

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 11, 2021
Rough Draft

HILGERS: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fourth day of the One Hundred Seventh Legislature, First Session. Our chaplain for today is Senator Halloran. Please rise.

HALLORAN: Good morning, colleagues. I'm going to steal a prayer from an American theologian, Richard Reinhold Niebuhr. You're, you're all familiar with it. It's the Serenity Prayer. God grant us the serenity to accept the things we cannot change, the courage to change the things we can, and the wisdom to know the difference. Amen.

HILGERS: Thank you, Senator Halloran. I call to order the fourth day of the One Hundred Seventh Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

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

CLERK: Mr. President, a Reference report referring LB1 through LB138, as well as several resolutions. I also have a series of references to-- for various gubernatorial appointees to the appropriate standing committee for a confirmation hearing. Also, Mr. President, as required by state law, a listing of registered lobbyists to be inserted in the Journal. That's all that I have at this time, Mr. President.

HILGERS: Thank you, Mr. Clerk. Senator Arch for an announcement.

ARCH: Thank you, Mr. Speaker. I just want the body to be aware of several briefings that are going to be taking place this week that you may be interested in attending. This Thursday, January 14, the Office of Inspector General for Child Welfare will be briefing the Health and Human Services Committee on its recently released YRTC-Geneva special report of investigation. The briefing will be held in the Health Committee hearing room, 1510, and will be carried on the Capitol's closed-circuit television station on Channel 25 and that will begin at 1:00 on Thursday. Also on Thursday, all members of the Legislature will be invited to attend a virtual briefing via Zoom to discuss the report released by the YRTC Special Oversight Committee. As background

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for new members, a crisis at the state's Youth Rehabilitation and Treatment Center in Geneva resulted in several pieces of legislation, including the creation of the YRTC Special Oversight Committee. The Oversight Committee report does include recommendations for further legislation. Again, that briefing will be Thursday at 2:30 and an invitation with the Zoom link will be sent out later. Finally, Department of Health and Human Services CEO Dannette Smith will brief the Health and Human Services Committee on the Saint Francis Ministries contract. As you know, the state has a contract with Saint Francis to manage child welfare for eastern Nebraska and the Kansas-based company has recently been in the news for financial mismanagement. That briefing will be this Friday, January 15, at 1:30 in the Health hearing room and will also be carried on the Capitol's closed-circuit TV. We encourage the members to attend and-- if you find that of interest. Thank you very much.

HILGERS: Thank you, Senator Arch. Senator Hunt, for what purpose do you rise?

HUNT: Point of personal privilege.

HILGERS: Please proceed.

HUNT: Thank you, Mr. Speaker. A day before the riot at the Capitol last Wednesday, robocalls were sent from the Republican Attorney Generals Association urging the people who received the calls to march on the Capitol to, "stop the steal" and "continue the fight to protect the integrity of our election." We really need accountability for how those funds were used by the Republican Attorney Generals Association and we need accountability for the people who are responsible for that because the people who are behind this dangerous attack on the Capitol that left five people dead and directly targeted our elected representatives need to be condemned and published-- and punished. And every single public servant, every single elected official, public official should agree that to let this insurrection pass without a full investigation would set a really dangerous precedent for the future of our democracy. So yesterday, I filed a public records request to see to what extent public funds have been supported-- have, have been used to support Attorney General Doug Peterson's membership in the Republican Attorney Generals Association, including any impact those funds might have had in organizing support for the Capitol riot. And today, I delivered that request by hand. And we know it was received last night when I sent it because the spokesperson for the Attorney General, Suzanne Gage, said to the paper that-- said to the

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Omaha World-Herald that there were no records that could fulfill my request. In the news-- this story was published yesterday at about 6 p.m. and I sent the records request at about 3 p.m. And Paul Hammel wrote this story for the Omaha World-Herald and it says, "the story prompted Senator Megan Hunt of Omaha to file a public records request with Peterson's office on Sunday, asking whether public funds were used to pay for his membership in the group or were used to help pay for the robocalls. Hunt also asked for any correspondence Peterson had with the group or its fundraising affiliate, The Rule of Law Defense Fund. The Rule of Law Group, which shares office space in Washington, D.C., with the Republican Attorneys General Association, sent out a robocall Tuesday saying 'at 1 p.m. we will march to the Capitol building and call on Congress to stop the steal.' The recording was obtained by NBC. Suzanne Gage, a spokeswoman for Peterson, said Sunday evening that the Attorney General first became aware of the robocalls Thursday afternoon. He was not aware, before then, that the Rule of Law group was doing them, Gage said, adding that no state funds are used for membership in the association. She said there were no records to comply with Hunt's public request." What makes no sense to me is that I sent this request at 3 p.m. on Sunday afternoon and she had two or three hours to look at it and then two or three hours later, she says to the newspaper unequivocally that there are no records whatsoever. Was she in the office? Was she able to have staff go and look at the emails? Has she talked to anybody in the office who has the capacity to search the emails, search the payment records of the staff, of the Attorney General, of all the people that my records request consisted of? My records request was broad enough that I asked Doug Peterson about his employees, I asked about the staff, I asked about payment records going back a couple of years, and most importantly, I asked about any communication on-- between him and the Republican Attorneys General Association and between him and the Rule of Law Defense Fund. And so there's no plausible way that in those few hours that the spokesperson for the Attorney General or anybody else in his office on a Sunday afternoon could have fulfilled that request. And so what am I supposed to conclude other than that response to the newspaper was a lie? What else am I supposed to think when I hear that? It's impossible to leave-- to believe what she's saying. It's logistically impossible to have fulfilled this request in that time and I really hope that somebody in that office will speak to this spokesperson. It could have just been that this reporter caught her at home and she instinctively and defensively said that there's no records, but this is something that the people really need to understand and know about. If public funds have been used to support

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and encourage and organize the march and the riot at the Capitol last Wednesday, then people deserve to know if public funds had anything to do with that. It's a completely valid request and it deserves diligence to be investigated. Thank you, Mr. President.

HILGERS: Thank you, Senator Hunt. Mr. Clerk, returning to the first item on the, on the agenda.

ASSISTANT CLERK: Mr. President, new bills this morning. LB213 by Senator Briese and others. It's a bill for an act relating to state government; provide for an efficiency review of state agencies as prescribed. LB214 by Senator Linehan. It's bill for an act relating to revenue and taxation; defines certain terms for purposes of property tax; harmonize provisions and repeal original sections. LB215, Senator Hughes. A bill for an act relating to telecommunications; to change 911 surcharge provisions under the Emergency Telephone Communications Systems Act, the Enhanced Wireless 911 Services Act, and the Prepaid Wireless Surcharge Act as prescribed. LB216 by Senator Wayne. It's a bill, bill for an act relating to crimes and offenses; to prohibit certain statements by a peace officer; to provide a penalty; to harmonize provisions and repeal the original sections. LB217 by Senator Wayne. It's a bill for an act relating to crimes and offenses; prohibit the filing of a false report by a peace officer; provide a penalty; harmonize provisions and repeal the original section. LB218 by Senator Wayne. It's a bill for an act relating to plumbing codes; to provide for the applicability of the 2018 Uniform Plumbing Code in certain prescribed cities, villages, and counties; to eliminate duplicative provisions; harmonize provisions; repeal the original sections. LB219 by Senator Wayne. It's a bill for an act relating to cities and villages; change legislative declarations and findings related to traffic congestion and repeal the original sections. LB220 by Senator Wayne. It's a bill for an act relating to state building code; define a term; change the applicability of provisions to public buildings; harmonize provisions; repeal the original sections. LB221 by Senator Wayne. It's a bill for an act relating to plumbing codes; provide for the applicability of the 2021 Uniform Plumbing Code in certain cities, villages, and counties; to eliminate duplicative provisions; to harmonize provisions; repeal the original sections. That's all I have at this time, Mr. President.

HILGERS: Thank you, Mr. Clerk. Continue with the introduction of new bills. Mr. Clerk for an announcement.

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ASSISTANT CLERK: Thank you, Mr. President. The Ag Committee will be meeting under the south balcony at 10:30 this morning for an Executive Session. Ag Committee, south balcony, 10:30.

HILGERS: Thank you, Mr. Clerk. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. More new bills. LB222 by Senator Erdman. It's a bill for an act relating to Game and Parks Commission; change provisions relating to certain payments in lieu of taxes; provide an operative date and repeal the original sections. LB223 by Senator Erdman. A bill for an act relating to Game and Parks; to authorize the carrying of a firearm for protection while archery hunting. LB224 by Senator Aguilar. It's a bill for an act relating to county surveyors; to change provisions relating to appointment of a county surveyor in certain counties as prescribed. LB225 by Senator Hilkemann. It's a bill for an act relating to appropriations; to appropriate funds to the Department of Health and Human Services. LB226 by Senator Hilkemann, a bill for an act relating to motor vehicles; to limit motor vehicle tax exemptions as prescribed and repeal the original sections. LB227 by Senator Morfeld. It's a bill for an act relating to public safety; change provisions relating to penalty enhancements and false reporting; define terms; provide penalties; provide for civil causes of action; harmonize provisions; provide severability; repeal the original sections. LB228 by Senator Morfeld, a bill for an act relating to the Property Assessed Clean Energy Act; define and redefine terms; change provisions relating to the requirements for ordinances and resolutions and assessment contract provisions; harmonize provisions; repeal the original sections; declare an emergency. LB229 by Senator Hunt. It's a bill for an act relating to Nebraska Civil [SIC] Code; to provide for enhanced penalties for commission of a crime because of a victim's gender identity or association with a person of a certain identity-- gender identity; to include assault by strangulation or suffocation as an offense to which enhanced penalties apply; change provisions relating to legislative intent; change powers and duties of the Nebraska Commission on Law Enforcement and Criminal Justice. LB230 by Senator Hunt. It's a bill for an act relating to civil rights; to prohibit discrimination on the basis of sexual orientation or gender identity in public accommodations and under the Nebraska Fair Housing Act. LB231 by Senator Hunt. It's a bill for an act relating to conversion therapy; to prohibit conversion therapy and provide for disciplinary sections under the Uniform Credentialing Act as prescribed. LB232 by Senator Hunt. It's a bill for an act relating to the Motor Vehicle Operator's License Act; change provisions relating to gender-- gender

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designated on drivers' licenses and state identification cards. LB233 by Senator Friesen. A bill for an act relating to sales and use tax; provide sales and use tax collection duties for certain peer-to-peer rentals of vehicles; harmonize provisions; repeal the original sections. LB234 by Senator Flood. It's a bill for an act relating to corporations; change provisions relating to when corporate reports and occupation taxes become due and delinquent; to define terms; to eliminate obsolete provisions; harmonize provisions and repeal the original sections. And that's all I have at this time, Mr. President.

HILGERS: Thank you, Mr. Clerk. Mr. Clerk.

ASSISTANT CLERK: Mr. President, more new bills. LB235 by Senator Brewer. It's a bill for an act relating to the Nebraska Meat and Poultry Inspection Law; to implement a cooperative state inspection program pursuant to federal law; provide powers and duties to the Department of Agriculture. LB236 by Senator Brewer. It's a bill for an act relating to counties; to give counties the power to authorize the carrying of concealed weapons as prescribed. LB237 by Senator Brewer. It's a bill for an act relating to revenue and taxation; change provisions relating to the taxation of benefits received under the federal Social Security Act. LB238 by Senator McDonnell. It's a bill for an act relating to the Ground Emergency Medical Transport Act; to change provisions relating to supplemental reimbursement eligibility and payment; change references to an intergovernmental transfer programs and capitation payments and provide for a certified public expenditure program; change Department of Health and Human Services duties and powers as prescribed; repeal the original sections; declare an emergency. LB239 by Senator Hilkemann. It's a bill for act relating to the Nebraska Rules of the Road; change provisions relating to the use of handheld wireless communication devices. LB240 by Senator Hilkemann. It's a bill for an act relating to motor vehicles; to require the use of occupant protection systems for each vehicle occupant. LB241, Senator Vargas, a bill for an act relating to labor; to adopt the Meatpacking Employees COVID-19 Protection Act. LB242 by Senator Brandt. It's a bill for an act relating to political subdivisions; change provisions relating to the Political Subdivision Construction Alternative Act and Transportation Innovation Act relating to design-build contracts, construction management at risk contract, and county bridges; eliminate obsolete, obsolete provisions; and provide duties for the Department of Transportation; repeal the original sections. LB243 by Senator Bostar. It's a bill for an act relating to education; to adopt the Access College Early Tech Promise Program Act; provide duties; repeal the original sections. LB244 by

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Senator Clements, a bill for an act relating to Concealed Handgun Permit Act; change renewal provisions; repeal the original sections. LB245 by Senator DeBoer, a bill for an act relating to adoptions; change provisions relating to petition for adoptions, adoptive home studies, consents to adoptions, fathers, the biological father registry, notices, petitions for adjudication of paternity, notices to provide possible biological fathers; and repeal the original sections. LB246 by Senator DeBoer. It's a bill for an act relating to landlord and tenant; change provisions relating to the applicability of forcible entry and detainer and actions for possession under the Uniform Residential Landlord and Tenant Act. LB247 by Senator Pansing Brooks, a bill for an act relating to mental health; to create the Mental Health Crisis Hotline Task Force; provide powers and duties; declare an emergency. LB248 by Senator Pansing Brooks. It's a bill for an act relating to Uniform Directed Trust Act; change provisions relating to actions excluded from the act; and repeal the original sections. LB249 by Senator Pansing Brooks, a bill for an act relating to the Nebraska Fair Employment Practice Act; to prohibit employers from inquiring about and using wage rate history as prescribed; to harmonize provisions; and to repeal the original sections. And that's all I have at this time. Mr. President.

HILGERS: Thank you, Mr. Clerk. Colleagues, this is a 20-minute warning. We'll be adjourning around 11:30, so if you have bills that you'd like to introduce, please get them to the front. Mr. Clerk.

ASSISTANT CLERK: Mr. President, more new bills. LB250 by Senator Hunt. It's a bill for act relating to interior designers; to adopt the Interior Design Voluntary Registration Act; provide penalties; repeal the original sections. LB251 by Senator Cavanaugh, a bill for an act relating to organ and tissue donation; change the age for organ and tissue donation as prescribed. LB252 by Senator Williams, a bill for an act relating to the Veterinary Drug Distribution Licensing Act; provide for refills pursuant to certain veterinary drug orders as prescribed. LB253 by Senator Williams, a bill for an act relating to series limited liability companies; to change series limited liability company provisions relating to filing fees and limitations of powers; provide an operative date; declare an emergency. LB254 by Senator Williams, a bill for an act relating to taxation; to extend the date for approval of new applications under the Beginning Farmer Tax Credit Act. LB255 by Senator Matt Hansen, a bill for an act relating to first responders; to adopt the In the Line of Duty Compensation Act; change the State Miscellaneous Claims Act as prescribed. LB256 by Senator Matt Hansen, a bill for an act relating to the Nebraska Workers'

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Compensation Act; change provisions relating to lump-sum settlement approval and the filing of releases. LB257 by Senator Matt Hansen, a bill for an act relating to public power and irrigation districts; change how vacancies on the board of directors are filled; repeal the original sections. LB258 by Senator Vargas, a bill for an act relating to labor; to adopt the Healthy and Safe Families and Workplaces Act; provide severability. LB259 by Senator Halloran, a bill for an act relating to civil procedure; to authorize a civil action for damages for certain public safety officers as prescribed. LB260 by Senator Hunt. A bill for an act relating to the Employment Security Law; change provisions relating to good cause for voluntarily leaving employment and employers' experience accounts; repeal the original sections. LB261 by Senator Linehan, a bill for an act relating to veterans; change provisions relating to procuring and furnishing markers for the graves of certain veterans; to harmonize provisions; repeal the original sections. LB262 by Senator Vargas. It's a bill for an act relating to public assistance; provide for participation in the bridge to independence program under the Young Adult Bridge to Independence Act by young adults not lawfully present in the United States. LB263 by Senator Briese, a bill for an act relating to professions and occupations; to require occupational boards to issue an occupational license or government certification based on occupational licensure, government certification, private certification, or work experience in another state or the United States Military; provide for jurisdictional [SIC] examinations and appeals from denial of a license; harmonize provisions; repeal the original sections.

HILGERS: Thank you, Mr. Clerk. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. A new resolution, LR17 by Senator Albrecht, extends congratulations to the Honorable Edward Matney. A series of cointroductions: Senator Lowe to LB4; Senator Lindstrom to LB5; Senator Brandt to LB5; Senator Lindstrom to LB6; Brandt to LB6; Hilkemann to LB14 and LB15; Senator Blood to LB59; Senator Lowe to LB72; Senator Matt Hansen to LB88, LB117, LB120, LB128, LB132; Senator Brewer to LB165; Senator Lowe to LB167; Senator Matt Hansen to LB203; Senator Briese to LR13CA. An announcement that the Agriculture Committee has selected Senator Brandt as its Vice Chair. Referencing will meet upon adjournment in Room 1113. Finally, a priority motion. Senator Walz would move to adjourn until Tuesday, January 12, 2021, at 10 a.m.

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HILGERS: Thank you, Mr. Clerk. Colleagues, you've heard the motion.
All those in favor say aye. Opposed say nay. We are adjourned.