS announced that they were moving a significant portion of the YRTC girls' program from its temporary location in Kearney, not back to Geneva, but to Hastings. A few weeks later, it was announced that the YRTC female youth program would be moving into the new facility specifically designed for the chemical dependency program. Furthermore, the chemical dependency program, which was highly praised by DHHS for its quality staff and overall success of the program, was being moved out of Hastings completely to the Whitehall campus in Lincoln, which treats adolescent sex offenders. These announcements sparked the writing of LB1140. While LB1140, LB1140 puts the brakes on a hasty move with the YRTC program, the Department of Health and Human Services does not believe it affects the moving of the chemical dependency program, even though its move is only happening because of the department's desire to move the YRTC into the new buildings built for the chemical dependency program. DHHS is quickly moving to transfer the chemical dependency program to Lincoln by October 1 of

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

this year. Both Mayor Stutte and I learned of these moves not from DHHS directly, but from the news media outlet. This was made even more irritating to us because for months previously, we had been requesting from both the DHHS and DAS, the Department of Administrative Services, which actually owns the land and buildings of the Hastings Regional Center, what were the long-term plans for that facility? We could never get a straight answer. In a meeting with the Department of Administrative Services, officials stated: We are exploring, exploring several options and they would let us know their decision as soon as they had more solid plans in place. We never received any such updates. The skill sets of the professionals working at these two facilities are vastly different. Based on my conversations with several very concerned employees from the Hastings Juvenile Chemical Dependency Program, they work very closely with these youth and create quite a strong bond, which leads to successful outcomes for the youth. These professionals are rooted in Hastings and do not, do not, and most likely will not move to make a long commute to Lincoln if the program is moved to Lincoln. The Department of Health and Human Services will lose very talented professionals from their ranks at a time when the department is desperately looking to hire such people. Additionally, the facility needs are also quite different for the chemical dependency program in the YRTC female youth program. Mayor Stutte toured the new chemical dependency facility and he shared with me that he was told, in order to bring this facility up to YRTC standards, the walls would have to be hardened-- reinforced, windows would have to be upgraded, and the, and a fence, like the one recently built for the YRTC in Kearney, would have to be constructed. Question: Where will funds for these needed safety-related upgrades come from and who will be responsible for the appropriations of such funds? Last week, Mayor Stutte sent a letter to DHHS Director Dannette Smith, specifically laying out many of these concerns I have already expressed. He has yet to receive a formal response to his concerns from the director. Let me be clear. Both Mayor Stutte and I both want to see a revitalized Hastings Regional Center--

**FOLEY:** One minute.

**HALLORAN:** --that benefits both the Hastings area, the Department of Health and Human Services, and, most importantly, the people they treat. However, the lack of open and honest communications and the overall lack of transparency by the Department of Health and Human Services and the Department of Administrative, Administrative Services with local community leaders and my office is deeply concerning. Thank you, Mr. Lieutenant Governor.

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

**FOLEY:** Thank you, Senator Halloran. Senator Howard, for what purpose do you rise?

**HOWARD:** A point of personal privilege.

**FOLEY:** Please proceed.

**HOWARD:** Thank you, Mr. President. Mr. President and fellow members of the Legislature, I want to take a moment of personal privilege to share my pleasure in announcing the appointment of Jennifer Carter as our new inspector of child, of, of Nebraska Child Welfare. As most of you know, our Jennifer has served this Legislature for the past two years as legal counsel for the Health and Human Services Committee and her knowledge and expertise has been invaluable to our committee and to this Legislature. I'm very excited that she'll be continuing her service to the state as our Inspector General of Child Welfare. I would also note, given Senator Halloran's remarks regarding the continued changes in our juvenile justice system, Ms. Carter's appointment could not be more timely or more appropriate. So I want to offer my personal congratulations to Jennifer, as well as those of Senator Hilgers, who was part of the hiring process with myself and our Ombudsman, Julie Rogers, and give her thanks for all she's done and will continue to do for the children of Nebraska. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Howard. Proceeding to the afternoon agenda, Select File 2020 priority bills: LB632. Mr. Clerk.

**CLERK:** Mr. President, LB632 has been discussed on Select File. The Enrollment and Review amendments have been adopted. Pending is an amendment by Senator Bostelman, AM3183. I also have a priority motion from Senator Chambers, but he's not arrived yet.

**FOLEY:** Senator Bostelman, why don't you-- if you're inclined to do so, if you can give us a refresh on AM3183?

**BOSTELMAN:** So LB3183 [SIC] is-- what it does is, since with COVID and-- that we had, we didn't have enough time to complete the study and the plan that's coming up. So what it does is extends the time to July of 2022. That gives the NRDs, the Department of Natural Resources, actually the op-- the time that they need to actually complete the work that they need to do. Otherwise, we do not have enough time to actually complete the plan, the work that they're going to be doing. So it just extends that date out from December to July 2022. Thank you, Mr. President.

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

**FOLEY:** Thank you, Senator Bostelman. Senator Hughes, do you need a moment to refresh us? Do you want to pass on that or waive that?

**HUGHES:** Yes. Thank you, Mr. President. Good afternoon, colleagues. Just take a very brief reminder of what LB632-- there are four different bills in that-- it was the Natural Resources Committee's second priority bill: LB769, which was Senator Gragert's bill dealing with the Natural Resource Commission; LB861, which was my bill dealing with container uniformity across the state; LB933, which was Senator Crawford's bill dealing with the utilities, public power districts being what they are charging to reconnect individuals after they have been-- service has been discontinued and allowing them to have extended service if there's a medical condition; and finally, LB1201, which was Senator Bostelman's bill dealing with creating a plan to bring the levees in the state of Nebraska up to snuff after last year's flooding. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hughes. Is there any debate on LB632 and the pending Bostelman amendment, AM3183? I see none, Senator Bostelman, you are recognized to close on your amendment. He waives close and the question before the body is the adoption of AM3183. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 35 ayes, 0 nays on the adoption of Senator Bostelman's amendment.

**FOLEY:** AM3183 has been adopted.

**CLERK:** Mr. President, Senator Hunt would move to amend, AM3153.

**FOLEY:** Senator Hunt, you are recognized to open on AM3153.

**HUNT:** Thank you, Mr. President. Colleagues, if you recall, I introduced this amendment with the support of the city of Omaha and the city of Lincoln because with this amend-- what, what this language in the bill does, that this amendment seeks to remove, is it puts in preemption language that basically creates what we could call a ban on bans. By having this language, which is from model legislation-- it's not original to needs that we have in Nebraska-- the language in this bill would prevent any local municipality from implementing something like a plastic bag ban. The cities of Omaha and Lincoln and, and other cities across the state have told us, and told me, that this is not language that they want, that local control is important to them. And we know, colleagues, that local governments know what their voters want and they know what their communities need and that the state

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

should not be inserting itself into matters that are of local concern. Restricting localities from enacting their own policies limits these communities from taking innovative approaches to various issues and challenges. Preemption laws prevent local governments from adopting policies that are tailored to local needs. The state shouldn't be passing legislation that tries to solve a problem that isn't there. For example, in Omaha, our city council passed a plastic bag ban, but then the mayor vetoed it. And to this day, we do not have a plastic bag ban in Omaha. There is no other city or municipality in the state that has a ban on containers or plastic bags or anything like that. But what happened in Omaha, colleagues, is illustrative. It's exemplary of exactly how we want government to work. The people elect folks to city council, the city council votes on some kind of ordinance, and then the mayor can, you know, support that or, or she can veto it. And in Omaha, the process worked exactly how it's meant to work. Our local democracies need support. And when we are considering LB632 with this preemption language in it, what we're doing is we're restricting local governments from passing policies that address their own communities' unique needs and concerns. And when we block local authorities from passing their own laws that address local issues, what we're doing in this body is robbing them of the power to do the job they were elected to do. We're effectively silencing the voices of the people who want that local control in their cities. Elements of LB632, as it stands today without my amendment, have the potential to stifle local public health policies that go far beyond regulating plastic bags. They could even impact what communities can do to protect kids from tobacco use and from unhealthy foods. And that's why the American Cancer Society is opposed to this, the Nebraska Recycling Council, the League of Municipalities, and the city of Omaha and Lincoln. I don't want to-- talk this to death. I would really like to just get a vote on it because I haven't gotten a chance to talk to all of you. But, but many of you I've spoken to and I know that representatives from Omaha and Lincoln have spoken to you. And we did-- we have discussed this in many rounds of debate before. This is just a basic local control argument. There's no rush for communities to ban any kind of container, any plastic bags. But if a community decides that they want to, they should be able to do that; that's basic local control. The city of Lincoln said, in a letter to the committee when this original bill was heard, which was LB861, which prevented local governments from adopting, enforcing, or creating ordinances that placed regulations on consumer merchandise or containers. The importance of local self-governance and municipal home rule is a core principle of Nebraska government. And typically, the overriding state interest preserves the state's intention and plan in resolving a particular issue, but this ban-on-bans language, this

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

preemption stuff, doesn't preserve a working plan on consumer merchandise or containers. Instead, it just usurps local control. It takes power away from people who live in these cities and elect their representatives. And we honestly just really don't see a need for it. So thank you, colleagues. I urge your green vote on AM3153. It has the support of the American Cancer Society, of the Nebraska Recycling Council, of the League-- the League of Municipalities-- and of Omaha and Lincoln. Thank you very much, Mr. President.

**FOLEY:** Thank you, Senator Hunt. Debate is open on the amendment. Senator Hughes.

**HUGHES:** Thank you, Mr. President. Good afternoon again, colleagues. This is an unfriendly amendment. This is the same thing that we talked about during the first round of debate, the General File debate on LB632. And, you know, we, we've had that discussion. I don't think anything has changed. There's a lot of good things in this bill and we've got a lot, lot of work to do. So I would appreciate a red vote on AM3153 and let's get on about our business. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hughes. Senator Hunt.

**HUNT:** Thank you, Mr. President. There are a lot of good things in this bill and I don't think that this is one of them. And part of the work that we do here on the floor is pulling the things out of bills that aren't useful, that aren't helpful, especially things that preempt local control and put the wishes of lobbies and industries like the Plastics Society-- the Plastics Association onto municipalities that didn't ask for this. What cities want to do with plastic bags is their business. They have their own processes. My greatest concern with preemption is the precedent that this bill sets. We haven't really heard a compelling reason as to why we need a ban on bans. This is something that the same lobbyists, I assure you, colleagues, will go to the city councils, will go to the local meetings to lobby for if another type of container ban or anything else that this, this language would affect comes up. So let's let the lobby do their job. Let's leave that local control reserved for them. And I would encourage your green vote on AM3153. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hunt. Seeing no other members wishing to speak, Senator Hunt you are recognized to close on the amendment. She waives close and the question before the body is the adoption of AM3153. Those in favor vote aye; those opposed vote nay. There's been a request to place the house under call. The question is, shall the

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

house go under call? Those in favor vote aye; those opposed vote nay.  
Record, please.

**CLERK:** 18 ayes, 9 nays to place the house under call.

**FOLEY:** The house is under call. All unexcused senators, please return to the floor and check in. The house is under call. Senator Matt Hansen, Senator Vargas, Senator Geist, Senator Ben Hansen, please check in. Senator Hunt, all unexcused members are now present. How did you want to proceed on the vote?

**HUNT:** Roll call, reverse.

**FOLEY:** Roll-call vote in reverse order regarding the adoption of AM3153. Mr. Clerk.

**CLERK:** Senator Wishart.

**WISHART:** Yes.

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

**WILLIAMS:** No.

**CLERK:** Voting no. Senator Wayne, voting yes. Senator Walz, voting yes. Senator Vargas, voting yes. Senator Stinner, not voting. Senator Slama, voting no. Senator Scheer, voting no. Senator Quick, voting yes. Senator Pansing Brooks, voting yes. Senator Murman, voting no. Senator Moser.

**MOSER:** No.

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

**MORFELD:** Yes.

**CLERK:** Voting yes. Senator McDonnell.

**McDONNELL:** No.

**CLERK:** Senator McDonnell.

**McDONNELL:** No.

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

**McCOLLISTER:** Not voting.

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

**CLERK:** Not voting. Senator Lowe.

**LOWE:** No.

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

**LINEHAN:** No.

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

**LINDSTROM:** No.

**CLERK:** Voting no. Senator Lathrop.

**LATHROP:** Yes.

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

**LA GRONE:** No.

**CLERK:** Voting no. Senator Kolterman, voting no. Senator Kolowski.

**KOLOWSKI:** Not voting.

**CLERK:** Not voting. Senator Hunt, voting yes. Senator Hughes, voting no. Senator Howard, voting yes. Senator Hilkemann. Senator Hilgers, voting no. Senator Matt Hansen.

**M. HANSEN:** Yes.

**CLERK:** Voting yes. Senator Ben Hansen, voting no. Senator Halloran, voting no. Senator Groene, voting no. Senator Gragert, voting no. Senator Geist, voting no. Senator Friesen, voting no. Senator Erdman.

**ERDMAN:** No.

**CLERK:** Voting no. Senator Dorn.

**DORN:** No.

**CLERK:** Voting no. Senator DeBoer.

**DeBOER:** Yes.

**CLERK:** Voting yes. Senator Crawford.

**CRAWFORD:** Yes.

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

**CLERK:** Voting yes. Senator Clements, voting no. Senator Chambers. Senator Cavanaugh, voting yes. Senator Briese, voting no. Senator Brewer, voting no. Senator Brandt, voting no. Senator Bostelman, voting no. Senator Bolz. Senator Blood, voting yes. Senator Arch, voting no. Senator Albrecht, voting no. 15 ayes, 28 nays on the amendment.

**FOLEY:** The amendment is not adopted and I raise the call. Mr. Clerk.

**CLERK:** Mr. President, Senator Hunt-- Senator Hughes would move to amend with AM3218.

**FOLEY:** Senator Hughes, you are recognized to open on AM3218.

**HUGHES:** Thank you, Mr. President. Good afternoon again, colleagues. LB-- or, I'm sorry-- AM3218, if you remember the initial round of discussion we had on this, Senator McCollister and I had quite a discussion on this bill and I told him that I would offer to work with him to make this a better bill. This is language that Senator McCollister and I have worked out to make this what I believe is a better bill. So I would certainly appreciate a green vote on AM3218. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hughes. Is there any discussion on the amendment? Senator Crawford.

**CRAWFORD:** Thank you, Mr. President. Good afternoon, colleagues, and good afternoon, Nebraskans. You know, one of the features of our nonpartisan body here is that we do work across party lines well and try to work together on issues. And that means that we sometimes work on things together that we don't entirely agree on every piece and part of it together. So I have, for eight-- my eight years here, worked very hard against preemption bills in the past of all, all types. But I, I appreciate Senator Hughes' leadership on the committee and his willingness to put LB933 in the committee package. And I appreciate his, his work on that with the committee. And it is a critical piece that helps our citizens who are facing dis-- utility disconnections. And colleagues, at this time, when so many of our, our citizens across the state are facing economic crisis, this is the time that we need to make sure that they and the people trying to help them understand what they need to do to avoid disconnection. And this bill requires that that information is clear. It's very important that there are reasonable reconnection fees. And that's what this bill does, is ensures that there are reasonable reconnection fees. Another key protection that's in LB632 now is protections for people who have health conditions that would mean that they would be in great harm if

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

their electricity was turned off. So this was actually the issue that started, that started my interest in making sure this bill came forward this year, was looking at im-- improving our statutes around preventing utility disconnections for people who need equipment for lifesaving purposes. And so what this bill does is makes that clearer and makes it possible for people to get that help if they get their note from a PA or a nurse practitioner, so it makes that an easier thing for them to get. We extend the days on that notice so it makes that, again, an easier process to achieve. The other thing that we do with this, with LB632 is that we say that the utility companies "shall" provide these 30 days if somebody has a life-threatening condition. Before-- in the-- without LB32 [SIC], it's just they "may." So we are telling utility companies that they must provide 30 days of grace for those people who have life-threatening conditions, should their utilities be shut off. And that's very important and it's very important that we also change the language that allows a utility, should it want to, to offer more than 30 days. The current language in our law basically says they may provide that, but they can't go beyond that first 30-day window. We don't require them to go beyond 30 days. But we do say, if you want to do that, we're not going to forbid that. So these are very important protections for our people across the state who may be facing utility shutoffs, especially now in the-- in this economic crisis. And so I urge your support of LB632. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Crawford. Senator Clements.

**CLEMENTS:** Thank you, Mr. President. Would Senator Crawford yield to question?

**FOLEY:** Senator Crawford, would you yield, please?

**CRAWFORD:** Yes.

**CLEMENTS:** As I read the description, I see that they're wanting the fees to be reasonable. Are the fees set forth in the bill?

**CRAWFORD:** So the bill does not specify what reasonable is. It just says that they must be reasonable. So that leaves it to interpretation and, I suppose, case law, in terms of people, people challenge that their fees are unreasonable.

**CLEMENTS:** And would Public Service Commission or someone have authority over the reasonableness? Who, who would decide that?

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

**CRAWFORD:** My, my understanding is that that would be determined if somebody challenged the fees as being unreasonable in court. And the reason that we didn't specify some specific fee as reasonable is that it varies so much, depending on where you are across the state. In some places, all someone has to do is flip a switch. In other places, somebody physically has to come out to the, to your place to do what needs to be done to restore services. So there, so there's such a variety of possible costs that we just left that vague language in there to be interpreted when cases come before the courts.

**CLEMENTS:** And one more: Does this only apply to residences or do commercial businesses fall under this as well?

**CRAWFORD:** My understanding is that it's residences--

**CLEMENTS:** All right.

**CRAWFORD:** --because again, it's focused on the, the 30 days and those protections-- well, let me back up. The 30-day protections, those are all about an individual who has a life-threatening situation, so those are very clearly individual. Now the part of the bill that says utility companies have to be clear on their website about disconnection policies and reconnection policies, I suppose that could help businesses, too. That information could be useful for businesses. So that part could help businesses.

**CLEMENTS:** All right. Well, I guess I can see why different parts of the state would have different needs for reasonableness and that answered my question. Thank you. Thank you, Mr. President.

**FOLEY:** Thank you, Senators Clements and Crawford. Senator Friesen.

**FRIESEN:** Thank you, Mr. President. Would Senator Crawford yield to some questions?

**FOLEY:** Senator Crawford, would you yield, please?

**CRAWFORD:** Yes.

**FRIESEN:** So I, I haven't had a chance to read through the bill, but so someone that is qualified, they get a doctor's slip or something. But at some point down the road, do you have to prove that you cannot pay your bill or is there some other-- can this go on for a year or two years or--

**CRAWFORD:** So the bill only provides that it must, they must get 30 days.

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

**FRIESEN:** OK. But then it's up to the companies that are out there whether they want to expand that further, but they, they must let them have 30 days.

**CRAWFORD:** But they just must let them have 30 days, yes.

**FRIESEN:** OK. So--

**CRAWFORD:** And it doesn't do anything to forgive what they owe. It just says they must have 30 days. And most of the utility companies that we worked with said that, you know, they, they try to work with people to set up kind of a-- some kind of a payment plan. This just makes sure that if you have life-threatening conditions, you get that 30 days to try to make sure you can work something out.

**FRIESEN:** OK. Thank you, Senator Crawford. Yeah, I, I-- again, I think under the current situation, I think there is a lot of people that probably have need of this. And I-- as long as they, you know-- are some specific guidelines in place that can't be use-- you know, abused, I think this would be a good program. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Friesen and Senator Crawford. Senator McCollister.

**McCOLLISTER:** Thank you, Mr. President. Good afternoon, colleagues. Would Senator Crawford yield to a couple of questions only?

**FOLEY:** Senator Crawford?

**CRAWFORD:** Sure.

**McCOLLISTER:** Senator Crawford, with this bill, having been on a public utility myself--

**CRAWFORD:** Um-hum.

**McCOLLISTER:** --did you have any people dissenting or opposing your bill when it came forth?

**CRAWFORD:** So we worked very hard to ensure that we did not have opponents. And I did actually pass out the committee statement. So you should have that somewhere on your desk. And you can see from the committee statements that there were no opponents.

**McCOLLISTER:** How--

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

**CRAWFORD:** So we worked with utility companies ahead of time to try to address their concerns with our bill and with the committee amendment to the bill.

**McCOLLISTER:** Yeah, I see the-- I see your-- the committee statement. How and what-- how does your bill differ from the pandemic variances or forbearances that the utilities offered? Do you know?

**CRAWFORD:** So the-- some of the utilities have offered forbearance. They were, were not disconnecting people during the pandemic. So this bill doesn't in any way impact that. What this bill does is it says if you have a life-threatening condition, that you would get 30 days of grace and not get your utilities shut off so that, hopefully, you can get something arranged so that you're able to pay after those 30 days. And then what it also does is it requires the utilities to be more clear, on their website, what their disconnection policies are and how one can avoid disconnection. And this was something that advocates talked to us and said it was very important because the rules differ so much from utility to utility. When you're trying to help somebody who may be facing disconnection, it's really critical that you have better information about how to help them.

**McCOLLISTER:** Thank you. I should say this is a good feature. This amendment is a good feature of LB632. Utilities-- all the public utilities in Nebraska have had pandemic allowances or-- for, for people that have lost jobs. And also, the utilities themselves, over the winter, they'll also give a forbearance to those people if the temperature goes below 20 degrees, I believe. So thank you very much for offering the amendment. Thank you, Senator Crawford.

**FOLEY:** Thank you, Senators McCollister and Crawford. Any further discussion? I see none, Senator Hughes, you're recognized to close on the amendment.

**HUGHES:** Thank you, Mr. President. I want to echo the comments of Senator Crawford of working across the aisle on several issues. She has a very good bill. And I also want to thank Senator McCollister for his help in making this a better bill. So I'd appreciate a green vote on AM3218 and LB632. Thank you.

**FOLEY:** Thank you, Senator Hughes. The question before the body is the adoption of AM3218. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 41 ayes, 0 nays, Mr. President, on the adoption of Senator Hughes' amendment.

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

**FOLEY:** AM3218 has been adopted. Anything further on the bill, Mr. Clerk?

**CLERK:** Nothing further at this time, Mr. President.

**FOLEY:** Senator Slama.

**SLAMA:** Mr. President, I move that LB632 be advanced to E&R for engrossing.

**FOLEY:** Members, you've heard the motion to advance the bill. Those in favor say aye; those opposed say nay. LB632 advances. Proceeding now to LB866.

**CLERK:** First of all, the E&R amendment, Senator.

**FOLEY:** Senator Slama.

**SLAMA:** Mr. President, I move that the E&R amendments to LB866 be adopted.

**FOLEY:** Members, you've heard the motion to adopt the E&R amendments. Those in favor say aye; those opposed say nay. The E&R amendments have been adopted. Mr. Clerk.

**CLERK:** Mr. President, Senator Wayne had filed AM3292, but I have a note he wishes to withdraw. And Senator Wayne would move to amend the bill with AM3356.

**FOLEY:** Senator Wayne, you're recognized to open on AM3356.

**WAYNE:** Thank you, Mr. President and members of the Legislature. AM3356 would add the context of Senator Vargas' bill, LB1155, on-- to this bill, along with two technical changes. First, it would change the maximum grant amount to ensure that at least four nonprofits would be eligible to receive the funds for each fiscal year. Second, it would change the valuation limits for work force housing units eligible to receive grant funding to a range of \$125,000 to \$275 thou-- \$275,000. Many of the lots in north and south Omaha that are available for new work force housing are smaller than what is seen out in rural Nebraska and so having it at \$150,000 may be unattainable. The amendment also amends the definition of work force housing in the underlining [SIC] bill to more, more closely align with, with the definition of work force housing in the amendment. Colleagues, over the fact-- over the past few weeks, I've witnessed a lot of norms in this body go by the wayside, at least this-- at least of which was a refusal to even follow the plain language of our simple rules. I believe that this

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

unfortunately started down the path before the pandemic, when this prevented us from reaching a vote on Senator Vargas' bill. At the same time, this body removed 2-- \$20 million from education funding and provided \$10 million for rural work force housing in the budget. AM3356 represents one of the last opportunities for the body, I believe, to make it right for Senator Vargas' bill and Senator Chambers and I for the district we represent. I will be watching this close-- vote very closely. And I hope-- if you have any questions on the amendment or on the bill, I'll be glad to answer anything. Please vote green on AM3356 and the underlying bill.

**FOLEY:** Thank you, Senator Wayne. Debate is now open on the amendment and bill. Senator Erdman.

**ERDMAN:** Thank you, Mr. Lieutenant Governor. I wonder if Senator Wayne would yield to a question?

**FOLEY:** Senator Wayne, would you yield, please?

**WAYNE:** Yes, sir.

**ERDMAN:** Senator Wayne, I was distracted when you made your opening statement. This was Senator Vargas' bill. What was the number of that?

**WAYNE:** LB1155.

**ERDMAN:** LB1155?

**WAYNE:** Yes.

**ERDMAN:** I think that was the bill that was introduced earlier. And then Senator Lindstrom had attached his bill to it and I questioned the germaneness of, of those two bills. And the Speaker or the president then divided it and we did not advance LB1155, would that be correct?

**WAYNE:** We did not advance LB1155.

**ERDMAN:** And so then your attempt now is to bring it back and help us to reconsider, allow us to reconsider that vote?

**WAYNE:** It is because we added \$10 million to the budget for rural work force housing and we think it's only fair to do the same thing for urban.

**ERDMAN:** OK. So consequently, let me just share this. Thank you for answering the questions. I wasn't in favor of LB1155 when it came up.

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

I'm not in favor of attach to-- adding money to work force housing for rural. And so it doesn't make any difference whether we added \$2 million to rural, rural work force housing. I'm opposed to LB1155 for the same reasons I was before and I am opposed to AM3356. And I ask you to vote red. Thank you.

**FOLEY:** Thank you, Senator Erdman. Further discussion? I see none, Senator Wayne, you're recognized to close on AM3356.

**WAYNE:** You-- thank you, Mr. President. And Senator Erdman, I've always honored the fact that you've been consistent. And I would ask you to be consistent on this bill because you voted for the amendment that attained \$10 million for work force housing. So I would ask that we all be consistent, that if it's good for rural, it's good for urban. And, you know, that's been my philosophy and we have to look no farther than the micro-TIF bill that Senator Groene and I worked on. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Wayne. The question before the body is the adoption of AM3356. Those in favor vote aye; those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 25 ayes, 8 nays to place the house under call.

**FOLEY:** The house is under call. Unexcused members, please return to the floor. The house is under call. Senators Wishart, Morfeld, DeBoer, and Hunt, please return to the Chamber and check in. The house is under call. Senator Wayne, were you looking for a roll-call vote or what was your pleasure on this?

**WAYNE:** I'll wait for Senator Hunt first.

**FOLEY:** Yeah, we'll, we'll wait. I was just curious what you--

**WAYNE:** Roll call, reverse order.

**FOLEY:** OK. Well, we'll do that when the time is right. Missing Senators Wishart and DeBoer. Senator Morfeld, check in, please. Thank you, Senator Wayne. We will proceed. Roll-call vote in reverse order has been requested regarding the adoption of AM3356.

**CLERK:** Senator, request-- reverse, is that right? Thank you. Senator Wishart.

**WISHART:** Yes.

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

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

**WILLIAMS:** Yes.

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

**WAYNE:** Yes.

**CLERK:** Voting yes. Senator Walz, voting yes. Senator Vargas, voting yes. Senator Stinner, voting yes. Senator Slama, voting no. Senator Scheer, voting yes. Senator Quick, voting yes. Senator Pansing Brooks, voting yes. Senator Murman.

**MURMAN:** No.

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

**MOSER:** No.

**CLERK:** Voting no. Senator Morfeld, voting yes. Senator McDonnell, voting yes. Senator McCollister.

**McCOLLISTER:** Yes.

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

**LOWE:** No.

**CLERK:** Voting no. Senator Linehan, not voting. Senator Lindstrom.

**LINDSTROM:** Yes.

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

**LATHROP:** Yes.

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

**LA GRONE:** Not voting.

**CLERK:** Not voting. Senator Kolterman, voting yes. Senator Kolowski.

**KOLOWSKI:** Yes.

**CLERK:** Voting yes. Senator Hunt, voting yes. Senator Hughes, not voting. Senator Howard, voting yes. Senator Hilkemann.

**HILKEMANN:** Yes.

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

**CLERK:** Voting yes. Senator Hilgers, voting yes. Senator Matt Hansen.

**M. HANSEN:** Yes.

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

**B. HANSEN:** Not voting.

**CLERK:** Not voting. Senator Halloran, voting no. Senator Groene, voting no. Senator Gragert, not voting. Senator Geist, not voting. Senator Friesen, not voting; Senator Erdman, voting no. Senator Dorn.

**DORN:** Yes.

**CLERK:** Voting yes. Senator DeBoer, voting yes. Senator Crawford.

**CRAWFORD:** Yes.

**CLERK:** Voting yes. Senator Clements.

**CLEMENTS:** No.

**CLERK:** Voting no. Senator Chambers. Senator Cavanaugh, voting yes. Senator Briese, voting no. Senator Brewer, voting no. Senator Brandt, voting yes. Senator Bostelman, voting no. Senator Bolz.

**BOLZ:** Yes.

**CLERK:** Voting yes. Senator Blood, voting yes. Senator Arch, not voting. Senator Albrecht, voting no. Senator Chambers. Senator Chambers, voting yes. 29 ayes, 12 nays, Mr. President, on the-- Senator Wayne's amendment.

**FOLEY:** AM3356 has been adopted. I raise the call.

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

**FOLEY:** Senator Slama.

**SLAMA:** Mr. President, I move to advance LB866 to E&R for engrossing.

**FOLEY:** Members, you've heard the motion to advance the bill. Those in favor say aye; those opposed say nay. The bill has been advanced. Proceeding to LB1004.

**CLERK:** Mr. President, LB1004, I have E&Rs first of all, Senator.

**FOLEY:** Senator Slama.

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

**SLAMA:** Mr. President, I move that the E&R amendments to LB1004 be adopted.

**FOLEY:** The motion is to adopt the E&R amendments. Those in favor say aye; those opposed say nay. The E&R amendments have been adopted. Mr. Clerk.

**CLERK:** Senator Lathrop would move to amend, AM3335.

**FOLEY:** Senator Lathrop, you are recognized to open on AM3335.

**LATHROP:** Thank you, Mr. President and colleagues. Very simple. When this bill came up the first time, Senator Erdman had a question about whether-- remember, this dealt with parole eligibility and there was also a piece in there that dealt with the ability of minors to consent to medical treatment. Senator Erdman had a thoughtful question about whether this changes anything relative to a person's ability, an underage person's ability to consent to an abortion. This amendment addresses that. Actually, existing law, it's 71-6902, requires that a physician who is going to perform an abortion procedure on anyone under 18 secure the permission of that person, as well as a parent. But this amendment just makes sure-- it's sort of a belt-and-suspenders thing, as a courtesy to Senator Erdman and people who share that concern that we're not broadening or affecting, in any way, our consent statutes relative to that procedure. And with that, I would encourage your support of AM3335. And I am happy to answer any questions you may have. Thank you.

**FOLEY:** Thank you, Senator Lathrop. Debate is now open on the amendment. Seeing no one wishing to speak, Senator Lathrop, you're recognized to close on the amendment. He waives close and the question before the body, body is the adoption of AM3335. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 30-- 41 ayes, 0 nays on adoption of the amendment.

**FOLEY:** AM3335 has been adopted. Mr. Clerk.

**CLERK:** Nothing, nothing further, Mr. President.

**FOLEY:** Senator Slama.

**SLAMA:** Mr. President, I move that LB1004 be advanced to E&R for engrossing.

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

**FOLEY:** Members, you've heard the motion to advance the bill. Those in favor say aye; those opposed say nay. LB1004 advances. LB1004A.

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

**FOLEY:** Senator Slama.

**SLAMA:** Mr. President, I move that LB1004A be advanced to E&R for engrossing.

**FOLEY:** Members, you've heard the motion to advance the bill to E&R for engrossing. Those in favor say aye; those opposed say nay. LB1004A advances. Proceeding to LB1089.

**CLERK:** Senator, LB1089, I have E&Rs first of all.

**FOLEY:** Senator Slama,

**SLAMA:** Mr. President, I move that the E&R amendments to LB1089 be adopted.

**FOLEY:** The motion is to adopt the E&R amendments. Those in favor say aye; those opposed say nay. The E&R amendments have been adopted.

**CLERK:** Senator Vargas, I understand you wish to withdraw AM3348. I have nothing further on the bill, Mr. President.

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

**SLAMA:** Mr. President, I move that LB1089 be advanced to E&R for engrossing.

**FOLEY:** Members, you've heard the motion to advance the bill. Those in favor say aye; those opposed say nay. There's been a division. I'm going to ask for a machine vote, please, to advance this bill. Those in favor vote aye; those opposed vote nay. Have you, have you all voted who care to? Record, please.

**CLERK:** 26 ayes, 13 nays on the advancement of the bill.

**FOLEY:** LB1089 advances. Proceeding to LB1021.

**CLERK:** Senator, LB1021, I have E&Rs.

**FOLEY:** Senator Slama.

**SLAMA:** Mr. President, I move that the E&R amendments to LB1021 be adopted.

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

**FOLEY:** The motion is to adopt the E&R amendments. Those in favor say aye; those opposed say nay. The E&R amendments have been adopted.

**CLERK:** I have nothing further on that bill, Senator.

**FOLEY:** Senator Slama.

**SLAMA:** Mr. President, I move that LB1021 be advanced to E&R for engrossing.

**FOLEY:** The motion is to advance the bill. Those in favor say aye; those opposed say nay. LB1021 advances. Members, we're going to move to Final Reading. Everyone, please be at your desks, pursuant to the rules. The first bill is LB477A, Final Reading.

**CLERK:** Mr. President, Senator Vargas would move to return the bill to Select File for a specific amendment, AM2995.

**FOLEY:** Senator Vargas, you're recognized to open on your motion to return the bill to Select File.

**VARGAS:** Thank you very much. This is a very simple amendment-- the changing revenue landscape since COVID-19 hit. This amendment covers a one-time OCIO cost, which we've heard in the past, the only fiscal impact associated with implementing LB477 with a cash fund rather than general funds. As a brief reminder, LB477 is on Final Reading. It provided an income tax exemption for the Segal AmeriCorps Education Award, which I was a member of, which is awarded to AmeriCorps volunteers after they completed their term of service, used to pay educational expenses at eligible postsecondary institutions, including manic-- many technical schools and GI Bill-approved programs or to repay qualified student loans. The Department of Revenue estimated this minimal fiscal impact. The only cost associated with implementing this change is this minimal fiscal impact, which is the one-time programming cost to OCIO for about \$55,000. And that's what this is. Again, this is an education work force-related bill. I ask for your support for AM2995, which removes the fiscal impact of this bill. Thank you very much.

**FOLEY:** Thank you, Senator Vargas. Debate is now open on the motion to return the bill to Select File. Senator Erdman.

**ERDMAN:** Thank you, Lieutenant Governor. Good afternoon. Senator Vargas, I wondered if you would yield to a question or two?

**FOLEY:** Senator Vargas, would you yield, please?

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

**VARGAS:** Yep.

**ERDMAN:** Senator Vargas, so this is to exempt young people who are volunteering with Volunteers of America or wherever they volunteer, that they don't have to pay any state income tax, is that true?

**VARGAS:** Yes, but you're talking about the LB477. LB477A is simply the financial OCIO cost, making sure that we-- we're not taking any money from the General Fund. So that's what AM2995 does. LB477 is already on Final Reading. This is just the A bill.

**ERDMAN:** I, I understand that. I didn't, I didn't misunderstand that. The reason I asked that question is because if they have no tax liability, if they don't owe any taxes, why do we even need to have an appropriation for somebody to keep track of something that's not going to be collected? The point is this. So what happens if we don't do this? Probably the same thing as if we do. And so those people don't owe any taxes. And I know your LB477 is on Final Reading, but the appropriation is, like, \$59,000 or something to keep track of something that is not going to happen. And so therefore, I don't think it's necessary that we pass LB477A and I will not be voting to bring it back to Select File for a specific amendment unless we're going to kill it. Thank you.

**FOLEY:** Senator Clements, would you yield, please? Or--

\_\_\_\_\_: No.

**FOLEY:** No, I'm sorry. Senator Clements, you are recognized to speak.

**CLEMENTS:** Thank you, Mr. President. I had the similar thoughts of Senator Erdman. I did not vote for LB477 initially. I see that it was really strange that the fiscal note doesn't have any negative effect on the General Fund. And that means they're saying there's no income tax effect to the students or the recipients of this provision. And so I just really question the real, the real need for this. I also see it's sup-- changing it to come out of the Department of Revenue Enforcement Fund-- not sure if that's the proper use of that fund if it's been designated to be able to be used for a computer change of this nature. And so I am not in favor of LB477A. I didn't-- also because I wasn't in favor of LB477. I believe the, the benefits of the program we're talking about have already-- already substantial enough and so I oppose the amendment. And thank you, Mr. President.

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

**FOLEY:** Thank you, Senator Clements. Is there further discussion on the motion to return the bill to Select File? I see none, Senator Vargas, you're recognized to close on your motion to return.

**VARGAS:** Thank you very much. Again, this is LB477A. This is to address an OCIO one-time cost. That is the OCIO cost of \$55,000. This is to make sure that we are being able to enact LB477. As a reminder, the Segal AmeriCorps Education Award-- these awards-- these AmeriCorps members have been serving in our state, helping with the flooding and helping in the age of COVID-19 in communities all over our state. It is a minimal cost because we do have a minimal number of them across the state. However, this is a significant impact on them in terms of the cost that is attributed to them from this exemption. So thank you very much. LB477A makes sure that this is General Fund neutral for this one-time OCIO cost. Thank you very much.

**FOLEY:** Thank you, Senator Vargas. The question before the body is whether or not to return the bill to Select File. Those in favor of the motion vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 29 ayes, 8 nays to return the bill, Mr. President.

**FOLEY:** The bill has been returned to Select File. Senator Vargas, you're recognized to open an AM2995.

**VARGAS:** Again, AM2995 is to close the loop here. This is to make sure that we can actually move the transfer of funds from the appropriate, from the appropriate cash fund to then make sure this is General Fund neutral. So again, I ask for your support for AM2995 and the underlying LB477A.

**FOLEY:** Discussion on the amendment. Senator Bostelman.

**BOSTELMAN:** Thank you, Mr. President. Would Senator Clements yield to a question?

**FOLEY:** Senator Clements, would you yield, please?

**CLEMENTS:** Yes.

**BOSTELMAN:** I apologize I didn't talk to you about this before, but you and Senator Erdman both raised the question before. And my question to you is, you, you prepare tax returns, correct?

**CLEMENTS:** Correct.

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

**BOSTELMAN:** Are there other instances in our tax code that provides an exemption, perhaps, for a person that we do not set out in statute that we have to track? In other words, are there things that we have an exemption for or an ex-- or you don't have to pay that? I, I'm trying to understand why we have to set up this-- OCIO has to set up a program to track this if, if this is something that's really not out of the ordinary of any other tax filings.

**CLEMENTS:** Well, I think if it's going to be an exemption on an income tax return, it's going to have to add another line to enter that subtraction from your income. The federal, the federal return would send the income to the state return and then the state return would need to subtract it somewhere. So they'd have to reprogram to add a, an entry line for that deduction. That's my impression of what this would be needed for. We also have that for Social Security benefits. Part of our Social Security benefits have an exemption and they have a separate line for them. And there are another-- several other items that are deducted from your federal income on Nebraska returns. That's my impression of why that would be needed to be done.

**BOSTELMAN:** Thank you, Senator Clements. Would Senator Vargas yield to a question?

**FOLEY:** Senator Vargas, would you yield, please?

**VARGAS:** Yes.

**BOSTELMAN:** Thank you, Senator Vargas. I'm just trying to understand the need for the \$58,000 for OCIO to program this. You heard what Senator Clements has to say. Do you have any comments along those lines?

**VARGAS:** Thank you very much, Senator Bostelman. And I, I believe Senator La Grone will attest to this here when he asks me a question on the mike afterwards. But every once in a while there is a one-time programming charge for the OCIO mainframe and web development when there is a change in tax exemptions at times. And so when that happens, there's a one-time cost. And this one was the \$58,192 that was reflected in the fiscal note. And so this just happens from time to time.

**BOSTELMAN:** And, and I guess it goes back to the question I'm trying to find, is, is why is it, why is it needed? I mean, is, is it, is it-- automatically, it's in the instruction manual or instructions we get on our state or federal taxes-- and, in this case, our state taxes-- that would explain that you have this deduction or exemption, if you

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

will. Why do we have to have a separate thing to track it? Why do we-- why is it associated? If Senator Vargas would yield to the question--

**FOLEY:** Senator Vargas, would you yield for further questions?

**VARGAS:** Yes. Yes, I will. So if I understand your question, the why, fiscal notes tell us the fiscal impact and the cost. I know we know that, but I'm stating that for the record. This is to ensure that they can cover the cost of their programming. And the way the OCIO works, this one-time fee is attributed with that. I can't necessarily answer as to the why it may be needed, but the Department of Revenue is requesting that coverage of the OCIO one-time cost.

**BOSTELMAN:** OK. Thank you, Senator Vargas.

**VARGAS:** Thank you very much, Bruce. Sure.

**BOSTELMAN:** Thank you, Mr. President.

**FOLEY:** Thank you, Senators. Senator La Grone.

**LA GRONE:** Thank you, Mr. President. Would Senator Vargas yield to a question?

**FOLEY:** Senator Vargas, would you yield, please?

**VARGAS:** Yes, I would.

**LA GRONE:** Senator Vargas, I actually would disagree with one point you said. This-- you said that this happens from time to time, but let me tell you my understanding and see if you agree with that. It's my understanding that this fee is added to every bill that changes any sort of revenue statute. And then at the end of the year, it's not actually paid on every bill, it's done as a one-time thing by the Department of Revenue so that we, we actually have to account for it on every bill because we look at it as if that was passed in isolation and it was the only change. But in reality, it's a one-time fee that they pay across the board once we get done with session. Is that your understanding?

**VARGAS:** That is and what I meant by it is saying that it happens from time to time, is that this-- OCIO will be applied consistently, but sometimes, from time to time, it depends on the circumstances. So you explained the circumstances with which it's applied correctly.

**LA GRONE:** So you would say that this, this \$59,000, although you're taking care of out of one cash fund, is the same \$59,000 that we

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

already passed on my 529 bill out of another cash fund or Senator Wayne's 529 bill out of another cash fund. It's all one fee that it will get paid at the end--

**VARGAS:** Correct, yes.

**LA GRONE:** --to reprogram the Department of Revenue System, correct?

**VARGAS:** Yes, yes.

**LA GRONE:** OK.

**VARGAS:** You and I have talked about that off the mike before, a couple months ago, but yes.

**LA GRONE:** So colleagues, I'll be voting green on this because I view it as purely a technical amendment. We can have the, the substantive discussion on LB477, if we'd like, when we get to Final Reading. But I, I personally feel that this is purely a technical amendment. Thank you, Mr. President.

**FOLEY:** Thank you, Senator La Grone and Senator Vargas. Further discussion? I see none, Senator Vargas, you're recognized to close on AM-- he waives close and the question before the body is the adoption of AM2995. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 33 ayes, 4 nays, Mr. President, on the adoption of the amendment.

**FOLEY:** AM2995 has been adopted. Anything further, Mr. Clerk?

**CLERK:** Nothing further.

**FOLEY:** Senator Slama.

**SLAMA:** Mr. President, I move that LB477A be advanced to E&R for engrossing.

**FOLEY:** Members, you've heard the motion to advance the bill. Those in favor say aye; those opposed say nay. LB477A advances. Proceeding now to LB450.

**CLERK:** Mr. President, Senator Wishart would move to return LB450 to Select File for a specific amendment, AM3057.

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

**FOLEY:** Senator Wishart, you're recognized to open on your motion to return the bill to Select File.

**WISHART:** Thank you, Mr. President. LB450 needs to be returned to Select File for AM3057. As a reminder, LB450 changes an existing program that provides tuition reimbursement to members of the National Guard. Under this bill, we would have one of the most advanced states in terms of providing supports and tuition assistance for National Guard members. AM3057 moves the operative date for this bill to January 1, 2021. Because of the timing, if passed, this bill will take effect when the fall semester has already begun, so it makes sense to move the operative date to the next semester. Thank you.

**FOLEY:** Thank you, Senator. Any discussion on the motion to return the bill? I see none, Senator Wishart, you're recognized to close on the motion. She waives close and the question before the body is the adoption of the motion to return the bill to Select File for a specific amendment. Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 39 ayes, 0 nays on the motion to return the bill.

**FOLEY:** The bill has been returned to Select File. Senator Wishart, you're recognized to open on AM3057.

**WISHART:** Thank you. Just once again, AM3057 moved the operative date of this bill to January 1, 2021. Again, because of the timing, if passed, this bill would take effect when the fall semester has already begun, so it makes sense that we move the date to next year, in the next semester. Thank you.

**FOLEY:** Thank you, Senator Wishart. Any discussion on the amendment? I see none, Senator Wishart, you're recognized to close. She waives close and the question before the body is the adoption of AM3057. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** 44 ayes, 1 nay, Mr. President, to adopt the Select File amendment.

**FOLEY:** AM3057 has been adopted. Anything further, Mr. Clerk?

**CLERK:** Nothing further.

**FOLEY:** Senator Slama.

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

**SLAMA:** Mr. President, I move that LB450 be advanced to E&R for engrossing.

**FOLEY:** The motion is to advance the bill. Those in favor say aye; those opposed say nay. LB450 advances. LB450A.

**CLERK:** LB450A. Mr. President, Senator Wishart would move to return the bill to consider AM3355.

**FOLEY:** Senator Wishart, you're recognized to open on your motion to return the bill to Select File.

**WISHART:** Thank you, Mr. President. We just moved LB450 with the amendment to change the date to 2021 and so we need to do the same for the A bill. Thank you.

**FOLEY:** Thank you, Senator Wishart. Any discussion on the motion? I see none, Senator Wishart, you're recognized to close. She waives close and the question before the body is the motion to return the bill to Select File for a specific amendment. Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 44 ayes, 0 nays on the motion to return the bill.

**FOLEY:** The bill has been returned to Select File. Senator Wishart, you're recognized to open on AM3355.

**WISHART:** Thank you. As I said before, AM3355 just aligns LB450A with LB450 and I encourage you to vote green. Thank you.

**FOLEY:** Thank you, Senator Wishart. Any discussion? I see none, Senator Wishart, you're recognized to close. She waives close and the question before the body is the adoption of AM3355. Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 46 ayes, 0 nays on the adoption of the Select File amendment.

**FOLEY:** AM3355 has been adopted. Anything further?

**CLERK:** Mr. President, Senator Wishart-- I understand you wish to withdraw AM2057.

**WISHART:** Actually, I'm going to-- I think I need to keep that on there. It's a correction for the Fiscal Office.

**CLERK:** So do you want to return it?

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

**WISHART:** Oh, hold on. No, we already did on the other amendment, sorry. Thank you.

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

**FOLEY:** Senator Slama.

**SLAMA:** Mr. President, I move that LB450A be advanced to E&R for engrossing.

**FOLEY:** The motion is to advance the bill to Final. Those in favor vote aye-- excuse me-- say aye; those opposed say nay. The motion is adopted. Back on to Select File, LB607.

**CLERK:** Mr. President, may I read a couple of items before we proceed?

**FOLEY:** Please.

**CLERK:** Thank you. Business and Labor Committee reports LB667 to General File with amendments. And a motion to-- a motion with respect to LB518A by Senator Blood. Mr. President, I have a motion from Senator Wayne. Senator Wayne would move to overrule the Speaker's agenda to allow consideration of MO223 to LB1218.

**FOLEY:** Senator Wayne, you are recognized to open on your motion.

**WAYNE:** Thank you, Mr. President and colleagues. Based off the last vote, I pretty much know where this is going to go. But I have to look at my community in the face and know that I've tried everything to make sure that my Speaker priority bill-- my, my senator priority bill was heard before this floor. A series of events occurred, obviously, and for whatever reason-- I'll leave it up to whoever to define-- my bill was not even brought to this floor. It was on General File. The Speaker says that there was a miscommunication. I take him for his word on that. Regardless, it was never heard and at the same time, we've had plenty of bills that have been heard multiple times. Now I get it that some will say it's punishment. That's fine. But what's ironic is there have been other people on this floor who flip people off, who have done things that I think are completely inappropriate, whose bills continue to be heard. All I did was fight for the procedures that this body has adopted. So I want to read a short poem that sums up what this motion is about. It's called First They Came: First they came for the communists, and I did not speak out because I was not a communist. Then they came for the socialists, and I did not speak out because I was not a socialist. Then they came for the trade unionist. I did not speak out because I was not a trade unionist. Then

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

they came for the Jews, and I did not speak out because I was not a Jew. Then they came for me, and there was no one left to speak out for me. My point in this is that if we allow Speaker prior-- senators' priority bills that are on the floor not to be heard, we are doing an injustice to our process. Now many of you might have got an email about motions to overrule the chair or change the agenda. And the reason I waited till now, quite honestly, was because the first time, the presiding officer correctly ruled and said it wasn't counted. Then we later changed it halfway through and said it was counted. And I never wanted to-- that to happen to Senator Geist, so I waited until we got through all of our priority bills. The only thing left on Select File are the nonpriority bills that are sitting there and that's why I filed the motion at this time. Now there's a lot of reasons why I think we're here. But at the end of the day, let me tell you what this motion does. This motion and everything I've done has been within the rules. The motion actually says we vote to override the agenda. We place the bill, or my motion actually, on the agenda. We vote on that motion. It takes-- obviously this would take a majority or three-fifths and then we have to vote again for three-fifths. Then after that, you have to vote on my bill. And then once you vote on my bill, it goes to Final Reading. I suspended the Select File. That is the only way my bill gets passed this year. Now let me tell you a little bit about my bill. My bill was first incorporated directly off of the Nebraska Advantage Rural Development Act. I don't pretend to say that I know all the answers to how to solve our tax problems. But what I do know is that there are some key tax breaks in rural Nebraska that should specifically apply to small businesses in our community, in urban, and they don't get the same breaks. And we can talk about sales tax and if I buy a skid loader, I pay sales tax; if a farmer does, he doesn't or she doesn't. We're not dealing with that. We're talking about tax incentives. So we framed this after that bill and there's a handout right in front of you that says, basically, if you invest in poverty-stricken areas in Lincoln or Omaha-- and we're starting it out as a pilot program, that's why it's a sunset. And once you get done with that sunset, if it works, I have no problem expanding this across the entire state. Now I will give Senator Kolterman credit. Senator Kolterman and I sat down and negotiated a long time ago and he tried to include it. And in his mind, I think he included what he could. But for me, there are some key differences underneath the big ImagiNE Act and what I'm trying to do. First, the big ImagiNE Act starts off with the application fee of \$5,000, nonrefundable. That's huge for small businesses. If I'm a small business and I'm investing \$250,000 and I have to do a nonrefundable \$5,000 application fee, that's a significant part of my cash flow. And as we heard here today, I still might get stuck in an

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

IOU till next year, so I won't even coup that for maybe a year or a year to come because of-- recoup that because Kellogg's or Kiewit or Pfizer or Facebook are head of the line. So that \$5,000 makes a, a huge difference, whereas in the small Imagine Act, it's only \$500. The next is the definition of taxpayers. The small Imagine is limited to employment and property incentives to businesses, small businesses, whereas large businesses can compete for large act. So the reality is the small businesses will never really be able to compete for tax credits and we're talking about that million-dollar investment or below. The small Imagine Act allows any small businesses to get incentives no matter what type of business. The large does not do so. The large has specific outlines that they want. But one of the big differences, to me, is that the investment. The small is \$150,000; the large, in some areas, is only \$250,000. The fact of the matter is-- and I've talked to many of my rural senators-- three to five jobs in north Omaha, south Omaha is no different than three to five jobs in Aurora, no different than Beatrice. Those three to five jobs mean a lot. And as I stated before, the big Imagine Act, those five employees are counted twice, but in Omaha and Lincoln, they're not. Additionally, the small Imagine Act says you have to have a pay of \$14 an hour, whereas the large says it's \$17 an hour. There's a couple of problems with \$17 an hour. One, you're kicked off of some of your benefits and you're making people choose, in Omaha, whether they can afford Section 8 or not. We're not at that capability and we're only talking about that three-to-five people job. The last thing I'll say is it's limited geographically. Underneath the large Imagine Act, it can go across the state. We are actually setting aside money for businesses, small businesses, to develop in our most devastated areas. We are setting areas that are called ERAs, which are, by definition, high poverty and high unemployment. So we have a geographic limit. We have a space into-- our space limit inside of Omaha and Lincoln. And it's a pilot program, which will sunset. This is one of the most restrictive tax incentive plans we can offer. The last thing I'll tell you is a, a small business or a farmer or a development in rural Nebraska still qualifies for both the large Imagine Act and the Nebraska Advantage Rural Development Act. Underneath the small Imagine Act, they can't. It's just one. This is truly about growth, growth in our most poverty-stricken areas. And I'm going to head off some of the arguments here. So here's how this bill came about-- and I'm not going to be hiding the ball. This bill is a Revenue bill and it was in Revenue. And I went to Senator Linehan and said, can't we Exec on it? Here goes a new amendment. At that time, they were focused on property taxes and the package that were being put together. She felt, and I agree, that it was probably inappropriate to try to neglect-- Exec on that while that is going on. My LB1218 was in Government. DAS put a

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

huge fiscal note on it, about \$200-something million. So I read the rules, I didn't see an issue, I talked to both chairmen, and I amended LB1218 to include LB1179. Now one might think that's a problem, but I only did that by the rules that Speaker Scheer operated under and Senator Linehan operated under. So when LB720 originally came out, there was a bill called LB527, which was Kate Bolz's, Senator Bolz's bill, that was out of Business and Labor.

**FOLEY:** One minute.

**WAYNE:** That got amended onto LB1107 in committee. They took another committee's bill and amended it into theirs, in committee, as an amendment. In addition, my bill came out 9-0 and the rules guru, Senator Hilgers, voted for it. So there was no issue with how I did it but, for some reason, it wasn't scheduled. And if you look at the history that you got regarding changing and overruling the agenda, this is exactly what it's for. This is exactly what it's for, to make sure that things come to the body so it can be heard and it can be voted on. So I am asking that we overrule the agenda. We have till 7:00 before E&R has to be done. And I'm asking to have a debate on a bill that is a Speaker-- I mean, that is a senator's priority bill. And I understand you may not like me right now. I get that. But if we're not going to let senators' bills who are on the floor be heard,--

**FOLEY:** That's time.

**WAYNE:** --we have a bigger problem in this body than just not liking me. Thank you, Mr. Speaker.

**FOLEY:** Thank you, Senator Wayne. Debate is now open on the motion to overrule the agenda. In the speaking queue are Senators Kolterman, Erdman, Scheer, and others. Senator Kolterman.

**KOLTERMAN:** Thank you, Mr. President. Good afternoon, colleagues. I rise in opposition to LB1218 and overrule the agenda. And I could talk about the rule infraction, but I'm not going to do that right now. I'm going to, I'm going to ask a few questions of Senator Wayne, if, if he's willing.

**FOLEY:** Senator--

**KOLTERMAN:** I do want to tell you this. When we were working on LB720, Senator Wayne came to me and said, is there anything you can do for our blighted areas of Omaha-- and there's a few blighted areas in Lincoln and Grand Island and out west-- to help us, just like you did

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

with the rural tier? And I said, absolutely, I'll do what I can do to help you there. So we put AM3316 into LB1107. Our wage level, at the lowest level, is \$16.10 an hour plus benefits, plus health insurance. That's \$33,488 plus those added incentives. Under AM3240 to LB1218, the wage level is \$14 an hour or \$29,120. I've stood here and got criticized for getting the, the payroll so low that we're not doing enough to help increase salaries. This would take it down another \$4,000 a year. The wage level, under the AM3316 or LB1107, continues to change based upon yearly statewide data. So as the average wage goes up, so does the minimum wage go up. Under LB1218, the wage would remain constant. The required investment is \$250,000 to \$1 million. Under this wage investment, it would be \$150-- excuse me-- \$150,000. The wage credit, under LB1107, is 6 percent. The wage credit is \$3,000 for each new employee. Our investment tax credit is 4 percent. And his would be a tax credit of \$2,750 for each \$50,000 of increased investment, not to exceed \$100,000 per application. I would agree that the application fee is \$5,000 and his is \$500. Only full-time jobs are counted. That's been very hardly beat into me. We can only count full-time jobs towards this requirement. He wants part-time workers qualified under this-- under his bill. And mine falls under a total cap; his-- he wants a \$10 million cap. Now Senator Wayne, I have to ask you something. When I put the-- put your amendment into my bill, you wrote the language for that, is that not correct?

**FOLEY:** Senator Wayne, would you yield, please?

**WAYNE:** Yes, your original bill, yes.

**KOLTERMAN:** That's-- the original bill is what's in-- the language that's in LB1106-- LB1107-- is what you gave to me.

**WAYNE:** Part of the language is, but part of it's not. That's why you have both extremely blighted and ERAs because I didn't write the other language.

**KOLTERMAN:** But I, I worked-- did I not work with you to get, get your--

**WAYNE:** Senator--

**KOLTERMAN:** --interests taken care of?

**WAYNE:** Senator Kolterman, you, you worked with me to insert that language. I also was under the assumption it would be small businesses and, to correct the record, un-- rural, rural communities don't have a wage requirement anymore underneath LB1107.

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

**KOLTERMAN:** Yes, they do. It's \$16.33 an hour.

**WAYNE:** I will show you that section. Thank you.

**KOLTERMAN:** They also, they also have to have health insurance. They also have to have benefits.

**WAYNE:** And there's no part-time workers in my bill either. But to your point-- to your overall point, Senator Kolterman, you did work with me and there was language in there around extremely blighted that we changed to ERAs.

**FOLEY:** One minute.

**WAYNE:** And when this bill came up attached to LB1107, some of that language is different. And in my opinion, it didn't go far enough.

**KOLTERMAN:** Well, I submit to you that, at the 11th hour, you didn't get what you wanted. You tried to bring it through Government, which should have come through Revenue-- that's a rule infraction in itself. And I think this is way out of order. And I, I hope people will see my side of this and vote against LB1218, Senator Wayne. Thank you very much.

**FOLEY:** Thank you, Senator Kolterman and Senator Wayne. Senator Erdman.

**ERDMAN:** Thank you, Lieutenant Governor. I'm going to change gears a little bit. You know, this morning I spoke about the destroyed property bill. And to my surprise, somebody in Cherry County heard about it. And they sent me a copy of their 425 forms that they had filled out and asking for a reduction in their property tax because their land was destroyed by flooding. And the commissioners wrote back to the person and said, reassessment denied based on insufficient evidence that the real property suffered 20 percent damage solely to the calamity between June-- January 1 and July 1, 2019. So I don't know whether those commissioners in Cherry County can read, but here's what the bill says: Calamity means a disastrous event, including but not limited to fire, an earthquake, a flood or tornado or any other natural event which significantly affects the assessed value of the property. So I'm pretty sure that if your ground is covered with water, it was a flood. I think that's how that works. I know one other time it rained 40 days and 40 nights and the whole earth was flooded. I think probably Cherry County was flooded that day too. So these people have evidence to show that their land is under water. And this county commissioner board has the gall to tell these people that a flood is not a calamity and you should continue to pay your property

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

tax, even though you can't farm your ground or harvest your hay off of there. You should continue to pay your property tax. And what their focus is, is they're going to lose a few dollars, a few tax dollars, because they give a valuation break to these ranchers who have no income to pay their taxes. And so they're willing to forego that and-- just so the county can collect the money that they normally collect, so they don't have to make decisions on how to spend their money wisely. So the same situation happens here in Lancaster County. They're all worried about the spenders of the taxes and those who collect it. And as I said, as I read that, fire is one of those causes as well. And so I would behoove the county commissioners in Lancaster County to look up LB512 from last year and read the statute for yourself and then you shall draw your own conclusions. But I think it's pretty clear. It says if the County Board of Equalization receives a report. Now I've seen the 425s that they filled out. So the county did receive the report. It says once they receive the report pursuant to the real property Section 60 in this act, the County Board of Equalization shall, the word "shall"-- and if you can look it up in the dictionary, you'll be able to determine what the word "shall" means if you don't ever hear-- have never heard of it before-- shall adjust the assessed value of the destroyed property, the real property to its assessed value on the date it suffered significant property damage. It doesn't say that the county commissioners in Cherry County can decide. They can't decide whether it's applicable or not. It says if 20 percent of the land is destroyed, if 20 percent or more is destroyed, they shall receive a reduction in value; they shall. So if you're out there today and you're listening and you had filed a 425 form in your county and it was rejected, as well as it was in Lancaster and Cherry County, then I would suggest you apply for an appeal, an appeal with that board and then we will move on from there to the Tax Equalization Review Commission and wherever we need to go to get this resolved. But we pass bills here that mean something and we expect them to adhere to those when we pass them. And I knew--

**FOLEY:** One minute.

**ERDMAN:** --that there would be county commissioners that were more interested in the tax dollars that they collect to spend than they were the taxpayer. And so if you're out there and that happened to you, let me know because I'm interested to see how many more commissioners can't read and how many more county attorneys can't understand the language that was written very plainly that said they shall get a valuation reduction if they receive the report. And it's quite obvious, by these ones that I received in an email, that the county commissioners in Cherry County did receive the report, but it

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

didn't seem to bother them at all to just forego them and look past them. That's not the-- what we do here. We try to pass laws to help protect people so they pay less. That's been my goal ever since I came and I will continue to do that. And so let me know if you're out there and you, you had the same experience that these people did in Lancaster and Cherry Counties. Thank you.

**FOLEY:** Thank you, Senator Erdman. Speaker Scheer.

**SCHEER:** Thank you, Mr. President. Colleagues, many of you may be too young to know the phrase but if you are old enough, you'll know exactly where it comes from. I'm going to tell you "the rest of the story." For those of you that don't know what the heck I'm talking about, that's what Paul Harvey was. It's always the rest of the story. I'm getting tired of having insinuations made towards myself and my staff on the movement of bills. Senator Wayne has got up continually, saying his bill was out there and it's prioritized. He can't understand why it's not on the agenda. Heard it several, several times. Well, the rest of the story is, folks, this bill got to General File last Tuesday, late afternoon. We work in the Speaker's Office to set agendas off the worksheet, the worksheet from that morning-- not the next morning, that morning. Senator Wayne's bill was not on the worksheet on Wednesday morning-- or on Tuesday morning, for setting the schedule. It was on Wednesday morning. That was the first time that we would have knowledge to schedule it. Now you all have your stack of agenda items. Go back and look at Thursday's agenda. Senator Wayne's bill was on the agenda. That's about as quick as I know that my office is responsible for putting something on the agenda. Now if we didn't get to his bill on Thursday, that's not my responsibility. It's not my responsibility, as Speaker, to make sure bills get out of committees. I'm not going to talk to the fact that, indeed, there is a rule that committees, regardless if the committee chairman agreed to it or not, you can only bring out of your committee something your committee heard. I'm not going to argue that one because Senator Wayne, as well over the last week, has chastised me many times for not running and going by past precedent and common practice. Well, Senator Wayne, your bill is on General File. It was on General File on Thursday. My staff has looked up and there has only been one bill in the last 15 years that was included on the last three days of a session, the working days of a session, that was on General File. That was a major piece of legislation. It was the Learning Community in Omaha. So for me to follow custom, there was no reason for me to schedule that bill today. It has all sorts of other problems. But what I did was my job as Speaker, by past precedents, by common practice, and that was not to schedule a General File bill on the 58th day of

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

the Legislature. It's that simple. I would urge you to vote against this request and we will move on with the day's proceedings. Thank you.

**FOLEY:** Thank you, Mr. Speaker. Senator Groene.

**GROENE:** Thank you, Mr. President. Kumbaya. I'm scared. Did we all eat too much at lunch? Sleepy? Come back here and \$11 million, \$10 million all of a sudden is OK-- \$50,000 here, we don't even debate it. We shift money over here; we spend it here, spend it there. Everybody is voting for everything. What's going on here? Let's wake up. Did you read the papers? They're going to cancel the football program-- \$200,000 in sales tax to Lincoln alone. Take that times three; that's what-- how it affects the state revenues. That's \$600,000. This thing ain't-- isn't even over. We don't even know what revenues are going to be, even close, for next year. And we're just voting for everything because we're all going to get along. Hold hands. Can we all hold hands? There's some bad stuff here and it's just flying through. What are we all doing? Some of us conservatives, we just hoping the Governor will veto this stuff? Why put it on him? I agree with Senator Scheer. My good friend, Senator Wayne, I've got to tell you, you wasted an awful lot of time this session of our precious 60 days. And sadly to you, you ran out of time with a lot, a lot of attack-- filibusters and the time ran out on your bill. And I know you brought it to Government late. Government-- Senator Brewer worked hard with you to get the language that you could get it out of committee. That all pushed it back further, further in time also. It's just the way it is. I had 33 votes. Thirty-two people were collegial and honest and fair, did what I did to Senator Kolterman's bill. I gave him my word on a, on a cloture vote and he got it on LB720. I lost and we'll bring it back next year. But that-- this place isn't fair, it isn't true; it's cruel. Bring it back next year. Senator Wayne, I-- I'll help you look at it, but we ran out of time and there's people who brought bills that did it on a timely basis and their bills are going to be heard and should be heard. I wish they weren't. I wish we'd all took everything for an hour and a half after lunch and just got through priority bills. Now we're going to have to argue and fight over some bills that I don't think even should have been heard because they weren't priorities. And just by the luck of the draw, this, this place is just by the luck of the draw, folks. Did your bill happen to come out of committee a little sooner? Did it get on Select, get on General File? Did it get it voted on and moved to Select? And then priorities came up and we have a few hours left at the end of the session, but boom, your bills gets heard. I don't even think that's right. I think once you get the priority bills, you ought to quit; let's go home

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

early. Why are some bills-- I mean, this isn't personal. This is about your luck of the draw. Those bills coming up after this one, when we get to it, should've basically all been dead with General File bills, like the rest of ours. But anyway, we just spent \$10 million on a deal that, earlier in the session, we'd said wasn't-- we didn't have the money for. And our economic lookout is even worse than it was before we closed-- COVID closed. And we just spent it-- boom-- two minutes. I don't know how many people were in the queue, it happened so fast. I was so shocked at what happened to LB1089, but I thought there was amendments on it, and all of a sudden-- boom-- we were voting on it, because I was going to take it a little ways. But hey, the luck of the draw. It didn't work out for me. Might happen on Final, I don't know. But let's take a look. Let's start asking some questions about some of these bills, especially the ones coming up.

**FOLEY:** One minute.

**GROENE:** There's been a pretty long pause in here since we debated those. Some of them don't need to go forward, but-- you know, I'm glad I didn't eat dessert at lunch because I ought to have been just like you. I guess I was; I was a little light-- slow on, on the light and things got passed. Let's wake up. Thank you.

**FOLEY:** Thank you, Senator Groene. Senator Wayne.

**WAYNE:** Thank you, Mr. Speaker-- Mr. President, I, I have no problem running out of time. I have no problem bringing it back. And thank you for the humor, Senator Groene. At the end of the day, this is within the rules to make sure that I get an opportunity to be heard. That's what this body is about. That's what we're about. Will Speaker Scheer yield to some questions?

**FOLEY:** Speaker Scheer, would you yield, please?

**SCHEER:** Certainly.

**WAYNE:** Speaker Scheer, LB527 was amended into your bill, LB1107, correct?

**SCHEER:** If you say it was. I was not involved in all of the negotiations, but if it was, it was.

**WAYNE:** And that bill was part of Business and Labor. It was the Business and Labor Committee by Senator Bolz, correct?

**SCHEER:** Again, I'll take your word for it.

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

**WAYNE:** OK. And do you think it's appropriate for, let's say, Natural Resources to handle a open-meetings law, even though that's Government's jurisdiction?

**SCHEER:** If you're asking me if I would have approved of that information, if I'd known it earlier, the question-- the answer would be no, but I was not aware of it at that time, Senator Wayne.

**WAYNE:** And I appreciate that because two years ago, that's exactly what happened. And you were presiding officer on Senator Hughes's bill and you allowed it to happen. And Senator Larson went to overrule you and this body said no. That, that-- my point is, I don't mind the rules. I just want the rules to be consistent. And so-- and I can give you the transcript. It's 11-- it's LB1008. It was a LB by Senator Bostelman that was in Senator Hughes's district-- I mean, committee. And what happened was, the Supreme Court came down and said that public power's information was no longer confidential. Senator Hughes-- Chairman Hughes-- found an amendment, Senator Bostelman's, and his committee did a white-copy amendment to make open meetings law for public power because that was the only bill we could get passed in that short of time. The objection was raised. You were in the chair and you said no, it's, it's germane; it's OK. I, I didn't do this-- and I'm saying it's for the body-- to break the rule. I did it because I found precedence in our own body to do it. That's why I asked the committee chairmans to make sure there wasn't any objection. And that's why I had extensive conversations with Senator Hilgers and Senator La Grone about-- this is OK. And I pointed to an example of when it was done. And then I also pointed to an example this year when we did it for LB527 to LB1107. So what's good for the goose is good for the gander; that's my only point. Now I do, I do-- I did hear from Senator Brewer that there was an issue or a typo and so it wasn't read in on Monday. And you didn't find out till Wednesday. I'm not, I'm not denying that. I'm not saying you didn't put on the agenda out of malice. And I was-- I mean, I [INAUDIBLE] obviously, I just said that. But what I do find interesting is that we put specific times for very controversial bills. And there's two bills left on the agenda and we didn't put specific times. So make sure both of them got heard. So I do raise a question there. When we, when we lay out specific times for controversial bills and involve the Learning Community, which I was a part of the founding, founding Learning Community-- was a big deal-- I can tell you that the small businesses that I've all talked to, this kind of bill that I'm dealing with is just as big a deal. Now whether there are problems, whether it's \$5 million, whether it's \$10 million, whether Senator Kolterman agrees with that or not, that's fine. But for one person to pick and choose what is the priority of this body

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

the last three days-- and one time, it's OK to be the Learning Community by which I think all the conservatives here still don't like,--

**FOLEY:** One minute.

**WAYNE:** --or my bill, I don't think it's the proper role. I think that should be left up to the body. You put a hour limit on it and if it goes, it goes. I, I know the fate of this. And I looked at the last bill and the last thing that was voted on and there were some people who I consider close friends who didn't vote for that. I get it. I was here when I watched the fastest bill sink ever for Senator Larson. And Senator Chambers looked back around and it was like dead in 15 seconds. I was here based off of personality, Senator Groene. I get it. But what I also get and what I also believe is, rules are important. Am I next in the queue?

**FOLEY:** No.

**WAYNE:** Well, my light's on, so that's a problem. Oh, I'm not next in the queue. Sorry, I'm having a long day.

**FOLEY:** Thank you, Senator Wayne. Senator Groene, you're recognized.

**GROENE:** Thank you, Mr. President. Back to what we were talking about earlier, not the Kumbaya, but you know, I worked with Senator Kolterman and I asked a-- I asked for a meeting on the rural tier. And I invited Senator Friesen and Senator Williams and we sat around the table-- and somebody from the state Chamber. And I, I explained in rural Nebraska, in some of our towns like North Platte and Grand Island and Scottsbluff, we're blue-collar towns. And small manufacturing plants can't pay \$25 an hour because, see, when you look at the work force training bills we throw around here and pass, that's not for somebody learning how to run a lathe or to, or to dig a ditch or to run a nailer, an air compressor nailer, to build a doorframe or something, or mass produce window frames. Those small manufacturers have to train their own employees and they can't pay \$25 an hour because they're training them. They're taking people who have no skills, who didn't go to college, wouldn't fill out a FAFSA, no matter what they did, but they need a job. So Senator Kolterman understood that those folks needed a job. And they say, well, they'd still qualify for Medicaid. Let me tell you, they're married to somebody who works at the Kwik Stop. Between the two of them, they make \$60,000. They get by in life and they'll probably, hopefully, move into one of my micro-TIFed houses because they can afford that work force housing, not the \$250,000 work force housing that we're building for these

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

folks. They need jobs and Senator Wayne understands that. I guess Senator Kolterman mirrored our work force-- what I came up with the work force, with the-- my-- rural tier for his area, but he wants to take it from-- to \$14 an hour. Remember that \$16.10 is the floor that it counts, that job counts. That small manufacturer trains a guy how to use a welder, how to use a shear. I put myself through college doing that-- some of that stuff. He might pay them \$18 in a year, \$20 in two years. That's the floor that the job qualifies. Not everybody goes to college. Not everybody goes to community college. These folks need jobs. And they wear blue jeans and they live in my community, so I'm very appreciative of Senator Kolterman and the state Chamber of Commerce working with us to create a rural tier because those folks don't wear suits and ties and they won't qualify for the work force training programs that you guys keep throwing around. So I understand where Senator Wayne's coming from, but it sounds to me like he already-- it's in the bill, on LB720, identical to the, to the rural tier. So I really don't see the problem here, why we're even arguing. My God, I wish chairmen of committees and people who brought the committees worked with that-- with me that way. I just-- can I get-- Kolterman did and he worked with Senator Wayne, too. I would be happy and take that home, put in my back pocket and take that home. I don't understand why we're here on LB1218. You won, Senator Wayne. You won. It's in LB720. Why push it? Thank you, Mr. President.

**FOLEY:** Thank you, Senator Groene. Senator Wayne, you're recognized, your third opportunity.

**WAYNE:** Senator Groene, that's one of the most degrading things you can say, is that you won. This isn't about winning and losing. And just because you get a piece doesn't make it right. Let me explain why the rules are important to me. The rules are important to me because without rules, my community has suffered and we use the rules to become equal. And I just pointed out an example where Senator Scheer, Speaker Scheer said if that was the case today, he wouldn't rule that way, but he did. And it was because of public power. And he's human, I'm human. We're all going to make mistakes. I get that. But at some point, we got to have some rules. At some point, we got to follow something or it's just chaos. And I guess, you know, Senator Chambers, this is your last-- Senator Chambers, this is your last go-around. And maybe you'll come back in four years, but I get where you are. I get why you will take time up all the time because at the, at the end of the day, the rules are by a majority vote. So let me tell you a rule that I know that I didn't do today. The first thing we start with every day is a correction to the Journal. I can look at the transcript, Senator Erdman, and find a correction to the Journal for

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

every day we've been here, if not multiple days. And if the Chair doesn't want to change it or if it's substantial-- for example, the fact that he didn't rule on Senator Hunt's motion to-- or conflict, I can put that in the Journal and it takes a vote of the body. And I can file a motion to amend. We could never get to the agenda any day we choose not to. That's our rules. That's not our common practice, so we don't do it. So I'm navigating what's common practice and what's not. But I get where you are, Senator Chambers, that, at the end of the day, time is all you got and you're going to take a lot of time. I get it. I also understand why you don't introduce a lot of bills because they try to hold it over you. People didn't vote for that urban bill because they were mad at me, despite the fact it was fundamentally wrong that you said no and then you found \$10 million for rural-- and we tried to correct it, but-- because you're mad. If that's how we want to make policy decisions, that's fine. So I'm going to watch this vote. I know where it's going to go. I'm OK with that. There's elections around the corner. It's going to be a new day. And I know if there's a close enough votes in here, that somebody is going to have to ask me and the people who are with me for a vote. So I wish, Senator Wishart, we didn't have to negotiate by leverage, but when we don't have rules, I don't know how to negotiate anymore. LB527 is in the bill. Everybody knows it's in the bill. You can look it up. It was actually amended on the floor to LB720 the first time. So why did he include it on his bill? Because it was already amended. Still didn't follow the rules. He could-- should have amended it on the floor, but he didn't. But I get called out for doing the exact same thing that he did. I get it. I ask for a call of the house.

**FOLEY:** Senator, we've got two other senators in the queue at this point. Senator Erdman, you're recognized.

**WAYNE:** [INAUDIBLE]

**FOLEY:** Are you serious about the call of the house?

**WAYNE:** Yes, I am.

**FOLEY:** There has been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 13 ayes, 8 nays to place the house under call.

**FOLEY:** The house is under call. All unexcused senators, please return to the Chamber and check in. The house is under call. Senator Stinner and Senator Williams, check in, please. Senator Chambers, check in,

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

please. Senator Groene, check in, please. Senators Slama, Lowe, Moser, La Grone, Ben Hansen, Bostelman, please return to the Chamber and check in. All members are now present. Senator Erdman, you are recognized.

**ERDMAN:** Thank you, Lieutenant Governor, I appreciate that. Thank you, Senator Wayne, for getting everybody here. I am not so sure they're all going to be excited about what I have to say. But we have mentioned it several times this afternoon about the Learning Community. Now that you've brought up the Learning Community, let me share this story with you. I had introduced a bill to eliminate the Learning Community a couple years ago. I believe that is a bill that should be heard and I believe the Learning Community should be eliminated. It may have started out to be something that was necessary maybe, but we have now since run off the rail and they're into a lot of things they shouldn't be into. And I can-- I am convinced-- I am confident that it should be eliminated. So I don't know what your opinion is of the Learning Community, but that's where I'm coming from. And Senator Wayne, there are many bills that I have introduced that never have seen the light of day, as well, and I understand that those things happen. And we move on and we come back next year and do whatever we have to do to try to get those bills to move forward. And one of those such bills was the valuation change for agriculture for taxation purposes. I introduced that bill the very first year I came here in '17. The Governor had a similar bill that was almost like mine, except we had a few changes. So we compromised and put those together and we never got it out of committee. Same with '18. Then in '19, I did it again, changed the bill. Spoke with the Governor, he wasn't interested in doing it again. I tried. I did get it to the floor that time, Senator Wayne, and when it arrived here, it was filibustered and it never advanced any farther. And so some of those things happen. And we have to just learn that we've got to figure out a way to make it happen with maybe explaining what we're trying to do and maybe try to get-- buy into the agenda that we're trying to promote and move on with it. But so your bill here, allow consideration of changing the agenda, probably isn't going to pass. That'd be my guess anyway. I know I'm voting red, but I appreciate your effort. And you're trying to get something done and we'll see what happens going forward. Thank you.

**FOLEY:** Thank you, Senator Erdman. Senator Vargas.

**VARGAS:** Thank you. I'll be brief. It's just been an interesting time this session and I don't say that joking-- [INAUDIBLE] jokingly. I really, I really say that. And, and ultimately, you know, the only

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

reason I'm rising here is because we, we've been here a few times with using the rules within the rules to then do something. And the only reason I rise is because I think that's the fundamental question that's being asked still. I may not agree with it. And what I firmly believe is that Senator Wayne has always-- and similar to Senator Chambers-- and if you haven't read the Lincoln Journal Star article about Senator Chambers, it's an amazing read. And there's links to so many different pieces of history about Senator Chambers. But I think the hardest thing about all this is, I mean, our districts are just inherently unique and there are shared common interests. For all those that have been working on this grand compromise, you know, it doesn't make everybody feel warm inside, but many people worked on that, knowing it's not their issue and it's not something that they may hear on the campaign trail, maybe something that isn't the most immediate for their district. And I can fundamentally say that, even for mine, that is not always the first thing that comes up. It doesn't mean that we don't work on those things. But one thing that we are missing, and that we will be losing in Senator Chambers, and what I think a little bit of the point here is, issues like LB1218 benefit more in having conversations. And when we are constrained by time and a lot of different other factors, there is a reason that we utilize the rules to ensure that we can have that debate. That's simply what we're asking. We-- but ultimately, we have things that we need to work on, I think, in terms of the larger scheme of how we learn from each other on different issues. And every single time Senator Wayne or Senator Chambers, or I right now, are talking about issues that affect those that are the most vulnerable, my hope is that we don't push that aside as we're trying to usurp process or the rules or trying to use the rules, and view this as some, somewhat nefarious or somewhat one-sided because it's not. The whole part about equity is that we need to try to figure out a way to elevate issues that don't normally get to the sphere of debate in this hall. That is the whole point of the term "equity." And when we lose sight of that, I just really worry how we can continue to move forward and look at each other in the future and say we did everything we could. So I do want to stand in support of overruling the agenda and the reason is because I think there is a warranted conversation on LB1218. There are circumstances about the bill underlying it and whether or not it's fully in. That's a debatable, separate issue. But ultimately, we do have to have more of these conversations here. And I don't say that with reservation, I say that because I just think we overall have more work to do. Thank you.

**FOLEY:** Thank you, Senator Vargas. Senator Chambers.

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

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, I've had an affair with the rules ever since I've been in this place for 46 years. And they changed the rules session after session, year after year, aimed at one black man because the white men and women didn't have sense enough to read the Rule Book and apply the rules. And there was no rule any of them could write that would stop me, so the Legislature began to be ridiculed, even by little newspapers in outstate Nebraska. The editors would say, you've changed this rule, but you won't stop Chambers. They said that I could teach them things out there. There was one that they called the atomic bomb-- whatever it was-- and Senator Moore was in the Legislature and then he got out and got a different position. He won an office. And he said, I don't know how Ernie's going to get around that rule, but my money is on Ernie. And I got them to repeal the rule the following session before they ever used it. So when you white people talk about rules, it means nothing. It's like Teddy Roosevelt said, "No man is above the law and no man is below it; nor do we ask any man's permission when we require him to obey it. Obedience to the law is demanded as a right, not asked as a favor." No man is above the law. Then when he wanted to build a canal and the law was against him, he said, damn the law, build the canal. That's what white men do. You all teach people and little kids that that, that big head up on that mountain was a great man. He was not great. Not one of them up there was great, including Abraham Lincoln. But white people made the decision and Gutzon Borglum, who did the work, was an out-and-out racist. He made no secret of it. You all didn't know that, though, did you? Look at some of the things he did down south, especially one on Stone Mountain, of the biggest racist who ever rode horses. You all don't know that and you don't have to. Louis the 14th said-- I think it was 1651 before the Parliament-- "L'Etat c'est moi"-- I am the state. Well, now you've got a Speaker who feels he's the Legislature. He'll come in this morning and change rules or policies, or whatever you call them, to suit his purpose. There was no vote on it. And you all will go along and swallow spit because you take it. I'm not going to always carry the ball for you all. You act like children, so you're treated like children. He slaps you and says, get away, kid, you bother me. You white people who want to make laws and you don't obey the laws yourself. These rules, what do they mean? Nothing. A bill will run out of time and instead of taking it off the agenda and making them come back later, something happens and then they're allowed to get a cloture vote. That's what happens. I told-- I don't say things behind people's back. That day, I told the Speaker-- he was in the Chamber when I said it-- I didn't go back there where he was because I didn't know exactly where he was-- that I had lost respect for him. He didn't have that moral authority anymore and he doesn't now, but that doesn't

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

mean I will harm him. He's you all's master, not mine. You accept it. I watch you roll over like cowards. Then you want to talk about the law. That's why your young white kids are out in the streets now because you have lied to them in school. You've lied to them in church. Your laws are just words on paper that you disregard.

**FOLEY:** One minute.

**CHAMBERS:** When I saw that entire body cam of George Floyd being killed-- Court TV had it-- this cop had his knee on the man's neck. And it's ironic because it was right next to a police car. And on the bumper or the back part of that police car was the rag, the American flag. Right under the American flag, this man who was supposed to have justice-- freedom and justice for all-- and he was killed in front of everybody in the world who was watching, under that flag. The flag was shown right there. That wasn't on purpose, but I notice those things. So don't talk to me about rules. You can if you want to, but I know you're two-faced--

**FOLEY:** Time, Senator.

**CHAMBERS:** --and fork-tongued. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Chambers. Senator Cavanaugh.

**CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I commit to bring black and brown voices in every conversation surrounding public policy, not just when public policy is specific to people of color. I commit to be a partner in the work ahead, not a leader. I commit to take concrete-- to take real concrete action on concerns and issues of people of color. I thought about this a lot over the weekend, what happened last week with our rules in this body, how the rules are applied and when they're not applied. And I have been struggling with when to, to discuss this today. And sitting here listening to my colleagues talk about this, I feel that it is my duty, as someone who is committed to using my white privilege to lift up the voices of those who do not exist in a world of white privilege, and to say this body does not apply the rules evenly and it is based on color of skin. I have no idea how I feel about Senator Wayne's bill. It seems like it's got some things in it that-- or some procedural things that maybe are problematic. I get that. But he got it out of committee and it has a priority. It should be scheduled. And when a white man stands up here and pounds his fists, we all listen and get in line and act accordingly. But when a black man gets up and pounds his fist, we all ignore it. That's not right. The rule should be applied equally. And I just want my friends in this body-- Senator Wayne. Senator Vargas,

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

Senator Chambers-- to know that, even though you don't need this pasty-skinned Irish girl, you have me in your corner, regardless. And I will do everything I can to use my position to lift up the voices that you represent. Thank you. I yield the remainder of my time to Senator Wayne.

**FOLEY:** Thank you, Senator Cavanaugh. Senator Wayne, 2:45, if you care to use it.

**WAYNE:** Thank you, Senator Cavanaugh. So colleagues, my life, I've been fighting for the little person, I guess you would say. And that's why I became a lawyer, to use the law, the rules to make sure it's applied equitably and equally. My first job was actually for the county attorney. And that's what I, I did. Even at the railroad, that's what I did. And I watch how things get scheduled, I watch how things move, I watch how the body interacts. And I get it, it's politics. The part I don't get is the people side of it. The part I don't get is when my colleagues say this is the best bill we got because we don't have 17. We are the 17. We, we are the 17. We don't have to settle and that's essentially what Senator Groene said, said to me, was you, you won. I don't know what I won. And you can't call it winning, Senator Groene, when I've been behind 100 years. It's not even close to being caught up. We have specific rules. Today the rules changed again to make sure we get through the agenda. And you know why that is, colleagues? Because we leave at 4:00 every day. It ain't because I took time. We don't work. I used to watch this body, growing up. They were here till midnight--

**FOLEY:** One minute.

**WAYNE:** --multiple times, going after things, talking through things, working hard. We left on Friday at noon, but it's my fault, Senator Groene, because I ate time up. I can handle that blame because I got four more years of eating time up. But don't escape the fact that we left at noon with bills that haven't been heard. And we're rushing them through and not having full debate so we can get them through. And you brought up a point-- wasn't even raised on the floor all morning-- there's no Nebraska football. What economic impact does that have? No, no Nebraska volleyball. Where does that fit into our revenue budget and our forecast? But we're going to rush this through.

**FOLEY:** That's time. Thank you, Senator Wayne. Senator Chambers, you're recognized.

**CHAMBERS:** Thank you, Mr. President. Members of the Legislature, this is arrogance that I'm going to read you. In order to facilitate the

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

body completing as much of the agenda as possible-- not to do that which is just, not to do that which is right, not to do that which is ethical, not to do that which is appropriate-- I have decided-- oh, in order to facilitate the body completing as much of the agenda as possible, I have decided to modify some of my guidelines for when a cloture motion will be considered in order. Select File bills will have a time limit of 90 minutes and at the expiration of that time, the principal introducer may file a motion for cloture. Any bill for which debate extends beyond 90 minutes and whose principal introducer chooses not to file a motion for cloture will be removed from the agenda, allowing the body to move on to the next bill. Final Reading bills will have a time limit of 45 minutes of debate-- and so on. And you all take this and you call yourselves men? Good God. I just said that because the other day, Senator Lathrop said Jesus Christ. Now Jesus Christ and I are running buddies, so I don't ever use his name in that way. God is supposed to be one you worship and you don't use God, usually, without giving his last name, which begins with a D. And I don't use that kind of language, but you all do and you're Christians. Then you let one man tell you, I'm going to change everything on my own because I want to. And you all swallow spit. I don't care what he does. I don't care whether it's eight hours-- they put the eight-hour rule in, by the way, cloture to stop me. And you know what it became? Instead of that becoming the ceiling, that became the floor. Then to show them the blunder the fools had made, I would take the full eight hours and they could not take a vote until I took all of that time. They delivered themselves into my hands because they were so vindictive and used to doing things in a mob that they said, if all of us do this together, we'll get him. We is white men, we is bold, we can do the job. Well, if they're so brave, why, to get one black man, do they need a mob? Always the mob, always the mob. And you all feel comfortable in a mob. There's something charming about a mob. You have anonymity. You don't have to worry about standing out there and doing it on your own. You can be the coward that you've always been. Then when the person has been taken and debased by having all of his clothes taken off, ears cropped, nose cut, penis cut off, gonads cut off and taken as souvenirs by these dirty, low-down, cowardly white Christians-- and I'm supposed to go along and support that rag, when they did it under the rag. And then I watch you all show your cowardice now, by letting your ringleader tell you this is what you children are going to do. And you children obediently do it. And you think I'm going to do like that? I have grown children. My children would lose all respect for me if I let myself be treated like a child by people not even worthy of respect. You've got a bill that you put a lot of junk in because you can do that. If I would have raised a germaneness issue, you'd have voted it down, even though it's less

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

germane than some of the things that you did vote down because this is what all of you want. Well, if there's somebody--

**FOLEY:** One minute.

**CHAMBERS:** --who's willing to take the case, I may ante up the lawyer fees to have that bill struck down because it has more than one subject. It was not introduced that way as a bill. It was not introduced as a comprehensive bill. It's a bit of this, a bit of that, a bit of the other. And you put it together so that everybody's happy. And you think that, because all of you said yay, yay, yay, that makes it right. Well, I have a lawyer in mind. And I'm not a man of means or, as that guy, the hillbilly singer said, "I'm a man of means by no means." But he said he's king of the road. I'm king of this place because I have my self-respect. I have my dignity, which is something you all don't have. Nobody is going to walk over me. You can make as ugly a face as you want to. You can whine and cry because I see how the Governor--

**FOLEY:** That's time, Senator.

**CHAMBERS:** --treats you like children. Thank you, Mr. President.

**FOLEY:** Senator Chambers, you're recognized for your third opportunity.

**CHAMBERS:** Mr. President, members of the Legislature, I didn't even tend-- intend to come up here until a vote was taken or there was a call of the house. I've left you all alone. I've left you to your own devices. I knew you would self-destruct because you don't have good sense. You need to be led. You need a Pied Piper. And you follow and whatever he tells you to do, you do it. There's an expression on the street when they say this person says "jump" and you say, "how high?" No. You all changed that. You jump first and say, "Is this high enough?" You think people respect you? When you all go talk to your school kids like I do, ask them which one wants to be in the Legislature and grow up to be just like you. I can show you letters where classes of white kids have written to me, thanking me for talking to them, asking me to come back again. I get more invitations than I can accept. And I don't talk to children like I talk to you all. Children are innocent and they're not responsible for the wrong path their evil, racist parents put them on. I don't embarrass children, no matter what they say. That's not the way they should be taught. Teaching doesn't involve humiliation. But when you're grown and you have done a lot of humiliating of others who couldn't defend themselves, then that is what you ought to get. I've tried, all these years I've been here, to put some spine-- some bone in your spine to

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

get you to respect your Legislature as an institution, not to let anybody walk over you. There was a time when a Governor would not have dared talk about the Legislature like that man over in that corner talks about you all or try to buy seats in the Legislature as he buys seats in this Legislature. And that's why term limits is bad. You don't stay here long enough to see what kind of men and women could actually be in these seats. You see the transients, those passing through, doing it for a lark or somebody put them up to doing it. And in the meantime, the institution is growing weaker and weaker and nobody regards it. Even the heads of executive department agencies disrespect the Legislature. Even those who are hired flunkies disrespect you. Tell you what they're not going to do, they're not going to come to a hearing. And the Legislature rolls over and whines and say, "Yes, sir." There was a time somebody as biased as Lieutenant Governor Foley is would never have sat in the chair. The senators would not have stood for it. No Speaker would stand for it. And because of that, there were certain issues that were highly charged and the Governor would come to the Speaker and say, we're going to let somebody in the Legislature preside because that's the kind of issue it is. You think Governor Foley has any-- Lieutenant Governor Foley has any respect for this place? Sometimes he'll clear the queue, as you call it, other times he doesn't, based on his whim. He doesn't even respect you. He has campaigned against some of the people who are in this Legislature and you all swallow it. Talk about the collegiality, colleagues. Then why won't the rest of you stand up? Because you don't have any spine in your backbone. It may have been Roosevelt who said, I can make better spines out of bananas--

**FOLEY:** One minute.

**CHAMBERS:** --than the people in this Congress have. Well, I can make better spines out of Jell-O. You know why I stand up all the time? Because I don't believe in taking low to any white people. And I'm 83 years old and I haven't sat in this chair in decades and I won't. And I look at some of you over there in the lounge. You're tired from resting. I never sponged off the lobbyists. I had to humiliate you all to the point where the Speaker stopped you all from feasting on the lobbyists because I offered a resolution-- I was going to offer a bill and those on the Executive Board wouldn't vote the bill out of committee because they wanted to sponge off the lobbyists. That's what white people do. You set a standard so low that I would have had to kneel to get down to where you are. I want to be where you stand on tiptoe. And you still can go higher to reach the people who've really achieved something. So you should be spat upon because that's what you

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

deserve. Mr. Speaker, now that you got them and you slapped them down,--

**FOLEY:** That's time.

**CHAMBERS:** --kick them. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Chambers. Senator Wayne, you're recognized to close on your motion.

**WAYNE:** Thank you, Mr. President. Colleagues at a very high level, property tax and anti-abortion. To my other colleagues, I ask, what did your community get? What did your family get? What did your cousin's friends, who you see every day, what are they getting out of this body? Property tax and the anti-abortion bill. I don't know the counter to that, but what I do know is that the kids in my community still get Jim Crow math and back-of-the-bus science. And when I read the bills that come across this, particularly the last-- to say 11th hour to me, Senator Kolterman? What is LB1107? That is 11th hour. It's 149 pages of 11th hour. That, that is the kind of con-- condescending comments that I continue to get. Most of you don't know that. Another senator called me a boy my first year, said boy. I've been through it all right here. I'm just asking for rules to be followed. So when I read this bill, LB1107, I see a application fee of \$5,000. You've got to pay to play and that leaves out all the small businesses in my community. To me, that's equivalent to a poll tax. I look at the rural count, where you get to count two rural people to my one, I look at that as a three-fifths rule that was in our Constitution at the beginning. You can't deny it. But we don't have 17. Where's the passion for the renters who, right now, don't have anything, that on average are going to spend 14 days, if they get exposed to COVID, not going to a job? What is our state doing for them? The extra \$150 that some resident in Omaha might get from this property tax deal is not going to go to them. We have OPS that is doing 100 percent remote learning and we're cutting childcare grants and subsidies to allow them to help because they're technically in school full-time. We're not having that conversation in the 11th hour. But you want to point out a rule violation that I supposedly made when I'm following the rules that you did, the precedent you set in LB1107, Speaker Scheer. LB527 is there. But I'm wrong for that. What are we doing, colleagues? We have a not-so-great bill that everybody says isn't great and we're breaking all of our own rules to get it done. What bothered me the most about this body is it didn't even involve me. We announced this great, superior deal of \$125 million that six males ran around the female in the group. And we come out here and send \$100,000 for parole. And she has to walk out here and take out \$80,000 for a bill

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

that deals mainly with young women and sex trafficking. And we all said OK. That's what broke it for me because I don't care if you do it to me. I'm used to being done like that. I'm used to fighting for everything that I've got. But when you do it to people I care about, we got problems. And if everybody recalls, that was the day--

**FOLEY:** One minute.

**WAYNE:** --that I just was done with this body. So yes, you guys will all vote red. I get it. But this isn't about this year anymore, it's about what kind of conscience are we going to have moving into the next body? Who is going to be the next Speaker? And I'm not up vying for me. I know I won't even get one vote and I'd be my own vote. I probably wouldn't even vote for myself. But the fact of the matter is we have eight years in this body. It's term limits. Political parties are getting more and more-- with, with these things, these phones, everything is instantaneous. We're getting pulled in every direction. People are worried about a mail flier--

**FOLEY:** That's time.

**WAYNE:** --coming out.

**FOLEY:** That's time, Senator. Thank you, Senator Wayne. Members, the question before the body is whether or not to overrule the agenda. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**ASSISTANT CLERK:** 14 ayes, 24 nays to overrule the agenda, Mr. President.

**FOLEY:** The motion is not adopted. I raise the call. Do you have any items, Mr. Clerk?

**CLERK:** I do, Mr. President, thank you. New resolution LR475 is by Senator Vargas; LR476 by Senator Hilgers. Those will both be laid over. A motion to be printed with respect to LB632A. And I have an Attorney General's Opinion addressed to Senator Chambers. That's all that I have, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. I believe we're back on Select File, LB607.

**CLERK:** LB607, Senator, I have E&R amendments.

**FOLEY:** Senator Slama.

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

**SLAMA:** Mr. President, I move that the E&R amendments to LB607 be adopted.

**FOLEY:** The motion is to adopt the E&R amendments. That's a debatable motion. Senator Groene.

**GROENE:** I-- thank you, Mr. President. I stand in opposition to LB607. I did prior and if you look at the vote, it was very close last time. This body-- and I led some of it-- I worked very hard to eliminate occupational protectionism in this state and look more after the consumer. I understand where Senator Kolterman is coming from. He gave a couple examples where somebody had a bad experience at a pedicure or a manicure. But I'll tell you what, there's an awful lot of licenses on doctors and people have had bad experiences in their offices too. This harms-- this bill harms immigrants who start small businesses and even the ones that are existing. If you read that bill, the amount of regulations they got to follow now, the amount of paperwork they have to follow when they try to hire a new individual to just do your nails, to put polish on them, to manicure them, use a file on the ends of them? This is occupational protectionism and it drives up the cost of goods and services in a free society. I brought the, the animal massage bill, which a lot of small businesses have opened up in western Nebraska around racetracks, if they could operate again. People that have a job, proud of themselves, have a business, this is not a good bill. If you want to help the people on the lower end of the income cycle, the very, the very smaller businesses that want to start up, go into some of those-- I'm sure a lot of people do. I do myself-- go into some of these small businesses that, that do these services. They are good people. They care about their customers. They care about you. There are better ways to do this, as was brought up in a debate, if you remember. We can do more inspections and catch the bad ones that aren't clean. If they have a license, it doesn't even-- it doesn't mean that you're clean and neat. Otherwise, we don't have to have inspectors checking out restaurant kitchens or anything else, but we do. This harms small business. This bill harms small business, period. We finally started looking at-- we passed a bill-- I think it was Senator Ebke back then-- where we were supposed to-- every committee was supposed to look at burdensome regulations and on, on what we do on, on any kind of an occupation. This is going the opposite direction. I'm not filibustering this. I'm just saying let's remember how you voted last time or sat. Things haven't changed. Thank you, Senator Wayne, for stirring everybody up again. That Kumbaya feeling, I think, has left a little bit. Thank God. By the way, Senator Wayne, I didn't say anything, but I want to congratulate you. You had 19 bills get to General File over the last two years. You have

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

10 of them that have passed and gone to Final Reading, 7 of them are still on General File. You have two-- two constitutional amendments from one senator will be voted on, on the next ballot. I wish this German-Irish, white-- angry white male could get that many votes through this body.

**FOLEY:** One minute.

**GROENE:** You've been treated fairly. You got good bills. I'll give you that. Nineteen bills, two constitutional amendments, and you want more. I got to give you credit for going for it all. But your bills have been looked at reasonably by this body and 19 of them got to General File. Of course, I'm a conservative-- less government-- so I don't bring a lot of bills. So I'm not looking for a lot of-- more regulations on the public and more requirements. So I don't bring them. So I'll never have-- I'll never have 19 bills ever introduced. Four or five seems like a lot to me. I went up to 10 or 12 one year. But back to this bill, it is occupational protectionism. It harms the consumer. Can we start protecting the consumer? That's who we ought to be looking after. Give them better access to, to services.

**FOLEY:** That's time, Senator.

**GROENE:** Thank you.

**FOLEY:** Thank you, Senator Groene. Senator Erdman.

**ERDMAN:** Thank you, Lieutenant Governor, and good afternoon again. Senator Groene, I, I appreciate your comments there on LB607. As I look at this bill and I see what they're intending to do, I think the thing that comes to light the most are those people who support this bill and those people are the people who are trying to protect their jobs. And so if you look at that list, it's the Nebraska Board of Cosmetology, Electrology, Esthetics, Nail Technology and Body Art, Nebraska Cosmetology [SIC] United, Nebraska Salon Owners Association, and nail technology and cosmetology license and instructors. And so Senator Groene has outlined exactly what this bill does. And so a lot of these institutions are businesses that are owned by immigrants that have come here to realize the American dream. And I have a really good friend back home that came to this country in 1988. He came from Mexico and he has made a success of being here; started his own trucking company and has done quite well. And one day he said to me, he said, I have reached the American dream. I've come here to pay taxes. And so what we're asking here is to put more restrictions on these immigrants and these people that have come here to reach and to make their dream come true. And so consequently, we're putting more

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

regulations in place. And I think that's probably appropriate if you want to limit those people from succeeding and that's exactly what this LB607 does. And so when this moves forward or when it gets to a time to vote, I'm going to vote red on this bill and I would encourage you to do the same to protect these small businesses who came here to make a better life for themselves. Thank you.

**FOLEY:** Thank you, Senator Erdman. Seeing no other members wishing to speak, the question before the body is the adoption of the E&R amendments. Those in favor of the E&R amendments say aye; those opposed say nay. The amendments are adopted. Anything further on the bill, Mr. Clerk?

**CLERK:** I have nothing further, Mr. President.

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

**SLAMA:** Mr. President, I move that LB607 be advanced to E&R for engrossing.

**FOLEY:** Members, you've heard the motion to advance the bill. Those in favor say aye; those opposed say nay. LB607 advances. Next bill is LB607A.

**CLERK:** I have no amendments to LB607A, Senator.

**FOLEY:** Senator Slama.

**SLAMA:** Mr. President, I move that LB607A be advanced to E&R for engrossing.

**FOLEY:** You've heard the motion to advance the bill. Those in favor say aye; those opposed say nay. LB607A advances. LB106.

**CLERK:** LB106, no E&R. Senator Hunt would move to amend AM3022.

**FOLEY:** Senator Hunt, you are recognized to open on AM3022.

**HUNT:** Thank you, Mr. President. Members of the body, I offer this amendment to LB106, a bill which makes minor changes to the DNA Identification Information Act. In talking with Senator Dorn, in the interest of collegiality, in interest of respect to the mood on the floor today that I don't want to make more toxic, and with respect to the procedural norms that we've been respecting, of making sure that new ideas that come through amendments have a proper hearing, I will be withdrawing this amendment. But I would like to speak on it a little bit. In March of 2020, the Legislature approved millions of

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

dollars to the Governor to address the COVID-19 pandemic and its impact on the state. We appropriated the money, as requested by the Governor, without any conditions or any demands. Subsequent to the Legislature appropriating this money, the state entered a no-bid contract with several private tech companies led by Nomi Health, which is based in Utah. The companies operating under the name TestNebraska constituted a number of out-of-state companies with little prior experience in mass testing, contact tracing, pandemic treatment, or healthcare at all. At the time of contracting with the state, TestNebraska and Nomi Health represented that they would be able to test at least 3,000 individuals per day and it promised 540,000 total tests for the state. I recently requested that the State Auditor audit the money that we are spending on TestNebraska and examine, among other things, the quantity of testing actually being performed, along with the testing quality, in light of concern regarding the testing accuracy of the companies in other states. If you don't know, in other states-- well, with TestNebraska, the investors of the company have actually sued the company. Other states have cancelled their agreements with Nomi Health and the companies that are behind TestNebraska, which are the same companies. And so some valid concerns have been raised about the, the validity of these tests. I reviewed the contracts that the state entered into relating to TestNebraska and I only got them because I had to FOIA them from the executive branch. The contracts generally provide that Nebraska maintains control of data collected from those people who are tested, except for the authority of the company that is party to the contract, which has the authority to, quote, anonymize and aggregate the data. I think this provision is sufficient to exclude collecting samples for DNA purposes, but I want to be certain and I want the Legislature to do more to protect the anonymity of Nebraskans who submit their DNA and their personal information through TestNebraska. LB106 amends a number of statutes that dictate when and how the state collects DNA evidence to be shared with the national database CODIS, maintained by the FBI. My amendment, AM3022, would affirmatively state that no DNA sample obtained by TestNebraska shall be included in the DNA system. Specifically, the amendment provides that, "The State DNA Database shall not receive, store, or maintain DNA identification information collected or obtained as part of a test to detect or trace an infectious disease or contagious virus." So basically, if you look at the amendment on your gadget, you can see that what it does is it basically says any DNA information that's collected from Nebraskans through TestNebraska cannot be sold, cannot be stored, and cannot be put into CODIS, which is maintained by the FBI. All other provisions of the DNA Collection Act shall remain unaffected by this amendment. It has no impact on what Senator Dorn is trying to do with his bill.

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

When it comes to our healthcare privacy and Nebraskans' rights to control the government or a private, out-of-state company having access to DNA records, I think we should be vigilant, as policymakers, to keep this information private. Almost all individuals who are testing with TestNebraska do not expect or understand that their DNA may be collected. Indeed, if there were a risk that DNA collecting could be done by TestNebraska, many people would opt to not be tested for fear that their privacy would be violated. We should assure Nebraskans that their testing samples will not be collected for their DNA information or improperly shared with others. I am going-- you know, in the legislative process, a lot of, a lot of Nebraskans don't understand that some of the best work that we can do as state senators doesn't happen on this floor. I mean, we're only in session for 60 days or 90 days. And in very rare cases like this year, we have strange things that break up when we're able to meet and work on things together. And especially given this pandemic, my colleagues and I haven't been able to collaborate as we normally would in a regular session. We aren't going to dinner. We aren't getting drinks. We aren't talking at breakfast before we get to work. And that has practically impaired a lot of productive things that we are able to do for Nebraskans. But that doesn't mean that we can't do something. This amendment is important to me. As I said, I will be withdrawing it. But I also understand and know that there are other avenues through government that we can go to ensure the privacy of people who participate with TestNebraska, that we can make sure that during this pandemic, people in our state are getting high-quality tests, that their privacy isn't at risk, that all, you know, medical privacy rules and laws are being followed and that their DNA will not be stored for any future purposes. So this is a project that I have been, you know, sort of grinding on since the TestNebraska contract was signed back in April. And I will continue to work on this issue and we will just have to take another route to do that. So Mr. Speaker, I would like to withdraw this amendment. Thank you very much.

**FOLEY:** AM3022 has been withdrawn. Mr. Clerk.

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

**FOLEY:** Senator Slama.

**SLAMA:** Mr. President, I move that LB106 be advanced to E&R for engrossing.

**FOLEY:** Members, you've heard the motion to advance the bill. Those in favor say aye; those opposed say nay. LB106 advances. Proceeding now to LB219.

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

**CLERK:** LB219. Senator, I have E&Rs first of all.

**FOLEY:** Senator Slama.

**SLAMA:** Mr. President, I move that the E&R amendments to LB219 be adopted.

**FOLEY:** The motion is to adopt the E&R amendments. Those in favor say aye; those opposed say nay. The E&R amendments have been adopted.

**CLERK:** Senator Bolz would move to amend with AM2812.

**FOLEY:** Senator Bolz, you are recognized to open on AM2812.

**BOLZ:** Thank you, Mr. President. AM-- AM2812 represents LB977, which was brought to the Health and Human Services Committee. It reflects a very small change to clarify expectations of a future lead agency in the child welfare system when they are transitioning and proving their readiness to serve. This very small change simply clears up some, some technicalities that were questioned during the transition period from PromiseShip to the new St. Francis lead contractor and requires that the Department of Health and Human Services communicate that readiness to the Nebraska Legislature. Colleagues, I am hopeful that St. Francis is a successful lead contractor and that this transition won't happen again for a very long time, but for future Legislatures, I think this is an important clarification. The bill was voted out of the Health and Human Services Committee unanimously after a few word changes that resolved the questions and concerns of the Department of Health and Human Services Committee, the-- or the Department of Health and Human Services. The committee voted it out unanimously and the Department of Health and Human Services is now without concern or question for the AM or the bill. I'm happy to discuss it further, but to expediate the procedures this afternoon, I would leave it there. I'm happy to answer any questions. I ask for your support of AM2812. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Bolz. Is there any discussion of the amendment? I see none, Senator Bolz, you are recognized to close on your amendment. She waives close and the question before the body is the adoption of AM2812. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 29 ayes, 0 nays, Mr. President, on adoption of Senator Bolz's amendment.

**FOLEY:** AM2812 is adopted.

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

**CLERK:** Nothing further on the bill.

**FOLEY:** Senator Slama.

**SLAMA:** Mr. President, I move that LB219 be advanced to E&R for engrossing.

**FOLEY:** The motion is to advance to bill. Those in favor say aye; those opposed say nay. LB219 advances. Proceeding to LB515.

**CLERK:** LB515. Senator, I have E&Rs first of all.

**FOLEY:** Senator Slama.

**SLAMA:** Mr. President, I move that the E&R amendments to LB515 be adopted.

**FOLEY:** The motion is to adopt the E&R amendments. Those in favor say aye; those opposed say nay. The E&R amendments are adopted.

**CLERK:** Senator Groene would move to amend with AM3379.

**FOLEY:** Senator Groene, you are recognized to open on AM3379.

**GROENE:** We're back. Thank you, Mr. President. I'm going to get Senator Kolowski to keep his word about closure vote and to support LB147. I'm bringing the amendment here to LB515 because it fits. I have none-- had heard nothing but outcries from teachers, from parents, from families, from school board members. What happened to LB147? From administrators. We were told we would get that bill-- all organizations that normally don't support things I do. But it's back and I thought we'd get one more shot at it because, like Senator Wayne said, some things deep inside you know is right and needs to be done. Senator Walz, the other day, threw her coat down and asked me, why? Tell me, Senator Groene, tell me about these-- where students are being restrained. I couldn't figure out-- she should know that. Then I remembered she was a teacher and gave up on the kids and changed occupations and she puts her kids in a private school. She wouldn't know what's happening in a public school. I do. My kids went to public school. My grandkids go to public school. My friends send their kids to public schools. We have a problem in our public schools. Three hundred-- over 300 teachers last year had to take workman's comp. Why, Senator Walz? Because their schools wouldn't let them restrain the kid to stop the violence in time to stop it. So who got hurt? The teachers got hurt. Yes, I'm passionate about this because I know what's going on in our schools. Talk to teachers all the time who are quitting,

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

changing occupations because of what's going on in the classroom. You get another shot to vote on this. I'd just as soon have an up-and-down vote. I did it collegially four or five times today and yesterday, didn't filibuster. I figured we'll see where the votes lie. Can I get the same from the left over there? Let's just have a vote on it. Are you going to filibuster Senator Vargas' bill now? Are you going to do the right thing? Are we going to protect our children? Are we going to protect our employees in the school system? Are we going to give some guidance? Are we going to train our teachers how to handle-- awareness of behavior and physical intervention when violence occurs, occurs? Here's your chance to right a wrong, to do the right thing, to protect our children, to protect our teachers. So what are we going to do, hold grudges? I would ask Senator Kolowski a question, but I won't because when a man lies to me and doesn't have the courage to come up and tell me he changed his vote, he doesn't need a chance to explain. Three days from now, I will never see the man again. So that's fine, let's just vote on this. Why not? Let's just up and down vote. Let's show the people of Nebraska who wants to protect the teachers, who wants to protect the children, who wants to maximize, maximize learning time in the classroom. That's what we used to do. Here's a great opportunity to do it. How about finally making sure that every child walks in the door knowing they're going to be treated equally-- equally, no matter what their race, no matter what their size, no matter what their sex. How about telling parents, when they drop the child off at the front of the schoolhouse, that their child will be protected when they put him in the custodial care of those employees of the school district? Do you see some harm in that? Do you see a wrong in that? We talk about work force training. That's what we were doing here; work force training, helping school personnel how-- know how to handle violence in the classroom. You know what I'm told? It's mental health. It's not the natural state of being a human to, to revolt against authority-- if you're religious, sin nature-- it's mental health. But then the same folks tell me that a 17-year-old senior destroys a classroom, he's mentally ill. But he goes out that night and tears down statues, he's being a good public-- doing his public duty to protest. Do you see the relationship in the violence in our country and what we teach our kids in school is acceptable? I do. Let's just vote on this. Let's move things along. Come on. Let's just vote on this amendment. Hey, Senator Vargas got another shot at the pie, that piece of pie. Senator Wayne brought the bill up. Boom, it was-- it had no choice-- chance earlier this year. Kumbaya-- we all decided it was time to get along. Here's your chance. Those teachers are waiting for your answer. They're waiting for your answer. Do you respect what they do? Do you want to help them in the classroom? Do you want to train them? Nobody puts kids in prone positions unless

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

they're going to really hurt somebody and it's usually done by a resource officer. Mechanical restraints? There isn't a school in the state that uses them. But that was then-- that's what I was told why you didn't support, some of you didn't support the amendment. So please stand up and explain again why you do not want to protect teachers and children in the classroom. There's an election coming for some of you, explain to them folks. Up-and-down vote, let's see what happens. Let's move this along. We can be out here by 7:00. OPS, they have a high percentage of kids-- children of African-American descent who are labeled special education. They have a high percent of students who are expelled, over or above the percentage in the classroom, who are of African descent. Our training that's in this bill by Senator Murman requires that you look past the physical nature of the child and look at the behavior. We're not doing that now. And you don't want them to do that because you're against this bill. Those of you who are against it, you don't want to train our children-- our teachers. You don't want to give a process when, when a child is removed from a classroom, that the school has to set up a process, a restorative process to bring the child back,--

**SCHEER:** One minute.

**GROENE:** --do you? You voted against it. You filibustered it. You don't want to give a process to protect teachers, to train them, to protect them legally when they do the right thing. You like the status quo, don't you? Go into a public school, talk to the teachers. Things are a lot better in a private school. There's more rules there and the kids are there with good parents who make sure the kids follow the rules. That doesn't always happen in a public school. Here's your chance. I'm not filibustering. Let's just vote on it up and down. I'm going to let you filibuster it. I'm going to sit here. So you filibuster Senator Vargas' bill. You go right ahead, all right? Thank you.

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

**CLERK:** Mr. President, Senator Chambers would move to recommit the bill to the committee.

**SCHEER:** Senator Chambers, you're welcome to open.

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, I let Senator Vargas know that I was going to offer this motion, then withdraw it as soon as I make a few comments. Senator Wayne cannot get his bill scheduled. Senator Groene took his bill to cloture and lost. Now he's trying to foul up somebody else's bill. This confirms everything I said about the treachery around here, the disrespect for

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

people of color. Now if you do this, then I think it shows a total and utter disrespect for your processes. He got a cloture vote and lost. He had it and lost. Senator Wayne gets nothing. So when you're going to draw a comparison, let them be two things that are not disparate in nature. Otherwise, you're talking about a contrast. I think this is something that ought not to have been done. Senator Groene should have chosen a white person's bill if he was going to do it. But it shouldn't be done on anybody's bill, considering how things generally are done around here. But in these days, that doesn't seem to make much difference. I had to get that on the record. And with that, I withdraw that motion. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Chambers. The motion has been withdrawn. Returning to the speaking queue, Senator Groene. I do not see Senator Groene on the floor. We'll move on to Senator Matt Hansen.

**M. HANSEN:** Thank you, Mr. President, and good afternoon, colleagues. Addressing a couple of things, as I gather-- I'm trying to read the surprise amendment. This is the revival of LB147. Senator Groene, to answer your challenge, I have no problem explaining why I oppose LB147. I've done it multiple times on the microphone for multiple years and I've been pretty explicit. I've told it to teachers who have asked directly. This isn't me hiding, this isn't me scared. This is-- like, like the same issue has just been there the whole time. If we had a better bill to vote on, you would get more votes. I don't know how more clear we can say that and be that. There's a reason this keeps getting gummed up. And I want to point out, I know you've made, at times, accusations that this is personal and had a different senator brought up this bill, that everybody would flip on it. I can assure you that is not the case for myself. The Pansing Brooks amendment, Senator Pansing Brooks' amendment you hold up, I frustrated her to no end by saying, after she was working on it, that I wouldn't support it, that it still was not good enough. It still did not address my concerns about creating immunity for teachers who could, beyond this-- just the same problems over and over again. And colleagues, I, I just give, give this point. I'm going to try and avoid ad hominem or sinking down into the mud, but I will point out that it's kind of we're at the point where, like, the emperor has no clothes. Senator Groene, rather than talking about the merits of LB147, called out multiple senators by name, made fun of them, made fun of their children, and then threatened the electoral chances of other senators. That's the pitch for LB147. We've gone beyond any sort of a coherent policy debate and it is now just mud flinging. And I feel comfortable saying that because I'm just rephrasing what was just said for ten minutes on the microphone about a couple minutes ago.

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

We've lost the realm of any sort of coherent debate on this. It's had its time in the sun multiple times over. I'm still opposed for the same clear, concise policy reasons I've laid out before and will remain opposed. And I will encourage you to vote down this amendment. And with that, I would yield the balance of my time to Senator Vargas, since this is a surprise amendment on his bill.

**FOLEY:** Thank you, Senator Hansen. Senator Vargas, 2:45.

**VARGAS:** Thank you very much. If you don't already know, this is an unfriendly amendment. And unfriendly is being really kind, so you should know that. I'm fundamentally against AM3379 being added to this bill, which would take a bill that has not advanced and has died in several different stages, being added onto LB515, which was a bill that went to Education and came out Education unanimous and was worked on by a lot of different people, a lot of technical changes here. I am fundamentally against AM3379 and here's the reason why. LB147, whether you like it or not, has had time on the floor. That time on the floor has had hours upon hours of significant debate. Those hours and hours of significant debate has led us to this juncture where we have-- the bill has not advanced. This bill, which is a separate bill which has been worked on and is currently ahead of us, taking this bill and adding this bill that has not moved forward onto LB515 would essentially take over my bill. There's a-- put aside whether or not you can do this. The question is, is whether or not you should do this. And the answer is you should not. We do have memories and we work within some level of good faith. That is something that, that requires intent in this body.

**FOLEY:** One minute.

**VARGAS:** And amending this bill onto this other bill, my bill, LB515, is not that. Colleagues, not only do I urge you to vote no on AM3379, but the rationale behind voting no is the most important. You voting yes is sending a message that we can take over other people's bills if we have had other bills fail because the intent of the underlying bill is not the intent of LB-- of AM3379. So I'm asking you, because this is an unfriendly amendment, to vote against AM3379 because voting for it--

**FOLEY:** That's time.

**VARGAS:** Thank you.

**FOLEY:** Thank you, Senator Vargas. In the queue are Senators Murman, Vargas, Wayne, and Chambers and others. Senator Murman.

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

**MURMAN:** Thank you, Mr. Lieutenant Governor. For those that said they couldn't support this, the amendment earlier, I'd like to share with you a little bit. If someone opposes this bill, they would also be opposing any training from CPI, Mandt, Boys Town, etcetera, because they share similar goals and principles. And I can read what the, the five steps are for the training. This training is totally included in the, in LB147. And the training would, would involve first of all, recognition of detrimental factors impacting student behavior, including but not limited to signs of trauma; and then positive behavioral support and proactive teaching strategies included, including, but not limited to expectations and boundaries; and then verbal intervention and de-escalation techniques. Next is clear guidelines on removing students from and returning students to class and finally, behave-- and also, behavioral intervention and supports that will take place when a student has been removed from class; and lastly, physical intervention for safety, information for em-- for employees and their legal protections and of the requirement that parental permission must be given before psychological or psychiatric evaluation or counseling can be given to a child. Representatives from administrators, teachers, and ESUs approved of this, of this program. Last summer, as a member on the Education Committee, we had a listening session that was hosted by the NSEA. I was in utter shock. Teachers shared stories about how they had been kicked, hit, bit, spat on, slapped, punched. And horrifyingly, one of them shared that they had a traumatic brain injury due to a student who assaulted her. All students, no matter what their financial status, whether they're a minority, whether they have a disability, deserve to have a safe and productive learning environment where they are free from distractions and dis-- disruptions from students that become physically aggressive. So this bill is-- I guess I don't understand the opposition from the disability groups and the--

**FOLEY:** One minute.

**MURMAN:** --minorities because with the added training-- that, by the way, will be funded from lottery funds, will not come out of the general bud-- budget. With this training, the goal is to treat every student equally, no matter what their disability, no matter what the racial background, no matter what their financial background. All students are to be treated equally. So I guess I just can't understand the opposition to this bill. The teachers support it, the administrators support it, school boards. And there's no reason that disability groups and minority groups should not be on board. Thank you, Mr. Lieutenant Governor.

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

**FOLEY:** Thank you, Senator Murman. Senator Vargas.

**VARGAS:** Colleagues, I'm up here because I want to remind you that AM3379 is an unfriendly amendment. LB515 is a bill that has been worked on for three years, that has been-- had no opposition testimony, came out of Education Committee 8-0. AM3379 is a bill that had a priority and has not advanced several different rounds. Voting for this is a clear message that you can take over other people's bills. Please vote against AM3379 on the principle that we work in here in, in, in some level of common sense. With that, I yield the remainder of my time to Senator Lathrop.

**FOLEY:** Thank you, Senator Vargas. Senator Lathrop, 4:00.

**LATHROP:** Thank you. And thank you, Senator Vargas. I'm going to have to oppose this amendment and I feel like I need to explain myself, as I did when this bill was up the first time. I had a meeting with Senator Groene sometime-- I don't know if it was in the summer-- to talk about LB147. He shared a letter dated May 2, 2019, from the NSEA, the NCSA, the NASB, and the NRCSA, all supporting his amendment. And I assume that that's true. A copy of a memo was attached. I've held on to this letter. And when Senator Groene and I spoke, I saw all these people that were supportive. I agreed to support it and wasn't very popular with a lot of people that I generally agree with when I did that the first time around and provided a cloture vote. This is different, a different circumstance. LB515 deserves its day and this is an unfriendly amendment. It is effectively a takeover of a bill. And if it passes, it will bring the entire LB515 down, in my judgment. And I think Senator Vargas deserves an opportunity to have his bill voted up or down on the merits. I know that it's that time of the year. We're down to the last few days and we're trying to find homes for orphans. And I don't criticize Senator Groene for trying to find a home for his orphan. But at the same time, that process usually involves talking to the introducer, in this case, Senator Vargas. Do you have a problem if I put this up? Do you think it will cause drag? Those kind of accommodations are generally done this time of year on Select File, as time runs out. And that's not the circumstance here. If this were a standalone bill this year, I would be good by my word and support it, notwithstanding subsequent reservations I have. But with that, I encourage your opposition to AM3379. Thank you.

**FOLEY:** Thank you, Senator Lathrop. Senator Groene.

**GROENE:** Thank you. I wanted to make sure Senator-- to repeat what Senator Murman said. One of the big complaints that I heard about LB147 and the amendment, AM3067, was that people were given immunity

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

when they didn't have training. That section is struck in this amendment. The section, it says, "any protection and defenses found in the Student Discipline Act shall not be made contingent on whether or not an employee of a school district has completed behavior awareness and intervention training." I talked to the supporters of it, the teachers' union, the administrators, and they agreed they would be willing to take that out. It's out of there. That was your number one complaint. It's gone. Still looking for the reason you don't like the bill. I had a different view, Senator Lathrop, of our meeting. I respect your ability in the legal field. And I believe you were president-- maybe I'm wrong-- of The Trial Attorneys at one time. So I asked you about-- I came to you, asking you about the liability portions of the bill and you agreed to talk to your friends in the Trial Attorneys. And you came back and said they're fine with this. That's why you supported it, at least that's why you told me. I guess it was a different reason now, but-- that we were just echoing, copying existing statutes about making sure that teachers and administrators and school boards understood that they were protected: self-defense, protecting others, custodial care of children, and public entities-- Tort Claims Act, all existing law. And thank God. And when you drop your child off at a school, we have protections of those we put in-- take custodial care of them. So we took that out, that amendment-- not that amendment, that section of it. It's not in this new amendment. Also on LB515, I made-- I, I admit my errors. I should have never voted it out of committee. We all got caught up and Senator Vargas did a good job talking about these poor kids that were suspended, not being able to do their homework and-- while they were on suspension and that we ought to let them do that so they didn't fall behind. Sounded great, but there's a lot more in that bill, which we had a handout here about what LP-- OPS-- Omaha Public Schools has a problem with it and I've heard from other school districts, puts up a-- basically sets up a tribunal where you're going to-- you get to pick the judge-- the parents do. And then you get to decide, have a ruling if the kid should be suspended. It also puts a burden on the school syst-- administration that they've got to prove that the kid intended to harm the teacher or the other student when he busted their nose. Oh, he was just swinging at him to scare him off, but he happened to hit their nose. Uh oh, you don't have to be suspended. Now how does a school district plan-- prove that? Read the OPS position. LB515, on its own, is a bad bill. It rewards bad behavior by students. But then again, the present system does and I understand why some don't apparently want that, don't want to make children accountable for their actions. Because when they're adults,--

**FOLEY:** One minute.

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

**GROENE:** --I guess we don't want to do that either. We're letting them out on probation, with no probation and no par-- no bail and everything else. So I guess we're creating a society where chaos and-- and nobody is responsible for their actions. Why not? We're training them up in school that way. This is a hard struggle, a hard road, but this is one of those bills and one the people in Nebraska want. Do you understand that? The people of Nebraska want this. They want this and 16 or 17 of you are stopping it. Haven't had a good answer yet, why? Haven't had a good answer. I'll keep bringing this back. And talking about unfriendly amendments, I followed the rules, Senator Vargas, Senator Lathrop. I followed the rules. You can drop an amendment on anything you want. There is a bill that I let die on Select because somebody brought an unfriendly amendment.

**FOLEY:** That's time, Senator, but you are up next.

**GROENE:** And I decided not to bring it forward.

**FOLEY:** Senator Groene, you are recognized to close on your amendment.

**GROENE:** Thank you. Let's vote on it. It's a good bill, folks. I get passionate about certain things. Senator Wayne-- you know one thing about Senator Wayne and I have in common? We're the only two populists in this building. We give a damn about the poor people, the working man. I'm not the-- we're not the only two; Senator Erdman does, Senator Murman does, a whole bunch. Too many of you worry about the process and not the individual. I should shut up because we're going to get a vote on this, I guess, unless something drastic shows up. So I support-- I appreciate you allowing us to vote on this. That's all I got to say. Let's take an up-and-down vote. Twenty five votes says we move it forward. Thank you.

**FOLEY:** Thank you, Senator Groene. You've heard the debate on AM3379. There's been a request for a call of the house. Those in favor of a call of the house vote aye; those opposed vote nay. Record, please.

**CLERK:** 21 ayes, 0 nays to place house under call.

**FOLEY:** The house is under call. All senators, please return to your desks and check in. The house is under call. Senators Gragert and Hughes, please return to the Chamber and check in. The house is under call. Roll call, regular order, did you say, Senator? Thank you. Waiting for Senator Hughes. All unexcused senators are now present. The question before the body is the adoption of AM3379. Roll-call vote in regular order, Mr. Clerk.

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

**CLERK:** Senator Albrecht, voting yes. Senator Arch, voting yes. Senator Blood.

**BLOOD:** Not voting.

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

**BOLZ:** No.

**CLERK:** Voting no. Senator Bostelman.

**BOSTELMAN:** Yes.

**CLERK:** Voting yes. Senator Brandt, not voting. Senator Brewer.

**BREWER:** Yes.

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

**BRIESE:** Yes.

**CLERK:** Voting yes. Senator Cavanaugh, voting no. Senator Chambers.

**CHAMBERS:** No.

**CLERK:** Voting no. Senator Clements.

**CLEMENTS:** Yes.

**CLERK:** Voting yes. Senator Crawford.

**CRAWFORD:** No.

**CLERK:** Voting no. Senator DeBoer.

**DeBOER:** No.

**CLERK:** Voting no. Senator Dorn.

**DORN:** Not voting.

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

**ERDMAN:** Yes.

**CLERK:** Voting yes. Senator Friesen. Senator Geist, voting yes. Senator Gragert.

**GRAGERT:** Yes.

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

**CLERK:** Voting yes. Senator Groene.

**GROENE:** Yes.

**CLERK:** Voting yes. Senator Halloran.

**HALLORAN:** Yes.

**CLERK:** Voting yes. Senator Ben Hansen, voting yes. Senator Matt Hansen.

**M. HANSEN:** No.

**CLERK:** Voting no. Senator Hilgers. Senator Hilkemann.

**HILKEMANN:** No.

**CLERK:** Voting no. Senator Howard.

**HOWARD:** No.

**CLERK:** Voting no. Senator Hughes.

**HUGHES:** Yes.

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

**HUNT:** No.

**CLERK:** Voting no. Senator Kolowski.

**KOLOWSKI:** No.

**CLERK:** Voting no. Senator Kolterman, voting no. Senator La Grone.

**LA GRONE:** Yes.

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

**LATHROP:** No.

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

**LINDSTROM:** Not voting.

**CLERK:** Not voting; Senator Linehan, voting no. Senator Lowe, voting--  
just a second, Senator. Senator Lowe, Senator Lowe, voting yes.  
Senator Linehan, what do you--

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Floor Debate August 11, 2020

**LINEHAN:** [INAUDIBLE]

**CLERK:** OK. Senator Linehan, voting yes.

**CLERK:** Voting no. Senator Scheer, voting yes. Senator Slama.

**SLAMA:** Yes.

**CLERK:** Voting yes. Senator Stinner, not voting. Senator Vargas.

**VARGAS:** No.

**CLERK:** Voting no. Senator Walz, voting no. Senator Wayne, voting no. Senator Williams.

**WILLIAMS:** Not voting.

**CLERK:** Not voting. Senator Wishart, voting no. 20 ayes, 21 nays, Mr. President, on the amendment.

**FOLEY:** AM3379 is not adopted. I raise the call.

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

**FOLEY:** Senator Slama.

**SLAMA:** Mr. President, I move that LB515 be advanced to E&R for engrossing.

**FOLEY:** The motion is to advance the bill. Those in favor say aye; those opposed say nay. LB515 advances. Proceeding to LB238.

**CLERK:** LB238, no E&Rs. Senator Pansing Brooks would move to amend.

**FOLEY:** Senator Pansing Brooks, you're recognized to open on AM2551.

**PANSING BROOKS:** Thank you, Mr. Lieutenant Governor. So I'm going to give a quick summary because the last time we discussed this was in, in March. And I want to-- some people were confused about what had happened. So I just wanted to tell you that to be sure, I do oppose the death penalty. I'm also highly aware that Nebraska voters spoke very clearly when they voted to reinstate the death penalty in 2016 and I acknowledge that vote by the people. However, LB238 is not about whether the death penalty is right or wrong. It's about whether we have the proper government accountability and transparency in carrying out this grave and somber event as required by law. It's clear as we-- it's as clear as day that we didn't have transparency in the last

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

execution and we failed to live up to national and international transparency standards. Previously, last March, I had passed out to you news articles that, that showed exactly what happened during 14 minutes during the last execution where those permitted and/or required to view the execution under current execution protocol were blocked from seeing what happened during the key moments of that event. This account is very troubling to me. What happened during the 14 minutes? Why was a curtain put up to block the view during some of the most pivotal moments of the execution when witnesses could have seen if things were botched? The 14-minute nontransparent window means we had no outside oversight of our government's most powerful act, the act of taking a human life. A Washington Post editorial that I had provided to you last time talked about how states are adding secrecy to the lethal injection process after botched executions in Ohio, Oklahoma, and Arizona heightened public awareness and created a, a human outcry. The premise appears to be that the problem with botched executions is that people see them or that people know about them, but that's not the case. The problem with a botched execution is that it's botched. We have to know when this happens so safeguards can be put in place to ensure the pla-- the execution goes according to plan. To say, quote, We are the government, trust us, quote unquote, is not transparency. We must hold ourselves to the highest of standards when the state is carrying out the most grim and sobering task of executing someone. It's the most invasive act a government can take in the most onerous of all penalties. An execution isn't something to get wrong. Testifiers at our hearing last January for this bill showed Nebraska did not keep with national and international transparency standards in how we conducted this execution. The American Bar Association passed an execution transparency resolution in 2015 that states, quote, The American Bar Association urges federal, state, and, and territorial legislative bodies and governmental agencies, including departments of correction and military that impose capital punishment, to require that an execution process of setting IVs be viewable by the media and other witnesses from the moment the condemned prisoner enters the execution chamber until the prisoner is dead or the execution is called off, unquote. Nebraska Revised Statute 83-970 specifies who is permitted to-- permitted or required to be present for an execution. By this statute, at least two persons designated by the director shall be professional members of the news media. We have this requirement in statute because the prev-- the press provides an important check on our system. LB238 further specifies that those persons required to be present shall continuously witness the execution process from the moment the convicted person enters the chamber until the convicted person is declared dead or the execution is, is halted. It also states that no one shall authorize or permit any person to obstruct, limit,

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

shield, or otherwise impede the witnessing or viewing of an execution by any person permitted or required to be present at such execution. To deal with any issues about confidentiality of those administering the execution, those individuals may request to wear a mask or otherwise conceal their personal identity from the witnesses. LB238 previously required two members of the Legislature to be present, chosen by the Executive Board. That is what the amendment is here to bring up because pe-- enough people in the Legislature had said there is no way I could be a witness to this, you need to take that out. So I met with Senator Hilgers and agreed to go ahead and take out that portion of the-- of my bill in between General and Select. So again, I had put that in as a check and balance from our Legislature. I have taken it out because I heard your, your concerns about it. As the Lincoln Journal Star pointed out in its editorial endorsing my bill, quote, Anything to increase transparency and accountability in how the state administers its most severe punishment would be greatly welcome given the cloud that still hangs over its most recent use, unquote. I want to note that LB238 could have, probably should have, gone much farther. Robert Dunham with the Death Penalty Information Center issued a report which shows that there are other troubling aspects of how we are carrying out our executions. I was quite alarmed when I read this report. So LB238 is a commonsense transparency provision that we should support regardless of where we stand on the death penalty. And I want to reinforce and reiterate my sorrow for all the families who have had loved ones murdered. The Judiciary advanced this bill unanimously. And now I want to move on to this amendment to remind you that what, what it basically does is remove the process that would require members of the Legislature to be present for an execution. As amended, LB238 simply specifies that persons be per-- that persons permitted or required to be present-- that's already in our law so I haven't changed any of that shall be allowed to continuously-- that's what's new-- continuously witness the execution process from the moment the convicted person enters the chamber until the convicted person is, is declared dead or the execution is halted. It also states that no one shall authorize or permit any person to obstruct, limit, shield, or otherwise impede the witnessing or viewing of an execution by any person permitted or required to be present at such execution. So we already know from the masks that we now wear every day, most of the time I walk into a store or some other public place and, and people have no idea who I am. So a face mask over the mouth is one help, glasses or goggles are another help that could, that could, could hide the identity if somebody is concerned. But they didn't bring up the concern about the identity prior to this bill, which really allows you to hide the identity and just make sure that there is a continuous viewing of the execution. So I'm, I'm addressing

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

the concern that a few people raised. I had a super majority last time we voted on this bill in March. And, and, and I've also addressed the bill that Corrections raised that-- or the part of the bill that Corrections raised that some people may not want to be ID'd. They were able to be ID'd before I made this amendment, but-- so I think that's pretty much a lame excuse. The only solution is lack of transparency. We've never had to shut down the curtain before, never. Best practices show that we have open executions. We don't hide them. We don't pretend that everything's going fine for 14 minutes. What could have been done in that 14 minutes? I don't know. But we all know a lot of things could have been done. And then finally, something-- a sheet was brought up over. So, you know, for everybody in here that is, is concerned about life and how we do things and what's constitutional, I hope you'll support this amendment and move LB-- LB238 forward. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Pansing Brooks. Is there any dis-- debate on the amendment? I see none, Senator Pansing Brooks, you're recognized close on your amendment. She waives close and the question before the body is the adoption of AM2551. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 36 ayes, 0 nays on adoption of the amendment.

**FOLEY:** AM2551 is adopted.

**CLERK:** I have nothing further, Mr. President.

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

**SLAMA:** Well, in my last Select File bill as E&R Chairman, I move that LB238 be advanced to E&R for engrossing.

**FOLEY:** Members, you heard the motion to advance the bill. Those in favor say aye; those opposed say nay. LB238 advances. Speaker Scheer, you're recognized.

**SCHEER:** Thank you, Mr. President. Folks, colleagues, I know when I get done speaking, I'm going to be accused of favoritism, partisanship, waffling, changing the rules at my leisure. But in the morning, I told everyone that I wanted to make sure everybody's bill was able to pass that could pass and would facilitate trying to do that. So following my word, Senator Wayne's bill, LB866, has a problem that they were unaware of when we worked on it earlier. So I'm directing the President to please return LB866 to the board so that we can fix that. Thank you, Mr. President.

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

**FOLEY:** Thank you, Mr. Speaker. Senator Wayne, you're recognized to open on a motion to return the bill to Select File.

**WAYNE:** Thank you, Mr. President. Thank you, members of the Legislature. Even a blind squirrel can find a nut every once in a while. Now I want to thank Speaker Scheer. This is actually a, a weird amendment and I do appreciate Speaker, Speaker Scheer doing this. We voted to-- this afternoon to add an amendment to LB866 in the language. Fiscal Office thought the language was sufficient enough. After the bill passed, DAS Budget Office contacted the Fiscal Office and said they needed a technical change to allow the transfer and appropriate the funds that are necessary. So at the recommendation of the Fiscal Office, AM3387 would provide clearer transfer and appropriation language. I want to, again, thank Mr.-- Speaker Scheer for allowing this amendment to get back so we can give it up to Bill Drafting. And with that, I would ask you to vote AM3387.

**FOLEY:** Thank you, Senator Wayne. Any discussion on the motion to return the bill to Select File? I see none, Senator Wayne, you're recognized to close on your motion. He waives close and the question before the body is the adoption of the motion to return the bill to Select File for a specific amendment. Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 37 ayes, 0 nays, Mr. President, to return the bill.

**FOLEY:** The bill has been returned to Select File. Senator Wayne, you're recognized to open on AM3387. He waives the opening and closing, I presume. And the question for the body is the adoption of AM3387. Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 37 [SIC] ayes, 0 nays, Mr. President, on the adoption of the Select File amendment.

**FOLEY:** AM3387 has been adopted. Senator Slama for a motion.

**SLAMA:** Mr. President, I move that LB866 be advanced to E&R for engrossing.

**FOLEY:** Members, you heard the motion to advance LB866 to E&R for engrossing. Those in favor say aye; those opposed say nay. LB866 advances. Mr. Clerk, items for the record, please. We're going to proceed to Final Reading, LB424. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing the reading--

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

**CLERK:** Mr. President, Mr. President, excuse me, I'm sorry. Senator-- Mr. President, I have a motion. Senator Erdman would move to bracket LB424 until August 13.

**FOLEY:** Senator Erdman, you're recognized to open on your bracket motion.

**ERDMAN:** Thank you, Lieutenant Governor. Good afternoon. That is correct, I did have a bracket. That's my intention. I haven't liked this land bank bill or the ones that preceded this for the last three years. I don't think we want to rush in and pass a bill. It's only been three years. This is a fourth, so we don't want to rush in and pass this. This bill is being touted as being something that's going to be significant for rural communities to clean up blighted and dilapidated properties. I don't believe that this bill is going to accomplish any of those things. There is a better method that we have now discovered that will work far better than this and it's Senator Groene's micro-TIF, which makes a lot of sense. And I voted for micro-TIF bill because it is better than having the government own parcels of land in your community. Now I will get pushback from those people back home saying that this is the only way that they're able to clean up and restore these properties. I don't agree with that because if it was financially feasible, somebody would do it. But we're going to have the government do it because the private sector can't afford to do it. So it's OK if government does it because they're going to waste your money, the taxpayer money, to do this. So I was wondering if Senator Stinner would yield to a question?

**FOLEY:** Senator Stinner, would you yield, please?

**STINNER:** Yes, I will.

**ERDMAN:** Thank you, Senator Stinner. So Senator Stinner, I had a conversation with Senator Quick today off the mike on, on the land bank and I was comparing the land bank with the micro-TIF that Senator Groene has. And so here was the example that I shared with Senator Quick, is the land bank buys a property and they then restore the property, build a new house, or whatever. But let's, for this example, say the property is worth \$25,000 when it is purchased. They build a \$250,000 house on the property when it's all done and they sell it to a prospective buyer. That buyer will then pay the full amount of property tax on the \$250,000 house, is that correct?

**STINNER:** Yes.

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

**ERDMAN:** OK. So then the contractor or whomever owns the TIF bonds will receive-- I mean, excuse me, who owns the, the land bank will get one-half of that property tax for five years, is that correct?

**STINNER:** It could be, yes.

**ERDMAN:** OK. They, they can or they cannot.

**STINNER:** They can.

**ERDMAN:** They can choose to, right?

**STINNER:** Yeah.

**ERDMAN:** OK.

**STINNER:** It could be, yeah.

**ERDMAN:** All right. So let's, let's go through Senator Groene-- his micro-TIF example. Let's say that a contractor buys the property for the \$25,000, builds a house that's now worth \$250,000. In Senator Groene's micro-TIF, the owner of the new property, the TIF bond or the, the TIF revenue would go to the land, would follow the building. So in that example, that owner of the land would only pay taxes on the \$25,000 for ten years. And the balance of the \$225,000 that they pay taxes on would be reimbursed to them has a promissory note, is that your understanding of that?

**STINNER:** You know, I'd have to defer to Senator Wayne. I think he probably knows the answer to that--

**ERDMAN:** OK.

**STINNER:** --much better than I do, rather than me speculating.

**ERDMAN:** All right. Let's just-- let's make, let's make an assumption I'm correct. All right. So, so we're going to move forward with--

**STINNER:** And that's a stretch, Senator. I'm just telling.

**ERDMAN:** Pardon me?

**STINNER:** That's a stretch. You're assuming a lot, but I mean, let's get the facts and Senator Wayne has the facts.

**ERDMAN:** OK, these are the facts, all right? That's the way it works. So here's the point, so a person buys the house from the land bank and

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

they're going to pay the property tax and let's say it's 2 percent. So they're going to pay \$5,000 in property tax every year. A person who buys a house restored using the micro-TIF, they're going to pay \$1,000 per year for ten years. So when people buy properties, and, and I have somewhat of an understanding of how that works, they are most concerned about their monthly payment. That's the most important thing to them is their monthly payment. So in the example buying the land of the house from the land bank, their monthly property tax payment is going to exceed \$400 a month. And those people who buy the property from the micro-TIF are going to be less than \$100 a month for ten years. That's a significant difference. And so what I'm trying to tell you is we never, ever get the land into the government ownership with a micro-TIF, but we always do that with a land bank. So I've always heard everyone say that the difference between the micro-TIF and the land bank is that the land bank has a expedient, a quicker method of clearing the title. So Senator Stinner, can you tell me or explain how it is easier for the land bank to get a clear title than it is for a private citizen?

**FOLEY:** Senator Stinner, will you yield further?

**STINNER:** Yeah, depending on the valuation of property. And you're assuming micro-TIF only is for habitable properties, but this is also for properties that need to be torn down and razed. So that's, that's one thing that, that the land bank can do. In terms of purchasing and, and clearing the title, many times the, the accumulated cost of clearing that title is greater than the property. So somebody looks at it and says, well, if you can clear that title, I might be able to do this. But that, that, that is a pure example of why--

**ERDMAN:** OK.

**STINNER:** --a land bank is so important.

**ERDMAN:** All right. Let me, let me be a little more specific then. Tell me why a land bank can-- it's easier for a land bank to clear the title than it is for me if I, if I try to clear the title.

**STINNER:** It is, it is not any easier for you or for the land bank to clear the title. You would buy-- you would incur the cost either individually or the land bank would, would incur identical costs.

**ERDMAN:** Correct. And so every time that I would ask Senator Quick why it is important for the land bank to be the acquirer of the land, it's because they can clear the title quicker and easier. That's not the case. Every one of those steps that a person has to take to clear the

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

title has to be done whether you're a land bank or whether you're a private investor, would you agree with that?

**STINNER:** Yes.

**ERDMAN:** OK. So the land bank is an opportunity for the government to own land. We're going to set up a body of people, a group, a board that's going to decide which properties to buy and how they're going to be managed. And it's a difficult thing for me to see and understand that the land bank can own up to 10 percent of the parcels in my community, 10 percent. So what's happening here with the rural housing and the dilapidation of these properties is there are no jobs there. And those, those houses that are run down is because there's nobody there to live in those houses because there's no work there. So a private contractor can't do this, but the government can. That has always baffled me. If it's not economically feasible for someone in private business to take these properties and restore them, why does it work for the land bank? Well, the answer is they're doing it with somebody else's money, not theirs. How much time do I have left, Mr. Lieutenant Governor?

**FOLEY:** 2:00.

**ERDMAN:** 2:00?

**FOLEY:** Correct.

**ERDMAN:** OK. So I have several questions that I'd like to go through, but that will not afford me the opportunity to get that done. So I'll try that-- I'll do that on my next time at the mike.

**FOLEY:** Thank you, Senator Erdman. Speaker Scheer.

**SCHEER:** Thank you, Mr. President. Colleagues, just a heads up, it would appear that we will dispense of this bill one way or the other somewhere around 6:00. At 6:00, I will have a recess till 7:15. When we come back, we will start on Final Reading. We will stay in Final Reading till all the bills are returned and ran across so they're on Final and have tomorrow to layover. And at that point, whatever time, if it's 8:15 or 9:05, whenever all those get back, then we will adjourn for the night and come in tomorrow morning. Thank you, Mr. President.

**FOLEY:** Thank you, Mr. Speaker. In the speaking queue, Senators Wayne, Hilgers, Erdman. Senator Wayne.

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

**WAYNE:** Thank you. And since I was part of micro-TIF and part of land banks, I just want to, I just want to clear up some things. The micro-TIF will never apply to the land bank and the land bank will never apply to the micro-TIF. These are two different properties. Land bank is going after vacant properties that have multiple years of back taxes. It isn't that they can clear a title faster, it's that government authority can only clear the back taxes. That's the issue. The reason the land isn't developed is because an investor will want to develop it and look at \$10,000 in back taxes over 15 years and it doesn't become economically feasible. If the land bank clears that and says now you can purchase or buy this at \$2,000, now the private market can say, I can do this, I can build on here. The land bank, the-- it isn't how fast they cleared a title, it's the ability to, to clear the taxes. Now TIF is for somebody living in the house. Micro-TIF is for somebody living in the house or an investor who wants to own that house. If you remember, that TIF stays with that house. So if they sell it, that obligation or that increase goes to the next buyer. That is a completely different situation. Land bank is only involved in those rundown areas, typically in, in rural districts where the owner is not to be found. It's, it's a LLC from a grandkids, grandkids in California who haven't paid taxes in five years. So what happens is year number one is done, taxes aren't paid. Year number two, somebody buys that tax lien. They can't start foreclosing on that house until the end of year four because it has to be three years. So that house sits vacant with back taxes accruing for four years. As an individual, now I can buy that house. I can foreclose on that house. But I still have \$5,000 to \$10,000 or whatever the property tax is in back taxes. I'm stuck with that. So that's why you see 10 to 15, and in some parts of rural Nebraska, 20 percent of these tax liens just keep rolling over. So there is a percentage of 100 percent. There's 10 to 20 percent of them houses who just continue to rollover because the tax lien has never bought and it's not economically feasible. So if somebody goes out and buys a tax lien for cents on the dollar, hoping they can get their 12 cents back-- and typically they don't. So that's why you see vacant lots or rundown homes with property taxes that are back five to ten years that never change. That'll never be a micro-TIF. That house will never be in the same category to get micro-TIF'd. But what the land bank can do is say we're going to take that off of these cycles of tax liens and sheriff sales. We'll take it off of that cycle, clear the back taxes, and now allow private developers or private industries or your individual to buy that. Because that's what goes on in Omaha, individuals buy that house and fix them up and either live there or some of them flip them. That's a totally different scenario then the micro-TIF. So I just want to make sure people are clear. The micro-TIF office or the micro-TIF house

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

will never be that land bank house. That is somebody who's already occupying or will occupy it. We're talking about somebody who hasn't occupied it for years and that's why it can't turn over because of the back taxes. And only a government entity, i.e., the land bank, can clear those back taxes. So that's the issue we were dealing with and we have tried-- Senator Briese brought a bill my first year on vacant properties. This is an issue in, in rural Nebraska and we haven't been able to come up with a solution--

**FOLEY:** One minute.

**WAYNE:** --to really deal with these back taxes except for in Omaha. And that's because of the land bank. Now it's no secret I'm not 100 percent happy with the land bank all the time, but that's not the statute. That's how individuals kind of just want to do things here and there. And we fix that. We said you can't hold property for this many years. You can't have repository agreements. We narrowed that a lot. And this is what actually is needed in rural Nebraska. Again, it's a completely different house. Micro-TIF and land bank will never be on the same house unless you actually buy it from the land bank and then use micro-TIF to do something, but you won't if you, if you can't get those back taxes cleared. So I hope that explains it to people. It's the back taxes, not necessarily clearing title, that is always the hinderance. Sometimes, it's the clearing title, a, a quitclaim deed isn't always good enough for a mortgage or something like that, but it's the back taxes that hinder the private individual from moving forward with the project. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Wayne. Senator Hilgers.

**HILGERS:** Thank you, Mr. President. Good evening, colleagues. I rise in opposition to LB424. I do want to talk a little bit about the process to how we got to where we are today and the reasons why I still don't like the bill. But I will say at the outset, the bill as amended on General File and Select File is much better than it was when it was originally introduced. And I commend Senator Quick and Senator Stinner for the work that they've done during this process to make the better bill. I-- I'm going to vote no. And if it goes a cloture, I will vote no on the cloture vote. And I don't want to see land banks extended and expanded across the state of Nebraska. But if it does happen, I think it's a far better bill and there are far more safeguards that are in place to-- with this particular bill than there were originally. And I want to thank Senator Quick and Senator Stinner for the work that they did and the compromise that they did in order to make the bill better. That being said, I, I don't-- the original bill and the-- most of my criticism really was leveled at the original bill

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

in 2015. And a lot of the overbreadth, unintentional I'm sure, the overbreadth that was part of that original language. And there were a number of places that I pointed out where I had deep concern about the land bank's process and procedure, one of which dealt with the-- really unaccountability of the board, one of which dealt with the, the very mechanism of the automatic bid acceptance procedure, what I thought was-- which was deeply problematic, but not just the existence of the automatic acceptance bid procedure, but also the, the wide loophole through which one could go and use that procedure. That if you recall, there's a whole list of criteria that would be-- only one of which would be needed for the automatic bid acceptance to, to apply in a various-- in specific instance. And one of the giant loopholes was all you needed-- you didn't even need to have any of the criteria. You didn't have to be run down. You had to be dilapidated. You just needed to adjoin a property otherwise owned by the land bank. I thought that was deeply problematic. I thought it was deeply problematic to have the conflict of interest or the lack of conflict of interest, meaningful conflict of interest provisions. And the fact in other contexts, we have seen for decades, if not over 100 years in the common laws, really significant restrictions on fiduciary's obligations and ability to use money or property that they have a responsibility for that's not their own. Those were just some of what I thought were severe problems with the land bank. Now some of those are-- have been at least somewhat addressed in the expansion. So for instance, one of the things that I didn't mention a second ago, but that also was problematic was the incredibly high ceiling for the number of parcels that a land bank could own. So if you recall, I believe it's now 7, 7 percent for-- was proposed for Lincoln, for Lincoln, city of the primary class. And the rationale was, well, that's as many-- there are set-- we, we might-- there are that many parcels in the entire city that, that might ultimately be something that the land bank would address. But that implies to me that there's no-- that they're going to hold them all and there's no reason for a land bank to have 7 percent at any one time. And in fact, if the whole purpose is to get these properties back onto the rolls, the idea of having a 7 percent cap, I think was, was, was incredibly high. Now that's improved upon in the amendment. It wasn't where I wanted to go-- where I wanted to see it, which was less than 1 percent, which I thought would be reasonable and actually be consistent with why I understand the goal of land bank to be, but it's now 3 percent. The conflict of interest provisions have been improved, which I was happy to see. And at least for the extension into, into greater Nebraska, the automatic bid provision has been eliminated. I think those are, those are good things. Those are improvements and make the bill today far better than it was before. But ultimately, I believe that if, if

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

they're-- to the extent there is a problem and I've always said on this mike that I'm not disagreeing with those who say there is a problem. I have not contested that underlying fact--

**FOLEY:** One minute.

**HILGERS:** --thank you, Mr. President-- or that underlying proposition. But I've always thought that this particular solution, as-- not as described, but actually as put into statute, was overbroad and, and very problematic. Ultimately, I don't-- I would-- I don't think there's a, a land bank bill that I would vote for to extend it across Nebraska unless there are severe restrictions on what is already in place. We, we took several steps towards that direction, but not far enough. But it is a much better bill today than it was. I may get on the mike one more time just to talk through a little bit more and put a cap on the land bank discussion that has been a running discussion over the last several years, I think in my entire time here in the Legislature. So I will probably come back. But just to be clear, and I told this is Senator Quick, he knows I intend to vote no on LB424 and I do intend to vote no on cloture if we get that far. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hilgers. Senator Erdman.

**ERDMAN:** Thank you again, Lieutenant Governor. You know, I was listening to Senator Wayne make his comments there and Senator Wayne, I was amused by your comments where you said you're going to spend \$10,000 to clear the title and then you're going to turn around and sell it for \$2,000. It makes a lot of sense and that's why the private sector won't do that. And so consequently, they're taking tax dollars and paying off the taxes and then they are turning around and selling it for a loss. And that's why the private sector can't do that. And it doesn't make any sense. Government is not the answer. So, so we're going to have seven voting members appointed by the Chief Executive Officer and then two-thirds of those are the governing body. These members have to meet various requirements. But one of the things they don't have to meet is they don't have to have a division of the political parties on the board of directors. They can be all from one political party or another and there's no division there. There's no stipulation that said one, two, or three or whatever has to be from another political party. They all can be the same. The land bank, the land bank can borrow money from private lenders, from the state, from the federal government for the operations of the work of the land bank. So we're allowing people who are not elected by anyone, not elected by anyone to do the borrowing and whatever they want to do as far as running the land bank. That seems to be a problem. And so we go

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

on down through and read the rest of the bill. And one of the things that I thought was amusing on page 14 and I was wondering if Senator Stinner would yield a question on page 14? I have a question for him.

**FOLEY:** Senator Stinner, would you yield, please?

**STINNER:** Yes, I will.

**ERDMAN:** Senator Stinner, do you have the, the Final Reading bill in front of you?

**STINNER:** You know, I don't. I'm sorry.

**ERDMAN:** OK. Well, let me read what it says on, on-- between lines 27, 27 to 31. It said the land bank can enter into an agreement with a nonprofit or, or a private entity for the purpose of providing clear title to such property. Can you explain what that means about entering into a-- an agreement with a nonprofit to clear the title? How would that-- what-- what's the advantage of that? What's the purpose of that?

**STINNER:** I'm sure Senator Quick is better at answering this and I will not speculate, but I would defer to Senator Quick.

**ERDMAN:** OK, I'll ask Senator Quick. Senator Quick, can you answer that question?

**FOLEY:** Senator Quick, would you yield, please?

**ERDMAN:** Line-- page 14, line 27 to 31.

**QUICK:** That's yours. All right. And Senator Wayne just told me that he can answer that question for you. So I will defer to Senator Wayne.

**ERDMAN:** OK, we'll try Senator Wayne. Senator Wayne, will you yield to a question?

**FOLEY:** Senator Wayne, will you yield, please?

**WAYNE:** We'll yield shortly, yes.

**ERDMAN:** Do I need to read--

**WAYNE:** That's, that's-- actually the only reason is I'm the one who brought that language. And so what had happened was nonprofits were contracting with the land bank to hold land. And I believe that wasn't

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

the purpose of the land bank and so we tightened that up to say that they can't do that anymore.

**ERDMAN:** It says right here they can hold it for a year.

**WAYNE:** Well, yes, they can't hold it for longer than a year. And again, that-- the year is because that's what we guesstimated from it would take to clear out those, those back taxes, the process to clear those out. It usually takes about a year and so we're saying after that year, you need to move that property if that's what the land bank supposed to do.

**ERDMAN:** Can you explain why it takes a year to clear out the back taxes? You find out what's owed and you write a check, right?

**WAYNE:** No, because if you're a government agency, you have to hold a hearing. You have to hold at least three rounds of hearings in Omaha, at least that's the way we do it. And you have to go through a legal process in which you file a, a, a-- actually a legal process to remove the, the lien. And so I'm-- we assume that's the way it was around the rest of the state, but I don't know.

**ERDMAN:** So, so does this change-- does this also change, while I got you on the mike, you're an expert on this. So would this change is what happens in, in the Omaha land bank as well?

**WAYNE:** Yes. And actually, the land bank and many nonprofits in the city of Omaha asked, because of the pandemic, if we could remove this language and have it start till next year. And I said absolutely not.

**FOLEY:** One minute.

**WAYNE:** One of the critiques that Senator Erdman and Senator Hilgers has is they don't want you holding property. And I agree with it so you've got a year to get it done. So that's why we didn't take it out. Thanks to you two.

**ERDMAN:** OK. So once the private-- once this nonprofit and this agreement has been-- either goes a year or they get the, the title cleared, then it goes back to the ownership of the land bank?

**WAYNE:** No, it'll go to the nonprofit or to the market. We want them to no longer hold that property in these agreements. We want them to move the property back out into the private sector.

**ERDMAN:** And so then when you move it to the private sector, to the nonprofit, do they pay you for the property?

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

**WAYNE:** Sometimes they do or there's a provision in statute in Omaha that you can take 50 percent of the increased value in the property taxes and that's what pays for it.

**ERDMAN:** OK.

**WAYNE:** So it's an either/or.

**ERDMAN:** So who takes the loss then?

**WAYNE:** What do you mean who takes the loss?

**ERDMAN:** Well, if you've got a property that you just spend \$10,000 to clear the title and you sell it for \$2,000, somebody had to absorb \$8,000 loss.

**WAYNE:** Well, if there's a \$10,000 in your hypothetical as, as a back lien on taxes, the loss was already there. So we, we actually just erased the loss.

**FOLEY:** That's time, Senators. Thank you, Senator Erdman and Senator Wayne. Senator La Grone to be--

**La GRONE:** Thank--

**FOLEY:** --followed by Senator Matt Hansen and Senator Clements. Senator La Grone.

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

**FOLEY:** Thank you, Senator La Grone. Senator Erdman, 4:50.

**ERDMAN:** Thank you. Thank you, Senator La Grone. So if Senator Wayne would yield to a question?

**FOLEY:** Senator Wayne, would you yield, please?

**WAYNE:** Absolutely.

**ERDMAN:** OK, Senator Wayne, explain that last part you said about we just absorbed the loss. What, what did you mean by that?

**WAYNE:** So what you have is a-- what you technically have is a cancellation of the back taxes.

**ERDMAN:** OK.

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

**WAYNE:** So the taxes are owed. We know they haven't been paid because they haven't been paid for five or six years. So we're just canceling that off the-- off of that property to move that property back into private sector.

**ERDMAN:** OK, so then let's say that a property owes \$10,000 in taxes. And so to clear the title, the land bank would just write the taxes off and the-- all of the entities or local units of government, the LUGs, would get no tax at all because you wrote it off, is that correct?

**WAYNE:** They're not getting it now.

**ERDMAN:** But if I cleared the title, if I cleared the title, I would pay the \$10,000 in back taxes, correct?

**WAYNE:** Yes. And that's why they're not developing in your area--

**ERDMAN:** OK.

**WAYNE:** --is because people don't want to do that.

**ERDMAN:** All right. So follow my logic.

**WAYNE:** Um-hum.

**ERDMAN:** I'm going to pay the \$10,000 in back taxes and every LUG will get their portion of that \$10,000 that would go to them. If the land bank buys the property and clears the title, they get zero, is that correct?

**WAYNE:** It could be zero or it couldn't be. But let's look at it this way, either you stay at negative 10 and the next year negative 11, then the next year negative 12, or you clear that and now the property becomes active and you get a positive one and a positive two--

**ERDMAN:** [INAUDIBLE]

**WAYNE:** --because somebody is using it and moving the land forward. So it's either/or. I understand what you're saying. I'm saying you have to pick do you want to stay negative just to stay negative--

**ERDMAN:** Yeah--

**WAYNE:** --or do you want to move it back into the private sector so you can get positive taxes off of it?

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

**ERDMAN:** But, but the point is this, you're not going back to positive. You're going one-half positive because the land bank is going to collect one-half of the property tax for five years.

**WAYNE:** Maybe or you can buy it at a higher price. So in Omaha, you can sell it for \$5,000. And what they're doing is estimating the, the increase value. And if, if an individual like me wants to buy it for \$5,000, I'm essentially not paying those property taxes over the next five or two-- two to five years. I'm paying for it all up front. It really comes down, at least in Omaha, to how you want to do it.

**ERDMAN:** So if a land bank-- let's say, let's say the land bank transfers this property to a nonprofit. Does the nonprofit then pay property tax while they own it?

**WAYNE:** No. Well, after a year, they would. If it's in the land bank's name in an agreement for that year, there is no taxes. After that, depending on the nonprofit, you might pay taxes. There's certain nonprofits that don't pay taxes and there are some that do, I believe. I've got to go back and check.

**ERDMAN:** Why would, why would a nonprofit not pay taxes?

**WAYNE:** I think if you're a school, you're a nonprofit, you don't pay taxes. I think if you're a church-- I mean, if you're a, a church or if you're a hospital, you don't pay taxes.

**ERDMAN:** The correct terminology is if what you do is free, OK, or if you're a school or a church, right, or a cemetery. Those are the four that qualify for not paying property taxes.

**WAYNE:** I don't know if hospitals do stuff free, though.

**ERDMAN:** Hospitals, even if they're not-for-profit, what they do, they pay, they charge for that.

**WAYNE:** Oh, OK.

**ERDMAN:** They need to pay property tax. And there are a lot of hospitals who don't who should be paying property tax.

**WAYNE:** We agree on that.

**ERDMAN:** That's exactly right.

**WAYNE:** We agree on that.

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

**ERDMAN:** OK. So I learned that when I was a county commissioner. The first meeting I went to, they said these are the four reasons you don't pay property tax. And a 501(c)(3) is not one of those. So what we're going to do then is we're going to-- the land bank is not going to pay property tax as long as it's in their name, is that right?

**WAYNE:** Potentially, yeah. And again, this isn't-- this is only if a nonprofit doesn't. The goal, at least in Omaha goal, and I think the goal behind this bill is to, is to get it back out in private market.

**FOLEY:** One minute.

**WAYNE:** There's lot of nonprofits who do do housing and those kind of things, but I think the goal is to get that investment back up.

**ERDMAN:** So the property goes to a nonprofit and then they market it somehow, is that correct?

**WAYNE:** Correct.

**ERDMAN:** And so they do it through a realtor or whatever they do and then they get the money, the nonprofit gets the money. How does a land bank get their money back so they can buy another property?

**WAYNE:** Well, that's the beauty of a land bank. So in Omaha, they actually do some fundraising. So they don't put, they don't put the onus on the developer or the builder to pay a outrageous price for their land. So they actually do fundraising so they can-- actually they give away some lots. They, they try to spur development. They're like, hey, the taxes are clear. It's a clear title, come build.

**ERDMAN:** Yeah. OK. Thank you for answering the questions. Let me just finish up this time with this. St. Louis has a lot of properties that they have acquired through the land bank. And I read an article last year when we were talking about this bill that if you go and mow the property, keep the weeds down--

**FOLEY:** That's time, Senator.

**ERDMAN:** --they'll give it to you. Thank you.

**FOLEY:** That's time. Thank you, Senator Erdman. Senator Matt Hansen.

**M. HANSEN:** Thank you, Mr. President, and good afternoon again, colleagues, or good evening, I suppose now. I do rise in opposition to the bracket motion. I know we're quickly approaching cloture, so I'll be supporting cloture and I'll be supporting LB424. I did want to rise

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

up and first of all, thank Senator Quick, his staff for their advocacy on this bill, thank Senator Stinner for continuing to prioritize it, and thank Senator Wayne and committee staff for continuing to work on this issue. I'm very appreciative that Senator Quick is taking this burden on to try and advance land banks across the state. This is something that I think will benefit many communities. It will benefit mine and I appreciate his effort and the continued effort to move it forward. I think hearing some of the, the debate and questions and concerns and other bills or things proposed, I think there's a little bit of crossed wires. And I appreciate, honestly, us diving down and getting some technical details and understanding what's going on with land banks. For me, the fundamental crux of the land banks is our constitution does not give us, as the Legislature, the ability-- or a political subdivision, the ability to cancel taxes unless that, unless that property is acquired by the state or political subdivision. And that's kind of the crux is if there is a property that is so underwater on back taxes and is so neglected and can't balance out, that you need a political subdivision to come in and be the one to cancel it. Those are the hearings that Senator Wayne has talked about. That's the process. It's a very long, extended public process because it is a very long, extended public thing. And that is a constitutional requirement. That is a reason we can't just say-- allow a private developer to waive away taxes. It's in our constitution short of an amendment, which I would-- I won't speculate on the chance of an amendment changing that getting to this body. But short of an amendment to change that, that's the requirement. That's kind of the eye of the needle we have to fund-- funnel all of this through and that's the purpose of the land bank is to thread that needle. Yes, there are other properties that the land bank can address. And that's part of the reason we do apply that flexibility and allow for other options is that there might be different properties in different states of repair with different needs. But if a land bank is kind of in the embodiment of a community throwing its ability to revitalize areas, it has those powers. And the big kind of secret, you know, tool in its toolbox, not secret, but the big special tool in the toolbox that it has this ability to cancel these taxes, which again, as Senator Wayne pointed out, is a very public process. It requires hearings and public notice and whatnot, but it's fundamentally the issue and the ability they have. And I bring that up because it's kind of interesting and we're not hearing as much today, but I've heard it on earlier rounds of debate such that there's kind of some of these things have like-- the private market will do this, the private market won't do this. I'm unsure if the land bank is a government overreach, but at the same time, other people have alleged that this is a buddy-buddy system, you know, with special favors, helping developers.

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

And I'm struggling with that. And I understand that not everybody who supports this bill supports it for the same reason and not everybody who opposes it opposes for the same reason, but if we're hearing some of the comments on, on past debate where this is too friendly and too nice to developers, it's also kind of coming in and saying we're robbing money from developers who can flip this property. It's kind of a little bit-- we have to ask ourselves, which one are we worried about? Because I think both of those critiques can't necessarily be true at the same time. So I just kind of wanted-- I just want to put that out there. This is an opportunity for some of these really problem properties to come in and be addressed. As Senator Wayne has pointed out, there's not been-- you know, we've reviewed land banks. We've tightened up. We workshopped it. I imagine that will continue to come, just like TIF has been an option this body has looked at multiple, multiple, multiple times. That's kind of fundamentally where we're at, is we have this limited constitutional provision that allows political subdivisions to cancel taxes if the property is acquired by the political subdivision and the land bank gives a city the--

**FOLEY:** One minute.

**M. HANSEN:** --opportunity to do that. With that, I would yield my remaining time to Senator Quick.

**FOLEY:** Senator, I didn't catch who you're yielding to.

**M. HANSEN:** Senator Quick.

**FOLEY:** Senator Quick, you've been yielded 1:00.

**QUICK:** Thank you, Mr. President, and thank you, Senator Hansen. I do want to let everybody know that I am opposed, opposed to the bracket motion. And I want to thank Senator Hilgers as well because we sat down, Senator Stinner for prioritizing the bill and we were able to sit down and we've actually made several compromises to this bill. Over the last three years, we've come up-- I think we've made 26 changes to the bill and I think it has made the bill better. So this is something that most of the communities in outstate Nebraska need and they want. I know the city of Grand Island has asked me to, to keep pushing for this because we have about 200 properties that need to be addressed in our community alone. So I've also met with our home builders in Grand Island and they say this would be a great way for the land bank to acquire the property and pass it on to a private developer or off to a nonprofit. So thank you, Mr. President.

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

**FOLEY:** Thank you, Senator Quick. In the speaking queue are Senators Clements, Lowe, Ben Hansen, and others. Senator Clements.

**CLEMENTS:** Thank you, Mr. President. I've been hearing the term the land bank clears the taxes. I had a question about that. Would Senator Quick yield to a question?

**FOLEY:** Senator Quick, would you yield, please? Senator Quick, would you yield to a question, please?

**QUICK:** Yes.

**CLEMENTS:** Thank you, Senator Quick. I keep hearing about the land bank clearing the taxes and I'm just not sure yet how, how that happens. Does the land bank pay the taxes or does it forgive and somehow void the back taxes?

**QUICK:** Yes, a land bank, they have the ability to clear the title by canceling liens and claims for back taxes and special assessments.

**CLEMENTS:** Canceling liens, so not just taxes, but you mean like a mortgage lien?

**QUICK:** Well, I would say-- so what has happened over time is these people maybe not even be paying their, their, their mortgages so the bank is held with that property. So I think the banks, from what I understand, would be in favor of not having to hold those properties and having it sit there. No one's paying the taxes. No one's maybe paying the mortgage. And so they can clear all of that and then, and then pass it on to a, to a private company.

**CLEMENTS:** But the land bank does have ability to just void the back taxes.

**QUICK:** They do, yes.

**CLEMENTS:** Do they also sometimes just pay the taxes?

**QUICK:** No, they-- currently, they-- the land bank just voids the, the back taxes.

**CLEMENTS:** Just void them so they don't have to pay them. Thank you, Senator Quick, that's all I had from, from you. Thanks very much. Well, it just seems like that gives one part of our, our government more power than an individual has. I'd like to give the private sector the advantages being proposed somehow to let a private person have that ability to say, I want to buy the property and would you just

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

void the taxes? The-- one problem I have is we seem to have a lot of joint public agencies being created. It's another joint public agency and creates another layer of bigger and bigger government. And I am not-- just not wanting to get more government. We seem to end up with more taxes. And we just had a good debate on property taxes this morning and I think this is a way that we're going to end up with more taxes than less. In my personal situation, I had a house next door. We called it the "crack house" because the police were there often. I remember on Christmas Day, one day we had a patrol car there and had to haul some people off and they got hauled off. And then the weeds grew up about three-feet tall and we would see foxes and raccoons and possums on the property. And it did have back taxes. And I decided, well, it's right next-- across the alley from me, I'd better do something about that. So I did research it. It had back taxes. It was questionable whether it was going to be worth getting this house. But I took a while, but I did find the owner. The owner had moved away and found the owner and made an offer to the owner just--

**FOLEY:** One minute.

**CLEMENTS:** --to get titled in my name. And I did get it titled in my name. I had to have the fire department burn the house down. That took a while. It had asbestos in it. We had to have that removed first. Then I did finally sell the lot. But fortunately, this last week, I sold the lot to a retired couple recent-- a while back and they have dug a basement on that lot. And I talked to them this week. They're going to be building through the winter and did have a good situation. And we didn't have a land bank that had to do that and I didn't lose money. I actually kind of came out even and was glad to have a property next door that's now going to be a house rather than a varmint haven. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Clements. Senator Lowe.

**LOWE:** Thank you, Lieutenant Governor, and thank you, Senator Clements, for doing that for your community, community. That's the way it's supposed to be done; private enterprise, not the government buying our property. The government owns enough land in this country. They own land that they don't even take care of sometimes. Private enterprise, that's what our country was built on. It wasn't built on government. Government of the people, by the people, and for the people. The people run the government. The people should be in charge. When we look at those empty lots, when I look at an empty lot like that or a lot with a house, I first figure out in my head what it would take to buy that piece of property. Then I figure out how much it's going to take to clean it up, then to fix it up, then to get it ready for a

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

tenant or to be sold. It's a simple process. We all can do it. We don't need the government to help. There's a reason why we allow the land banks to come in. We're too lazy. There are aggressive people everywhere, even in the city of Grand Island. They took the old hotel there and they're making good businesses out of it, but they are aggressive. They use the government, but they are aggressive. They can see into the future and they can see what, what could be. We don't need the government for that. We need, need our imagination and our willpower to get things done. That's true Americanism. I'd like to yield the rest of my time to Senator Hilgers.

**FOLEY:** Thank you, Senator Lowe. Senator Hilgers, 2:45.

**HILGERS:** Thank you, Mr. President. Thank you, Senator Lowe. I wanted to walk through one last provision here that did get into this amendment that I, I think is really important. So one of my core concerns is this idea that we're going to create this, you know, new governmental entity and then we're going to sort of, you know, wipe our hands of the situation and say, you can be totally unaccountable and go get created and we're not going to know anything about what you're doing. And then maybe something bad will happen down the road. And it's sort of like, oops, you know what-- that-- you know, maybe someone made a mistake. So one of the important things that-- in my view is oversight. And there was a provision and I spoke with legal counsel of Urban Affairs for some reporting mechanism already. And I looked at those reports. And to be quite candid, there's really-- it was a bunch of fluff and it really didn't provide, in my view, any sort of accountability for the Legislature in the future to determine whether or not these land banks are actually doing what they say they're going to do. So this amendment does include a few things that I think are really important and it's going to broaden the audience to which those reports get sent. And so I will tell you, if this does pass and I'm voting no, I'm going to be looking very closely at those reports to find out what these land banks are doing and to make sure that they are operating within the boundaries of the law. Now there's a few things that I want to emphasize. One is a listing of the properties at the end of the, at the end of the calendar year and how long they've held these properties. So if the idea is we're just going to amass lots of property and then figure out what to do with them later, I think that's, that's inconsistent with the arguments made on the floor. And so I, I-- that's-- that would be a problem. It's also going to include a list of entities and individuals who receive more than \$2,500 in a calendar year. So we're going to understand, you know, where-- who are the vendors, where are they sending money to, and are there any conflicts of interest, a list of the financial

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

institutions where those land banks are holding their funds, the percentage of total parcels in the, in the area in which--

**FOLEY:** One minute.

**HILGERS:** --they operate-- thank you, Mr. President-- and then finally, a statement certifying that all the board members and employees of the land bank comply with the conflict of interest requirements. So this is a, I think a much more robust reporting requirement. We did work with the land banks to ensure, you know, we weren't trying to impose, you know, dozens and dozens and dozens of hours of work. But these are things that really are at their fingertips and is information that they could really obtain readily and ought to be in the hands of the Legislature in this oversight role that we have. And so ultimately, if this passes, that will be information we will have and we'll be able to assess what the impact is of these land banks and whether or not they're doing what they say they're going to do. And I have not brought a bill on land banks and really have played defense on the bill that Senator Quick has brought. But I will say I'll be watching very closely on these reports and will bring a bill if it looks like further reform is needed. So I'll be voting red, encourage your vote on, on the-- red vote on the underlying bill. And I guess we're going to have a motion for cloture, I guess, here in a second, but do appreciate the debate and the conversation and Senator Quick and Senator Stinner's work. It did make the bill better, even though I don't want to see land banks expanded. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hilgers. Mr. Clerk, you have a motion at the desk.

**CLERK:** Mr. President, Senator Quick would move to invoke cloture pursuant to Rule 7, Section 10.

**FOLEY:** It's the ruling of the Chair that there has been a full and fair debate. Members, we're on Final Reading, so I'll need all members to please check in so we can ensure that we have a full complement of senators. All senators, please check in. This is not the vote on cloture, this is just a vote to check in. Senator Pansing Brooks, will you check in, please? Senators Kolterman, Bolz, Morfeld, Vargas, DeBoer, McDonnell, Hunt, please return to the Chamber and check in. Thank you, Senator. Senators Bolz, Morfeld, and Vargas, and Hunt. Senator Vargas, please return to the Chamber and check in. All unexcused members are now present. Members, the first vote is whether or not to invoke cloture. Senator Erdman has requested a roll-call vote in regular order. Mr. Clerk.

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

**CLERK:** Senator Albrecht, voting-- is that no? No. Thank you. Voting no. Senator Arch, not voting. Senator Blood.

**BLOOD:** Yes.

**CLERK:** Voting yes. Senator Bolz.

**BOLZ:** Yes.

**CLERK:** Voting yes. Senator Bostelman.

**BOSTELMAN:** No.

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

**BRANDT:** Yes.

**CLERK:** Voting yes. Senator Brewer, voting no. Senator Briese, voting yes. Senator Cavanaugh, voting yes. Senator Chambers.

**CHAMBERS:** Yes.

**CLERK:** Voting yes. Senator Clements.

**CLEMENTS:** No.

**CLERK:** Voting no. Senator Crawford.

**CRAWFORD:** Yes.

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

**DeBOER:** Yes.

**CLERK:** Voting yes. Senator Dorn.

**DORN:** Yes.

**CLERK:** Voting yes. Senator Erdman.

**ERDMAN:** No.

**CLERK:** Voting no. Senator Friesen, voting yes. Senator Geist, voting no. Senator Gragert, voting yes. Senator Groene. Senator Halloran.

**HALLORAN:** No.

**CLERK:** Voting no. Senator Ben Hansen, voting no. Senator Matt Hansen.

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

**M. HANSEN:** Yes.

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

**HILGERS:** No.

**CLERK:** Voting no. Senator Hilkemann.

**HILKEMANN:** Yes.

**CLERK:** Voting yes. Senator Howard.

**HOWARD:** Yes.

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

**HUGHES:** Yes.

**CLERK:** Voting yes. Senator Hunt, voting yes. Senator Kolowski.

**KOLOWSKI:** Yes.

**CLERK:** Voting yes. Senator Kolterman.

**KOLTERMAN:** Yes.

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

**La GRONE:** No.

**CLERK:** Voting no. Senator Lathrop.

**LATHROP:** Yes.

**CLERK:** Voting yes. Senator Lindstrom.

**LINDSTROM:** Yes.

**CLERK:** Voting yes. Senator Linehan.

**LINEHAN:** Not voting.

**CLERK:** Not voting. Senator Lowe.

**LOWE:** No.

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

**McCOLLISTER:** Yes.

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

**CLERK:** Voting yes. Senator McDonnell.

**MCDONNELL:** Yes.

**CLERK:** Voting yes. Senator Morfeld, voting yes. Senator Moser.

**MOSER:** Yes.

**CLERK:** Voting yes. Senator Murman, not voting. Senator Pansing Brooks, voting yes. Senator Quick, voting yes. Senator Scheer, voting yes. Senator Slama.

**SLAMA:** No.

**CLERK:** Voting no. Senator Stinner.

**STINNER:** Yes.

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

**VARGAS:** Yes.

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

**WALZ:** Yes.

**CLERK:** Voting yes. Senator Wayne, voting yes. Senator Williams.

**WILLIAMS:** Yes.

**CLERK:** Voting yes. Senator Wishart.

**WISHART:** Yes.

**CLERK:** Voting yes. 33 ayes, 12 nays, Mr. President, to invoke cloture.

**FOLEY:** The motion for cloture is successful. The next vote is whether or not to bracket the bill. Those in favor of the bracket motion vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** 12 ayes, 30 nays to bracket the bill.

**FOLEY:** The bracket motion is not successful. Next vote is to suspend the reading. Those in favor of suspending the reading vote aye; those opposed vote nay. Record, please.

**CLERK:** 35 ayes, 7 nays to dispense with the at-large reading.

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

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

**CLERK:** [READ TITLE OF LB424]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB424 pass? Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** Voting aye: Senators Blood, Bolz, Brandt, Briese, Cavanaugh, Chambers, Crawford, DeBoer, Dorn, Gragert, Matt Hansen, Hilkemann, Howard, Hunt, Kolowski, Kolterman, Lathrop, Lindstrom, McCollister, McDonnell, Morfeld, Moser, Pansing Brooks, Quick, Scheer, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senators Albrecht, Bostelman, Brewer, Clements, Erdman, Geist, Halloran, Ben Hansen, Hilgers, La Grone, Lowe, Slama. Not voting: Senators Arch, Friesen, Hughes, Linehan, Murman, and Groene. 31 ayes, 12 nays, 5 present not voting, 1 excused not voting, Mr. President.

**FOLEY:** LB424 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB424. Items, please.

**CLERK:** Mr. President, Enrollment and Review reports LB1107, LB814, and LB632 as correctly engrossed. And Senator Stinner would move to recess the body until 7:15, Mr. President, 7:15.

**FOLEY:** Members, you heard the motion to recess till 7:15. Those in favor say aye; those opposed say nay. We are in recess till 7:15.

[RECESS]

**FOLEY:** Good evening, Senators. The evening session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

**FOLEY:** Thank you, Mr. Clerk. Do you have any items for the record?

**CLERK:** I have nothing at this time.

**FOLEY:** Members, we're going to start Final Reading. I ask all of you to please be at your desks pursuant to the rules for Final Reading. We'll now commence with Final Reading. The first bill is LB755. Mr. Clerk, the first vote is to dispense with the at-large reading. Those

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

in favor of dispensing of the reading vote aye; those opposed vote nay. Record, please.

**CLERK:** 31 ayes, 6 nays, Mr. President.

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

**CLERK:** [READ TITLE OF LB775]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB755 pass? Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Williams, Wishart. Voting nay: none. Not voting: Senators Groene and Wayne. 47 ayes, 0 nays, 2 excused not voting.

**FOLEY:** LB755 passes. Next bill is LB755A. Mr. Clerk.

**CLERK:** [READ LB755A ON FINAL READING]

**FOLEY:** All provisions of law relative to procedure having been complied with, the questions is, shall LB755A pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** Voting aye: Senators Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Walz, Williams, Wishart. Voting nay: none. Not voting: Senators Albrecht, Lowe, Vargas, Groene, and Wayne. Senator Vargas voting aye. 45 ayes, 0 nays, 2 present not voting, 2 excused not voting, Mr. President.

**FOLEY:** LB755A passes. Proceeding now to LB781e. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing of the reading vote aye; those opposed vote nay. Record, please.

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

**CLERK:** 36 [SIC] ayes, 1 nay, Mr. President, to dispense with the at-large reading.

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

**CLERK:** [READ TITLE OF LB781e]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB781e pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Williams, Wishart. Voting nay: none. Not voting: Senators Groene and Wayne. 47 ayes, 0 nays, 2 excused not voting.

**FOLEY:** LB781e passes with emergency clause attached. Next bill is LB808e. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing of the reading vote aye; those opposed vote nay. Record, please.

**CLERK:** 34 ayes, 4 nays, Mr. President, to dispense with the at-large reading.

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

**CLERK:** [READ TITLE OF LB808e]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB808e pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner,

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

Vargas, Walz, Williams, Wishart. Voting nay: none. Not voting:  
Senators Groene and Wayne. 47 ayes, 0 nays, 2 excused not voting.

**FOLEY:** LB808e passes with the emergency clause attached. Next bill is  
LB808Ae. Mr. Clerk.

**CLERK:** [READ LB808Ae ON FINAL READING]

**FOLEY:** All provisions of law relative to procedure having been  
complied with, the question is, shall LB808Ae pass with the emergency  
clause attached? Those in favor vote aye; those opposed vote nay.  
Record, please.

**CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman,  
Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford,  
DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Halloran, Hansen,  
Hansen, Hilgers, Hilkemann, Howard, Hughes, Hunt, Kolowski, Kolterman,  
La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell,  
Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner,  
Vargas, Walz, Williams, Wishart. Voting nay: none. Not voting:  
Senators Groene and Wayne. Senator Wayne voting yes. 48 ayes, 0 nays,  
1 excused not voting.

**FOLEY:** LB808Ae passes with the emergency clause attached. Next bill is  
LB848. Mr. Clerk, the first vote is to dispense with the at-large  
reading. Those in favor vote aye; those opposed vote nay. Record,  
please.

**CLERK:** 34 ayes, 8 nays, Mr. President, to dispense with the at-large  
reading.

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

**CLERK:** [READ TITLE OF LB848]

**FOLEY:** All provisions of law relative to procedure having been  
complied with, the question is, shall LB848 pass? Those in favor vote  
aye; those opposed vote nay. Record, please.

**CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Brandt,  
Brewer, Briese, Cavanaugh, Chambers, Crawford, DeBoer, Dorn, Geist,  
Gragert, Matt Hansen, Hilkemann, Howard, Hunt, Kolowski, Kolterman,  
Lathrop, Lindstrom, Linehan, McCollister, McDonnell, Morfeld, Pansing  
Brooks, Quick, Scheer, Stinner, Vargas, Walz, Wayne, Williams,  
Wishart. Voting no: Senators Bostelman, Clements, Erdman, Halloran,

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

Ben Hansen, Hilgers, La Grone, Lowe, Moser, Slama. Not voting:  
Senators Friesen, Hughes, Murman, and Groene. 35 ayes, 10 nays, 3  
present not voting, 1 excused not voting, Mr. President.

**FOLEY:** LB848 passes. Next bill is LB848A. Mr. Clerk.

**CLERK:** [READ LB848 ON FINAL READING]

**FOLEY:** All provisions of law relative to procedure having been  
complied with, the question is, shall LB848A pass? Those in favor vote  
aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Brandt,  
Brewer, Briese, Cavanaugh, Chambers, Crawford, DeBoer, Dorn, Geist,  
Gragert, Matt Hansen, Hilkemann, Howard, Hunt, Kolterman, Lathrop,  
Lindstrom, Linehan, McCollister, McDonnell, Morfeld, Pansing Brooks,  
Quick, Scheer, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting  
no: Senators Bostelman, Clements, Erdman, Halloran, Moser, Murman,  
Slama. Not voting: Senators Friesen, Ben Hansen, Hilgers, Hughes,  
Kolowski, La Grone, Lowe, and Groene. 34 ayes, 7 nays, 7 present not  
voting, 1 excused not voting.

**FOLEY:** LB848A passes. Next bill is LB918. Mr. Clerk.

**CLERK:** [READ LB918 ON FINAL READING]

**FOLEY:** All provisions of law relative to procedure having been  
complied with, the question is, shall LB918 pass? Those in favor vote  
aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman,  
Brandt, Brewer, Briese, Cavanaugh, Chambers, Crawford, DeBoer, Dorn,  
Geist, Gragert, Matt Hansen, Hilgers, Hilkemann, Howard, Hunt,  
Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan,  
McCollister, McDonnell, Morfeld, Moser, Pansing Brooks, Quick, Scheer,  
Slama, Stinner, Vargas, Walz, Wayne, Wishart. Voting no: Senators  
Clements and Erdman. Not voting: Senators Friesen, Halloran, Ben  
Hansen, Hughes, Lowe, Murman, Williams, Groene. 39 ayes, 2 nays, 7  
present not voting, 1 excused not voting.

**FOLEY:** LB918 passes. LB918A.

**CLERK:** [READ LB918A ON FINAL READING]

**FOLEY:** All provisions of law relative to procedure having been  
complied with, the question is, shall LB918A pass? Those in favor vote  
aye; those opposed vote nay. Have you all voted? Record, please.

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

**CLERK:** Voting aye: Senators Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Crawford, DeBoer, Dorn, Geist, Gragert, Matt Hansen, Hilgers, Hilkemann, Howard, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, Morfeld, Moser, Pansing Brooks, Quick, Scheer, Slama, Vargas, Wayne, Wishart. Voting no: Senator Clements. Not voting: Senators Albrecht, Erdman, Friesen, Halloran, Ben Hansen, Hughes, Lowe, Murman, Stinner, Walz, Williams, and Groene. Senator Walz voting yes. 37 ayes, 1 nay, 10 present not voting, 1 excused not voting.

**FOLEY:** LB918A passes. Next bill is LB923e.

**ASSISTANT CLERK:** [READ LB923e ON FINAL READING]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB923e pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Halloran, Ben Hansen, Matt Hansen, Hilgers, Hilkemann, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: none. Not voting: Senator Groene. Vote is 48 ayes, 0 nays, 1 excused and not voting.

**FOLEY:** LB923e passes with the emergency clause attached. Next bill, LB963.

**ASSISTANT CLERK:** [READ LB963 ON FINAL READING]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB963 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Geist, Gragert, Halloran, Ben Hansen, Matt Hansen, Hilgers, Hilkemann, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Vargas, Walz, Wayne, and Wishart. Voting nay: none. Not voting: Senators Brewer, Friesen, Stinner, Williams, and Groene. Senator Brewer voting

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

yes. Vote is 45 ayes, 0 nays, 3 present not voting, 1 excused not voting, Mr. President.

**FOLEY:** LB963 passes. Proceeding now to LB963A.

**ASSISTANT CLERK:** [READ LB963A ON FINAL READING]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB963A pass? Those in favor vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Geist, Gragert, Halloran, Ben Hansen, Matt Hansen, Hilgers, Hilkemann, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Vargas, Walz, Wayne, and Wishart. Voting nay: none. Not voting: Senators Friesen, Stinner, Williams, and Groene. Vote is 45 ayes, 0 nays, 3 present not voting, 1 excused not voting, Mr. President.

**FOLEY:** LB963A passes. LB965.

**ASSISTANT CLERK:** [READ LB965 ON FINAL READING]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB965 pass? Those in favor vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Halloran, Ben Hansen, Matt Hansen, Hilgers, Hilkemann, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: none. Not voting: Senator Groene. Vote is 48 ayes, 0 nays, 1 one excused and not voting.

**FOLEY:** LB965 passes. LB965A.

**ASSISTANT CLERK:** [READ LB965A ON FINAL READING]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB965A pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

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

**ASSISTANT CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Erdman, Friesen, Gragert, Halloran, Ben Hansen, Matt Hansen, Hilgers, Hilkemann, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: none. Not voting: Senators Dorn, Geist, and Groene. Senator Geist voting yes. Vote is 47 ayes, 0 nays, 1 present not voting, 1 excused not voting.

**FOLEY:** LB965A passes. Next bill is LB966. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing of the reading vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** 35 ayes, 4 nays to dispense with the at-large reading, Mr. President.

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

**ASSISTANT CLERK:** [READ TITLE OF LB966]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB966 pass? Those in favor vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Friesen, Geist, Gragert, Ben Hansen, Matt Hansen, Hilgers, Hilkemann, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: Senator Erdman. Not voting: Senators Halloran, Lowe, and Groene. Vote is 45 ayes, 1 nay, 2 present not voting, 1 excused and not voting.

**FOLEY:** LB966 passes. Proceeding now to LB992. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** 36 ayes, 4 nays to dispense with the at-large reading.

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

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

**ASSISTANT CLERK:** [READ TITLE OF LB992]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB992 pass? Those in favor vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Halloran, Ben Hansen, Matt Hansen, Hilgers, Hilkemann, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: none. Not voting: Senators Pansing Brooks and Groene. Vote is 47 ayes, 0 nays, 1 present not voting, 1 excused not voting.

**FOLEY:** LB992 passes. Next bill is LB1002e. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing of the reading vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** 33 ayes, 5 nays to dispense with the at-large reading.

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

**ASSISTANT CLERK:** [READ TITLE OF LB1002e]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB1002e pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Halloran, Ben Hansen, Matt Hansen, Hilgers, Hilkemann, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: none. Not voting: Senators Stinner and Groene. Vote is 47 ayes, 0 nays, 1 present not voting, 1 excused not voting, Mr. President.

**FOLEY:** LB1002e passes with the emergency clause attached. Next bill is LB1053. Mr. Clerk, the first vote is to dispense with the at-large

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

reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** 37 ayes, 6 nays to dispense with the at-large reading.

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

**ASSISTANT CLERK:** [READ TITLE OF LB1053]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB1053 pass? Those in favor vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Halloran, Ben Hansen, Matt Hansen, Hilgers, Hilkemann, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: none. Not voting: Senator Groene. Vote is 48 ayes, 0 nays, 1 excused and not voting.

**FOLEY:** LB1053 passes. Next bill is LB1056e. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing of the reading vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** 32 ayes, 5 nays to dispense with the at-large reading.

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

**ASSISTANT CLERK:** [READ TITLE OF LB1056e]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB1056e pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Halloran, Ben Hansen, Matt Hansen, Hilgers, Hilkemann, Howard, Hughes, Hunt, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister,

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

McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: none. Not voting: Senators Kolowski and Groene. Vote is 47 ayes, 0 nays, 1 present not voting, 1 excused and not voting.

**FOLEY:** LB1056e passes with the emergency clause attached. Next bill is LB1060. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, Senator Vargas would move to return LB1060 to Select File for a specific amendment. That being to strike the enacting clause.

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

**VARGAS:** Thank you very much. Good evening, colleagues. Before anybody thinks something differently, Senator Cavanaugh is fully aware and supportive of me doing this. And I want to communicate to all of you that my intention is to withdraw this motion when I'm done speaking. Last week, we had a hearing on my amendment to LB667 to enact some health and safety protections for meatpacking plant workers during COVID-19. Now at the hearing, we heard from 34 proponents all stating that these are exactly the protections that these workers need: mandatory temperature taking, free PPE given to workers as it becomes soiled throughout the day, six-foot social distancing, and notices to workers who may have been exposed to COVID-19 due to a positive test from a coworker who they work near. Now these are all commonsense protections, or at least I believe they are. We had no opponents testify at the hearing, but we did receive four letters of opposition from the meatpacking plants who explained their position and stated that they would not be attending the hearing. I'll confess, it really surprised me that they didn't bother to show up to the hearing, that they didn't have enough respect for the legislative process to testify in person in opposition. And ultimately, and what I said earlier is to talk about ways that they can make the bill better. They did not come and answer questions about what is happening at their plants. I did not feel they had the compassion to sit in the same room as their employees who risked their jobs to tell the committee about the unsafe, unhealthy working conditions they are experiencing not and during regular times, but during the COVID-19 pandemic. Now one of the testifiers came and told me that the committee-- told the committee their experience working in the Tyson plant in Sioux City and I want to share that one with you. Christian [PHONETIC] and his dad worked together. They worked together at the plant and his dad contracted COVID-19 at, at work and was hospitalized. His dad was 52 years old when he went into the hospital and he turned 53 while he was there. He died five days before Christian's first child was born. What would

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

have been his first grandchild. Christian told us that Tyson didn't acknowledge his father's death in any way. They did not send any condolences and he quit after his father died because after working together so closely on the line for so long, he could not bear to look over the shoulder and not see his dad there. Another testifier came and talked about how five of her family members who work in packing plants have died from COVID-19. Five people in her family. Many testifiers talked about how quickly their mask became soiled throughout the shift and are not replaced with clean ones. Many of us in this body have been wearing masks. Think about when you need to adjust them if they're slipping or even if you have an itch. Now think about doing that when your hands are bloody. The mask becomes soaked in blood. And then imagine working that way for three or four more hours. Colleagues, that part is inhumane. It is unhealthy. It's unsafe. These are just some of the stories that the committee heard from testifiers at the hearing this week. And I think it's important that you know them, too, and that you know what happened at the hearing. Now the Business and Labor Committee advanced my amendment LB667 today. But obviously it is too late in our session for LB667 to be fairly debated by all. And I don't believe that there are any other germane bills to attach the contents of the bill. And quite honestly, I wouldn't add an unfriendly amendment to another bill, period. But I do believe this issue is urgent and I'm taking that time now. Now the Legislature cannot take action on this right now, but the Executive Branch can, the Department of Labor can. And the advancement of LB667, the story shared at the hearing, the news stories that came out of that hearing should all be strong indicators to them that they should act now, that they need to act now. Meatpacking plants wrote to the committee that this legislation is not needed because they already have to comply with OSHA and CDC guidelines. But that's part of the problem. They should be applying to those guidelines and some are doing things. Some are not. But these guidelines are not loss. They're not enforceable. They're unenforceable. We heard from workers about OSHA announcing visits to various plants in the middle of the pandemic. The employees would clean up some areas really well and take inspectors around to those other ones. Colleagues, this is exactly why this legislation is needed. Employers can say everything they want, but put aside all of you whether or not you support this or you don't, there is one clear way to see whether or not what is happening and that's publicly available health data. And this is what the data says. Nearly 5,000 packing plant employees have tested positive for COVID-19; 5,000, which is 20 percent of all the COVID-19 cases in our state. Two hundred twenty of them have been hospitalized and twenty-one of them have died. And if you look at the county breakdown of COVID-19 cases in Nebraska, still every county with a meatpacking

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

plant in it is at the top of the list. The vast majority of meatpacking plant workers are not white. The vast majority of COVID-19 cases are a disproportionate number of deaths are nonwhite Nebraskans or people of color. Now most are Latino, and I've said this before, and many are immigrants and refugees from other parts of the world, which I was lucky to have many individuals come and testify from our refugee community. Eleven percent of the population in Nebraska is Latino. But as I said before, and it bears saying again, they represent 60 percent of our COVID-19 cases and more than 25 percent of all of our deaths. Now that's not my opinion, that's not stories from workers, that is just pure data. And it paints a picture that is clear and a reality that is undeniable. You all know that this issue, the stories of these workers and their families relate so closely to mine. You know that this issue is deeply personal for me. And you know that my parents immigrated here in the 70s as newlyweds and they worked in factories on the line just like meatpacking plant workers do. And I know how hard the work is under relatively normal conditions, let alone under a COVID-19 pandemic. Now as a child that was hard for me to see them experience that physical pain. Knowing that, I can't imagine what it would be like now to be a child of a factory worker in the middle of a global pandemic. To know that your mom and dad leave home every day in a time and in a period in a place where the virus has spread like wildfire. To watch as they go to work and contract the virus and are sick in the hospital and can't work and don't have the same privilege that we do to choose not to work or to work from home and to wait months for someone to do something to help your parents and for that help never to come. Now I lost my own dad to COVID-19, and I really hate talking about it. I'm not gonna lie, I hate talking about it. And, and he was taken from me and I don't know what else I can do. Too many families go through this right now. And I've gone through this. But the most important thing to remember is that this is, this is preventable. We should be doing everything we can to prevent this from happening. There is no minimum number of acceptable deaths or hospitalizations or COVID-19 cases. Now, colleagues, though we, though we cannot take any legislative action on this critically important issue today and personal issue, this does not mean the end of the road on advocacy for me on this. And for many others outside of this Chamber who we know we need these laws now. These workers deserve to be heard. They deserve your support and they need every single person in power to act now. And so I'm imploring those that can do something to act urgently, to act with compassion, and to act with humanity. And I hope that you will stand with me--

**FOLEY:** One minute.

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

**VARGAS:** --and will fight with me for these workers' lives from here on in. Thank you.

**FOLEY:** Thank you, Senator Vargas. I understand you're gonna pull the motion. Senator Vargas.

**VARGAS:** Yeah, I'd like to.

**FOLEY:** The motion is withdrawn. Returning to LB1060. Mr. Clerk.

**ASSISTANT CLERK:** [READ LB1060 ON FINAL READING]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB1060 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. Yes, record.

**ASSISTANT CLERK:** Voting aye: Senators Blood, Bolz, Brandt, Cavanaugh, Chambers, Crawford, DeBoer, Dorn, Matt Hansen, Hilkemann, Howard, Hunt, Kolowski, Kolterman, Lathrop, Lindstrom, McCollister, McDonnell, Morfeld, Pansing Brooks, Quick, Scheer, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: Senators Albrecht, Bostelman, Clements, Erdman, Geist, Halloran, Ben Hansen, Hilgers, La Grone, Lowe, Murman, and Slama. Not voting: Senators Arch, Brewer, Briese, Friesen, Gragert, Hughes, Linehan, Moser, Stinner, and Groene. Vote is 27 ayes, 12 nays, 9 present not voting, 1 excused not voting, Mr. President.

**FOLEY:** LB1060 passes. Proceeding to LB1064e.

**ASSISTANT CLERK:** [READ LB1064e ON FINAL READING]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB1064e pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senator Groene. 48 ayes, 0 nays, 1 excused not voting.

**FOLEY:** While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following

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

legislative bills: LB755, LB755A, LB781e, LB808e, LB808Ae, LB848, LB848A, LB918, LB918A, LB923e, LB963, LB963A, LB965, LB965A, LB966, LB992, LB1002e, LB1053, LB1056e, LB1060, and LB1064e. Items for the record, please.

**CLERK:** Mr. President, a bill read earlier, late this afternoon, LB424, was presented to the Governor at 6:13. Enrollment and Review reports the following bills correctly engrossed: LB106, LB219, LB238, LB450, LB450A, LB477A, LB515, LB607, LB607A, LB866, LB866A [SIC], LB1004, LB1004A, LB1021, LB1089. All reported correctly engrossed. Senator Matt Hansen would like to add his names to LB667, LB1080 [SIC LB1060]; Senator Wayne, LB1021. And Mr. President, Senator Matt Hansen would to adjourn the body until Wednesday morning at 9:00 a.m.

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