

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 27, 2025

[MALFUNCTION]

**ARCH:** Mr. Clerk, please record.

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

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

**CLERK:** I have no corrections this morning, sir.

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

**CLERK:** There are, Mr. President. Your Committee on Enrollment and Review reports LB41 as correctly engrossed and placed on Final Reading Second. Additionally, your Committee on Natural Resources, chaired by Senator Brandt, reports LB317 to General File with committee amendments. Your Committee on Revenue, chaired by Senator von Gillern, reports LB526 to General File with committee amendments as well as LB622, both having committee amendments. Your Committee on Enrollment and Review reports LB9 and LB78 to Select File with E&R amendments. Communication from the governor concerning an appointment to the Nebraska Power Review Board. Amendment to be printed from Senator Holdcroft to LB135 and a new LR, LR89 from Senator Meyer. That will be laid over. That's all I have at this time.

**ARCH:** Senator Hughes, you are recognized for an announcement.

**HUGHES:** Thank you, Mr. President. Back in 1971, there was a very special person born on this date. And since said person did not bring treats today, we are going to recognize said person for the birthday. Jared Strommen-- I mean Storm, Senator Storm, happy birthday.

**ARCH:** Thank you. Mr. Clerk, please proceed to the first item on the agenda.

**CLERK:** Mr. President, General File, LB415, introduced by Senator Ballard. It's a bill for an act relating to the Nebraska Healthy Families and Workplaces Act; amends Sections 2, 3, and 4, Initiative Law 2024, No. 436; redefines terms; change provision relating to paid sick time; harmonize provisions; repeals the original section. The bill was read for the first time on January 17 of this year and referred to the Business and Labor Committee. That committee placed the bill on General File with committee amendments. When the Legislature left the bill pending, Mr. President, was a division of

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the committee amendment, AM770, containing the components of LB698, as well as a motion to bracket from Senator McKinney, MO111.

**ARCH:** Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Oh, thank you, Mr. President. I didn't know-- I thought we might have a refresh. Well, good morning, colleagues. Just looking to see, I see somebody just handed out exactly what I think I was going to talk about, which is section-- Article III, Section 2 of the Nebraska Constitution. But-- well, first I'll get back to where we are. So right now we are on the division, AM770, and we divided the bill. So there was the committee amendment that had multiple portions. AM770 is just Senator Strommen's portion of that amendment. And there are those who think AM770 goes too far, and there are those who think that they would like to vote for the underlying LB415 and other bills, but would like to vote against Senator Strommen's bill. So as a courtesy to you all, I divided the question so that you can vote down Senator Strommen's bill and vote for the other portions of the bill. Additionally, I've proposed some compromise language on the other portion of the bill that contemplates some of the concerns that have been raised about small businesses. So if you are-- think we should take consideration for small businesses, but you think Senator Strommen's bill goes too far in terms of undermining the will of the voters, you can vote against AM770 and then, ultimately, for AM771. So that's where we're at, I'm opposed to AM770. I support the motion to bracket until June 9 by Senator McKinney. So there was some conversation yesterday about Article III, Section 2 of the constitution, specifically, the very last part, which is: the Legislature shall not amend, repeal, modify, or impair laws enacted by the people by initiative, contemporary-- contemporaneously with the adoption of this initiative measure, or any time thereafter, except upon a vote of at least two-thirds of the member of the-- members of the Legislature. And I think there were some folks yesterday who interpreted that, that to mean that the voters intended to give us the ability to amend ballot language. And we do-- while we do have the ability to amend the will of the people enacted at the ballot, what that section is, as amended in 2004 by an addition-- additional constitutional amendment, is they, they raised that threshold from a simple majority to a supermajority. And the reason for that was that the voters enacted something, and the Legislature should have to go above and beyond if you're going to undermine the will of the people. So there's this great book, the Nebraska State Constitution, and, actually, I think I need an updated version now, but this is reference guide, second edition. If, if Professor Schutz and Mr. Miewald and Longo have written another edition, please let me know. But as of this

edition, it's-- it has little annotations about what these parts of the constitution mean. So this is supermajority required for initiative laws: The 2004 election was not simply an interested-- an interesting example of the political process involved with an initiated constitutional amendment and two related statutes. It also gave us a very important limitation in Section 2. In 2004, an initiated amendment was adopted to provide that the Legislature may not amend, repeal, modify, or impair any law enacted through the initiative process except upon a vote of at least two-thirds of all members of the Legislature. By its, its terms, this sentence protects only initiative law, thus does not provide further protection of initiated constitutional amendments beyond that. However, the meaning of the terms amended, repealed or modified or impaired is unclear. This change was touted as a measure to encourage initiative process to focus on statutory enactments, thereby which means giving greater protection to statutory enactments than they previously had, rather than cluttering the constitution with detailed provisions that are more suited to statutory treatment than constitutional embodiment. When considered in conjunction with the uncertainty of a single-subject rule for constitutional amendments, the added protections may indeed encourage more initiatives to focus on statute. So what that's saying is-- I'm going to run out of time-- but what that's saying is the protection-- the threshold was meant to be higher to get folks to do ballot initiatives instead of constitutional amendments. So it was meant to dissuade the Legislature from upsetting the ballot initiative process, not to encourage it. So that is how we should read the higher threshold, the fact that we have that authority, is that the people spoke again on that issue and said we do not want the Legislature to upset this and that we would rather do it through initiatives than the constitution. That's what that change means. So I'll push my light and talk some more about that and other things. But do not be confused that because we have the authority, we should exercise it. And the reason it has a higher threshold is because we should be very suspicious, hesitant about upsetting the will of the people. And in this case, 75% of Nebraskans voted for this ballot initiative--

**ARCH:** Time, Senator.

**J. CAVANAUGH:** --and we should be-- thank you, Mr. President.

**ARCH:** Senator Hunt, you're recognized to speak.

**HUNT:** Thank you, Mr. President. I hope that colleagues listen to the points that Senator John Cavanaugh was just making, because that's

exactly right. We heard a lot of discussion yesterday about whether the amendment that we're considering defies the will of Nebraska voters. And the introducer of the amendment stood up and talked about all kinds of examples where the people of Nebraska passed ballot language. And then the Legislature came in and redefined the language or tweaked it or, or clarified it and things like that. But this is a textual legal argument. It's not that the voters voted on the ballot saying here's an idea that we generally like, now we'd like the Legislature to implement it. Yes, we have had measures like that in the past, but that's not what this measure says. You know, I have it in front of me and Senator John Cavanaugh read it. And what this measure specifically says: Eligible employees, the right to earn paid sick leave entitles employees-- of employers with fewer than 20 employees to accrue and use up to 40 hours of such time annually, and those employed by employers with 20 or more employees to accrue and use up to 56 hours of such time annually. And it doesn't say and, Legislature, please go in and decide what you think that means. The language is in the ballot. So I know that we don't think this way and we don't work this way. And the assumption of the courts is that anything the Legislature ends up passing is constitutional. But, you know, with the decline in experience, expertise, quality, respect for separation of powers, respect for the institution that this Legislature has seen, we can expect more and more legal challenges for issues like this going forward, just as we're seeing at the federal level, just as we're seeing in states that we've always thought Nebraska runs their government a lot better than other states. And I believe that. But part of the reason other states have these problems is because of the partisan division and the blind loyalty and the pushing through policy at any cost, and then letting the courts sort it out in these protracted years long, expensive-- at the expense of the taxpayers, mind you, court battles over politics and that, traditionally, in Nebraska has not been the way that we do things. We can avoid that kind of cost to taxpayers. We can avoid that kind of costly legal battle by doing our work the right way in this body. And I believe that passing this amendment from Senator Strommen, it is not us doing our work diligently, thoughtfully, because we're going to end up with legal issues because the people of Nebraska already spoke on the ballot. The ballot language is here and told us what they would like us to do. The best way to determine the will of the voters is just to read what the heck they voted for, and it's right here on the ballot. So this is the object clause. It went before every voter, and it made clear that they were voting on 2 tiers of paid sick leave for small businesses and for larger businesses. And the amendment from Senator Strommen does substantially change the core provisions of the

initiative. And one of the big changes under this amendment that really strikes at the heart of the problem is that it strips away the anti-retaliation protections for workers who use their sick leave. I'll say that one more time, colleagues. This amendment takes away the anti-retaliation protections that workers can expect just for using their sick leave. So in plain terms, it would no longer prohibit an employer from punishing or firing someone for using the sick days that they've earned. Colleagues, that change renders the whole law almost meaningless. What good is a right to sick leave if it can get you fired if you use it? Most low-wage workers will tell you if there's no protection, they are terrified of retaliation. They'll go to work with a fever or they'll send a sick kid to school because they don't want to risk angering the boss. And from listening to some of you yesterday talk about the disdain you have for your own employees, I know I probably work with some of those bosses. Some of you in this room would probably retaliate against your workers if they used a sick day. And Senator Strommen's amendment makes that legal, basically gutting the whole entire purpose of the bill. By removing the retaliation band, this gives bad actors a green light to intimidate employees, to punish employees just for taking the sick leave that they are entitled to according to Nebraska voters. And I'll continue this thought on my next time on the mic. Thank you, Mr. President.

**ARCH:** Senator DeBoer, you're recognized to speak.

**DeBOER:** Thank you, Mr. President. Colleagues, I haven't had the opportunity to talk about this yet, but I do have some things on my mind. The people have the right to be wrong. The people have the right to be dead wrong. One of the fundamental core principles of America, of our entire way of life, our entire way of government, is that we are a government by the people. We are self-governing. So that means nobody gets to veto the people. The people have the right to be wrong. And no one gets to tell them that they cannot do something because they are wrong. That's what it means to self-govern. And that is why people often ask me, why did I vote for Convention of States? That's why. Because the people govern, which means that if they govern in a way that I completely disagree with, the people govern. If the people govern in a way that is stupid, the people govern. The people have the right, the fundamental right to be dead wrong. That, that right there is the fundamental piece of what it means to be an American. The people have the right. And you can say, oh, well, the people were misled. The people have the right to be misled. The people have the right to have their government look like whatever they want it to look like, to have their laws look like whatever they want it to look like. We do not have veto power over the people. In every election, as long

as I can remember, there has been at least one result that I did not like, that I thought was foolish, that I thought was the wrong decision. We vote for a number of things on every ballot. The people have the right to make a foolish decision. They sometimes do, in my opinion. So do I when I'm voting. But the people have that right, otherwise we are no longer a government by the people. If someone can say, no, we veto what the people say, then we are no longer a government where the people choose. If there is a higher power in this country, in this state than the people, then the people are no longer the ones in charge. And it doesn't matter if we like it. It doesn't matter if it's wrong. It doesn't matter if it's bad for business. It doesn't matter if it's bad for employees. It doesn't matter who it's wrong for. The people have the right. And you may say, well, there's so much money, the people were misled. In my last election, they put roughly \$1 million against me, all told. There is money up and down on every level of our electoral system, but that doesn't matter, the people have the right to choose. So I'm voting against Senator Strommen's amendment. Because the people have the right, not us, the people. The people have the right to choose. That's fundamental to who I think we are as a government. And if they make a wrong decision in our minds, unfortunately, we have to figure out how to deal with that. But we can't veto them or the people no longer have a right to choose. The people have the right to be wrong. Thank you, Mr. President.

**ARCH:** Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. I rise in support of bracket MO111 or MO111, opposed to AM770 and not thrilled but not fully opposed to LB415. I agree with Senator DeBoer that the people have a right to be wrong, and they have a right to be right, and they have a right to want something different for the state than what we want as individuals. It is-- it's just disheartening to see attempts to undo the will of the people. And I understand, you know, the conversation yesterday over the gambling initiatives. I was not thrilled by those things. I don't have a real strong feeling about gambling in one direction or the other. I, I understand the, the ills and the addiction that comes with it, like so many other vices. And I think that we should, you know, be conscientious about, about that when we're legislating. And so in order to get things passed, negotiations were made on that particular issue. But, again, that came to the ballot because the Legislature refused to act. Just like paid sick leave, just like medical marijuana. And, eventually, we're going to see paid family medical leave come to the ballot as well, because this-- the Legislature refuses to act. I think what we're learning today is that what the people need to do, is not just a ballot

initiative, the people need to do a constitutional amendment ballot initiative, because we can't change anything about the abortion statutes now other than to repeal our current statutes that aren't in line with the constitutional amendment. So, Nebraska, next time we don't act and you want us to, I highly recommend you do a constitutional amendment because that will hand our-- tie our hands significantly more than just a ballot initiative would. I've been thinking a lot about this legislative session and what's happening on a national level, and I've had this conversation at home with my husband, and we both just keep going back to elections have consequences. Elections have consequences. The voters spoke and they voted for you all that just got elected and they voted for this. They voted for a President that is going to decimate our state funding by cutting federal funds for essential programs. They voted for a President who is going to destroy the world economy and possibly send us into World War III. They voted for a President who put somebody in charge of health care that is going to lead to a new outbreak of measles and possibly other diseases that have long been diminished. But they spoke, they spoke. They decided. So we are where we are, and we work within the parameters that we work within. I'm not trying to undo the will of the voters for who they sent to the executive office of this country. I'm trying to work within those parameters. I think there's this issue in this body, in that the majority of this body is not used to being on the losing side. I'm used to being on the losing side. I wouldn't know what to do with myself if I were on the winning side. I'm used to being on the losing side, so I'm used to figuring out ways to make things better, to the best of my ability, within the confines of knowing I'm going to lose, which is what I'm going to do on LB415. I'm going to continue to advocate for the people of Nebraska who voted for this ballot initiative. And I'm probably going to lose because the people in this body care more about their own interests than they do about the people of Nebraska. But elections matter. They have consequences. And the people of Nebraska also sent you all here. So I guess they're going to find out whether or not they sent the right person to represent them. And that's unfortunate. They shouldn't have to find that out. They voted. They thought you represented them and they voted for this.

**DeBOER:** Time, Senator.

**M. CAVANAUGH:** Thank you, Madam President.

**DeBOER:** Thank you, Senator Cavanaugh. Senator Dungan, you're recognized.

**DUNGAN:** Thank you, Madam President. Good morning, colleagues. I do rise again in favor of MO111, which is the bracket motion until June 9, and opposed to the AM on the board, which is AM770. I wanted to start by saying Senator DeBoer's comments I thought were, were very helpful. It actually got me talking off the mic with Senator Brandt about the nature of free will. And I'm not going to dive into that on the microphone, but I did think it was an interesting, an interesting conversation. What I wanted to start with talking about today is to discuss a little bit more of the structure of what we're actually debating right now. And Senator John Cavanaugh, I think, alluded to this, but I want to make sure that my colleagues and that the people at home kind of understand what's happening in the body and what's on the board. By virtue of sort of the process that we've taken here, which is to divide the question, we, actually, as a Legislature, have an opportunity to vote on different portions of the bill. And I think that that's helpful for us to understand kind of how we're proceeding both today and likely tomorrow on this debate. Thus far, so far the session, there's been a number of bills that have kind of been mashed together. I don't think we've seen any of the gigantic Christmas trees passed, that we had maybe a couple of years ago. But there is sort of this, this theme that we've seen of a number of bills being pushed together by committees. And that's, again, like I said the other day, completely acceptable. We've done that at least my entire time here. But generally speaking, things that go together in those packages that are added as amendments, in my opinion, aren't often that controversial. When, however, you have a controversial amendment come up, I think that one of the helpful tools we have in the Legislature is this ability to divide the question. And the division of the question allows us on the board, and for those at home, when I say on the board, there's literally a digital board in front of us. Whatever's on the board is what we're voting on. And so to separate out the parts that maybe are less objectionable, I'm not saying completely nonobjectionable, but less objectionable, from the parts that have caused the most contention, it allows us as a body to take individual votes on those sections. So what we've done is Senator John Cavanaugh moved to divide the question. The individual who seeks to divide the question by right in the rules of the Legislature can divide that question. If the Clerk determines that it is in fact divisible, the question can then be divided. And so the person moving to divide the question gets to decide how they want to divide that, essentially. And then the individual who brought the amendment or the bill gets to decide how that's ordered, meaning the order in which you take up the, the divisions. So before us here, we have a law or a bill rather, and an amendment that has been divided into two separate



questions. First, which is what we're talking about right now, is the part of the amendment that is substantively LB698, which is Senator Strommen's portion, which I believe is the one that most of us have objections to. That is the first division that we are currently debating. If we, ultimately, are able to take a vote on that particular portion, we then move onto the second division of the question, which is the undermining LB415, Senator Ballard's bill, and the rest of the committee amendment that included, I think, a Senator Wordekemper bill and a Senator von Gillern bill, all of which, at least to the best of my knowledge, are not the, the bulk of what's being objected to here throughout this debate. So, colleagues, what I mean by that is if you are in favor of the underlying LB415 and the other committee amendments that have been tacked on there through the committee process, but not in favor of the walk back of what I believe the voters have voted for from LB698, Senator Strommen's bill, you can vote no on the first division. You can vote red on the first division and then still vote green or yes on the second division, because what you're voting for is what is to be included in the bill. So if you vote yes on the second division, that then becomes what we're ultimately talking about with LB415, as amended by the committee amendment. So if your objection is to the underlying-- sorry, if your objection is to the amendment and the inclusion of Senator Strommen's LB698, you have an opportunity to actually stand up and say that, and you have an opportunity to stand up and say with your vote that you do not want to walk back the vote of the people, and that you do not want to change what the public overwhelmingly supported on the ballot initiative. So I just wanted to take a second to kind of make sure we situated what we're talking about here. I know it gets really confusing when there's motions on amendments on bills and divisions of questions, but what's been divided out here provides you the opportunity to vote on the underlying bill, separate and apart from Senator Strommen's amendment, LB698.

**DeBOER:** Time, Senator.

**DUNGAN:** Thank you, Madam President.

**DeBOER:** Senator Dorn would like to recognize a guest, Sydney Dunn, under the south balcony. Please rise and be welcomed by your Nebraska Legislature. Senator Spivey, you're next in the queue.

**SPIVEY:** Thank you, Madam President. And good morning, colleagues and folks that are watching online. I, again, appreciate this conversation and rise in opposition of specifically the AM698 within the committee package and appreciate the division of the question, so we can have

intentional conversations about all pieces of the amendment that I know have different parts and, and other bills that were added into LB415. This past 4-day break, I know we had 2 recess days and a weekend. I spent my Saturday at a town hall. I had a town hall in my district and over 65 folks came and people are paying attention. They had lots of questions and concerns about what we're doing. So they asked about when we call the house and roll call votes. And what does that mean? They're asking about the amendments and the packages, and they didn't realize this was a part of this. So people are paying attention and they're watching what their representative body is doing. And one of the questions that stuck with me was a, a woman wrote out all of the ballot initiatives that were passed in November and asked why does the body continue to try to erode what they have said? And because we, again, have been on this conversation since, I think, Thursday of last week, specifically brought up what paid sick leave had meant for her in the role of the Legislature in honoring our second house or our voters. And so I do just want to say that people are paying attention. They are watching, and they have questions about how we are showing up that does not align to what they are saying that they have asked for. I received an email also last weekend and, and I asked this person who is not in my district that emailed me, could I share it, and she said that I could. And it says: I am a small business owner in Omaha. I have one employee and I am strongly in favor of LB415, which is why I voted to pass it. I understood that it would include young workers. I understood that it will cost small businesses money. I understood all of that and I still voted to pass it. I remember what it was like to have to take a sick day knowing that I wouldn't get paid for it. I remember struggling, coming back to work while sick so that I could be able to pay my rent. As a business owner, I place such high value on my employee and I want to keep her. I am not required to offer paid sick, sick leave right now. I choose to do that anyway, and I instituted that after reading about the petition to have paid sick leave on the ballot about a year ago. As a result, I have the most loyal, hardworking employee that will do anything she possibly can to support my business. And so we keep having this conversation around this hurts small businesses, people didn't know what they voted for, and people did. I think we are underestimating the folks that sent us here that they don't understand policy and practice, and, and what they are requesting us to honor as a legislative body. I also wanted to uplift for those who maybe didn't see the ballot petition or realize all the intricacies, that when you submit a ballot petition, the Attorney General writes a description that is on the ballot so people understand what they are voting for. So, for example, for this ballot around Initiative 436, which was paid

sick leave, it has Initiative Measure 436 at the top, and then it says a vote for, for is in all caps and underlined, will enact a statute which provides eligible employees the right to earn paid sick time for personal or family health needs. Number two, entitles employees of employers with fewer than 20 employees to accrue and use up to 40 hours of such time annually, and those employed by employers with 20 or more employees to accrue and use up to 56 hours of such time annually. Three, specifies conditions regarding paid sick time, and then it has two others. And I see my light is on, and then it has what a vote against is. The Attorney General wrote that, not the ballot initiative. So, again, we have clear interpretation from an agency that is trusted to lead on legal matters that gave clear direction to voters. This is what happens if you vote for, this is what happens if you vote against. And so I think that we have to stop this argument that people didn't know what they were getting and truly honor the work of our second house to not erode with amendment or LB698, those parameters. And so I'll get back on the mic, because I have a few more things to say about that. But I know my red light is probably about to come on. Thank you, Madam President.

**DeBOER:** Thank you, Senator Spivey. Senator McKinney, you're recognized.

**McKINNEY:** Thank you, Madam President. I rise in support of the bracket motion. And kind of to piggyback off of Senator Spivey, it also says: a vote, a vote against means such statute would not be enacted. Shall a statute be enacted, which, one, provides eligible employees the right to earn paid sick time for personal or family health needs; two, entitles employees or employers with fewer than 20 employees to accrue and use up to 40 hours of such time annually, and those employed by employers with 20 or more employees to accrue and use up to 56 hours of such time annually; three, specifies conditions regarding paid sick time; four, prohibits retaliation against employees for exercising such rights; five, adopts documentation requirements; and, six, establishes enforcement powers and a civil cause of action for violations. And then you can vote for or against. I think this is clear language in the initiative, I don't think it was a take it or leave it. I think this was very clear. I don't think anyone could have been confused and said, one, two, three, four, five, six step by step for the voter to understand in a clear way what they were voting for. And because of that, in my district, the vote was overwhelmingly in support of the ballot initiative. And we shouldn't strip that away. And we should make sure that we're doing whatever we can to protect what our constituents vote for when they go and, and support ballot initiatives. Because if not, what are the point of those? And I say

that because they send us here, and sometimes we introduce bills on all sides that don't get the support. So the people are like, well, if the senators that we're sending to, to Lincoln can't get the bill passed or won't pass these bills, we're going to rally and, you know, start working in the community getting signatures and, hopefully, we could get something on the ballot and pass it ourselves, because the people that we elected don't want to do it. And when they do that, we should respect it because we want them to respect the things that we pass because they sent us here and they sent us here by a percentage of the vote. So based on those percentages, we're here. And we should-- and we're expecting them to respect us and our votes because we're elected officials. And by an overwhelming percentage of the vote, they voted for this. So I think respect should go both ways from people in here, and especially for people in the communities that we all represent. It should be a two-way street, not a one-lane highway. And that is fundamental to the nature of, I, I would say our democracy, but the way things have been shaping out this year, federally, it's kind of looking sad, you know. I try not to look at the news because every day is something new, it's, like, what is really going on? But, hopefully, we have what you would call a democratic republic or whatever you want to call it, but neither here or there, the people who elected us by a percentage of the vote, who we want to respect us and call us senator, and all those type of things, they voted for something by a percentage of the vote, and we should respect what they wanted, and we shouldn't diminish it because they wanted it. And we don't have to like it, it's, it was something, I think, that passed on the ballot that, I think, I disagree with, but they voted for it and I'm not standing up trying to strip it away. They voted for it. It is what it is. I didn't-- I can't do nothing about it. And I think we all should do the same. And that's why, I think, we should take the time while this bracket motion is up and really think about that. Are we respecting the will of our constituents? Thank you.

**DeBOER:** Thank you, Senator McKinney. Senator Fredrickson, you're recognized.

**FREDRICKSON:** Thank you, Madam President. Good morning, colleagues. Good morning, Nebraskans. I rise today in continued support of LB415, but in continued opposition of AM770. And I-- you know, I understand that there are conversations happening currently and some negotiations might be occurring, which I feel maybe cautiously optimistic about. I'm, I'm happy to hear that folks are considering what's being said and considering the, the contact that they've gotten from constituents about, about this bill and, and taking that into consideration while

we are, while we're making this policy. You know, I was, I was driving in this morning from Omaha, and I got to thinking a little bit about some of the larger themes at play this session and some of the other bills, and I was thinking about some of the recent exec sessions I've sat in on and other bills that have been prioritized. And there's, there's this really interesting theme of bills, and I know Senator Conrad has spoken about this on the mic a little bit, but when you think about, you know, what we're doing kind of holistically, I always think about the policies we pass in here, not just the single bills, but almost like what's the platform of the Legislature for the year. And we have things out there like subminimum wage. We've got things out there like cuts to social safety nets. We've got restricting access to paid family leave or paid sick leave in this case. And, you know, I was thinking to myself, OK, so in the world where all these things do, in fact, pass and become law, well, then what? What happens if we pass all of these things? Do we have this belief that this is going to usher in some golden age in Nebraska, subminimum wage, reducing social safety nets, reducing access to paid sick leave? How does that create economic prosperity for everyone in this state? It doesn't. And any thinking person would confirm that. All of these bills together, that is-- that's the platform of the Legislature this year. These are the bills that have been prioritized, these are the bills that we're introducing. You put all those together, that just creates more haves and have nots in our state. These bills specifically and explicitly harm folks who are hourly employees, young parents, young people who are supporting their families. That's all these bills do. It creates more haves and have nots. So that's-- I, I have major concerns about that. And I think that we need to be considering that as we're passing these bills, because they all interact with one another. These are not just individual bills we're talking about. This is the platform of the Legislature this year. So with that, I know I have some additional time. I'm going to yield the remainder of the time to Senator Conrad, should you be interested.

**DeBOER:** Senator Conrad, you're yielded 2 minutes, 13 seconds.

**CONRAD:** Thank you, Madam President. Thank you, Senator Fredrickson. Good morning, colleagues. I wanted to pick up quickly a thread that my friend Senator Hallstrom put into the record yesterday. And I see my friend Senator Raybould has followed up on that with a handout to members this morning. When you look at the first power reserved by and for the people in the Nebraska Constitution, the precious right of initiative, you will also see that this subject has been amended, and it requires a supermajority of the Legislature to tinker with, or change or alter the will of the people as effectuated and expressed

through ballot initiatives. Now, to be clear, colleagues, this supermajority component was also adopted by citizen initiative in 2004 with 54% of the vote. It was part of a suite of ballot initiatives that were put forward in relation to expanded gaming in Nebraska. And the very reason this measure was put into place was to make the bar higher for-- to prevent legislative meddling with the will of the people, not to facilitate it, to make the bar higher, to prevent legislative meddling with the will of the people. And, colleagues, the will of the people, as expressed through the paid sick leave initiative, is a sensible policy choice. The world has not crumbled. The economy has not crumbled. In the approximately 20 sister states that have similar measures on the book, they've seen employment growth. They have seen vibrant economies. They have seen vibrant business activity, and they have seen a healthier, more productive workforce. The people have common sense. It's grounded in the research and experience of our, our sister states, and it shows a modest, sick leave benefit to ensure people do not have to choose between a paycheck and their health is a sensible approach--

**DeBOER:** Time, Senator.

**CONRAD:** --to finding the right balance in our economy in Nebraska. Thank you, Mr. President-- Madam President.

**DeBOER:** Thank you, Senator Conrad and Senator Fredrickson. Senator Quick, you're recognized.

**QUICK:** Thank you, Madam President. And I, too, rise-- I support LB415. I am opposed to AM770. And, and just another reminder that this was the will of the voters. I think it's some interesting conversations this morning about, about the ballot initiative and as well as what's in the constitution. I think those are all interesting and I'm looking forward to hearing more about that. The other thing is, you know, for me, the will of the voters, I've heard from, from a few small businesses that, that are, that are opposed to it. But I've heard from more people who are voters in my district who are supportive of this measure and would love to see sick leave be-- become available for them in our communities. I'm going to talk a little bit about my experience. I was-- at one point in my life, I was a seasonal worker. I actually worked for a sand and gravel operation. We would get laid off sometime between Thanksgiving and Christmas, and we would be off until maybe when, when it would start to thaw out. And sometimes that might not be till April or May. And so-- and it kind of depended on what, what your job was within that, that company. For me, I ran heavy equipment. I also pumped gravel and did work like that. I could also

work on some of the equipment, so sometimes they would let me come in while I was on-- because you had to apply for unemployment insurance, so I would have to go file for that. It, it didn't pay-- it didn't really reimburse you for the amount that you were making when you were working. So sometimes they would let me come in and work, like, 1 day a week, maybe do maintenance on a truck or, or a piece of equipment, or if they had some other work, I could do that. But over that time, I can tell you that it's-- that time off from work is, is not-- it's not affordable for people, for one thing. And so now, if we're going to take sick leave away from seasonal workers, that would be-- I know this is mainly in the ag industry, but I'm, you know, not so sure it wouldn't affect maybe some of those workers in that area. I also know, I worked for-- another time when I was working, I can tell you that I got-- I went to work sick because I didn't have sick leave. And so when you don't have sick leave, I'm telling you, you're going to go to work because you still have to provide for your family. And I think I was really fortunate because my wife is a nurse. And when I finally did go to the doctor, I was so sick, he told me if I-- if my wife wasn't a nurse, they would have put me in the hospital. So I ended up, I had pleurisy and pericarditis and, and it was mainly because I kept going to work while I was sick, and it was mainly because I still had to provide for my family. And I think there's a lot of families out there that go through this. So I think we need to take that into consideration that this is what's happening to people who don't have sick leave. This is what the position they're, that they're, that they're put into. At the same time, we're looking at maybe taking sick leave away from, from individuals. We're also bringing legislation in this body sometimes that puts barriers up for people who, maybe, receive SNAP benefits or TANF for assistance for childcare or for, for helping pay for rent or utility assistance. And so we're-- now we're trying to put in more work requirements for, for, for, for issues like that while we're taking sick leave away. I think that's really-- to me, it's crazy. Why are we doing things like that? Why aren't we making sure that these people can get over that hump to get back to where they can provide for their families? Why aren't we providing the sick leave to people so that they can continue being able to provide for their families? And then, like I say, and then we're going to pass legislation that would actually make it harder for them to receive some type of a SNAP benefit or TANF funds that are going to help them over that time when they're having low-income levels and can't provide for their family. So I think, you know, we need to make sure that we, we don't pass AM770. I know there's some work being done, and I'll listen to that work that's being done on that. But with that, I'll yield the rest of my time. Thank you, Madam President.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
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**DeBOER:** Thank you, Senator Quick. Senator Meyer would like to recognize two guests underneath the north balcony. His wife Lorie Meyer and her sister Linda. Please rise and be recognized by your Nebraska Legislature. Senator Juarez, you're next in the queue.

**JUAREZ:** Thank you very much. Good morning, everyone. I wanted to make a brief announcement before I get started on my words today in support of the sick leave topic that we're discussing. And it's really important to me since I was on OPS School Board and I had come to the state before when I was in high school as a girls state rep for South High School, which, obviously, I'm an alum. And I wanted to remind students about the Youth Legislature. High school students are invited to take on the role of state senators at the Unicameral Youth Legislature, which is June 8 through the 13. At the State Capitol, student senators will sponsor bills, conduct committee hearings, debate legislation, and discover the unique process of the nation's only Unicameral. So I really wanted to get this word out to the community. If you know someone in high school, please spread the word and go ahead and contact my office and I'll give you more details how to apply for that. But I did want to emphasize that the final registration deadline is May 19. Thank you. And then today, I wanted to spend some time reading an email that was sent to my office in regards to LB415. I thought that our state resident spoke great words, words that have mentioned here. And I just felt that added a lot of value because she's a small business owner. So it says: I am a small business owner in Omaha. I have one employee. I am strongly in favor of LB415, which is why I voted to pass it. I understood that it would include young workers. I understood that it would cost small business money. I understood all of that and I still voted to pass it. I remember what it was like to have to take a sick day, knowing that I wouldn't get paid for it. I remember struggling to come to work while sick so that I would be able to pay my rent. As a business owner, I place such high value on my employee and I wanted to keep her. I am not required to offer paid sick leave right now. I choose to do that anyway. And I instituted that after reading about the petition to have paid sick leave on the ballot about a year ago. As a result, I have the most loyal, hardworking employee that will do everything she possibly can to help support my business. It is absolutely worth it to me and to my business. I knew what I was voting for. I understood it so much that I went ahead and put my money where my mouth was knowing that my company would be exempt from it, and I implemented it without being required to before the voters of Nebraska voted on it. That is how strongly I believe that small business, even those as small as mine, should be doing this and will benefit in the long run for



offering paid sick leave. The voters are smarter than this amendment gives them credit for. I thought that she did an excellent job on the words that she spoke in this email. I am very grateful that she sent it to me. But, most importantly, the P.S. said, you're doing a great job. Thank you. I yield my time to Senator Conrad.

**DeBOER:** Senator Conrad, you're yielded 1 minute.

**CONRAD:** Thank you, Madam President. Thank you to my friend Senator Juarez, and I really appreciate you sharing your personal examples as well. I think that it's important to know that the paid sick leave measure that was strongly supported by Nebraska voters across the state and across the political spectrum is a sensible, modest policy choice to bring a better balance to working families' lives and to our economy and to our health care systems. We don't have to guess about what's going to happen. And these wild claims about job loss, etcetera, etcetera, are just not grounded in reality. We can look at the laboratories of democracy, as expressed and evidenced in our sister states, to look at states that have similar policies on the books, and we see people are more productive, they're healthier, families are stronger, and the economy is thriving.

**DeBOER:** Time, Senator.

**CONRAD:** Thank you, Madam President.

**DeBOER:** Thank you, Senator Juarez and Senator Conrad. Senator-- Senators, we would like to recognize 160 members of Jobs for America's Graduates Nebraska, powered by the United Way of the Midlands. They are located in the north and south balconies and throughout. So please stand and be recognized by your Nebraska Legislature. Senator Raybould, you're recognized.

**RAYBOULD:** Good morning, Madam President. Good morning, colleagues. Good morning, fellow Nebraskans. You know, I have-- I haven't been on the mic on this issue. And I did want to just say a few things. First of all, I want to say something to all the Nebraskans out there watching us on TV. You know, despite all the debate and the comments, the really good news is that we are going to pass paid sick leave that will benefit many of our working families throughout our entire state of Nebraska. The other thing I want to say is we're going to be talking about minimum wage. And I know my colleagues have been talking about minimum wage already. And the good news out there to fellow Nebraskans, despite some misinformation, minimum wage is going to continue to increase. Next year, starting January 1, it will go up to

\$15 an hour and it will increase annually thereafter. So folks don't need to be concerned or worried that we're undermining the vote of the people, because we do take it so seriously. It's our job. I want to thank Senator Cavanaugh for explaining the language in our constitution that really clearly talks about the second house and the people's right and the initiatives that they can take. They are the voice, and we are here to listen. But in the language that Senator Cavanaugh read, and I handed out this morning, it also very, very clearly says that the Legislature has their job to do and has a right to make modification and changes. But that bar, that threshold is a lot higher if that were to be the case. You know, we have heard a lot that the people of our state are a coequal branch of government. That's what makes our Unicameral so unique. And it is so true. And you don't have to look any further than our constitution to see that the power of initiative is given to the people, and the power to enact changes to those initiatives are given to the Legislature upon a vote of at least two-thirds of all the members so that threshold and bar is set higher. That is a balance. That is the balance we seek to provide. That is our job to do that. The constitution also gives the people the right to referendum of measures that this Legislature passes, so they can challenge and appeal anything that we enact. To suggest that it is wrong for the Legislature to deliberate and bring thoughtful changes to legislation passed by initiative is like you're saying it is wrong for the people to have the right to a referendum. These are rights that are enshrined in our constitution. And if we don't like those rights as they are enshrined in our constitution, we can change them. Being coequal branches means equal. The power of initiative gives the people two choices on a ballot. You're going to either be for or against. That's-- those are the two choices that you have. They don't get the opportunity to consider option A or option B. The language is set before them and they have to either take it or leave it. As a coequal branch to the people, we hold that responsibility and we should respect that as well. You know, there is nothing right now that prohibits any employer from offering sick paid leave. There's nothing. There's nothing in anything we enact or any referendum that says an employer can't pay a competitive wage, which is above minimum wage, to hire employees. So these are things that we are grappling with, but there is a balance. And we seek to find that balance to make sure the public policy that we pass is fair and fair to all. Thank you, Madam President.

**DeBOER:** Thank you, Senator Raybould. Senator Conrad would like to recognize 40 North Central States Regional Council of Carpenters, Nebraska members, and Jesuit Academy. They are located in the north

balcony. Please stand and be recognized by your Nebraska Legislature. Senator John Cavanaugh, you're next in the queue.

**J. CAVANAUGH:** Thank you, Madam President. Thank you, colleagues. So I, I appreciate Senator Raybould's comments about the constitutional amendment. I was just sitting here looking up on my computer. The Omaha Public Library has a great resource where you can get access to the Omaha World-Herald archive. So for those of you who don't know, Omaha World-Herald is a daily print newspaper out of the city of Omaha that still prints, I think, a physical piece of paper. I think Senator Riepe, maybe, still gets the physical copy, but you can read it online. But, anyway, they've been publishing forever, and they covered in 2004 the ballot initiative process to put in the constitution, I guess, constitutional referendum to put it in the constitution, the change to the Legislature's authority to create the supermajority. And I haven't read all the articles yet, but the one takeaway was that legislators at the time when it passed said they didn't think that we should read this as legislator bashing. It's just more of a populist movement. And so what that shows you is that the sentiment in 2004, when the Legislature was given this constraint on its authority, so it was a constraint on the authority, not a grant of authority, a constraint on the Legislature's authority to amend initiatives passed by the, by the public was-- the first reaction was that people in the Legislature thought, well, it's because they don't trust us. And to Senator Raybould's point, we do have the authority and the responsibility to make changes to all parts of Nebraska statute. But the people have specifically spoken to this, to say they want us to, to hold ourselves to a much higher standard because of their fear that we will do something to roll back their intention for reasons that are not in line with the spirit and intention of the ballot initiative. So in-- Senator Strommen yesterday talked about the casino constitutional amendment and initiative that legalized casino gambling and, and games of chance at these casinos, and it had a regulatory structure that did require some tweaks to give it voice and to make it work. And Senator Briese, an anti-gambling senator, shepherded that bill through to make cleanup language about the Racing and Gaming Commission to make it actually work and function. And that was a bill that was championed by the folks who brought that ballot initiative, meaning that they were asking for those changes to give further voice and structure to their ballot initiative. And then the part that he mentioned was a concession that had to be made to people who were anti-gambling and continuing to not respect the will of the voters just to get that done. So it was-- that was a compromise in terms of the, the legislative process that, that did erode a bit of the intention of the

ballot initiative. But it was, one, blessed by the folks who brought the ballot initiative, and, two, in the interest of serving the broader goal of giving voice to that. This, however, AM770, is an amendment that was brought by people who opposed the ballot initiative and in the interest of eroding the rights granted under the ballot initiative. So it is distinguishable in that way. And it is, I would say, maybe not-- and I'm not saying bad faith, but it is not in the spirit of respecting the intentions of the voters to get up and say they didn't know what they were voting for, they didn't know what they were doing. They-- if they knew that it would have cost this much, they wouldn't have voted for it or all those sorts of things. The voters voted for this and they knew what they were doing. They voted for a bill or a referendum that said businesses over 20 had to do this, businesses under 20 had to do that. So they were not looking at the federal standard that says 50 employers. Right? And so it's not some sort of concession to the voters to not move it up to 50. The voters explicitly spoke on the fact they wanted all businesses under 20 to provide 5 days, and all businesses over 20 to provide 7 days. So any change, diversion from that is an explicit revocation of the will of the voters and the constitution and the voters have passed this to raise the standard because the Legislature should be very careful about changing the, the will of voters, and it should be a consensus item, not a, a fight item. And we should respect the will of the voters, and we should only do things that give voice and substance to that intention and that will. And we should not explicitly or paternalistic or in our desire, do what we should of-- what we think the voters should have done. If you want to do that, you should have passed a bill before the voters did that. The voters took the responsibility away from us because we abrogated our responsibility to pass that law.

**DeBOER:** Time, Senator.

**J. CAVANAUGH:** Thank you, Madam President.

**DeBOER:** Thank you, Senator John Cavanaugh. Senator Hallstrom, you're recognized.

**HALLSTROM:** Thank you, Madam Speaker. I rise in support of LB415 and AM770. Interesting to sit back and listen to the spin on the constitutional language. Senator Raybould stole a little bit of my thunder and, and made some eloquent points about the constitutional amendment. But, again, by way of background, prior to 2004, a statutory citizen initiative was subject to revision or modification by a simple majority vote of the Legislature. And we now have in the

constitution a requirement for a two-thirds majority. Contrary to what Senator Conrad suggested, which was that a constitutional provision was enacted to prevent the Legislature from acting, it was simply a, a matter, in my opinion, of saying there is a higher threshold. There's nothing in that provision that prevents us from acting, but it does require a supermajority, more diligence, more forethought before we make any changes to what the people have indicated. Senator DeBoer suggested that the people are entitled to be wrong. I think that creates a false narrative. The people were not wrong. I don't know that anybody has suggested that the people were wrong, but they had a singular statutory citizen initiative to vote upon, and that gave them one choice. Yes or no. Up or down. Take it or leave it. I have talked to voters subsequent to that, and I am not one to stand here and suggest that the people didn't know what they were doing, but after the fact, if you talk to them about the impact on small business, if you talk to them about the fact that, what would you have done if it was 10 days and 14 days, instead of 5 and 7? Some of them wish they'd had that opportunity. But by the very nature of the statutory citizen initiative, you have one choice, yes or no. Rather than going back with repeated statutory initiatives by the citizens to make a change, for example, from 5 to 10 days for smaller businesses and from 10-- 7 to 14 for larger businesses, the people, through a constitutional amendment, have authorized us with diligence and a forethought to make changes to those particular provisions. Senator Hunt the other day noted that Senator McKinney had made some excellent, I think she said brilliant points, in opposition to define the will of the people. Senator McKinney has a constitutional amendment to repeal the death penalty. I hope he uses those same arguments if that particular measure comes up. But I will tell you, I, I will not stand up and suggest that he's trying to defy the will of the people. I think it's well within our province to take a look at those things. His issue is going to invoke a constitutional amendment a little bit different than a statutory initiative. But I think the same arguments, the same thought process, goes into this, we're well within our province, the people I would venture to guess if the ballot question for the statutory initiative had said 5 and 7 days for paid sick leave and an exemption for business, businesses with less than 10 employees and for agricultural seasonal workers and so forth, that it probably would have passed with the same majority. And so the very nature of the statutory citizen initiative is why the Legislature has the prerogative and, in fact, the responsibility to take a reasoned and prudent look at these issues and make changes as appropriate. With that, I'd yield my remaining time back to the chair and thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
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**DeBOER:** Thank you, Senator Hallstrom. Senator Hunt-- oh, Mr. Clerk, for an announcement.

**CLERK:** Announcement. The Natural Resources Committee will hold an executive session under the south balcony at 10:30; Natural Resources under the south balcony at 10:30, exec session. That's all I have at this time.

**DeBOER:** Thank you, Mr. Clerk. Senator Hunt, you're recognized.

**HUNT:** Thank you, Madam President. I have a lot of remarks I would like to share, but in light of the remarks from our colleagues, Senator Raybould and Senator Hallstrom, I'd like to yield my time to Senator Conrad and hear what she has to say. Thank you.

**DeBOER:** Senator Conrad, you're yielded 4 minutes, 45 seconds.

**CONRAD:** Thank you, Madam President. Thank you, Senator Hunt. I'm going to work quickly here because I have limited time and a lot to cover. Again, the citizen initiative in 2004 as numbered 418, if you look at the citizen pamphlet in regards to initiatives that were before the electorate at that time, supporters of the legislative noninterference, nonmeddling provisions noted that this was the only way to prevent legislative meddling without amending the constitution each time. So Senator Hallstrom is either inaccurate or misleading, as is Senator Raybould when they lift that up. They are also dead wrong when they say the only choice before voters was a yea or a nay on this measure. Look no further than the November 2024 ballot. Voters in Nebraska had two choices when it came to abortion, because citizens put forward an amendment and citizens put forward a competing amendment with different options. Nothing prevented the business community, the ag community, other senators, other policymakers from putting forward an alternative amendment regarding sick leave. They chose not to. They chose not to put forward a competing matter. They chose not to run a campaign to educate or in opposition. They chose to sit on the wayside and find 33 senators to undercut the will of the people and tip the balance in favor of big business because they could. And that's what's happening. No matter how many syrupy speeches about don't worry hardworking Nebraskans, minimum wage is going to go up, sick leave is going to be on the books, except for if you're young, except for if you work at a small business, except if you work in ag. Nebraska remains the number one state in the country where adults are working full time and living in poverty. Thank goodness there's young working people here today. Thank goodness there's carpenters here today. Look in their eyes. Look in their faces. Talk

about what happens to their family budget when you pick their pocket. People who make minimum wage would have lost earnings after they've earned 5 days of paid sick time of about \$540. And if they work for a larger business and they earn 7 paid sick days, you pick their pocket and take \$756 out of it. But according to the therapy speech from my friend Senator Raybould, don't worry, don't worry. But she forgets to say, is she's undercutting youth workers, she's picking their pocket. As Senator Hallstrom misleads as to the legislative history in regards to noninterference with citizen initiative, he forgets to say, but we're helping big business pick your pocket. Consumers don't know if the person who put the pepperoni on their pizza is 14 or 44. Consumers don't know if the person who stocked the shelf is 16 or 36. You know what, the value to the business and the consumer, for the labor, for the work is the same and equal pay for equal work. It matters and voters get it. And voters have common sense that this Legislature lacks. The public policy of Nebraska, this proud institution has to stand for something more than tipping the scales in favor of the largest businesses. It has to stand for effectuating the will of the people. It has to stand for working families who are crying out for a fair deal. They're working harder than ever and falling behind. Businesses contend with higher costs, with tariff, with insurance, with supply chain. And you know what, with wages and leave and they make it work. And you know what else they got, a huge giveaway from this body in the form of a tax cut that also helps their bottom line and that's bankrupting this state. The least that we can do, there's hard votes in the Legislature, friends. This is not one of them. To uphold the will of the people, as expressed through a 70% statewide vote, to earn modest sick leave is the easiest vote you'll take in this Legislature. And if you move in the other direction,--

**DeBOER:** Time, Senator.

**CONRAD:** --your sentiment is clear.

**DeBOER:** Thank you, Senator Conrad. Senator Arch would like to recognize a group from Habitat for Humanity Nebraska, affiliates from Omaha, Fremont, Columbus, Grand Island, Hastings, North Platte, and Lincoln. Please stand and be recognized by your Nebraska Legislature. Senator Kauth, you're recognized. Senator Conrad, you're recognized.

**CONRAD:** Thank you, Madam President. Let's get back to the issue at hand. Nebraskans petitioned this Legislature for years and years and years for basic sick leave, for basic family leave, for basic safe leave for domestic violence victims. Those met fierce opposition from the business community and the political elite and were either not

advanced or when advanced were weakened or vetoed without opportunities to come back and provide a basic modicum of leave for hardworking Nebraskans, whether they were sick, whether they had had a baby, whether they were caring for aging parents, whether they were caring for sick kids. And before the ballot initiative passed, estimates showed that 250,000 Nebraskans working full time did not get paid sick days. We know from the experience of our sister states that have passed similar measures that we have not seen the world and the economy fall apart. In fact, the opposite. When we achieve a better balance for working families, when we keep families strong, the economy works better for all of us. When families have more money in their pocket to meet the ever-increasing costs of groceries and daycare and gas and insurance and property taxes, working families reinvest those dollars in local businesses, including small businesses, Senator Raybould. Including small businesses in rural Nebraska, Senator Strommen. Working families don't take the few hundred dollars extra that they have in their pocket because of a modest, sick leave benefit. They don't buy a yacht. They don't put it in a stock portfolio. They fix a tire. They buy a bag of groceries. They get their kid a new pair of shoes. And that benefits the local economy. That's what keeps local economies strong and vibrant. And when you undercut young workers, when you undercut rural workers, when you undercut working families, you undercut our economy. And you make it harder for Nebraskans to balance their budget at their kitchen table. And what they're-- Nebraska voters are clear what they're crying out for. Look at the November election. They voted for President Trump. They're looking for an economic disrupter because they're working harder than ever and the status quo makes it hard for them to get ahead. They almost put a working person in the United States Senate over a career politician because they wanted a different path. They voted for paid sick leave, which comes on the heels of multiple successful citizen initiatives to increase the minimum wage in this state. Because they know Nebraskans are hardworking. They know it makes good policy sense to have fair pay for hard work. They know that when employers do their part and provide decent wages and decent benefits, they don't have to pick up the difference as taxpayers with social safety net programs. But those defending big businesses are happy to push on the cost to state taxpayers for food stamps and child care and other benefits. They're happy to have taxpayers subsidize subpoverty wages and hard work with no benefits. But Nebraska voters disagree. When given the opportunity, they said yes. And it's that simple. If you don't like it, Senator Raybould, Senator Strommen, Senator Hallstrom, go run a ballot initiative and see what they say otherwise. In the mean time,--



**DeBOER:** Time, Senator.

**CONRAD:** --effectuate the will of the people.

**CONRAD:** Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Madam President. Is this my second or third time?

**DeBOER:** Second.

**M. CAVANAUGH:** Thank you. So having good conversations with colleagues off the microphone about this and I appreciate the engagement on this because this is, this is very substantive. And this is really kind of the crux of why we are here. We are here to represent the people of our districts and just had this conversation about the intent of, of a ballot initiative versus the implementation and trying to walk that line. When you do a ballot initiative, you might not get all of the implementation pieces hammered out exactly in a workable may-- way. I get that. I do know from my previous 6 years in this Legislature that the Legislature had multiple opportunities to legislate this and chose not to, and the people of Nebraska took it up themselves and resoundingly voted for this. And their intent was to have 5 days of paid sick leave for workers. Period. It didn't matter how old you were. It didn't matter what industry you worked in. It didn't matter who your employer was. Period. And they knew that. They knew that because it said that. And they read it and they voted for it. And they knew that because they signed a petition to get on the ballot. And they read the petition or it was read to them, it was read to them, it should have been read to them, and they signed it and it got on the ballot. They knew what they were doing. And I am sure that everyone else's inboxes are getting as much action, and your office phones are getting as much action as the rest of us, telling you that AM770 is not what they intended. AM770 is a shift away from what the intent was of the ballot initiative to what we want as individuals, not as legislators, but as individuals in this body. When you talk about the ag workers or the seasonal workers, let's talk about seasonal workers. This is accrued, you don't show up on a job on day 1 and have 5 days paid sick leave. You show up on the job day 1, and you accrue an hour of sick leave for every 30 hours you work. So if you are working a summer job, you're not even going to accrue a day most likely, not even a day. So let's take the seasonal workers out of this. We don't need to worry about them. They're not going to break the bank for employers because they're not going to work for you long enough to accrue anything beyond maybe a day. And, honestly, if you can't afford

a day of sick time for your employees, I think you're in bigger trouble than that. So let's take out the seasonal workers, now there's the 16-year-olds-- I have worked a job pretty much since I was, well, probably 12 actually, because I was babysitting. I was a babysitter, and then I was a dishwasher in an event hall kitchen, and then I worked at a movie theater, and then I worked at a movie theater and a restaurant, and then I worked at 2 different restaurants in college, and then came back and worked at the movie theater. And I did all of this since the age of 12. I've been working since the age of 12 doing various jobs. And I got to tell you, if I had a steady employer and I got a cold, I still needed that money. I did. I needed that money to pay my tuition for high school. I needed that money to pay for my apartment in college. I needed that money. I worked for my education, and I helped contribute to pay for my education. So it didn't matter what my age was. I needed that money to further my own education. So what kids, what kids don't deserve that opportunity? And what kids don't deserve the opportunity to contribute to their family's household income when they are living in poverty, when they can't afford--

**DeBOER:** Time, Senator.

**M. CAVANAUGH:** Thank you, Madam President.

**DeBOER:** Thank you, Senator Machaela Cavanaugh. Senator Dungan, you're recognized.

**DUNGAN:** Thank you, Madam President. Again, colleagues, I rise in favor of the bracket motion and opposed to AM770. I think Senator Machaela Cavanaugh hits an important nail on the head, I guess, which is the idea of what it means to work paycheck to paycheck. I'm not sure how many people in this body have worked paycheck to paycheck. Certainly some have. I'm not trying to deride those who haven't or have, but I've worked paycheck to paycheck, and I know some of my colleagues have worked paycheck to paycheck. And I don't know if everybody in here understands how terrifying that can be. And to Senator Conrad's points about what you use extra money for, it's not to invest, it's not to buy a yacht, but it is to buy a new tire, or it's to pay the copay on going to see a doctor at urgent care, because maybe you're sick. I know people, personal friends of mine, who can't afford health insurance, even on the exchange. They can't afford health insurance because they fall into that gray middle where they don't make quite enough to get a, a real subsidy, or they make too much to make a subsidy, they don't make enough to actually be able to afford it and they're uninsured. And I don't know if people in here know how scary

it is to be uninsured when you are walking into a doctor's office and you don't know exactly how much that's going to cost you. So the point of all of this is there's people who are living paycheck to paycheck, and this money that we're talking about for paid sick leave matters in a tangible sense. Day in and day out, having a little more money in your pocket makes a difference. And so I just want to encourage my colleagues to think about those people. That's who I think most of the voters were thinking about, because that's frankly who most of the voters are. Most of the voters, at least in my district, and I know in many of your districts, are the people who are hardworking folks who are working paycheck to paycheck, who want to be able to take a day off when they have a fever of 103 degrees and not go to work because they're scared about missing out on some money. So I just-- I want to encourage my colleagues to think about that. I also want to talk briefly about some of the ways that our Nebraska Supreme Court has analyzed similar questions as to what we're grappling with here right now. There seems to be this overall theme or this question that we have as to whether or not the voters knew what they were voting for. And I choose to trust our voters. I choose to believe that the voters knew exactly what they were voting for. And I think it is hubristic of us as a Legislature to step in and have this sort of paternalistic attitude if we're going to take care of the voters who didn't know what they were going to-- didn't know what they were doing. And so I was just looking up the Supreme Court case, Nebraska Supreme Court case, Omaha National Bank v. Spire. And the question in that case-- this language actually came from somebody who was watching the debate, and I really appreciate you sending this in-- the question in that case was whether or not a ballot initiative was a constitutional amendment. Now, admittedly, that's not exactly what the question is here today, but the court spoke about the faith that it has in the voters when they make their voice heard. It says: we can put it in no clearer terms than did the trial court in its memorandum. The ultimate source of power in any democratic form of government is the people. Our Nebraska Constitution is a document belonging to the people, subject only to the Supremacy Clause of the United States Constitution, the people may put in their document what they will. Even to the shock and dismay of constitutional theoreticians, the people may add provisions dealing with nonfundamental rights, as well as provisions barring the most tenuous of relationships, to the notion of what constitutes the basic framework of government. The people may add provisions which legal scholars might decry as a legislative or statutory in nature, but the people may do it nonetheless. I think that matters because it's our own Nebraska Supreme Court saying that even if we, the Legislature, decry what the people have done, they did

it anyways and their voice is paramount. And so I think that we just need to continue to say that what the voters voted for matters that it is, as Senator Conrad has pointed out, self-executing, that AM770, which is Senator Strommen's bill, walks back and takes away the vote of those people. And I think it is simply put wrong for us to do that. So, colleagues, please think about the people that this affects. Think beyond what you've heard from people in the lobby about the impact this may or may not have on certain businesses. And, instead, think about your constituents and think about the people who literally took time off work to go vote the day of the election because it was important to them to pass paid sick leave.

**DeBOER:** Time, Senator.

**DUNGAN:** Thank you, Madam President.

**DeBOER:** Senator Spivey, you're recognized.

**SPIVEY:** Thank you, Madam President. And, again, thank you, colleagues, for engaging in and having this really important discussion. And I want to echo the sentiments of Senator Dungan and Conrad and Machaela Cavanaugh around really centering people. And I, and I feel like that is the, the crux of not only this discussion, but the, the, the decisions that are in front of us as a body now, as we face a deficit, as we think about the priorities of our state, what we fund, how we run government, that is really about people. People that are our neighbors, friends, family, our experiences, and those that are the most vulnerable among us and that need support. And it seems, and there was a statement yesterday, that the, the cost to employers is too high. And I, and I think that that's a, a misstep. That's a missed opportunity to really center people back into our practices and as well as our policies here. The work of the Legislature is really inaccessible. You think about folks that are able to come here and bring their voices and advocate, that are able to take time off during the day, that can sit and watch, it's not the majority of working people. And so we-- as we are elected to come into this body, need to not only think about our own perspectives, but really represent the majority of folks that are working people who want to have just enough to take care of their families. Folks just want to actualize what they want for themselves. They want to have a quality of life. They want to enjoy themselves. And we know that in Nebraska that we have a lot of our constituents, a lot of our neighbors that are working 2 and 3 jobs to make ends meet, but they don't have the right amount of benefits that they need to balance and have harmony with their personal lives as well as their professional selves. I have brought and prioritized

LB440, which would create paid sick leave or, excuse me, paid family medical leave for teachers. And in that same vein is that these are folks that are on the front lines working with our most prized group of people in the world, our young people, to help develop them, to help add to their leadership, to lead our economy to do things differently. And they are having to choose between major significant life events and staying in their jobs. And that shouldn't be, that shouldn't be the case, right, people should have what they need in order to do both. We hear this same conversation with especially working moms. You know, I have to balance managing my home, managing my children, or being in the workplace. And so having PTO, having sick leave, having those things allows me to be my best self for my folks that are dependent on me in my, in my personal life, and, then, as well as to add value to the work that I have spent my entire career doing. And so I really appreciate the regrounding and why the people matter around this and why this is so important. And I think that this body really needs to sit in that and wrestle with what does that look like for us? Senator Hughes gave a, a great example around her kids detasseling in the summer, and that they might not really need the, the paid sick time. And, and there's a process when you think about that called targeted universalism. So these are not the kids that we're thinking about, right? Her kids don't need it, it's fine. But when you talk about the people that have a disproportionate outcome that are most impacted, you solve for them. You solve for those people. And you can pick up any issue, maternal health, housing, transportation, you saw for the people that have the worst outcomes, that have the worst experience. And when you do, it creates a better system community process for everyone. Everyone benefits from that. And so everyone will benefit from ensuring that people have access to a few days off to manage not feeling well. Like, this is not moving the moon and stars. This is not asking for, you know, a sabbatical where folks can go and travel Europe and find themselves again. We are talking about people taking care of themselves so that they can then come back to work. People taking care of themselves so they can take care of their family. So we need to solve for the people that are most impacted so that we can see vibrancy and impact for our state overall. Thank you, Madam President.

**DeBOER:** Thank you, Senator Spivey. Senator Holdcroft, you're recognized.

**HOLDCROFT:** Thank you, Madam President. I thought we'd take a little break from the current debate and talk on my weekly update on the Department of Corrections. And today, I would like to just spend a little time talking about the, the Women's Corrections Center at York.

So the Corrections Center at York began operation in 1920. So, you know, over 100 years ago, and it's, it's showing its age. It's had some issues lately with water quality and that, and, and, and we're working on fixing some of those problems. It's gone through a number of renovations, but it's, it's an old, old Corrections Center, and it's our only Women's Corrections Center. Today, it has a capacity of about 275 incarcerated individuals that-- and at a maximum, a minimum, and a, a medium-- a maximum, a medium, and a minimum incarceration situation there, so. There are 2 items of interest when I visited that, that I took away from, from the visit. One is that they actually sew and make the uniforms for all of the Corrections Centers. So the, the Nebraska incarcerated individual uniform is a kind of a dark brown, well, light brown, medium brown trousers and, and shirt with a coat if needed. And it's-- they're all created there at the, at the York Women's Corrections Center. They have a, a facility with all these sewing machines. And these women are making uniforms for all of the Corrections Centers and all the way out to the, the Work Ethic Camp in McCook. And uniforms are important. Coming from the military, they do [INAUDIBLE], everyone is wearing the same uniform. They're, they're-- it reinforces regulation and it's important. And, and the women there at York are responsible for that. The other thing is, is York is the only prison in the United States that actually has a nursery. So if a incarcerated individual, a woman comes into the, into the Corrections Center pregnant, she can deliver her baby and keep that baby in the prison for up to 2 years. And they have a very nice nursery set up where they have a couple-- they have a, a lady who's been running it since 1994. It is a model. They often have visitors come and-- from around the country to check it out. They have a couple of the elderly grandmother types who perform daycare. And in the evening, the mother and, and the child, baby, they, they stay together in a, in a room there in the nursery. So that's the Women's Corrections Center, our only Women's Corrections Center. It's in York, it's in Senator Hughes's district, and I know she takes particular interest in it and goes out quite often to visit it. And that concludes my update on the Department of Corrections. Thank you, Madam President.

**DeBOER:** Thank you, Senator Holdcroft. Senator McKinney, you're recognized.

**McKINNEY:** Thank you, Madam President. Very interesting conversation. It was mentioned that I introduced a constitutional amendment to rid our state of an inhumane death penalty. That is true. Very true. Very, very true. But here's the clear thing about it, it would put it back in the hands of the voters to vote for it or against it. That's the

difference. So when you bring that up that Senator McKinney has a constitutional amendment to get rid of the death penalty, be clear that the voters would have to vote for or against it. You should have said that as well, Senator Hallstrom. So I wouldn't be taking anything away from the voters. I wouldn't be stripping away what they approved. I would just be saying, hey, voters I know in, I think 2016, you voted to keep-- bring back the death penalty, can we have another conversation about that, and let's see if you're against it. That's all I'm asking with that bill. But don't stand up here and say that Senator McKinney is trying to go against the will of the voters, because I'm not. I'm just asking the voters if this body would choose to do so. But I actually don't have the votes to get it out of committee right now to say, hey, let's have that conversation again in 2026 to see if this state wants to continue to have an inhumane death penalty. But that's not me taking away their will and saying, regardless of what you did back then, we're just going to just make a change in the Legislature. That's not what I'm attempting to do. I'm putting it back in the hands of the voters. So when you mentioned that I have a constitutional amendment to prohibit the death penalty, can you please be clear about what it does? That's all I ask. Like, that's all I ask of you. Please, if you're going to mention my name and say I'm doing something against the people, be clear about what it's doing, because I'm not doing something against the people. I'm actually asking the people to potentially reconsider what they did in 2016. It's not taken away their, their vote or their opportunity. It's just, it's just saying, hey, I know you did this back then, can we have another conversation about the death penalty? It's not stripping away their rights, it's not stripping away what they're doing, which AM770 does. So can we just be honest here? That's, that's all I ask. So if you're going to mention me and mention things I'm doing, can we just have a little clarity about it? That's, that's all I'm asking, because 92% of my district voted for this ballot initiative for paid sick leave. And on the topic of that, I do have numbers of other districts, and it was very convenient. I had a-- I have a friend that sent me some numbers. Where is it? And even in Senator Hallstrom's district, 71% of the people in his district voted for paid sick leave, and only 51.7% of the people voted for him. So, as I said, majority of people's districts wanted paid sick leave, then they wanted them here. So I think it's clear. Why are we trying to strip away the will of the people, Senator Hallstrom. You mentioned my name, I'm just being honest. So let's be clear, Senator McKinney is not-- did not try to take away the will of the voters. Just asking them a question about the death penalty, saying, hey, if the body wants to ask the people again, do they want to keep the death penalty? Give them the

opportunity to vote for or against it. It's not trying to take away their will, and 92% of my district wanted it, paid sick leave. 71% of Senator Hallstrom's district wanted paid sick leave more than they wanted him here. So let's just talk facts for the rest of this conversation, since we're going to get up here and mention things and try to insinuate that I'm trying to do something against the will of the people, which is far from the truth. Thank you.

**DeBOER:** Time, Senator. Thank you, Senator McKinney. Senator George Dungan would like to recognize 7 guests from the ECHO Collective in Lincoln, Nebraska, located in the north balcony. Please stand and be recognized by your Nebraska Legislature. Senator Juarez, you're recognized. Senator John Cavanaugh, you're recognized, and this is your third opportunity.

**J. CAVANAUGH:** Thank you, Madam President. I like to be punctual, so. All right, so first off, again, I rise in opposition to AM770 and in favor of the bracket motion. I did circulate a copy of a, a section in the newspaper from November 3, 2004 that I found searching on again the Omaha Public Library's free archive of the Omaha World-Herald. And the part I would draw your attention to is about fourth paragraph down where they quote, at that point, then Senator Mike Foley, who was a person who was opposed to gambling and he's obviously now our Auditor. He was our lieutenant governor when I first started serving. And Senator Foley said that the-- let's see, Senator Foley-- Mike Foley of Lincoln said he sympathizes with voters' desire to protect the initiative process. I can understand that, he said. If, if people go into the trouble of changing a law by initiative, it ought to stick. I'm not offended by that. So Mike Foley is speaking to the concerns of the citizens who voted to raise the threshold. As Senator Hallstrom correctly pointed out that there was a, an opportunity that the Legislature could change the ballot initiative process by a simple majority before the people got frustrated with the Legislature inserting itself into the ballot process, and they changed it because they had lost faith or trust in the Legislature to respect the will of the voters. And so that's the conversation we're having right now, is about being respectful to the will of the voters, and that it is the voters spoke on this ballot initiative, and we have folks who didn't like the ballot initiative coming and trying to erode that, which is fundamentally different than the folks who brought the ballot initiative coming and asking us to make some corrective language on it. Right? So that's, that's part 1. And the voters have spoken both at the ballot initiative and in this constitutional amendment to say we mean it, folks, when we pass something on the ballot, we want that to happen. And Senator Foley did say-- go on to say that he thought



that the voters were savvy enough to differentiate when they're making their determinations. So he recognizes that we need to understand the voters voted and they meant what they meant. Right? And so that's, that's the crux of the argument here about why we shouldn't make changes that are not faithful to the ballot initiative that was passed by 70%-- 75% of the voters. And as Senator McKinney correctly points out, more people in basically every one of your districts voted for this than voted for you. That includes me. It might not include Senator McKinney, but it's probably close because he got, like, 1,000,000% of the vote in his district. But, anyway. So I want to talk a little bit about the part my concern is with AM770, which is Senator Strommen's bill. There's a part in there that includes saying you don't have to pay sick leave for seasonal, agricultural-- seasonal, temporary agricultural workers or agricultural workers who are seasonal and temporary. And I heard, at least I read it in the paper, the Lincoln Journal Star, Senator Hughes made a comment about detasseling, which, you know, I think on its face sounds like a reasonable situation. But one of the things is in LB415, as the compromise language there says you don't start accruing hours until after 80 hours. So if we're talking about somebody working a 2-week detasseling job, they're not going to start accruing hours until after they've been there for almost 2 weeks, probably. And then at that point, they're accruing at, according to my math, 1.8 minutes per hour. So 1.8 minutes per hour over the remaining 2 weeks of the detasseling job, they are going to accrue something less than 2 hours, probably, of paid sick leave. And then, by the way, paid sick leave does not have to be paid out. Meaning that when somebody then leaves that job, they wouldn't need to be paid out those 2 hours that they accrued over that time. So a relatively small burden on folks to make sure that we're capturing people that were actually voting for this. I have more to say, but I'm going to be out of time here. I did want to point out that if we start passing these sort of constraints, we start to upend the people who intended to be protected by this bill, and we have some folks from the carpenters union, were up in the balcony earlier, and those are just the folks we're talking about. People who work in the construction trades advocated for this ballot initiative, are protected by the ballot initiative, and AM770 erodes the rights that they hard-fought for on the ballot and the people intentionally gave to them. And so that is a big reason that I'm opposed to AM770, is that there are people who voted for this with the intention of protecting themselves, their loved ones, their family members, their neighbors. And we are inserting ourselves into it to erode those protections that they purposefully, intentionally gave. And we're

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doing it in the interest of people who opposed this and voted against it, which is very--

**DeBOER:** Time, Senator.

**J. CAVANAUGH:** Thank you, Mr. President-- Madam President.

**DeBOER:** Thank you, Senator John Cavanaugh. Senator Arch would like to recognize 65 fourth graders from Trumble Park Elementary in Papillion, seated in the north balcony. Please rise and be recognized by your Nebraska Legislature. Senator Hunt, you're recognized, and this is your third opportunity.

**HUNT:** Thank you, Madam President. Colleagues, I hope that you heard what Senator John Cavanaugh just explained. I think that there are people-- I don't think Senator Hughes understands. I don't think Senator Raybould understands. I don't think Senator Hallstrom understands that when we're talking about paid leave, we're not talking about, like, you accept the job and then you get 2 weeks PTO, and you're detasseling and then your employer has to pay you for all this time you're taking off. That's not what the law actually does. Please take a look at what the policy even is before you bring up these fantastic scenarios that aren't actually reality under this policy. I remain in opposition not only because of the policy itself, but because of what it represents. This amendment is not just a change in legislative language, it's a symbol of why so many people in this state have lost faith in this institution. And I don't mean just the Legislature, I mean the Democratic Party, the Republican Party, the electoral system that we have in this country. And it's why voters across Nebraska, from every political background say they don't trust us. They don't trust politicians. Everything that we do, colleagues, in this body is a reflection on whether or not democracy is working. You don't have a bank teller make a mistake on a deposit, and then you say, well, now I'm not going to use banks. Now this is why you can't trust banks. Nobody really says that. But when politicians do what we're doing and mess up our jobs by ignoring the will of the voters, that's the kind of thing that makes people disengage and say that's why you can't trust politicians. Everything we do, we have to be mindful, is a reflection on whether or not democracy is working. And it's why so many people believe that it doesn't matter who's in charge, that both parties are the same, because at the end of the day, they feel like-- the voters feel like they are always the ones that lose. We hear it all the time, both parties are the same. My vote doesn't matter. Nothing ever changes. Nothing ever happens. And it's easy to dismiss those comments as apathy or cynicism. But when you

look at what's happening with this amendment and this bill, it's hard to argue that they're wrong. Because here's what's happened, the people of Nebraska made their voices heard. They signed petitions. They knocked doors. They raised money. They collected signatures from every corner of this state. They put paid sick leave on the ballot, and they passed it overwhelmingly by an actual landslide, an actual mandate. They didn't ask us to do it. They did it themselves. And what are we doing now? We're finding a way to undermine it, to water it down, to walk it back, to chip away at the edges so that we, so that people like Senator Raybould can say we respected their vote, while doing everything we can to change the result of the vote. That's what this amendment does. It's not a minor fix. It's not a minor change. It's not a technical distraction. It's not a clarification. It's a direct attempt to rewrite the will of the people under the guise of implementation. And let me say this as clearly as I can, if you only believe in democracy when it delivers the results that you like, you don't believe in democracy. The people voted. The people won. And now, instead of honoring that, we're sending a message that their vote only matters when it's convenient for us. This amendment tells working Nebraskans that they were naive, that they didn't understand what they were voting for, which Senator Raybould has set herself in committee hearings. That people didn't know what they were voting for, that they got it wrong, and that we need to come and step in and fix it. Senator Strommen said the same thing on the mic here on the floor. And I will say for the record, I trust that Nebraskans knew exactly what they were voting for, and I trust their judgment more than I trust 49 politicians in this Chamber. The process matters not just because of the policy, even though paid sick leave is an urgent, necessary reform for our state, but because when people use the tools that are available to them in a democracy, we should meet them with respect. We should not meet them with obstruction. This is the kind of thing that drives people away from political engagement, that erodes public trust, that makes good people believe there's no point in participating. We tell people to show up, to get involved and vote. And then when they do that, we gut everything that they passed. Thank you, Madam President.

**DeBOER:** Thank you, Senator Hunt. Senator Guereca, you're recognized.

**GUERECA:** Thank you, Madam President. Good morning, Nebraskans. Good morning, colleagues, to everyone out in the Rotunda, those watching at home. The State Capitol is, is your house. We were sent-- every member in this body was sent here to do the work of the people of Nebraska. Now, I plan to take-- this is my first opportunity on the mic to talk about the agriculture workers that are, for some reason, exempt in

LB770, which I am opposed to, but I do rise in support of the underlying bill, LB415, which is a good faith effort to clean up and implement the will of Nebraska voters. I want to read an email that I received not from a constituent, but from a small business owner: I am a small business owner in Omaha. I have one employee. I am strongly in favor of LB415, which is why I voted to pass paid sick leave. I understood that it included young workers. I understood that it would cost small businesses money. I understood all of that and I still voted to pass it. I remember struggling to come to work while sick so that I would be able to pay my rent. As a small business owner, I place such high value on my employee and I want to keep her. I am not required to offer paid sick leave right now, but I choose to do so anyway. And I insinuated that after reading about the petition to have paid sick leave on the ballot about a year ago. As a result, I have the most loyal, hardworking employee that will do anything possible she can to support my business. And it's absolutely worth it to me and to my business. I knew what I was voting for. I understood I would be exempt from it, and I implemented it without being required to do so before the voters in Nebraska voted on it. That's how strongly I believe that small businesses, even those as small as mine, should be doing this. It would benefit in the long run for offering paid sick leave. The voters are smarter than this amendment gives them credit for. It was that last line that, that stuck with me. The voters are smarter than this amendment gives them credit for. Yesterday, I talked about when Nebraskans all over this phenomenal state that we have voted to cast a vote in support of paid sick leave, who they imagined this would be helping. Was it the amazing doctors that we have in the state? Probably not. The skilled lawyers? Probably not. The amazing business professionals that put Nebraska's businesses on the radar, some of the best in the country? Probably not. I think that when Nebraska voters casted a vote in support of paid sick leave, they were imagining the single mother working at a small town diner, the barista at the local coffee shop struggling to make ends meet, the factory worker working at the local fabrication shop that employs 9 employees who works hard every single day, day in and day out to give their kids a decent shot. I think that when Nebraska voters in every corner of the state casted a vote in support of paid sick leave, they casted a vote for dignity. Thank you, Madam President.

**DeBOER:** Thank you, Senator Guereca. Senator Quick, you're recognized.

**QUICK:** Thank you, Madam President. You know, the thing for people is, is that we're here in the Legislature and representing people who live in our communities, who, who go to work every day, who are actually-- and people who own businesses, people who work in economic

development, work in local government. And I think we have to remember that, and remember that, that we're here to represent what, what their initiatives are and what their-- what they care about. And I think sometimes that gets lost. And sometimes we want to just represent what we feel inside. I was, I was here when-- well, I was campaigning in 2015 and 2016 when the death penalty was on the ballot, I remember that. I remember going to doors, and I, and I know people know exactly what they're voting for because they would ask me at the door, do you support the death penalty or are you in opposition to it? And I told-- on the personal level, I told them that I do not support the death penalty, but whatever the will of the voter is, I will support that. And so in 2017, and I don't know if it was 2017 or 2018, I think it did come up, I think Senator Chambers had something about the death penalty, but maybe it didn't make it onto the floor. But I do remember talking about that and talking with him about it, and told him that I wouldn't be able to support that measure because the, the voters had spoken, and I told them I wouldn't go against what they had, had, had wanted to see happen, even though that personally, I was against the death penalty. I'm going to talk a little bit about, too, this morning, I met with some students from Grand Island Public Schools this morning, and they asked me what, what really inspired me to, to run and what inspires me to stay down here and keep working on some of these issues. And it, it goes back to being able, being able to help people in my community. And so this is a way that I see I have a voice for people who are, who are struggling to get by, who maybe-- who need these, maybe a SNAP benefit or people who need help with TANF funds, or people who, who want to have sick leave. And then I also work with people in economic development. So I, I work with our Grand Island Chamber, I work with the mayor of our community, and I work with a lot of community leaders to make sure that we're providing the type of things that we need for our community and for our people to be successful. And, you know, we, we talk a lot about what, what some of those needs are when I meet in Grand Island. Housing is one, affordable housing for people, whether that's through renting apartments and making sure that's affordable for people or whether they can buy a home. Childcare is also another part of that equation. And we're finding out in Grand Island there, along with housing, there's a childcare shortage. Childcare is expensive. So I look at someone with this bill who would be needing to, to leave their work to go get their child out of, out of daycare because their child is sick and care for their child. Maybe some people are fortunate enough to have a family member who can, can help care for that child or go pick up that child for them, but it's not always there for everyone. I can remember talking to people at the doors who worked 1 or 2 jobs and

just barely getting by, and they wondered why do I have to work 2 jobs in order-- and this would be a husband and wife. Each one of them with working 2 jobs just so they could afford to live in their home. And they didn't even have kids. So you hear those things at the doors when you're out campaigning, you hear from, from voters and their frustrations with, with what's actually happening to them. And, you know, and until, you know, we've walked in their shoes or experience what they experience, I think it's hard for us as senators to say we don't think that the voters should have that say so. We think we know better than they do. And, for me, I, I believe that's just wrong. We should be listening to the people. We should be acknowledging their vote that they supported sick leave to have sick leave. The, the minimum amount of sick leave that they're going to be getting, really, probably isn't enough, but it's something that will help them to get by. And I think it's truly important for us to do that. Thank you, Madam President.

**DeBOER:** Thank you, Senator Quick. Senator Machaela Cavanaugh, you're recognized, and this is your third opportunity.

**M. CAVANAUGH:** Thank you, Madam President. I honestly was just anticipating getting shocked, but I haven't been shocked yet today so that's great. So let's talk about process, folks. So AM770 and then AM771 are the 2 pieces of the committee amendment to LB415. AM77 [SIC] is the, I would say, the sticky wicket for many of us that are taking time on this bill that we feel-- I feel that it goes beyond the scope of the intent of the ballot initiative. And, and, therefore, I don't think it should be moved forward. Now, option is available to us as a body. We can have a majority of people say, no, we think it's fine, let's do it, and then it gets adopted and move forward. Or we can have a majority of people say, you know what, we like LB415, but we want to take out AM770. We get 25 people to not vote for AM770, then the bill goes forward with just the rest of the committee amendment. Now, if there's parts of AM770 that you like or parts that you don't like, it's kind of like, OK, how do we negotiate that? Well, let's say this bill moves forward with the full committee amendment to Select File, and then we have amendments on Select File. Now to take something out or to put something in on Select File, just like on General File, is going to take 25 votes. So if there's something you don't like in the amendment currently, you better count your votes to make sure you can change it on Select. Otherwise, I would highly recommend not moving it forward. I always say, and many of us have said this over the years, never go to a second location. It's never a good idea. Don't get in the car. Don't go to a second location. You got a-- you don't know what's going to happen there. You don't know who's going to be there.

You don't know who's going to show up. You don't know what's going to happen in between this location and that location. So if there's something that you are opposed to, don't let it move to a second location. Now there's parts of AM770 that you do like, but parts that you don't like. What do you do then? My recommendation would be to pass LB415, move it from General to Select with just AM771. And then on Select amend back in the pieces of AM770 that you like, because then you're in a much better negotiating position. Instead of trying to take out things that you don't like that you've already moved forward, you now are putting in things that you do like, that you think others like, that has consensus around it. So those are kind of the options. We have to decide what we're going to do. I've walked around and I've been asking people-- I love vote counting, by the way. It's, like, I'm-- it's the social butterfly side of me. I'm normally not a social butterfly, when I, like, leave here and I go home and I just put on sweatpants and only hang out with my kids and my husband. I'm very antisocial when I'm outside of here. But when I'm in here, you know, what else do I have to do but socialize so vote card counting is very fun. And if you are a freshman and you have not counted votes yet, I highly recommend it. It's a great way to get to know everybody, you go around, and, and there's 2 different ways of vote counting. Senator Holdcroft and I were discussing that just a little bit ago. There is when you have a bill and you are trying to get the votes for it, and you go around and you talk to everybody and ask them for their support of your bill. When I am vote counting on something like this, I'm just trying to see where everybody's at. I'm just trying-- you can ask me questions if you want, I'll give you my opinion, but, otherwise, I'm just going to say, are you voting for this? Yes or no? So that we as a body can know, like, is there, is there a reason to keep fighting or are we all in agreement to do one thing or the other. So that's kind of the process of things. And I love the process of things. So I'm going to, you know, keep trying to tell people about the process of things. But if you don't have the votes or you haven't been shown a vote card, then you don't know what's going to happen. And, also, one last tip on vote counting, don't take anybody's word for it unless they've asked. I have asked, I have, I have asked Senator Conrad where she stands on this. I'm not going to even take what she says on the mic as her word. I'm going to go, and I did, actually, I went and I asked her and I said, are you voting for this? Thank you, Madam President.

**DeBOER:** Time, Senator. Senator Conrad, you're next in the queue.

**CONRAD:** Thank you, Madam President. Thank you, Senator Cavanaugh. You are 100% right. That is a seasoned veteran who knows how to vote

count. When we are going around trying to figure out where the body is on a, on a certain measure before us, you, you literally have to look member to member in the eye and ask them, are you yes, no, maybe? If you're maybe, what moves you either way, not just like, oh, yeah, I'll think about it or, oh, yeah, I'm with you. Literally, a good counter knows how to elicit clarity in regards to where individual members are so that we can figure out what negotiations are productive and fruitful and Senator Cavanaugh is very, very good at that. I want to also share a few more experiences from everyday Nebraska voters who are impacted by these measures. So most of you know that I've spent my career as a public interest attorney and as a policymaker. I have worked on economic justice and civil rights for decades in Nebraska and have had a chance to either lead ballot initiative campaigns or be a volunteer for ballot initiative campaigns. And I want to talk to you about one time I was going door to door in rural Nebraska to get signatures on a petition for minimum wage, and I knocked on the door of a young mom who had 2 kids, and we started visiting, and I told her what I was there for and what I was doing, and she shared that she was a minimum wage worker and worked at a job with no benefits, and that she had 2 kids and she was doing it on her own, and she was trying to do it without government assistance as well. And that was important to her, she had so much pride in being a mom and being a hard worker, but she eagerly supported and lent her name, her signature to the petition to increase the minimum wage, because at that point it hadn't been increased for a very, very long time. And she was on the front lines of that policy and thought. And she told me about how she kept a jar in the laundry room, of course, to grab those extra nickels and quarters and pennies that came out of the kid's pockets or her pocket so that she could use that to buy school supplies for her kids: pencils, crayons, tissues, because she literally had to make sure every penny counted. She literally had to make sure every penny counted. And maybe, maybe if politicians wouldn't hear or understand what she was dealing with, she could join together with her fellow neighbors and fellow citizens to try and make things a little bit better and easier for working moms like her, who were literally counting every penny to buy school supplies. On another campaign that I was a part of to strengthen economic justice for workers in Nebraska, I met a waitress who was a very enthusiastic petition volunteer circulator who took petitions to her restaurant, who took petitions around her neighborhood and was working to ensure people like her and other working folks had a say in their lives and their government. And we stayed in close contact during the course of the campaign. And I'll never forget the message that she sent me on Election Day. And Sonya [PHONETIC] said, I love Election Day. I'm so



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excited. Election Day is thrilling for me as an American and as a Nebraskan, because it's when the meek become like the mighty. When my vote as a waitress counts as much as Pete Ricketts' vote, and I get a chance to have an equal voice in my life and my government, and I will never forget Sonya sharing that with me. And I will never forget the enthusiasm and the patriotism that her and other petition volunteers and signers have exhibited as they seek to have a modicum of a better life for them and their families and a voice in our government. And that's what you're happy to silence, whether it's getting rid of winner take all--

**DeBOER:** Time, Senator.

**CONRAD:** --or silencing voters in regards to economic justice ballot initiatives. Thank you, Madam President.

**DeBOER:** Thank you, Senator Conrad. Senator Dungan, you're recognized, and this is your third opportunity.

**DUNGAN:** Thank you, Madam President. Colleagues, I rise again in favor of the bracket motion and opposed to AM770. I wanted to take a second to recognize, yet again, a couple of the people that are here in the balcony today. And I think it's of particular importance based on what we're talking about, because the conversation we're having here is about workers and businesses here in Nebraska. Here in the balcony, we have some friends from ECHO Collective, which is a group here in Lincoln. The ECHO Collective is, for all intents and purposes, a group that seeks to provide refugee and immigrant women the opportunity to achieve economic independence and build social capital through business education and professional mentorship. They specifically focus on serving women who are still in the process of learning the English language. Specifically, what they also say they do is they select, as they say, the brightest and most resilient women of Lincoln to attend a 4-month intensive business education course and participate in a community-driven learning environment where they build relationships with other business owners and broaden their professional network. Specifically, looking for people that are in the process of learning English, that own a business or have an idea for a business and were born outside the United States. And, colleagues, if that's not helping people achieve the American dream, I don't know what is. These are people who have come to Nebraska, who have chosen our state to live because we are a fantastic place to live, and they are seeking to create businesses here that help the community, that help their community, their families and themselves. And I'm really proud to have them here today. So thank you for being here on a day

where we are debating and talking about what it means to be an employer and an employee in Nebraska, because I think that you all exemplify what the best of us are. So thank you very much for being here today. I also think it's important, colleagues, that we continue to talk about who the people are that this bill affects. Senator Conrad, I think, did a fantastic job discussing some of the real-life examples of people who are living paycheck to paycheck like I talked about last time I was on the mic, and it reminded me of one of my constituents that I met when I was knocking doors running for office almost-- or over 2 years ago at this point. And it's a woman who I've spoken about before because her story was particularly impactful to me. And I knocked on her door and it was the end of the day of door knocking. And for those who have ever knocked doors, you know that it goes on all day. It gets exhausting. The sun was going down and I'd been out knocking doors for a number of hours, and she was the last on my list, and we ended up talking for upwards of 15, 20, 25-ish minutes on her porch. And I asked-- I wasn't there to necessarily talk about my issues. I asked her what's the most important thing to you? And she said to me that the most important thing to her was caring for her daughter. And I asked her to explain. And she explained to me that her daughter is in the disability community. She was nonverbal and spent most of her time in a hospital bed inside her room. Her daughter was 16 years old. And this woman that I met was the primary caregiver for her daughter, and occasionally she would get respite where she would have somebody come and, and, you know, take care of her daughter with the 24/7 care that was necessary. And she'd be able to go out, maybe for dinner once a week. But most of the time, she was the person that cared for her daughter night and day. She wasn't working anymore because she had to make sure she could care for her daughter. And she actually invited me inside and said do you want to meet her? And I said, absolutely. So we go inside the house and I go into the room where her daughter is, is staying. And I introduce myself and, you know, speak with her daughter and this woman for a little while. And this woman starts pointing out to me all of the medical equipment in the room. And she was going through and outlining for me how expensive each and every piece of medical equipment in that room was, all of which was necessary for her daughter's care. And she said that after the insurance or the help she gets, she pays \$5,000 a month out of pocket. And she said, when you go to the Legislature, I hope you remember people like me because we're the ones who are struggling day to day. And that's always stuck with me, because when we talk about the people that we're trying to help with legislation, and when we talk about the people that we are keeping in mind as we pass bills, she sticks in my mind and her daughter sticks in my mind. And so I

want to make sure that we are always focusing all of our efforts that we can on ensuring that people have enough money in their pockets to make ends meet, that we ensure there is access to health care, and part of ensuring that people can actually have health care and healthy lives is to make sure that they're able to stay home when they're sick--

**DeBOER:** Time, Senator.

**DUNGAN:** --and still make a living wage. Thank you, Madam President.

**DeBOER:** Thank you, Senator Dungan. Senator Strommen, you're recognized.

**STROMMEN:** Thank you, Madam President. I just wanted to reiterate sort of the intent of this bill is not to defile the will of the voter. What we're trying to do here is ensure that the smallest businesses and the individuals that work for the smallest businesses are in a place where they don't find themselves having to lose those jobs, because we have unintentionally created a situation where the employer doesn't have the ability to continue to pay for those jobs. We put ourselves in these problems because we increase the cost. That increased cost then puts us in a place where we have to offset that cost. And like we discussed yesterday, there's really only 2 ways to offset those costs. It's either to increase prices, and in a lot of our rural communities and urban communities, it is extremely difficult to increase those prices because of competition or because of lack of competition and our inability to pay for those goods. So the only other way to deal with that is to, unfortunately, have to let some people go. And we do not want to lose jobs with 420,000 people who work in small businesses in the state, think about just a 5% loss of, of that workforce is 20,000 people. I'm not saying that, that's was is going to happen here. But when you look at the numbers, it could be extensive. And while, yes, we're trying to maintain what the voters voted on, it's our job to make sure that people are safe in their work environment and that they do have these jobs available to them, because the last thing we want is for people to be out of work. I was actually just speaking with some folks. There's some high schoolers here from Alliance, and I had 2 of those high schoolers come up to me and thank me for this bill. And because their families have small businesses in Alliance, they fully understand the ramifications of this. They don't want those people out on the street. They don't want those people to not have jobs. They want to ensure that their communities are well funded, and they want to make sure that their communities have these people working for them, because that money

goes back into revenue for the cities, back into revenue for the counties. It helps those communities grow. And we don't want to, we don't want to put our small businesses in a position where they have to turn around and say, look, we're sorry about this, but, you know, this is something that was passed and it's going to negatively impact you. It was a, a negative consequence of what happened, and we apologize. We do not want that to happen. On a, on another note, we as a body voted against a pay raise for ourselves because we couldn't afford it. We're in a budget deficit. We can't afford that pay raise. Very similar situation. When you increase costs, when you have a budget deficit in your business, things are going to have to budge and we, we just don't want to put individuals in that position. So thank you very much.

**DeBOER:** Thank you, Senator Strommen. Senator McKinney, you're recognized, and this is your third opportunity.

**McKINNEY:** Thank you, Madam President. I yield my time to Senator John Cavanaugh.

**DeBOER:** Senator John Cavanaugh, you're recognized to be yielded 4 minutes and 50 seconds.

**J. CAVANAUGH:** OK. Thank you, Madam President. Thank you, Senator McKinney. I appreciate it. I spent a lot of my time talking about the history of the higher threshold, and I think it's well-trod territory at this point. But suffice it to say, I think it's pretty clear that the people of the state of Nebraska, as we lovingly call around here the second house, have clearly stated their intentions on paid sick leave. And they have clearly stated their intentions on their desire for the Legislature not to upend the decisions that they have made. And so I think we all can understand that. And so what you need to know is if you vote for AM770 and you are going against the expressed will and desire of the people in the state of Nebraska, both for what they articulated on the ballot initiative and their desire not to have ballot initiatives upset. So, yes, they set it at a high number, but they did create it as a possible place because there is a necessity, as we talked about, to change those. So, anyway, that's where we're at. And so here's my problems with AM770. I started out on when we divided the question, AM770 is just Senator Strommen's portion of the bill, AM771 is the original LB415 plus a few smaller bills from, I believe, Senator Wordekemper and Senator von Gillern. And so AM770 is a part that goes further than LB415. LB415 was a compromise bill worked out by the advocates for this and the folks who were opposed to the ballot initiative. So-- but my first problem with AM770 was the

part where it eliminates the individual right of action. It cuts out 3 paragraphs of the statutory change that was enacted by the voters by 75%, 3 whole paragraphs of this section. So there were, I think, 8 sections in the ballot initiative, and there are 8 paragraphs in Section 7, if I remember right. And that's the section that is the enforcement mechanism. So gives teeth to the right. So ballot initiative both grants a right to have paid sick leave and then sets out different parameters under which that is, businesses above 20 have to provide 7 paid sick days and businesses below 20, all businesses below 20 have to provide 5 paid sick days, sick days. So-- but without an enforcement mechanism, if a-- if someone does not follow the, the spirit and the letter of the law, it would be hard for someone, an employee to effectuate the right so they would-- if they are not afforded the sick days and they didn't have an individual right of action, they would not have an opportunity to assert that right. And so taking all of the teeth out of the bill essentially is what that section does. So I'm opposed to such a wholesale, just repeal of such a large section of the ballot language. I think there's no argument you can make that a repeal of 3 whole paragraphs is a cleanup language. It's-- or whatever the arguments folks have made, you know, unintentional giving, giving, you know, substance or essence or guardrails to what the ballot language did or any of that. It is just a assertion by this body to say, we disagree that, that the voters should have done that and we're just taking it out. So that's my first biggest problem with AM770, it's just a clear overstep by this body in an attempt to just repeal a huge section of the ballot language. But it's also a bad idea because it undermines the entirety of the ballot language by taking out the actual mechanism that gives effect to the will of the people. So that's my first and biggest problem. I'm going to run out of time. I think someone else maybe is going to yield me time as well, so I have other points I was going to make on that. But, yeah, so AM770 goes against the will of the people in, in that portion and others that I will talk about on the mic again, maybe immediately following. Thank you, Madam President.

**DeBOER:** Thank you, Senator John Cavanaugh. Senator Juarez, you're recognized.

**JUAREZ:** Thank you very much. I just have a few words that I want to say before I yield my time. And I wanted to mention how hardworking parents without paid sick days often face impossible choices. Either send their sick child to school, daycare, or lose a day's pay. Skipping work could mean missing out on a paycheck needed for prescriptions, or to put food on the table. No Nebraskan should have to choose between their paycheck and their health or the health of

their family. But thousands of Nebraskans who work full time do not get any paid sick days, especially workers who need-- who most need them. Right now, 250,000 Nebraskans who work full time do not get any paid sick days, especially workers who need them most. 250,000, that's just amazing to me. A 2021 Nebraska benefits survey estimated that nearly 36% of full-time, and 78% of part-time workers don't have paid sick leave. Working families are the engine of our economy. Supporting family values means supporting families. And that starts with letting people take care of sick kids or elderly parents without losing their income. This initiative will mean hardworking Nebraskans won't have to choose between the paycheck they need and their families' health. Sick time can be used for short-term illness, to attend an appointment, to seek preventative care, or to care for a loved one. The voter-approved ballot initiative requires all businesses to offer paid sick leave to employees, with employees earning paid sick leave for time worked. The ballot initiative also put into law the ability of the employees to earn and use paid sick days without retaliation. And I think that that's such an important aspect of the bill to not worry about retaliation. Thank you. And I yield the rest of my time to Senator Cavanaugh, John Cavanaugh.

**DeBOER:** Senator John Cavanaugh, you're yielded 2 minutes, 38 seconds.

**J. CAVANAUGH:** Thank you, Madam President. Thank you, Senator Juarez. I just wanted to continue on my thoughts about the problems I have with AM770. So there's that part about taking out the individual right of action. There's additionally a part that eliminates the right for ag workers who are seasonal and temporary in nature. And there's a part about eliminating the right for folks who are under the age of 16 and work. And then there's the elimination for the requirement that businesses that are 10 or smaller provide the paid sick leave. So, of course, I think that the voters spoke clearly about the size of the business. They set a limit at 20 and said above 20 have to provide 7, below 20, everyone has to provide 5. So I think the voters contemplated the size of business when they voted on this. I think that's pretty clear and explicit. The voters didn't put any age limit in there, so I think that the age limit is specifically undermining the will of voters. And then, of course, the ag workers. I, I don't know, Senator Juarez just said that, that was really interesting. 250,000 folks don't have paid sick leave. And this bill obviously-- or this ballot initiative was obviously intended to help as many of those people as possible get access to paid sick leave. A lot of those folks work in agriculture industry in the state of Nebraska. It's either our biggest or one of our biggest industries. And so making a carve out for those businesses, I think, explicitly goes against the will of the

voters. And, again, in these rural districts, the percentages are still staggering, how many people voted for it, 75% across the state in rural districts, I think 60-- 59% was probably, I think, the lowest I saw. So I think we have to think of all of those things. But, again, when I was talking about last time I was on the mic or 2 times ago is the unintended consequences of some of these changes. So I was pointing out that we had folks from the organized labor up there, the carpenters, folks who work in construction trades, who advocated for this ballot initiative. And, again, they advocated for this ballot initiative to make sure that, that folks got paid sick leave that work in the construction trades. I think the changes that we're making or that are being proposed in AM770, fundamentally, erode that right of people who were explicitly intended to be included in this bill. And that was exactly who many people were thinking of when they voted to make sure that people had paid sick, sick leave. And so I, I think we need to be very careful of when we make changes to ballot initiatives, obviously. I think we need to be very careful when we make any changes to the laws, and we need to know what the full scope of those changes are.

**DeBOER:** Time, Senator.

**J. CAVANAUGH:** Thank you, Madam President.

**DeBOER:** Thank you, Senators Juarez and John Cavanaugh. Senator Rountree, you're recognized.

**ROUNTREE:** Thank you, and good morning, Madam President, and to all of our colleagues and those that are watching online. I just rise today to say to our constituents, not only in District 3, but in all of our districts, to continue to communicate with us and communicate with your senators. Want to let you know that we do hear you and receive your input on this issue that we are discussing. And, at this point, I just want to yield the rest of my time to Senator Dungan. Thank you, Madam President.

**DeBOER:** Sorry, Senator, who would you, you yield the time to?

**ROUNTREE:** Senator Dungan.

**DeBOER:** Senator Dungan, you are yielded 4 minutes, 25 seconds.

**DUNGAN:** Thank you, Madam President. Thank you, Senator Rountree. I always appreciate your comments, and I, I want to echo that as well. This is the kind of issue we're hearing from constituents, I think, really matters. And I get asked on a pretty regular basis whether or

not emailing or calling or even coming to the Capitol makes a difference for senators. And I, I guess I just want to reiterate, yes, absolutely. When you reach out to us, it makes a difference. And I know sometimes it can feel frustrating because you feel like you've emailed your senator or called your senator and maybe not received back a response to your satisfaction, depending on who you reached out to at the time. But I will tell you, we get every single one of those emails and at least I read them. I think many of my colleagues do, and calls, obviously voicemails get logged, and people who come to the Capitol can also just come to our offices. And I will tell you that I have absolutely had my mind opened by some of the conversations I've had with both constituents and other people from the state of Nebraska. I've learned things, and I've also learned kind of what Senator John Cavanaugh was saying about what some of the unintended consequences can be of some of these bills. Unfortunately, there are times not even just talking about LB415 or AM770, but in the larger scheme of things, there might be a bill in front of the Legislature where people have looked at it a number of times and for whatever reason maybe didn't catch an unintended consequence. So if you are out there watching or paying attention or have been an avid watcher of the Legislature and you hear us talking about a bill or you read a piece of legislation that you think to yourself this doesn't do what they think it does or maybe it does accomplish their goal, but then it goes too far in other circumstances, please reach out. Please call us. Please email us. Because as I'm standing here right now, I get emails about the very bill that we're discussing and it can help us in crafting our discussion. And, honestly, it can help us then turn around and go talk to some of our colleagues and say, hey, I don't know if we've actually thought this through. I don't know if we know what exactly this bill does. And I think a really good example of that is the amount of unintended consequences, maybe intended, but I'm going to assume the best, unintended consequences that AM770 or LB698, Senator Strommen's bill has. And I think that, again-- let's just, you know, I say yet again, I think it's walking back the vote of the people. But I think that, you know, some of the conversations I've had outside of the body, what the amendment does is it cuts out even more people than it was intended to do so. So I disagree with the overall concept of whether or not it should cut these people out in the first place, the ones that are, that are specifically enumerated. But I think it then goes further, and I think that there are certain discrepancies in the way the bill is written that could hurt various members of our workforce that the bill doesn't even contemplate. So I guess I say all that just to say that we as senators need to continue to be diligent. I think a theme of this legislative session has been a



request that we maybe slow down and ensure that we are doing things in a way that makes sense. I think that it's a common theme that we should make sure we are not doing sloppy work, but instead are able to answer all the questions about legislation and to make sure that we know what the bill does. Even the underlying LB415, there are sections that I'm a little bit confused by what the actual words mean. I get the intent, but for example, 80 consecutive hours of employment, is that business days? Is that literal hours in a day? Is that how much you work versus employment? There's, there's questions I have. So it's our job as legislators to be diligent about that. I think it's our job to catch those things. But in the event that we fail to do so, I just ask and encourage people out in the, the state that are watching online or on TV or paying attention to the bills as they come up, to reach out to us, because you are the second house and your voice does matter. And I can tell you that in the conversations that we legislators have off the mic, we talk about it. We talk about the letters we get. We talk about the emails that we receive.

**DeBOER:** Time, Senator.

**DUNGAN:** So it does matter. Please keep reaching out. Thank you, Madam President.

**DeBOER:** Thank you, Senator Rountree and Dungan. Senator Dover would like to recognize 48 fourth graders from Grant Elementary in Norfolk in the north balcony. Please rise and be recognized by your Nebraska Legislature. Senator Spivey, you're recognized, and this is your third opportunity.

**SPIVEY:** Thank you, Madam President. Good morning again, colleagues, and good morning to the students that are up in the balcony. I have a fifth grader going to sixth grade, so I love when our young people are here, seeing us at work for them. And so, hopefully, we will make you proud today. And so I appreciate the remarks from Senator Strommen just around the impacts of ballot initiatives and what our job is and unintended consequences. And so I wanted to use that same frame to give an example of why this portion of what he's proposing, I am not amendable to, and I'm opposing with, with a different example from a ballot initiative. And so let's look at the, the current abortion ban that we had via the Legislature, it was 12 weeks. As folks have mentioned, there were 2 competing initiatives, one that would restore access under what we had in Nebraska under Roe v. Wade, and then one what would codify our current abortion ban. And so the unintended consequences of that means that people that choose to be pregnant and parent now are seeing more maternal deaths, and it is actually harder

to retain OB/GYNs to Nebraska to practice because abortion care, no matter your perspective, is a part of their full reproductive care and scope that practitioners can offer. And so when there is an abortion ban and you can look at our state now, as well as others, they are not able to attract providers who are willing to give all of the different types of care because of the criminalization that is attached and that is looming with abortion bans. We have now seen our first case of that in Texas with the midwife that was charged, who will now have to go in front of criminal court around the care that they have provided or not, allegedly. We have also seen more maternal deaths. So people that are choosing to be pregnant and parent, there have been 5 specific deaths in Texas that are linked to the abortion ban there for women that were miscarried-- that miscarried, needed a procedure that is considered an abortion procedure to remove fetal tissue that were not provided that care. So instead they became septic. That means that their body became riddled with poison because they were not able to get this procedure, and they were left to die. The impacts of that is that now those, those people, those women that have children, are no longer there to be a mom. They are not a part of their community. Their partners lost someone. So there are larger impacts to what we do in this body when we're talking about this. And so I want to be clear when we talk about unintended consequences, we see that with certain ballot initiatives already, we will see that with the abortion ban that we have here in Nebraska. We are seeing the impacts that it has on reproductive care and well-being. And, again, that wasn't considered within this body. And so now we have the opportunity to really consider that as we talk about paid sick leave and what it looks like. And I think the consensus and what I've heard through debate is that LB415 is consensus with partners that have worked on this on the ground and community, as well as with legislatures. However, this amendment that is being proposed is eroding that consensus and is creating, feels like an intended impact around certain groups that will not be able to benefit from paid sick leave who most need it. And so, again, I just wanted to provide a, a case study or an example, if we use that ideology in a framework that the harm that is actually caused with that. And, again, our role as a legislative body and how we need to show up. And so with that, Madam President, how much time do I have? Oh, I only have a minute. I was going to yield some time, but I guess I talked more than what was expected. Sorry, Senator Cavanaugh. I yield my 45 seconds to Senator Cavanaugh, Madam President.

**DeBOER:** 48 seconds, Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Madam President. Thank you, Senator Spivey. I appreciate Senator Spivey's comments and very apt about the ballot initiative process. I, I probably will be the last person to get to talk today so I hope folks take the evening to think about this. We'll probably be finishing up on General File on this tomorrow. And it's really people need to think about specifically the changes that are being made. I understand that there are folks who think that this adversely affects businesses, and it, it is cumbersome to them, but the voters voted knowing what they were doing. And there are folks who that this provides a protection to whose protection we will take away if you adopt AM770. People who voted for it themselves will lose the, the protections. People who voted with in mind the family members--

**DeBOER:** Time, Senator.

**J. CAVANAUGH:** --will lose protection. So I'm asking you to vote no on AM770. Thank you, Madam President.

**DeBOER:** Sen-- thank you, Senators Spivey and Senator John Cavanaugh. Mr. Clerk, for items.

**CLERK:** Madam President, new A bill, LB78A, introduced by, introduced by Senator Bostar. It's a bill for an act relating to appropriations; appropriates funds to aid in carrying out the provisions of LB78. Your Committee on Enrollment and Review reports LB527A as correctly engrossed and placed on Final Reading. Additionally, your Committee on Enrollment and Review reports LB287 and LB41A to Select File. A reference report-- approved reference report from the Referencing Committee concerning gubernatorial appointments. Amendments to be printed from Senator Ballard to LB295. Motions and amendments to be printed from Senator DeBoer to LB322 and LB379 [SIC--LB79], LB340. Senator Clements, amendment to be printed to LB313 [SIC--LB113]. Senator Raybould, amendment to be printed to LB3-- excuse me, LB113. Senator Clements, amendment to be printed to LB113. Senator Quick, amendments to be printed to LB192; Senator Machaela Cavanaugh, LB668; Senator Rountree, LB319; Senator Fredrickson, LB437; Senator Murman, LB390; Senator Hallstrom, LB326. Madam President, Your Committee on Health and Human Services, chaired by Senator Hardin, reports LB379, LB630, and LB656, all to General File, all having committee amendments. New LR, LR90 from Senator Hallstrom, LR91 from Senator Hallstrom, LR92 from Senator Dungan, LR93 from Senator Murman, and LR94 from Senator Bostar. Those will all be laid over. Notice that the Appropriations Committee will have an executive session in Room 1003 at 1:30 today; exec session, Appropriations, Room 103 [SIC] at 1:30.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
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Finally, Madam President, a priority motion, Senator Ballard would move to adjourn the body until Friday, March 28 at 9:00 a.m.

**DeBOER:** Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. We are adjourned.