

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-ninth day of the One Hundred Ninth Legislature, First Session. Our chaplain for today is Reverend Richard Snow, Lutheran Church - Missouri Synod in Seward, and the guest of Senator Brandt. Please rise.

RICHARD SNOW: In the name of the Father and of the Son and of the Holy Spirit, amen. Gracious Father, we come before you today reminded that you call us to make intercession for those who are in authority; those who lead us and govern. We pray, Lord, that you would guide and bless Donald and JD, those who serve in the Congress, especially our Nebraska delegation. We pray for Jim and Joe, for those who serve as magistrates here in Nebraska. And especially today, Lord, I bring before you these men and women who serve in our Unicameral. I thank you, Lord, for their humble service. They're willing to, to sacrifice of themselves to serve those who are in need. I pray, Lord, that you would guide them today to serve with justice and with compassion. Remind us again, Lord, that as we serve those who are hungry and those who are naked, those who are in prison, that in all ways, Lord, when you-- when we serve those who are least, lost and little, we are serving Jesus Himself. Bless them, Lord, in this work; guide and strengthen them again to serve you in the way they serve our state and nation, and each of our communities. Bless them and guide them in this endeavor. We ask it in the name of Jesus Christ, our Savior. Amen.

KELLY: I recognize Senator Clements for the Pledge of Allegiance.

CLEMENTS: Please join me in the pledge. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

KELLY: Thank you. I call to order the thirty-ninth day of the One Hundred Ninth Legislature, First Session. Senators, please record your presence. Roll call. Record, Mr. Clerk.

CLERK: There's a quorum present, Mr. President.

KELLY: Are there any corrections for the Journal?

CLERK: I have no corrections this morning, sir.

KELLY: Are there any messages, reports, or announcements?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

CLERK: There are, Mr. President. Notice of hearing from the Health and Human Services Committee. Additionally, new A bill, LB293A introduced by Senator Ballard. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB2-- LB293. Additionally, notice from Senator Lippincott that he has selected LB3 as his personal priority bill for the session. Senator Lippincott, LB3, personal priority. Senator-- the Retirement Committee has selected LB295 as a committee priority bill. Retirement, LB295, as a committee priority bill. Additionally, agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website. And a report of registered lobbyists for March 5, 2025 will be found in today's Journal. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Clements, you're recognized for an announcement.

CLEMENTS: Thank you, Mr. President. Could I have attention-- please have your attention. I have a fairly important announcement regarding the budget. There is a correction to the budget financial status, and you'll see a handout on your desk. The Medicaid FMAP-- the Federal Medical Assistance Percentage-- dropped last October 1. The federal share dropped, meaning that the state share increased. The budget status that you have seen had \$235 million additional state share of Medicaid cost in it, but a January adjustment was missed and discovered yesterday by the Fiscal Office. That January adjustment, you'll see below-- along line 22; \$90,300,000 was additional Medicaid costs the state is going to have to pay. So, the ending balance yesterday in the budget was negative \$198 million, and today, you'll see line 21 is now negative \$289 million. And that's because we had to subtract another \$90,300,000 of the federal percentage decrease and the state percentage increase. Though this means it's going to be a tougher year than we thought on balancing the budget-- we all need to work together to balance the budget. It's not just the Appropriation Committee's budget; it's the legislator's-- Legislature's budget, and we're required to balance it. So, the shortfall is \$289 million, and I'm asking for your help as the session progresses. And I'm looking forward to working with you, and I thank you for your attention. Thank you, Mr. President.

KELLY: Thank you, Senator Clements. Mr. Clerk, please proceed to the first item on the agenda.

CLERK: Mr. President, General File, LB504A introduced by Senator Bosn. It's a bill for an act relating to appropriations; appropriates funds

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

to aid in the carrying out of the provisions of LB504. Bill was read for the first time on March 4 of this year and referred-- pla-- or, excuse me, placed directly on General File.

KELLY: Senator Bosn, you're recognized to open.

BOSN: Thank you, Mr. President. Briefly, colleagues, this is the A bill for LB504, which we heard last week. This A bill will provide funding to-- and for the enforcement portion of LB504 under the Attorney General, hiring-- we'll need to hire an assistant Attorney General to help with enforcement. Thank you for your time and attention, and I ask you for your green vote. Happy to answer any questions.

KELLY: Thank you, Senator Bosn. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. I just thought I'd take a second to talk about A bills for the new folks, because we're going to have Final Reading right after this, and there's going to be two A bills on Final Reading. And one of the things to keep in mind, in light of what Senator Clements just said, was that we won't pass-- we, we won't take up any A bills on Final Reading that appropriate general funds until after the budget has passed and we know how much general funds are left over. So, when there's-- you see the two A bills on Final Reading today, the one thing to be conscious of is that they do not appropriate general funds, they appropriate cash funds. So, Senator Bostar's bill, which-- I can't remember the number is, but that's the one I specifically looked at what the, the, the obligation is. It's a cash fund-- it appropriates cash funds from a technology cash fund of some sort to pay for whatever it is the expense that's Senator Bostar's bill incurs. But so, we're passing those bills, that bill and Senator Arch's bill-- and I apologize to Speaker Arch, I, I don't know where your general-- your funds come from, but the-- those are not general funds, because we can't take up a General Fund bill until they bill-- the budget is passed. This bill, LB504A, however, looks like it does appropriate general funds, at least in its current iteration. A lot of times, we change funding sources as things move along. But as the-- if this bill were-- had progressed to Final Reading at this point, we would not be able to take up its, its A bill yet until after the budget has passed because there's a General Fund obligation under this bill. So, that's just something to kind of pay attention to if you're wondering why a bill isn't moving once it's reached a certain point, it's because it might have an appropriation that we just can't take up. And if you're wondering why, then, some

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

bills are getting treated differently, there are different cash sources, and if it's not a General Fund obligation, then we can move forward with those bills. So, lesson opportunity. And you can take a look at the agenda and see those two A bills on there, and now you know why they're on there and this bill would not have been today. Thank you Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues, and happy last day of the legislative week. I know we're all eager to recharge and reset and catch up at home and at work, and on our legislative work tomorrow with a, a recess day. But I rise, I guess, in general support of LB504A, and here's why. There's typically been a tradition within the Nebraska Legislature that even if you are opposed to the underlying bill, LB504, once it passes, once it moves, you have an obligation to hit the green light for the A bill. So, in that spirit, without yet providing support to LB504-- and I know Senator Bosn is working to address concerns that were raised on General File in that regard, which I deeply, deeply appreciate-- I, I will support this A bill at this juncture. But I do want to lift up a few additional points to put this A bill in context. It seeks to expand personnel and funding for the Attorney General's Office. The Attorney General's Office has not only pursued a radical course of action in our name and with our money, pursuing politically-motivated litigation all around the country and locally, including attacking the sacrosanct and precious right of the people to init-- to the initiative process so that they can effectuate change. After a lot of headlines and a lot of bluster and countless dollars and a variety of, of statements, he lost at the, at the trial court level. That's on appeal. Yet, he's filed more litigation, and the only thing he has to show for all of that is a misdemeanor settlement of a few hundred dollars for an individual who, yes, did wrong, and those signatures were identified and discarded in the qualification process, as the process allows. Additionally, the Attorney General put forward a \$15 million sweep of state settlement funds that he brought into our state and into his office under the guise of his consumer protection work. He allowed and encouraged that sweep to happen as part of "property tax relief" and to balance the budget. So, if he had been able to better manage the resources within his office, he would not need to seek additional personnel and additional resources. Additionally, the AG's budget has one of the largest General Fund increases in the budget put forward this year thus far, and at the same time is-- has pending before the body a measure to increase his own salary while programs that support

higher education, infrastructure, economic development and otherwise are being entertained and will most likely move forward. So, I am going to support this measure at this point in time because I do care about the traditions of this institution, even if others don't. But it is important to note the Attorney General's actions and management of his budget and office are radical, and should not be rewarded with additional staff and additional money. He has failed to manage his budget appropriately; if he had retained that \$15 million, there would be no need for this sort of an expansion; if he had chosen not to expend over \$100,000 to give a failed political candidate a non-advertised job in his office, he wouldn't need to bring in more lawyers. And it's the people's branch with the power of the purse that has the opportunity and ability to say no. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Spivey, you're recognized to speak.

SPIVEY: Thank you, Mr. President. And good morning, colleagues and folks watching online, and here in the balcony and Rotunda. I just wanted to add to Senator Conrad's comments as a member of Appropriations. As you know, we are having agency hearings. The AG's Office did come, and those-- these questions and this idea where some of the things that we discussed during their agency hearing-- they have continued to grow their budget. And one of the particular questions that we asked was around the cases that they take up on behalf of Nebraska, because, again, the role of that office is to not serve specifically the AG's purpose, but the purpose of Nebraskans. And how do they sign on to national cases? What is that decision-making process? And so, I think these points of clarity and inquiry are really important as we face a deficit. You heard from Senator Clements this morning around our updated budget numbers and what that deficit looks like, and we have to prioritize. And again, we are looking at making choices, and what are the investments that we are going to make as a body as it relates to what we pass and what we say is important and in front of Nebraskans. And I do think it is a misstep, as we look at our budget, as we look at the policy that we passed, to increase the AG's budget, to increase their staff. They have, for example, signed on to a lawsuit that really puts in jeopardy children navigating ability status and being able to get the resources that they need, and it felt very political that they did not do that at the intention of really representing Nebraska and our best interests. And so, when we think about our resources, quality investments that grow our economy, that build for a better future of Nebraska and make sure that we can be sustainable, I think investment in this office in this way is not appropriate, and things that we

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

should consider and really critically challenge ourselves on as we are making important decisions on behalf of our constituents. Thank you, Mr. President. I yield the rest of my time.

KELLY: Thank you, Senator Spivey. Seeing no one else in the queue, Senator Bosn, you're recognized to close, and waive closing. Members, the question is the advancement of LB504A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, no nays, Mr. President, on adopt-- on advancement of the bill.

KELLY: LB504A advances to E&R Initial. Senator Brandt would like to recognize the physician of the day, Dr. Jeffrey Wallman of Geneva. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Your Committee on Nebraska Retirement Systems chaired by Senator Ballard reports LB420, LB461 both to General File with committee amendments. Additionally, amendment to be printed from Senator Prokop to LB349. That's all I have at this time.

KELLY: Thank you, Mr. Clerk. Please proceed to the first item on the agenda. Members, please find your seats for a Final Reading. Mr. Clerk.

CLERK: [Read LB10 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB10 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senator Guereca, Hunt, and McKinney. Vote is 46 ayes, 0 nays, 3 excused, not voting, Mr. President.

KELLY: LB10 passes with the emergency clause. We will now proceed to LB21. Members, the first vote is to dispense with the formal reading.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 1 nay to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB21]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB21 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senators Hunt and McKinney. Vote is 47 ayes, 0 nays, 2 excused, not voting, Mr. President.

KELLY: LB21 passes. Members, the next bill is LB42.

CLERK: [Read LB42 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the quist-- question is, shall LB42 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senators Hunt and McKinney. Vote is 47 ayes, 0 nays, 2 excused, not voting, Mr. President.

KELLY: LB42 passes. The next bill is LB59.

CLERK: [Read LB59 on Final Reading]

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB59 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senators Hunt and McKinney. Vote is 47 ayes, 0 nays, 2 excused, not voting, Mr. President.

KELLY: LB59 passes. Senator Hallstrom would like to recognize some guests seated under the south balcony. They are Lori Broady, Daniel Gossman, and Jeremy Hubel. Please stand and be recognized by your Nebraska Legislature. The next bill is LB98 with the emergency clause.

CLERK: [Read LB98 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB98 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senators Hunt and McKinney. Vote is 47 ayes, 0 nays, 2 excused, not voting, Mr. President.

KELLY: LB98 passes. The next bill is LB118.

CLERK: [Read LB118 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB118 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Str-- Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senator Hunt and McKinney. Vote is 47 ayes, 0 nays, 2 excused, not voting, Mr. President.

KELLY: LB118 passes. The next bill is LB139. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 45 ayes, 1 nay to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB139]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB139 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, John-- Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senators Hunt and McKinney. Senator Hunt voting yes. Vote is 48 ayes, 0 nays, Mr.-- 1 excused, not voting, Mr. President.

KELLY: LB139 passes. The next bill is LB160.

CLERK: [Read LB160 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB160 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senator McKinney. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

KELLY: LB160 passes. The next bill is LB180.

CLERK: [Read LB180 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB180 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senator Fredrickson. Not voting: Senator McKinney. Senator Fredrickson voting yes. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

KELLY: LB5-- LB180 passes. Senator Quick would like to announce some guests in the north balcony: members of the Nebraska State AFL-CIO across the state. Please stand and be recognized. The next bill is LB187 with the emergency clause. The first vote is to dispense with an at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 45 ayes, 1 nay to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB187]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB187 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senator McKinney. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

KELLY: LB187 passes with the emergency clause. The next bill is LB196.

CLERK: [Read LB196 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB196 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senator McKinney. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

KELLY: LB196 passes. The next bill is LB197.

CLERK: [Read LB197 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB197 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senator Guereca. Not voting: Senator McKinney. Vote is 47 ayes, 1 nay, 1 excused, not voting, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

KELLY: LB197 passes. The next bill is LB231. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 1 nay to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB231]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB231 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senator McKinney. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

KELLY: LB231 passes. Senator Bosn would like to announce some guests in the south balcony: fourth graders from Lincoln Christian School in Lincoln. Please stand and be recognized by your Nebraska Legislature. Senator Dungan would like to recognize some guests seated under the south balcony: they are Renee Pickerel and Barb Bratt of Lincoln. Please stand and be recognized. The next bill is LB240 with the emergency clause.

CLERK: [Read LB240 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB240 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, John Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senator Machaela Cavanaugh. Not voting: Senator McKinney. Senator Machaela Cavanaugh voting yes. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

KELLY: LB240 passes with the emergency clause. The next bill is LB250.

CLERK: [Read LB250 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB250 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senator Lonowski. Not voting: Senator McKinney. Vote is 47 ayes, 1 nay, one excused, not voting, Mr. President.

KELLY: LB250 passes. The next vote is LB251 with the emergency clause. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 45 ayes, 1 nay to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB251]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB251 pass with the emergency clause? Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, John Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senator Machaela Cavanaugh. Not voting: Senator McKinney. Vote is 47 ayes, 1 nay, 1 excused, not voting, Mr. President.

KELLY: LB251 passes with the emergency clause. The next bill is LB296. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 46 ayes, 0 nays to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB296]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB296 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senator McKinney. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

KELLY: LB296 passes. The next vote is LB296A.

CLERK: [Read LB296 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB296A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Strommen, von Gillern, Wordekemper. Voting no: Senator Storm. Not

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

voting: Senator McKinney. Vote is-- Senator Storm voting yes. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

KELLY: LB296A passes. The next bill is LB335.

CLERK: [Read LB335 on Final Reading]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB335 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senator McKinney. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

KELLY: LB335 passes. The next bill is LB357. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 44 ayes, 1 nay to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB357]

KELLY: All provisions of law relative to procedure have been complied with, the question is, shall LB357 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senator McKinney. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

KELLY: LB357 passes. The next bill is LB362. The first vote is to dispense with the at-large reading. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 47 ayes, 0 nays to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB362]

KELLY: All pervi-- all provisions of law relative to procedure having been complied with, the question is, shall LB362 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senator McKinney. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

KELLY: LB362 passes. The next bill is LB609. The first vote is to dispense with the at-large reading. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 45 ayes, 1 nay to dispense with the at-large reading, Mr. President.

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

CLERK: [Read title of LB609]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB609 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senator McKinney. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

KELLY: LB609 passes. The next bill is LB609A.

CLERK: [Read LB609A on Final Reading]

KELLY: All provisions of law relative to procedure have been complied with, the question is, shall LB609A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senator Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sanders, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senator McKinney. Vote is 48 ayes, 0 nays, 1 excused, not voting, Mr. President.

KELLY: LB609A passes. The next bill is LB229. Mr. Clerk.

CLERK: Senator Hallstrom, LB229. I have AM303 with a note that you would withdraw.

KELLY: It is withdrawn.

CLERK: In that case, Mr. President, Senator Conrad would move to return the bill to Select File for a specific amendment, that'd be to strike the enacting clause, FA28.

KELLY: Senator Conrad, you're recognized to open on the motion.

CONRAD: Thank you, Mr. President. And just as a point of clarification, I have ten minutes on the open. Is that correct? OK. Very good. Thank you, Mr. President. Again, good morning colleagues. So, on Final Reading, one of the only available actions for members who want to express concerns or continue debate is to file a motion to return the measure to Select File for a specific amendment, which sometimes is necessary as bills are moving through the process, and sometimes is an available opportunity to structure debate, as will be the case in this regard. Senator Hallstrom is aware that this measure

has sparked a considerable amount of opposition, and we have had lengthy and thoughtful debates on both General and Select File, and plan to continue the dialogue here this morning. Friends, I have a significant amount of policy, practical, and legal concerns with LB229 in general. We've talked about some of those; we'll have an opportunity to continue our dialogue in that regard. This measure seeks to legalize corporate misclassification of employees; it is not required to support flexible work arrangements; it hurts working families; it lowers the bar in a race to the bottom, undercutting responsible local employers; it deprives hardworking Nebraskans of an opportunity to organize, of opportunities to secure minimum wages, to secure sick leave, and to have a right to a safe and healthy workplace and protection of nondiscrimination provisions. Misclassification also hurts state revenues and social safety net programs, and allows these large corporations, in this instance, to not do their part to uphold their end in terms of the social safety net, and instead push those costs onto Nebraska taxpayers, particularly through work support programs. Additionally, friends, LB229 is what we know very clearly to be what is quickly becoming the hallmark theme of the 2025 legislative session, where we see anti-worker legislation moving forward at record pace. LB229 has been introduced in previous legislations, and was kept within the Business and Labor Committee, as it should be. But now the committees are stacked and the die is cast, and here we are. So now, LB229 will move forward. LB265, which seeks to undercut a program for job training that has worked well for businesses and employers for 29 years, is on the chopping block because it flew out of Business and Labor. LB397, which seeks to have a basic workplace safety committee, is on the chopping block after it's been working for 31 years in Nebraska. My friend Senator Raybould has prioritized her measure to not only attack the will of the voters, but to undercut the right to minimum wage for working families in Nebraska. Senator Strommen has introduced measures to attack the will of the voters in regards to paid sick leave and to undercut working families' basic rights. My friends, this is a misread of the most recent expression from the electorate in the 2024 legis-- in the 2024 elections. We heard resoundingly from voters across the political spectrum that they were crying out for economic justice; for somebody, for some party, for some leaders who are going to fight back against the status quo which favored large corporations at the expense of working families, so that working families who are working harder than ever before have a chance to succeed, have a chance to keep their head above water, have a chance to raise their families with dignity and opportunity. We heard both major Presidential candidates commit to finally focusing on tax equity by ending tax on tips, by ending tax on overtime. I introduced

those same measures on the first day of this legislative session, and they're set for the last day of hearings because they weren't serious pronouncements; they were meant to trick working people into voting a different way, and that speaks for itself. My friends on the right also misread the election, which called out not for a radical revision of society, but for an opportunity for working families to have a voice at the table. Look no further than the closeness in the U.S. Senate race in Nebraska, where a working family candidate came closer to taking on an entrenched incumbent than any race in our recent modern history. Building a true diverse coalition of Republicans, Democrats, and Independents who are dissatisfied and harmed by the status quo wherein those in power give special favors to the largest corporations at the expense of everyday citizens. My friends on the left who support this ongoing assault on working families and workers' rights, you are undermining your values. You claim to support civil rights, you claim to support human rights. Yet, without economic justice, Nebraskans have no opportunity to emp-- be empowered to exercise those human rights and those civil rights. LB229 is part of a broader assault on working families that give special favors to large out-of-state corporations-- that by the way are doing just fine under present law and the status quo, and don't need this measure to continue their business-- at the expense of local employers, small businesses that pay fair wages, that appropriately classify their employees, that ensure that employees have nondiscrimination protections, that ensure that they're doing their part when it comes to paying payroll taxes and unemp-- contributing to unemployment and workers comp. Why on earth would we use the power and prestige and privilege of our positions to give large out-of-state corporations special favors at the expense of our taxpayers and at the expense of working families? It's disappointing, it's troubling, it's ongoing, and it will continue to be a point of discussion throughout this legislative session. I was hoping this year we could focus on good-governance issues, like streamlining government and regulatory reform, and other matters that don't cost a lot but help to remove red tape, help to make government work better. And instead, here we are with this onslaught of legislation attacking workers' rights, health, and safety; attacking worker-- working families; making it harder, not easier for them to keep their head above water when they're doing everything right. Nebraska has the highest percentage of adults working year-round, full-time, and living in poverty. And that's wrong. We need to come together to figure out how to address workforce through actual collaborative job training, through child care, through health care, through housing, through education. You're undercutting our top issues in regards to workforce development by selling working

families down the river and being uncaring and cruel in your efforts to do so. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I also rise opposed to LB229, and I appreciate my colleague, Senator Conrad, sort of setting the tone of this conversation and, I think, framing this debate that we're having here today. I do have objections to LB229, which I will get into here in just a second, but I want to underscore the point that Senator Conrad just made, which is that one of the main points of contention that we've had so far in this legislative session is the ongoing litany of legislation that seeks to support employers over workers. And what I find particularly frustrating is that all of these bills that have been put forward are being presented as though, as though they're not a big deal; as though it's simple, common sense, and I think that that is incorrect. I, I think that the, the slate of bills that we've seen that seek to erode the rights of workers and the rights of employees is incredibly problematic, and it's important that we stand up and talk about what each and every one of those bills does, both individually and the effect they have as a whole on the way that we treat worker-- workers and working families here in Nebraska. LB229 seeks to place its thumb on the scale in the determination of whether or not these employees for Uber and Lyft are employees or independent contractors. And when this bill was first heard on the floor, it was, I think, presented to us, colleagues, as though it was common sense; as though this was simply a codification of the current practice, and it was just putting into statute what courts across the nation have already said. I want to say very clearly, yet again on the third round of debate, that that is simply not true. There have been conversations across this entire country, all the way from California to the East Coast, about whether or not these drivers are employees or independent contractors, and there have been court cases that have been litigated about this because there are arguments on both sides. You're going to hear people talk about the six factors that are used to determine whether or not somebody is an independent contractor or an employee, and I would posit to you that some of those factors cut one way and the others cut the other way. I would also suggest that those six factors that are used to determine the status of a worker are antiquated, and don't actually stand up in our current modern, technological workforce, and I think we need to look closely at how they apply to workers like Uber drivers and Lyft drivers. I also want to make very clear-- and we can continue to talk about this as we have time later today-- that in the

cases where Uber and Lyft drivers have been officially designated independent contractors, it has happened with a compromise where those workers are then provided additional rights and benefits. In California, we keep talking about this Proposition 22, where the people voted to identify these individuals as independent contractors, but that wasn't all they voted for. What they voted for was to ensure that those drivers had new protections, like 120% of the local minimum wage for each hour a driver spends driving, but not for time waiting; \$0.30 a mile for expenses; health insurance stipends for drivers who average more than 15 hours per week, requiring the companies to pay medical costs and some lost income for drivers who are hurt while driving or waiting; and prohibiting workplace discrimination and requiring that companies develop sexual harassment policies. In other states like Massachusetts, we've seen deals that have been reached, where there have been settlements after lawsuits were brought from the state to determine whether or not workers were being abused or taken advantage of by companies. And in those settlements-- in that settlement in Massachusetts, ultimately, the outcome was drivers, based on this settlement, have to receive a minimum of \$32.50 per hour. Uber was required to pay \$148 million and Lyft to pay \$27 million, for a combined cost of \$175 million, most of which to be distributed as restitution to current and former drivers. My point is, colleagues-- and I'll probably punch in to get into more of that later-- this is not a settled issue, and we need to stand up and talk about the specifics of each individual bill, and LB229 doesn't come along with those protections; it doesn't come along with any assurance that workers are going to be protected from bad business practices. So, I encourage us to continue this debate today, and we always have to make sure that we stand up for our workers and our working families here in Nebraska, and not just pass bills like LB229 acting like they're common sense, because frankly, they're not. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR54, LR56, and LR57. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB10 with the emergency clause, LB21, LB42, LB59, LB98 with the emergency clause, LB118, LB139, LB160, LB180, LB187 with the emergency clause, LB196, LB197, LB231, LB240 with the emergency clause, LB250, LB251 with the emergency clause, LB296, LB296A, LB335, LB357, LB362, LB609, and LB609A. John-- Senator John Cavanaugh, you're next in the queue.

J. CAVANAUGH: Thank you, Mr. Lieutenant Governor. Mr. President. Well, that was just a good demonstration of all the work that we've gotten done. I think that was our second time of Final Reading this session, and we've passed a lot of bills already, so we're making good progress this session. And almost everybody, seems like, has had a bill go through Final Reading. But anyway, I rise in support of the motion to return to Select and FA28. I think it's no secret that I'm opposed to this bill, and have opposed it on the previous two rounds of debate. And I would echo the comments that have been made by Senator Conrad and Senator Dungan so far, but the one I wanted to specifically hone in on in my opposition to this bill is, one, that it's unnecessary, and I think we should have-- attempt to avoid passing unnecessary legislation. And there's a few other bills this year that I oppose for similar reasons, and the reason is, if we pass something that's unnecessary in sort of anticipation of a problem, that's-- this bill is anticipating that Uber drivers or Lyft drivers or gig workers are going to seek to put on the ballot here some worker protection. So, this is trying to get in front of a proactive approach to get worker protection, and to create a sense of security for these giant corporations to feel like they are not going to have to spend money competing with that, and that they get to continue the status quo the way it is. There's not any current motion or move toward putting into place those worker protections, and so it's not a real concern at the moment. I would, of course, favor putting in place worker protections, but this bill is a-- against a hypothetical threat. But the reason we shouldn't pass things that are not necessary at the point-- at this point in time, that are anticipatory, is they cast a wider net, they have-- and they have the potential to cause unintended consequences. There are parts of this bill that address originally left-out workers who transfer packages, and then the, the amendment we adopted on Select File struck out that section, saying that workers who transport packages would be considered independent contractors if they meet these other definitions. And the unintended consequence, of course, that that is concerned with is that this has the potential to implicate other business models that are currently employees. So, Senator Hallstrom and the folks advocating for this will say that these folks that we're talking about are currently independent contractors and we're just putting in statute that they are independent contractors and-- so that's-- it's really just codifying the status quo. But, in our rush to get this bill done and to ensure that it covers the broad swath of people who the advocates for this bill would say are currently independent contractors, we are potentially catching up folks who are currently employees, and that's a mistake. Or we're-- we are additionally potentially making those

folks who are currently employees in the future, even if the-- changing the dynamic between them and their employer, so that it makes it easier for the employer to take away benefits, to take away retirement, to take away Social Security-- when you become an independent contractor, the employer won't pay that for you-- to take away health benefits, and to lower pay. I'm going to run out of time, so I'm going to punch my light again. But to cut their pay, because when you have a disproportionate or a dis-- a, a unbalanced negotiating situation, the employer, of course, has more power, which then allows them to cut what they're giving to people. Because of course, in the gig economy, they look and say our workforce is infinite because anyone could do it, and we don't have to hire and get insurance and benefits and, and even really train these people. So, there are a number of problems with this shifting the balance of power in favor of the employer against the employees, but also just racing to pass bills that have broad consequences that we haven't fully thought out because we're applying them prospectively or hypothetically, which means we don't know all the situations this is going to apply to. No one could come in here and say every single thing that this bill is going to apply to, and that's because we're trying to cast a broad net that catches up--

KELLY: That's your time, Senator.

J. CAVANAUGH: --a whole bunch of employees. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Guereca, you're recognized to speak.

GUERECA: Thank you, Mr. President. Good morning colleagues. Good morning, Nebraskans. I rise in opposition-- well, I rise in support of FA28 and in opposition of LB229. Something that Senator Conrad said in her opening to FA28 really stood out to me. It was that Nebraskans just want a chance. As I was campaigning across LD 7, that was the message that I ran on. I want-- I ran to make sure that I was giving hardworking Nebraskans a chance to achieve their American dream. When I knocked on doors in south Omaha, I didn't hear about the major social issues that are being debated at the state-- the national level. I heard that they wanted to make sure that their kids had a good school; they wanted to make sure that the roads were paved; they wanted to make sure that people weren't speeding on 10th Street and 13th Street, putting their kids at risk when they were walking home from school. They just wanted a chance. They wanted to have a chance; have a chance at a good life; have a chance to provide for their kids a better life than the one that they had; have a chance to have a

dignified retirement. This, this great state that we live in, this good life that we enjoy, was built thanks to the hard work of generations and generations of hardworking Nebraskans. This last Saturday, we celebrated our statehood dinner, the anniversary of this great state. I am very privileged in LD 7 to represent four of the largest corporations in this country, headquartered in LD 7, many of which were homegrown Nebraska companies. The Kiewit Corporation, founded in 1884; Union Pacific, founded in 1862; Mutual of Omaha, 1909; Berkshire Hathaway was the merger of two companies, but 1865. So, the greatest companies in the history of this country were built right here, right here in Nebraska, thanks to the blood, sweat, and tears of hardworking men and women that worked hard to provide for their families; that wanted to make sure that the world that we live in was fair, was just. I think that's why we're here. We're here to work hard for our constituents to provide that shot at a good life. I've said many times on the mic before, when I look at legislation, the litmus test that I will have is does this grow the good life? And quite frankly, LB229 does not pass muster. It seeks to restrict a classification of workers that-- like I've said before in previous rounds of argument-- aren't-- they just don't fit the label of independent contractors. There's too many restrictions on what rides they accept, what, what pay they receive for the work that they do, staples that are so important to, to an independent contractor. When you, when you are-- when you work for yourself, you set your rate. This is, this is what my value is worth. While these, these, these ride-share apps, they, they strip these, these, these hardworking men and women of that, of that right-- of that right to say this is, this is what my value is worth, what my labor is worth, what my time is worth. So, I will obviously get back on the mic again to talk about specifics of the bill, but let's look at legislation, colleagues. Does this grow the good life? This bill does nothing but preempt what courts around-- across the country are, are trying to decide: the exact classification of these drivers. Are they employees, or are they independent contractors? The reality is that the-- I think they're somewhere in the middle. Thank you, Mr. President.

KELLY: Thank you, Senator Guereca. Senator Sanders would like to recognize some guests in the north balcony: fourth graders from Twin Ridge Elementary in Bellevue. Please stand up and be recognized by your Nebraska Legislature. Senator Hunt, you're recognized to speak.

HUNT: Thank you, Mr. President. Good morning, Nebraskans and colleagues. I can't wait until we get into all-day debate, because I would love to close the door on LB229 and finish the debate and move on from this, and I could talk about this all day. I think we all know

if there's a swing vote on LB229, it's probably Senator Raybould, who has kind of a famously weak record on workers' issues. And, you know, there's still kind of a question about whether or not she's gettable on this issue, but one thing that has frustrated me through this entire-- definitely the debate on this bill, but also themes throughout this entire session, is the idea that being on the side of small business, standing up for small business, using your experience as a small business owner, blah, blah, blah, blah, blah-- that that aligns you more with billionaires and companies than it does with workers and the types of people that you employ. I employ 13 people in Omaha; I've been a business owner for 20 years. So, when I hear people stand up and say, "I'm a small business owner, so I'm standing up for small business," but they oppose-- or they support things like LB229, I have to ask myself, what small business owners are you speaking for? Who are you speaking to? Because you're not speaking for me. LB229 picks winners and losers, and it's rigged for corporations and big business; not small business, not Nebraskan families, and not workers. This bill isn't about fairness, it's not about free market; it's about giving billion-dollar corporations a competitive advantage by the Legislature rewriting the rules in their favor. It lets Uber, Lyft, DoorDash avoid the responsibilities that every other business in Nebraska has to follow-- including my business and including Senator Raybould's business-- while leaving workers with no rights and no recourse. If I run a small business in Nebraska, I have to follow labor rules. I have to pay my workers fairly, I have to contribute to unemployment, I have to follow safety regulations, I have to offer basic protections to my workers. Uber, Lyft, and DoorDash don't want to play by those same rules, so they're asking you to change them. They've written checks, they've got people out in the lobby, and they're making sure that the Nebraska Legislature is on their side instead of on the people's side. And it's not about protecting business; it's about shielding billion-dollar corporations from accountability while every other employer in Nebraska still has to follow the law. If a small business owner like Senator Raybould or like myself hires a delivery driver for a delivery service or a transportation company, we have to pay them a fair wage; we have to cover payroll taxes; we have to follow workplace safety laws; we have to provide legal protections against termination. There's all kinds of labor laws that we have in Nebraska and in the United States. Uber and Lyft are transportation companies, DoorDash is a delivery company. They just don't want to be legally recognized as what they are, because it would mean treating their workers fairly. So, why should these tech companies with billions of dollars get to skirt the responsibilities that every other local business has to follow? I was

speaking to a former state senator who is a Republican and who's been an important mentor to me in my time here, and he also made the point, how come if you-- in Nebraska, if you get a company that does the same exact services as Uber and Lyft or DoorDash, but you book it by telephone-- you pick up the phone and you call instead of doing it on the app-- this bill doesn't apply to them. Think about how that's workable. Think about what we're actually putting into law. This is corporate welfare disguised as deregulation. Let's call it what it is: it's an industry-backed bill that rigs the market for a handful of power corporations. And, you know, that's fine, then just say that. Just say that. Senator Sorrentino did that on the mic. He just stood up and said, you know, I don't think corporations are evil, and if you're saying they're evil, then shame on you, because they're creating jobs and building our economy. I mean, I'll speak for myself; I certainly agree with that. Nobody is saying corporations are evil. What we're saying is don't support LB229 and say you're doing it to support small businesses or that you're doing it because you're on the side of businesses. What you're doing is rigging the system for corporations that don't have a stake in Nebraska. Passing LB229 it's not going to help my stationery shop. It's not going to help Senator Raybould's grocery store. It's going to help billion-dollar companies that are based in other states continue to treat their workers poorly. If you believe in free markets, you should oppose LB229. If you believe in the free market, you should not be afraid of your workers organizing.

KELLY: That's your time, Senator.

HUNT: This bill isn't about competition, it's about--

KELLY: That's your time, Senator.

HUNT: --making sure workers have no bargaining power.

KELLY: Thank you, Senator Hunt.

HUNT: Thank you, Mr. President.

KELLY: Senator Spivey, you're recognized to speak.

SPIVEY: Thank you, Mr. President, and good morning again, colleagues and folks watching online. I rise in support of FA28 by Senator Conrad and still oppose LB229, and appreciate us again having this continued important conversation, as we did for each round of debate. I, too, echo the sentiments of Senator Conrad and appreciate the tone that she set, really, around what does this look like from a holistic picture

of the body, really supporting workers' rights and everyday folks? I've said this before and I would say it again: I ran for this office, I ran to be at the Capitol every day because I represent the experiences of everyday working people. The bills that we pass, that I pass, impact my day-to-day life; I am not exempt from the implications of those. And I think when we have that lack of representation in this body, we see bills like this come through that are actually impacting everyday people that are trying to make a living, to access the good life, to just do the things that they need to do to take care of their families. And so, again, I appreciate what that looks like for us to be grounded in how do we support our working families across Nebraska. I, too, am a small business owner. My husband and I have a, a take-out burger restaurant and food trailer. And as we talk about, you know, pay and keeping government out of small business, and how do we spur entrepreneurship and economic development, I think the unintended consequences of this bill in how's this-- in how this shows up not just effects when we talk about gig workers, but when we're talking about business, and how business is done across the state. And so, again, I think we really need to critically reflect and challenge ourselves, and have this type of discourse to ensure that we are not creating unintended consequences of the people that we were sent here to represent. And again, that is why I am in support of FA28. There was a quote by one of the leads of Teamsters that says "companies like Uber and Lyft are exploiting workers and taxpayers in the name of innovation and convenience," and I think that is so important to uplift here, and that has been the conversation and debate we have heard so far this morning, is this is really situated for big corporations-- so, we're talking about Uber and Lyft-- and we are exploiting not just the people working there but our taxpayers that-- we're having a conversation about budget deficit and our responsibilities to taxpayers, and so, if we are exploiting them, again, we are going to cause unintended consequences which could be similar to what has happened in Massachusetts. And so, the state auditor there has leased a report around how the misclassification hurt not only the people that it misclassified, but also the state. The auditor showed that there was estimated-- because the data is still coming in-- \$266 million that was not put into state worker comp programs, unemployment insurance over ten years, which is a-- an average about \$26 million a year. So again, as we talk about the state of affairs of our state, finite resources, and what does it look like to support workers and folks, the, the missed revenue of the state and the burden that it put on taxpayers is also important to understand and look at as an unintended consequence of this bill. And we also know that, in practice, these businesses are utilizing their people as

independent contractors. So, as we recall, when this bill first came up on General File, DoorDash just happened to be here. They were out in the Rotunda, and they talked about, hey, we're doing this, it's happening, our employees seem to like it. And so, if it's working, why is government interfering with this and putting it in statute so that it never allows for flexibility and never allows for change? It really strips the rights of workers and, again, has unintended consequences to the taxpayers of Nebraska. I see that my time is almost up, and so I will punch in again to talk about, also, the wage implications and what does it look like for the folks that are misclassified, and how that also will impact our safety net programs like Medicaid, like SNAP and other things, because their wages are not competitive and are not livable, and the burden that then it puts on taxpayers to ensure that our neighbors are able to do what they need to do and, again, actualize what they need for themselves. Thank you, Mr. President.

KELLY: Thank you, Senator Spivey. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr.-- ooh. Thank you, Mr. President. Good morning, colleagues. I rise in support of FA28. I was trying to remember, its strike the enacting clause. I, I haven't quite collected my thoughts yet this morning. I've been multitasking by doing parent-teacher conferences on Webex during Final Reading, so, you know, this is, this is the reality of our lives; we are citizen legislators. So, to that end, I would like to yield the remainder of my time to Senator Guereca.

KELLY: Senator Guereca, you have 4 minutes, 15 seconds.

GUERECA: Thank you, Mr. President. Thank you, Senator Cavanaugh. Yeah, I walked in this morning and saw my, my, my rowmate in a parent-teacher conference. It, it highlights the reality that, you know, we are citizen legislators; we, we are sent here by our neighbors, by our friends to represent them, to be their voice in state government in this, in this body. I think we talked about earlier, about the great, great companies, the-- these pillars of industry and development. Companies that helped not only create Nebraska into an amazing state, but helped develop this amazing nation that we have into what it is today. But again, these, these companies were able to accomplish this by the hardworking men and women that showed up day in and day out to do their jobs, and they did a great job. Four Fortune 500 companies. So, I guess I stand in support of FA28, in opposition of LB229, because the common trend that we're, we're seeing is this ethos of being against workers and in favor of,

of companies, and-- though it's-- it was striking, again, on the campaign trail. Group after group, company after company that I met with, the common theme that I heard was, is "we need people, we need workers, we need people, we need workers." Well, folks aren't going to come to this state if at every turn we're taking a swing at normal, everyday Nebraskans that just want to provide a good life, that want a decent shot at providing their children a better life than the one that they had. And I was looking through this 2025 competitive red book that the State Chamber passed around, key indicators for Nebraska's business climate. There's a couple things that stood out to me. Our state and local employees, full-time employees are-- their pay is ranked 45th in the country. The men and women that, that work in our state government that provide vital services to our, to our citizens and our constituents-- 45th. I wouldn't move to Nebraska for that. The state of our tech workers, 33rd. I wouldn't move to Nebraska for that. The wage and productivity of production workers in manufacturing. We talk about wanting to expand industry, to expand the good life, to grow that good life, but we pay those hardworking folks, those hardworking Nebraskans, 45th out of 50. I wouldn't come to Nebraska for that. Venture capital investment, 36th. I'm not saying read into it, but if we're not providing a fair shot, that fair access to the good life to hardworking Nebraskans, why would, why would there be investment in our state? Overall R&D spending, 37th. Colleagues, LB229 is unnecessary. It seeks to create a carve-out for a certain sector. And again, my experience is as a young, downtown Senator. I use Uber and Lyft a lot. Thank you, Mr. President.

KELLY: Thank you, Senator Guereca. Senator Quick, you're recognized to speak.

QUICK: Thank you, Mr. President. And good morning, colleagues. I'm going to talk a little bit about something that is maybe a little bit different angle, and maybe you'll hear what I'm talking about, but-- you know, we all have our different lived experiences, whether that's on a personal level, you know, how we raise our families and how we, you know, work within our communities, go to church, go to the-- go to schools, and, and we all have those experiences. We all have our, our different work experiences, whether we're farmers or, or bankers or business owners, attorneys. Me, myself, I was-- I worked at a power plant for 28 years. I grew up on a farm near Hordville, Nebraska. That experience was-- it taught me how, how to have a strong work ethic and, and, and be able to work hard in every job that I ever had, once I graduated from high school. And then, I also was a union leader, and that experience, that lived experience of being involved in a union-- I think until you've actually experienced that, you really wouldn't

know what it means to be part of a union and, and that brotherhood and that sisterhood, and how you-- how we're all together as one. Maybe the military experience would be something similar to that. You have your brothers-- brotherhood within, within the military. But one of the things, you know, as far as my union work is that we represented everyone in our local. It didn't matter if you paid dues. I mean, in Nebraska we're a right-to-work state, so we represented the dues payers as well as the people who didn't pay dues, and that was-- that's part of the, the law for Nebraska. When we would go in and, and negotiate contracts or, or go in for grievances or represent someone in a grievance, we would-- we represented people who didn't pay dues as well. So, that's what we're doing here today, is we're representing people who don't have a voice, people who are-- maybe they don't even understand, maybe, that they maybe be-- being-- that they're being, being put at a disadvantage, that maybe they wouldn't be able to ever organize, or maybe they wouldn't be able to gain benefits in some way. So, you know, like I say, as a union leader, we, we tried to represent everyone. It wasn't just our union, union members, but we also tried to, to work within our-- with a-- work with our employers to make it a better and safer workplace. We also worked on making sure that we had good insurance. I got to sit on a, sit on a insurance committee and be part of the process of picking the insurance company. It's simple things like that that you get to be part of. I was on two different safety committees, to make sure that we had a safe work environment. And then, as un-- as a coworker with other workers, we, we wanted to make sure if someone wasn't wearing their hard hat or someone wasn't doing something safe in the, in the workplace, hey, make sure you're putting your, your PPE on; make sure you're-- we want to make sure you go home safe at, at the end of the day and make sure you aren't injured. And so, I think if you think about it in some of those forms, this bill would, would more or less-- they are already independent contractors, I get that, but this bill would make it so they could never have the chance to ever have-- negotiate their fare, you know, that they're collecting. Or they wouldn't be able to negotiate, maybe, you know, they need a-- have an accident with their car; now that's all on them, that's not-- nothing to do with the company. So, I think making sure that these workers who really, right now, have no voice, that's what we're doing this morning, is talking about ways that we could, you know-- actually preventing LB229 from becoming law and never allow-- that this would-- this bill would actually put them in the position that they couldn't ever talk about those things with their employer. So, from that angle, you know, I can't support LB229. I do support FA28, so maybe we can talk about this some more. But with

that, thank you, Mr. President, or-- and I'll yield the rest of my time.

KELLY: Thank you, Senator Quick. Senator Rountree, you're recognized to speak.

ROUNTREE: Good morning. Thank you, Mr. President, and thank you, colleagues. And greetings to all of those who are watching online this morning. I just rise to share experience this morning regarding this particular bill, and regarding the safety net, and regarding taking care of working people. As I campaigned throughout District 3, many doors I knocked on and talked with our constituents, they were really concerned about basic things, some of the basic things that we might take for granted. They wanted to have an opportunity for a good employment, they wanted to have opportunity for good childcare-- we talked about some of their childcare bills yesterday-- and most wanted to be able to provide just a good living, a safe environment for their families. They wanted to have part of our Nebraska good life and also partake in the American Dream. We, as legislators, have a great responsibility to look out for the constituents that voted us and brought us here in, in the first place. And, as I campaigned and I talked with our innovators, I was reminded of my own upbringing. I grew up on a farm, and I worked with my dad, also, in construction. As we worked in construction, we didn't have the protections of unions, or we didn't have the protections of OSHA coming out and checking out our jobs. You know, we did a lot of things that sometimes put us in danger, and sometimes did not give an opportunity for us to feel safe about what we were doing. And so, I recall once being in a ditch-- it was one that was not dug properly, but it should have had some barriers to the side so we could have taken care of the work that would have been done. And that particular ditch caved in on my father, and it had him up to his waist. But that led to back problems, and it led to some unintended consequences; his health began to decline, and he was never the same. And so, you say, what does that have to do with the bill that we're talking about? We're talking about protections. We're talking about workers that really want to go out and participate in our market economy; they want to be able to earn good wages, they want to be able to be protected. And most of us, if we really stop and think about it, we want to be employed in jobs that's going to offer health insurance, dental insurance, that's going to offer [INAUDIBLE] some type of retirement. And that's what we work for. And so, we need to really look at protecting [INAUDIBLE] our working class. As we deal with the Legislature here in the body, let's not look at what we can take away, but let's look at how we can shore up-- I hear the word "guardrails," mostly since I've been here. Let's see how we can get

the guardrails in place so that our workers in Nebraska can feel safe as they go out and participate in the labor market, but also knowing that their families are taken care of. And when we have good, strong families, working families in our communities, when we take care of our first responders and all that make the communities great, then each community can be a great input into our state, and we can be the source of the good life here in Nebraska. So, with that, Mr. Speaker, I yield the rest of my time. Thank you.

KELLY: Thank you, Senator Rountree. Senator Fredrickson, you're recognized to speak.

FREDRICKSON: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraskans. So, I've been listening closely to this debate, and I think it's an interesting conversation, and I appreciate all the points that have been made so far. And, you know, I was thinking about this on a, on a bigger level, and I was thinking a lot about some of the valuable work that a lot of our local corporations do in, in the state of Nebraska. I know Senator Guereca spoke about this a little bit earlier, but I-- one thing I'm really proud of-- I'll speak to Omaha because that's the dis-- where my district is, is located-- but I'm incredibly proud of the Omaha business community and corporations who have really given back to the local community, so whether that's Kiewit, whether that's UP, whether that's Tenaska, I mean that, that-- these are just a few of them. But if you, if you drive around Omaha, you will see different parks, different organizations, little league teams that are all sponsored by and invested in by, by these companies and by these organizations. And there's a lot of value with that. You know, the business community invests a lot in our state, they invest a lot in our, our communities, and they make life in Nebraska a lot better for, for everyone. So, that's something that I, I want to lift up, and I think that as I'm listening to this debate, you know-- and I'm thinking specifically in the context of, you know, Uber, Lyft, DoorDash and, and the companies that we're enumerating here-- those are not companies that are investing in Nebraska; those are not companies that are ingrained in our communities; these aren't companies that are, you know, supporting our little league teams, et cetera. And I guess, for me, I'm having a hard time understanding why we are so interested in codifying terms of employment for these companies over the actual Nebraskans who are working for them. You know, it'd be one conversation if we had Uber, Lyft, DoorDash, et cetera, you know, investing in our parks, investing in our library, investing in infrastructure that's, that's supporting our citizenry, but they're not. And so, I, I don't see the draw or the, the interest in why we, as government, should involve ourselves

in the employment contracts that these companies are having. So, for those reasons, I remain opposed to this bill. I'll continue to listen to the debate, but that's where I'm standing currently. So, thank you, Mr. President.

KELLY: Thank you, Senator Fredrickson. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good morning again, colleagues. I had on my agenda today an opportunity to go address the AFL-CIO legislative conference that was visiting our Legislature today as part of their annual tradition to engage with their government and bring working men and women into the halls of power and talk about issues that are important to them. This is always a speaking opportunity that I really look forward to, because I have a very strong working-class district that is really proud of how hard they work and what they contribute to the rail yards in north Lincoln, to the former Goodyear plant that helps to not only have good jobs and good benefits that supported generations of families, but it is critical to our, our transportation industry. And the list goes on and on and on and on. And of course, the police and firefighters and teachers that are working hard all day, every day on the front lines of our criminal justice system, public safety endeavors, and on educating our kids. My district also encompasses right here in the capital city in the seat of government for both the city, the county, the state, and has federal connections as well, a lot of public employees who have dedicated their lives to public service, whether it's at the DMV or HHS or Corrections, the list goes on and on and on. So, it's always been a special fabric of our district in north Lincoln to have a lot of vibrant organizing and a significant amount of labor leadership. I live just a few blocks from the Labor Temple in north Lincoln, and have been there for countless events to connect with working men and women and hear what's happening in their lives and at their jobs. And so, because we were on Final Reading today, I did not have an opportunity to keep that speaking engagement, but I am glad to have the honor and opportunity to be a strong voice for working families on this floor now, when it's needed most, and under the most significant amount of attack. While we were on Final Reading, working men and women, children's advocates, poverty advocates across the state had to reserve the Rotunda this morning to have a press event talking about the attacks not only on the sacrosanct, precious right of the people to participate in initiatives, but to undercut the will of the voters which spoke loudly and clearly in favor of minimum wage increases without carve-outs; that spoke loudly and clearly in favor of basic paid sick leave components. And those measures are going to be

hollowed out in this Legislature this year. Here we are, at almost the midpoint of the session, and thus far-- with the exception of Senator Arch who's chosen a smart priority to restore basic legislative oversight to our state's most troubled agencies-- the only other priority bills we have as of yet is Senator Kauth's annual effort to discriminate and attack trans Nebraskans, and now Senator Raybould's effort to undercut basic economic justice for Nebraska working families, including young workers, and Senator Lippincott's effort to undercut Nebraskans' voting rights. So, that speaks volumes about the priority of this Legislature. And friends, I'm not going to sugarcoat it, but I'm also not going to despair. Now, when the times are the bleakest and the darkest and hardest for working families, we will not give up, we will not furrow our brows, we will not shrug our shoulders; we will lean in with more love, more light, more resilience, more resolve. And if all we can do is stand witness to this cruelty, we will do it with our voice and our vote. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Good morning again, colleagues. I know we're rind-- winding up debate here probably around noon, but I wanted to speak a little bit more about the specifics of LB229 and why I'm opposed to LB229 as it pertains to the difference between independent contractors and employees. So, as I indicated on my first time on the mic, there are various factors that are looked at to determine whether or not somebody falls into the employee camp or the independent contractor camp. Some of those factors are things like-- you can be classified as an independent contractor unless that party can prove the worker is free from their direction and control, services the worker performs are outside the usual course of business, and things like whether or not the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the service performed by the party. What I mentioned earlier was that the state of Massachusetts, at one point, actually filed a lawsuit, and they filed this lawsuit in an effort to argue that Uber drivers and Lyft drivers had been unfairly characterized as independent contractors. And in that lawsuit, they made a number of allegations. One of those-- the attorney general of Massachusetts argued that Uber and Lyft drivers are not free from the company's direction and control. Drivers, for example, have to enter into standardized service agreements that set the company's non-negotiated terms and conditions, performance standards, and forced arbitration provisions which prevent drivers from bringing private litigation to

enforce their rights under the-- their state wage and hour laws. Uber and Lyft drivers claim-- Uber and Lyft claim that drivers can set their own schedules and may choose to work as many or few hours as they wish, but they closely monitor drivers' activities through apps, and offer financial incentives to induce drivers to work shifts that directly benefit the company. Uber and Lyft also can penalize drivers for not accepting enough rides, canceling too many rides, failing to maintain customer satisfaction ratings, or engaging in any conduct the companies determine to be grounds for suspension or termination. So, there's an argument, right, that Uber and Lyft drivers can do whatever they want, whenever they want. And that's part of the appeal, is what people say; you can hop on, hop off. But in reality, there's a lot of drivers out there who make this their job, right? They-- we all see it, if you hop in an Uber or Lyft, they'll have both stickers on their windshield and they, they drive for both companies. So, this is their work. And yes, there are some people who will hop on or hop off as they see fit, but a lot of these folks who are driving out there, this is their entire job, and we need to dig deeper into how the companies control or have an impact on what they can and can't do. So, if, in fact, Uber and Lyft are able to penalize these drivers for not accepting rides or canceling rides, or not having satisfaction ratings that are high enough, that means that the companies are inherently controlling the way that the drivers do their job. So, yet again, like many things we've talked about this legislative session, you have to dive in a little bit deeper. We cannot just look at the surface-level analysis of, of oh, it is this or it's that; it's oftentimes much more complicated. And colleagues, please, I encourage you to look at the nuance of the situations and actually dig into the effect that these bills have on these determinations. In addition to this, the attorney general of Massachusetts asserted that Uber and Lyft drivers provide a service that is essential to the company's core business as transportation service providers and, without those drivers, the companies would cease to exist. Uber and Lyft drivers are not engaged in an independently established occupation or business. The drivers are not true independent contractors. They don't just say, I would be driving people around but for my association with Uber or Lyft. If somebody wanted to do that, they could start their own business and maybe contract with Uber or Lyft as they saw fit to drive a person from point A to point B. But in these circumstances, the drivers are essential to the functioning of Uber and Lyft. That is sort of the inherent definition of an employee, is that without you, the company would cease to exist. Long story short, this lawsuit, as I mentioned earlier, settled, and the settlement is what resulted in drivers receiving a minimum wage of \$32.50 per hour, that \$175 million;

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

drivers receiving guaranteed pay sick leave. So, my point is LB229 seeks to come to a conclusion without any of the protections that most other people who have argued this have come to. So, colleagues, I would urge you to vote against LB229. I don't think it adequately addresses the problem before the Legislature or that's been before the courts. And again, it certainly continues to degrade our support for workers and for working families. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. Senator Hallstrom, you're recognized to speak.

HALLSTROM: Thank you, Mr. President, colleagues. My wife would be pleased. We found a way to keep me quiet today by getting into the queue, but I will have a few moments to speak before the, the noon hour strikes. One of the things that I'm, I'm interested in is the, the, the inconsistency of the arguments of the opponents with regard to independent contractor status. Senator Quick, this morning-- and it's been throughout the debate, in terms of Senator Quick suggested that they are clearly independent contractors. Senator Dungan says they're not independent contractors based on a Massachusetts attorney general's opinion. And that's why we're here. The issue would, would join 21 other types of employment in independent contractor type of determinations, where the unemployment insurance statute has conclusively provided that certain workers are to be designated statutorily as independent contractors. So, our approach is neither new nor novel. I also think that, when we look at the arguments that the opponents are making, the supporters, I think, have two constituencies. The first constituency are the companies; the companies that have a new, unique, and novel business model that is based upon having independent contractor status for their drivers. And the second is the workers themselves. The workers overwhelmingly have suggested that their desire and their need is to be independent, independent contractor status and have the flexibility to determine when and if they want to work. When we look at the opponents, they purport to be standing up for the workers, but at the end of the day, when you look at what the workers want and what they need, as I indicated, the vast majority of drivers are individuals who have a separate 8-5 job; they're looking at needing a second and perhaps even a third job, for which benefits are not necessary. They're not interested in anything other than having the job to allow them-- those that are less fortunate, those that are eating from hand to mouth and need the extra employment on their terms, to be able to ate-- to make ends meet. So, it's somewhat ironic that those who are opposing are not taking the word of the drivers for what they need out of this particular working arrangement, and not being critical-- in fact,

commending those who will stand up not only in this debate but throughout the session. Those who are-- will routinely stand up for those who are less fortunate are the ones who are arguing against the very employment opportunity or the working opportunity that they have as drivers as-- of Uber. And so, with that, I would suggest that we move on with the business. It's fairly obvious that maybe we're not going to get things done before the clock strikes noon, and if so, we'll be back for another day. But I think everybody's mind is pretty well made up on this issue, and it's a matter of getting to the vote. Senator Hunt indicated she wished we could put this behind us, and we can do that by voting in the next nine minutes, if that's the will of the body. And with that, I would return or yield my remaining time to the chair.

KELLY: Thank you, Senator Hallstrom. Senator Holdcroft, you're recognized to speak.

HOLDCROFT: Thank you, Mr. President. I thought we'd kind of end up the morning on, on a positive note with some news from our Department of Health and Human Services. Good work. Early dental health starter kits delivered to 85,000 facilities across Nebraska. DHHS Office of Oral Health and Dentistry-- abbreviated OOHD, "ood" [PHONETIC]-- established an educational program aimed at teaching parents and caregivers of newborns how to establish strong daily oral health habits at a very early age. A resource offered by the OOHD is the early dental health starter kits, which contain age-specific dental cleaning items. When used properly twice a day, these hygiene tools can significantly reduce the cavity- causing bacterial biofilm found in the oral cavity. Additionally, the kits include information on the importance of establishing a dental home for their child by age one, and a listing of reduced-cost dental care facilities in Nebraska. Each year, approximately 25,000 new babies are born in Nebraska. Over 85,000 starter kits have already been distributed across the state to dental offices, birthing hospitals, early headstart programs, pediatric clinics, WIC sites, daycares, home visiting programs, community health centers, local health departments, and both dental colleges. Strong oral care during childhood not only helps to prevent immediate issues like cavities and gum disease, but also sets the stage for a lifetime of healthy habits. More good news from our Department and Health-- Department of Health and Human Services. Thank you, Mr. President.

KELLY: Thank you, Senator Holdcroft. Senator John-- Mr. Speaker [SIC], for items.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 6, 2025

CLERK: Thank you, Mr. President. Bills read this morning were presented to the governor at 11:09 a.m. Your Committee on Enrollment and Review reports LB286, LB289, LB295-- excuse me. Your Committee on Enrollment and Re-- reports LB286 and LB289 as correctly engrossed and placed on Final Reading. Your Committee on Nebraska Retirement Systems, chaired by Senator Ballard, reports LB295 to General File with committee amendments. Your Committee on Business and Labor, chaired by Senator Kauth, reports LB353, LB299 to General File, LB299 having committee amendments. Your Committee on the Executive Board, chaired by Senator Hansen, reports LR25CA to General File with committee amendments. Your Committee on Banking, Commerce and Insurance, chaired by Senator Jacobson, reports LB253, LB232 to General File, LB232 having committee amendments. Amendments to be printed from Senator DeBoer to LB599; Senator Wordekemper, LB434. Report from the Agriculture Committee concerning a gubernatorial appointment to the State Fair Board. Communication from Senator Clouse, designating LB322 as his personal priority for the session. Senator Clouse, LB322, personal priority bill. New LR: LR64 from Senator McKeon and LR65 from Senator Conrad; those will both be laid over. Name adds: Senator Sanders, name added to LB198; and Senator John Cavanaugh, name added to LR63. Finally, Mr. President, a priority motion: Senator Murman would move to adjourn the body until Monday, March 10, at 10:00 a.m.

KELLY: Members, you've heard the motion to adjourn. All those in favor, say aye. Those opposed, nay. The Legislature is adjourned.