

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 5, 2024

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-eighth day of the One Hundred Eighth Legislature, Second Session. Our chaplain for today is Deb Badeer, Lincoln Lancaster County chaplain-- Chaplaincy Corps and she is a guest of Senator Ibach. Please rise.

DEB BADEER: Let us pray. Almighty God and Heavenly Father, we come before you today with grateful hearts. We ask for your blessing, for your strength, and for your guidance in this house. We thank you for the privilege of living in the great state of Nebraska and for the people that you have surrounded us that we work with. Lord, we pray for your blessings on all those you've called here to work in every capacity in the Capitol. Please grant all safety and protection of body and mind, their families, their souls as they serve in their callings. Lord, grant them mental clarity and soundness of thought, kindness of tongue and courage of spirit. May they stand firm in the grace as they exchange ideas in their passionate causes this day. Lord, I want to pray specifically for our legislators again, that you would establish them in wisdom. You have said that you will give us wisdom freely to all who ask. And Lord, we ask you today. You tell us in your word that righteousness exalts a nation. Please keep us from participation in any sin and evil, and oh Lord, build in each of us a love for truth and for righteousness. Give each legislator today a renewed sweetness in speech, for we know from your word that that increases persuasiveness. Help us to honor and respect one another and cause our love to abound still more and more, Father, in real knowledge and in all discernment. Heavenly Father, we thank you that your words of truth, your love, your forgiveness for our sins is available to all at any time and any place, through faith in your precious son, Jesus Christ. Thank you for your love, for your care, for your provision, and for your protection and power. May be-- we, we ever be mindful of the virtues of truth and justice and love, as we make the difficult decisions you have laid before each one here that affect all the citizens of the great state of Nebraska. We thank you in the name of Jesus Christ. Amen.

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

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

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

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

KELLY: Are there any corrections for the Journal?

CLERK: I have no corrections this morning, sir.

KELLY: Are there any messages, reports or announcements?

CLERK: There are, Mr. President. Your Committee on Government, Military and Veterans Affairs, chaired by Senator Brewer, reports LB869 and LB1048 to General File, both having committee amendments. Additionally, notice that the Revenue Committee will be holding an Executive Session under the south balcony at 10:00 a.m. today; Revenue Committee Executive Session today under the south balcony at 10:00 a.m. That's all I have this morning, Mr. President.

KELLY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR310 and LR311. Senator Hughes would like to recognize the physician of the day, Dr. Pat Hotovy of York. Please stand and be recognized by your Nebraska Legislature. Senators Vargas and Hunt have guests in the north balcony, students and teachers from the Nebraska Thespians, school theater students from all over the state. Please stand and be recognized by your Nebraska Legislature. Speaker Arch, you're recognized for an announcement.

ARCH: Thank you, Mr. President. Colleagues, in order to allow the body adequate time to properly assess the process issue that Senator Wayne brought up on Senator Bostar's amendment to the committee amendment on LB904 yesterday afternoon, I passed over the bill until this morning, I felt like the body's understanding of this issue was important for our floor activity going forward. At the beginning of the session, I made it clear to the committee Chairs that a committee amendment can only include a bill or the provisions of a bill that was referred to that committee and is in the subject-matter jurisdiction of the committee. This provision is found in Rule 3, Section 13. Specifically, the rule reads: Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the subject-matter jurisdiction. Committees are prohibited by rule from amending bills or portions of bills referred to another committee into one of the bills

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heard and advanced by a committee. This is the standard for amending bills into committee amendments within the committee. But once a bill advanced to the floor, this rule does not apply. The standard for amending a bill on the floor is whether the amendment is germane to the bill or amendment under, under consideration. Rule 7, Section 3(d) outlines our germaneness rule. The germaneness rule reads: No motion, proposition, or subject different from that under consideration shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject, end of quote. The 2 key provisions are that a germane amendment, quote, relates to the details of the specific subject of the bill and is, quote, in a natural and logical sequence to the subject matter of the original proposal. Any future amendment offered on the floor will need to meet the criteria of germaneness if questioned. A germane amendment to a bill once the bill is on the floor may include a bill which came out of another committee. This is generally a rare circumstance, but not unheard of. Again, the 2 criteria for germaneness are that the amendment first relates to the details of the specific subject of the bill, and second, is in a natural and logical sequence to the subject matter of the original proposal. With the Bostar amendment, Senator Bostar is attempting to amend a bill on the floor with a bill which was advanced from another committee. This is not an action taken by a committee with a bill in the committee. This is a floor amendment. There are 2 different rules and criteria for amending. One rule covers amending a bill within a committee and limits a committee's action to bills referenced to that committee. And another criteria exists for amending a bill on the floor, which is germaneness. I hope that clarifies the situation. Thank you, Mr. President.

KELLY: Thank you, Speaker Arch. Mr. Clerk, for first items on the agenda.

CLERK: Mr. President, General File, LB904 introduced by Senator DeBoer. It's a bill for an act relating to childcare; changes childcare reimbursement rates; and repeals the original section. The bill was read for the first time on January 4 of this year and referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments. Mr. President, when the Legislature left the bill yesterday, the Legislature had adopted AM2775 from Senator Wishart, Wishart to the

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committee amendments. Pending was the bill itself, the committee amendment, and an amendment from Senator Bostar, AM2858.

KELLY: Senator DeBoer, I'll recognize you for a one-minute refresh on the bill.

DeBOER: Thank you, Mr. President. Good morning, colleagues. This morning we're talking about the Planning Committee priority bill. You understood or heard what the Speaker had to say about the adoption of Senator Bostar's amendment onto this bill. But I will reiterate to you that the Planning Committee is a separate kind of committee from the ones that we all sit and serve on as standing committees. These committees have swaths of subject-matter jurisdiction and expertise. The Planning Committee takes a very specific approach. It does a deep dive and uses that particular area that it would like to work in to create a package of bills that make sense from the 5,000-foot perspective. What you see before you is the, the end of that, the result of that deep dive in the area of childcare that looks at it from across the various subject-matter swaths that this body has. And I am thankful to the HHS Committee and to their legal counsel for looking over our bills there and to the Banking, Commerce, and Insurance Committee for-- and its legal counsel for its work on this bill. So I would urge your green light on this bill and Senator Bostar's amendment. Thank you, Mr. President.

KELLY: Thank you, Senator DeBoer. Senator Hansen, you're recognized for a one-minute refresh on the committee amendment. Senator Hansen, you are recognized for a one-minute refresh on the committee amendment.

HANSEN: Thank you, Mr. President. Like I mentioned before, this would be Senator Wishart's bill that we amended in committee. And the program will award grants to nursing facilities for one-time start-up costs for capital improvements to provide childcare and nursing facilities. The grant program will be administered by the Department of Health Human Services, with a maximum of \$1,000 per grant, a limited one grant per facility, and a total of \$300,000 in grants awarded. This would be the Intergenerational Care Facility Incentive Grant Program that I know Senator Wishart can expound on like she did yesterday, if she needs to. Thank you.

KELLY: Thank you, Senator Hansen. Senator Bostar, you're recognized for a one-minute refresh on your amendment.

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BOSTAR: Thank you, Mr. President, and good morning, colleagues. AM2858 represents LB1416, as amended, which was the childcare legislation I brought on behalf of the Governor, which would create 2 programs: Child Care Capacity Building and Workforce Grant program and the Family Child Care Home Grant program, the first of which would be a matching support program for the expansion of childcare access, as well as supporting the childcare workforce. And the second program would allow the creation of micro centers, which would be able to serve up to 12 children in shared space and would be assisted by regional facilitator hubs. The legislation came out of committee unanimously. It received no opposition in the hearing, and it received broad support. Thank you very much.

KELLY: Thank you, Senator Bostar. Before returning to the queue, Senator Wayne, for what purpose do you rise?

WAYNE: I object to AM2858 on germaneness.

KELLY: Would you please-- Senator Wayne raised the point of order on germaneness. Senator DeBoer, Bos-ter and-- Bostar and Wayne, please approach. The ruling from the Chair is that AM2858 is germane to the underlying bill. Senator Wayne rises for what purpose? I'm sorry.

WAYNE: I move to overrule the Chair.

KELLY: There's been a motion to overrule the Chair on the germaneness of AM2858. All members may speak one time. No member may yield time. Senator Wayne, you're recognized on your motion to overrule the Chair.

WAYNE: Thank you, Mr. President and colleagues. I'm going to be real quick on this standard. The standard is that there is no natural logical sequence to the subject matter of Bostar's amendment to LB904. What they're trying to say is because it mentions the word daycare and some collaboration of daycare that it's somehow related. If that's the case, there is not going to be a bill that comes forward that mentions corrections or anything like that that isn't related to oversight. Everything's related to oversight. That is a natural consequence. But I would argue that's not germane. LB904 amends a specific statute, 43-536, which directs the Department of Health and Human Services to calculate childcare reimbursement rates. Has nothing to do with grants. The bill eliminates provisions of DHHS to conduct a market rate survey instead of it lets DHS utilize approved methodologies in accordance with federal law. Nothing to do with childcare grants. Here's what AM2858 does. One, it's going to create a new statute of law in Chapter 81, not 43, because that's where DED lies in our

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chapters, 81, not DED-- not 43. It has nothing to do with adjusting childcare reimbursement rates, nothing at all. It just has to do with daycare and childcare. That's not related. If you don't see the logical conclusion, we had a bill yesterday from Senator Lowe that dealt with alcohol and 3 different topics. That means now we can just add a whole bunch of bills, like maybe Transportation and Communication that has not, not even the same statute, but because it mentions the word alcohol and it may mention with some kind of regulatory. That's not OK. AM2558 directs the Department of Economic Development to contract with a statewide organization to support children and families to develop a grant program. This is not reimbursement rates. It's just not. It's not related to LB904. And if we start-- if we go down this road, think of every bill that deals with something that now can be amended on the floor with a chapter that has nothing to do with that chapter, but somehow it relates to it. Come on, colleagues. We know better than that. This bill got referenced to the wrong committee. Now we're trying to put it into this chapter that doesn't even belong. Let me repeat. LB904 deals with Chapter 43-536. This amendment is creating a new chapter in chapter-- or new subsection in Chapter 81 that deals with DED. It doesn't even deal with the same agency. And we're going to say that it is now naturally, logically connected. If we walk down this path, I am so for it because I can make this logical connection that the President just made in almost every bill, connect somewhere else logically, underneath this theory. We can't just throw out daycare. We can't just throw a committee amendment in and say, well, now we're broadening it through the committee amendment when the committee amendment hasn't been adopted. So we can't take that into account. We can only look at LB904. LB904 deals with reimbursement rates. This amendment deals with a child grant program. Now, I got problems with the merits of the bill. We're going to spend 8 hours talking about the merits of how we have so much money through NDE and HHS going to childcare that I think we're quadruple dipping at this point. So we'll have that conversation for 8 hours, or we can just end it right now and say it's not-- it's not germane, and it's not. Think about it. I could pull a tax revenue bill out right now and put it on here if it deals with daycares. I'll even go farther. I'll say it applies to children in DED grant program. I can pull a bill for that because it mentions grants and it mentions children. That's a logical connection to daycare reimbursement. It's no different than what we're doing now. So again, I'm just going to end with the simple, simple philosophy is the chapter open on the floor is 43, HHS and dealing with daycare reimbursement rates. The amendment deals with a grant program creating a new chat-- a new subsection in Chapter 81, which is DED's responsibility, to give

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grants that has nothing-- has nothing to do with the reimbursement rates. It has nothing to do with it. Therefore, it's not germane. Thank you, Mr. President.

KELLY: Thank you, Senator Wayne. Members, if you recall, now there will be a procedural queue. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President, and good morning, colleagues. I rise in support of my friend, Senator Wayne's, motion to overrule the Chair. And I thank him for bringing forward a really important point, I think, in regards to our internal deliberations and our rules. I want to be clear that the procedural matters that are being dealt with before we have an opportunity to get back into the substance of the debate for the pending issues are, are separate. I, I think that there is widespread consensus on many of the aspects in the substantive nature of the underlying bill regarding how to strengthen and improve access to childcare. So let's put the, the substantive pieces aside for the moment while we deal with the procedural matters that are important and always relevant. I want to thank Senator Wayne for his leadership in regards to ensuring our body is accountable to how we conduct ourselves and ensuring fidelity to our rules. I also think that this particular point is going to be very important to establish clarity about how our rules work in practice. It seems to be perhaps undefined or perhaps has been elusive to challenge in the past in regards to how the germaneness rule plays out for some of the special committees. I'm thinking of the Tribal Relations Committee and the Planning Committee, particularly as it is before us, and the Planning Committee, which everybody knows this committee has an opportunity for, of course, membership and priority bill designation and does great work over the interim. But they don't hold regular hearings like our other jurisdictional committees. So they're, they're forced to prioritize measures that are emanating from other committees. I do agree with Senator Wayne in regards to referencing issues that are also, I think, inherent in perhaps the procedural quandary that is before us here, which is, is not helpful. But I think that a ruling in this regard is going to be clarifying either way. I think that a-- an opportunity to overrule the Chair will ensure that we set a more narrow precedent for how these issues move through the body in relation to the rules that have been invoked and the subject matter and the committees at play. I think if the body fails to overrule the Chair and allows for a more expansive reading of how the germaneness rules may apply moving forward, that-- that's kind of a floodgates argument or result. That, that provides a lot more latitude to each individual senator and the body in my read to be much, much more

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creative with how we move bills through the process emanating perhaps from different committees, combining general subject matters instead of specific subject matters that must be natural and logical in sequence to the original proposal as required in our rule on germaneness. So I, I think it will be very interesting to see how the precedent does, in fact, shake out here. I think this is important to clarify, and personally, I, I think that the precedent set is, is either going to ensure a--

KELLY: One minute.

CONRAD: --narrow reading-- Thank you, Mr. President-- of our rules as we adopted or is really going to open the floodgates. And perhaps that's not a bad thing. The last piece that I want to make sure to let people know is that the germaneness rule is directly tied to the single subject component required in our Constitution under Article III, Section 14, perhaps different standards, but absolutely related. Colleagues, right now down the hallway there is a Supreme Court argument happening on the substance of our single subject rule. And it is very important that we honor our rules, we honor our constitution, and we have clarity and transparency in our operations to prevent log rolling, to ensure that the public knows what we're voting on and why. And that's why a more singular reading is required, and we should indeed support the motion to overrule the Chair. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I-- I'm very intrigued by this motion this morning. Germaneness has always been a bit subjective in this body. And so to have a discussion about germaneness this morning I think is, is certainly an interesting one. As Senator Conrad pointed out, there is a Supreme Court debate happening right now over the germaneness of LB574 and its violation of the single subject rule. So when we do put things out of this Legislature, we should be judicious about what's germane and what is not germane. I have in the past introduced amendments on the floor to a bill that open up the same statute, same part of statute, same exact thing in statute, and it was ruled not germane. This was specifically a time that I brought a tobacco tax amendment to Senator Briese's bill around tobacco taxes, and it was ruled not germane. And I still contend to this day that that was a mistake by the body, that it should have been voted down, not attached to the bill, but it was, in fact, germane. And that's the thing that we have to be more judicious

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about. Just because we don't like an amendment doesn't make it not germane. So is this amendment germane or not germane? I think that's, of course, for us to decide. But don't vote it not germane because you don't like the amendment. Vote it not germane because it's not germane. So I do think that we, last year, were a little fast and loose with our germaneness in the bills that we put out. There was one bill that had 30 bills in it. I find it hard to believe that all 30 of those were germane to each other. So I hope that we will be better this year about how we package bills and make sure that they are germane. And while this debate continues on, I'm going to certainly look a little bit closer at the amendment that's been presented and the underlying bill to determine if I believe that they are germane. But I appreciate the conversation this morning. I appreciate Senator Wayne for flagging this. And I, I agree with what Senator Conrad said. If this is ruled germane, then we are opening ourselves up as a body to agree that we will be more flexible with our interpretation of germane for the remainder of the year. And I think that that might yield some interesting packages being put together. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Dungan has some guests in the north balcony. They are 17 fourth graders from Trinity Lutheran School in Lincoln. Please stand and be recognized by your Nebraska Legislature. Returning to the procedural queue, Senator McKinney, you are recognized to speak.

McKINNEY: Thank you, Mr. President. I rise in support of Senator Wayne and the motion to overrule the Chair. I think this is an interesting conversation about germaneness and how we're going to move forward as a body. Because if we do decide to say that Senator Bostar's bill is germane, that is going to open a can of worms that I don't know if the body, the Chair, is actually thinking about the unintended consequences of the can of worms that it's going to open up. You know, I've started to look at this agenda, and I'll probably begin to start looking at other bills that are on General File and other bills that can be amended. Because if we could just start doing a bunch of hodgepodge amendments on bills, then we could really have some fun this year. I think we got, what is it, 20-some days less-- left or 20 days left in this session, which is not a lot of time. We got some, you know, bills that are going to take a lot of time. So that means we have to figure out how to get some bills passed. So that also means we have to get creative. And that means with long debates, that means we have time to think about creative ways to pass bills. Which means if we open up this can of worms, that gives people, myself included, time to find creative ways to get our bills passed. I think we should think

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about that. Now, if we want to go down that path, let's go down it. But we should be cautious about that, because that could be good or bad for all of us. And I'm not saying it's good. I'm not saying it's bad. I'm just saying it's going to create some contentious and controversial conversations. If we do. It could be good for me on one hand, and it could be bad for me on one hand. One day I could be saying, yes, I got something passed that I really wanted passed. And one day I could be in here annoyed and frustrated and saying, what are you people doing? It's a give and take thing here that we really need to think about. One day it could be good and one day it could be bad. And it doesn't matter what side you're on. That's what you need to think about. It's not about being right or wrong. It's about thinking about the whole picture, the whole scope of things. And that's why the motion to overrule the Chair is being brought up. It's not about being right. It's, it's trying to make sure we keep balance and order as much as possible in this place. Because once you tip the scales, the scales are tipped. And once you tip them, we're not going back anywhere. Once the-- once the scales are tipped and we say we're opening the floodgates, there's no going back. And it's going to be good one day for you, and it's going to be bad one day for you. And that goes for everybody in here. And it doesn't matter where you land on the political lens, what side of the aisle you're on anywhere in here. Once you tip the scales, one day it's going to be good, and one day it's going to be bad, because we're going to be allowed to do some things that you probably shouldn't be able to do. But because we are going to tip the scales, it's going to happen. And that's something everybody should think about when, when, when we take these votes today.

KELLY: One minute.

McKINNEY: And that's why I got up here. But if we want to tip the scales, I'm guaranteeing you, I know I am going to think about some creative things I could do to get bills that I want passed, passed this year, and hopefully it works out in my favor. Hopefully those are good things for, you know, everybody and hopefully no bad things pass. But once we tip the scales, the, the scales are tipped and I'm going to try to win just like everybody else. And that's something you should try to think about. Do we want to tip the scales? Because once they're tipped, they're tipped for the rest of this session. Thank you.

KELLY: Thank you, Senator McKinney. Senator Erdman, you're recognized to speak.

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ERDMAN: Thank you, Mr. President. Good morning. I listened to the comments that Senator Wayne made. I think-- I do believe that it made sense. So if we do this, then I think we can do what I was attempting to do last year. Senator Halloran had a bill, LB341, LB341 that established liability of the state political subdivisions, allowing claims arising out of the child sexual abuse made by those against the state political subdivisions. I attempted to amend an eminent domain bill into that bill. That is not germane, but I could make it germane if I just said the eminent domain was dislodging children. So children are spoken in both of those instances, so it would make it germane if you use the logic that we're using today here. So I believe what Senator Wayne is trying to tell you is that it's 2 separate sections in the statute. That's the issue. It's not do they use the same word? Because in my example that I just gave you, those are not germane issues. So Senator Wayne is correct. And I think that we need to be very careful, as we have stated many times this morning on this microphone, about starting down this slippery load-- slippery road. Thank you.

KELLY: Thank you, Senator Erdman. Senator Blood, you're recognized to speak.

BLOOD: Thank you, Mr. Senate-- Mr. President. Fellow senators, friends all, I stand in support of Senator Wayne's motion. And I want to go back to when I was first elected. And just like you, we had great training that was provided by our Clerk. And they talked about issues like this. And they gave us a 3-ring binder. I still use that binder, by the way, so some of us still know where to go for information. And one of the things that we were taught was what makes an issue germane and when is the issue not germane? And I can tell you as a senator, that I think I have been able to override the Speaker at least twice on issues that I thought were indeed germane, and 1 or 2 times when I did not win the issue on the floor. But what I can tell you is that things have become very confusing over the last 2 years in this body. And so many of the new members who are very excited to help people get bills added on to other bills, as we all are, are not as aware of the rules and issues like this as our class was. And that doesn't mean that you weren't paying attention, and that doesn't mean that we're smarter than you. It just means that you have not had as much experience on the floor of the Legislature. And it isn't a personal attack when somebody says something isn't germane. So hopefully we can all be adults about this. Sometimes we win and sometimes we lose. But it is a matter that pertains to the process. And there have been so many things that have happened over the last few years that have totally ignored the process that makes the Nebraska Legislature so

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amazing compared to other states, our one-house system. That until the last few years we had Patrick, who had this breadth of knowledge that helped to keep us in line, that helped to keep us educated, that helped to keep us informed. And unfortunately, between term limits and turnovers and the large amount of appointments that have happened in this body, we just don't have that knowledge base anymore. And quite frankly, you're going to lose a lot of it after this year. And so when Senator Wayne stands up and says that he believes something is not germane and he puts it out there and gives a very valid reason as to why this is not germane, we should be listening. We can love the bill that they are trying to amend into the underlying bill, but that still does not make it germane. And the session is not over. I find it hard to believe there aren't rides on other bills where they actually are germane, and sometimes you just have to wait it out and hope for the best. And sometimes we're just not lucky enough to get our bills on another bill. If it wasn't for Senator Linehan, I wouldn't have had quite a few bills get passed in the last 7 years. She's always been, for me, a very fair senator that's helped me get some bills passed. That's a really good example of how we can reach across the aisles and we don't care about the other person's party, but we care about the cause. Usually it's a military families bill. I just want to remind you that it isn't just about getting our way. It isn't just about making sure that all of our bills get passed. It's about making sure that we respect the rules of the Legislature. And sometimes we win and sometimes we lose. And in this case, there's going to be a winner and a loser. I don't know how it's going to go. But again, I do support Senator Wayne's motion. And I agree that it is not germane. Thank you, Mr. President.

KELLY: Thank you, Senator Blood. Senator Vargas, you're recognized to speak.

VARGAS: I won't belabor the point. I just wanted to get up. I mentioned this to Senator DeBoer, Chair of the Planning Committee, and I serve as Vice Chair. I agree this, this isn't germane. We, we typically will have, you know, sort of it's more of a single subject in pretty much all of our bills. I understand what we're trying to do, because we are a cross-sectional committee, and I support the work. But I do agree with the motion to overrule the Chair and think that there's another avenue for us to do this and-- but still support the efforts of what we're trying to do, and we will get it done and support the efforts of what we're trying to do with our priority bill with the Planning Committee and the intent, which is probably a good question for us to have, which is maybe we may have to do something in the rules in the future to make it clear that when we have committees

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that have some cross-section, for example, Tribal Relations sometimes has bills that are in different-- either heard in Appropriations or heard in HHS. That has happened before and both of those bills have been amended together on the floor as part of a priority bill with that committee. And we haven't had that, that debate about germaneness. But I think that this is something we should probably look into in terms of the rules in the future here for the Planning, for the Planning Committee. And-- but I do agree, until we fix something or provide some more guidance in the rules regarding the differences between the Planning Committee priority bill and, and how we can merge things together that are similar subject matter in terms of some level of content, but may not fit the full germaneness in, in our rules that I support the motion to overrule. Thank you.

KELLY: Thank you, Senator Vargas. Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. Colleagues, I've heard the arguments from Senator Wayne and I hope we don't actually get to the issue. We are going to try to find a different home or something for Senator Bostar's bill, because I think that's a very valuable and good bill, one we need to do. And hopefully we can proceed without having to get to the underlying question. And we can move forward without Senator Bostar's bill on this particular bill, this particular day. And then we can think about that when we have more time rather than get caught up in the procedural issues today. Thank you, Mr. President.

KELLY: Thank you, Senator DeBoer. Senator Wayne, you're recognized to close on the motion.

WAYNE: I withdraw my motion to overrule.

KELLY: Without objection, it is withdrawn. Returning to the original queue, Senator Wayne, you're recognized to speak and waives. Senator Conrad, you're recognized to speak and waives. Speaker Arch, you're recognized to speak and waive. Senator Bostar, you're recognized to speak.

BOSTAR: Thank you, Mr. President. I'd like to withdraw AM2858.

KELLY: It is withdrawn.

CLERK: I have nothing further on the bill at this time, Mr. President.

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KELLY: Senator Hansen, you're recognized to close on AM2734 and waive. Members, the question is the adoption of AM2734. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays on adoption of the committee amendment, Mr. President.

KELLY: AM2734 is adopted. No one else in the queue. Senator DeBoer, you're recognized, and waive closing on LB904. Members, the question is to advance LB904 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB9904 is advanced to E&R Initial. Mr. Clerk, next item on the agenda. Mr. Speaker, could you approach? Speaker Arch. Speaker Arch, you're recognized for an announcement.

ARCH: Thank you, Mr. President. I just want-- colleagues, I want you to be aware of an agenda change. We will be passing over LB175 when it comes at the request of the introducer. Thank you, Mr. President.

KELLY: Thank you, Speaker Arch.

CLERK: Mr. President, returning to the agenda. General File, LB1120 introduced by Senator Hardin. It's a bill for an act relating to real property; requires affidavits for certain purchase of real property; changes provisions relating to a form used for purposes of the documentary stamp tax; and repeals the original section. The bill was read for the first time on January 10 of this year and referred to the Banking, Commerce and Insurance Committee. That committee placed the bill on General File with committee amendments, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Hardin, you're recognized to open.

HARDIN: Thank you, Mr. President. LB1120 will require an affidavit stating the purchaser of a property is not affiliated with any foreign government or nongovernment person determined to be a foreign adversary. I want to take a moment to explain how we got to LB1120. In the 1960s and 1970s, the United States Department of Defense built 3 intercontinental ballistic missile fields. One field lies in northeast Colorado, southeast Wyoming, and the southwest corner of the Nebraska Panhandle. There are roughly 150 missile launch facilities and 15 missile alert facilities under the watch of the 90th Missile Wing at Warren Air Force Base in Cheyenne, Wyoming. Nebraska is home to 80

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launch facilities and 9 alert facilities. They currently house the Minuteman III missile with technology that was developed when JFK was President. The federal government has decided it's time to update these facilities with the latest and greatest in the world of ICBMs. The new system, known as the Sentinel missile system, will be the largest single project expenditure in military history. The original estimates were \$86 billion, but that number has grown to now be estimated in the hundreds of billions of dollars. A project this size catches people's attention. Eyes from across the world are looking at the Nebraska Panhandle. Our enemies are watching what we do, and they're trying to get an up-close look. Out west, we've seen some very interesting and eyebrow-raising things happen over the last 18 months or so. This brings us to LB1120. We've seen purchases of land in very interesting ways by very interesting people. Some such purchases involve farmland in the country being purchased for 2 to 4 times the assessed value, with briefcases full of cash. Purchases like that are concerning and raise very important questions. Why would some random people with no connection to the area pay so much for the land? What are they planning? And most importantly, where did all that cash come from? The land around the nuclear missile sites is very sensitive for national security purposes. We must take steps to ensure that property is not being purchased by individuals who would seek to harm the United States. With that, Mr. President, I'll close my opening and we can move to the amendments. Thank you.

KELLY: Thank you, Senator Hardin. As the Clerk stated, there are amendments from the Banking and Commerce Committee. Senator Jacobson, you're recognized to open.

JACOBSON: Thank you, Mr. President. Good morning, colleagues. AM2519 is a committee amendment to LB1120. AM2519 amends LB1120 in the following ways. The term "restricted area" is removed and replaced with the term "covered real estate," which is then defined in the amendment. The term "military installation" is removed. Example affidavit language that must be included in the affidavit is added, as well as requirement that a copy of a completed affidavit be sent by the register of deeds to the Attorney General. Changes to 76-903 are removed from LB1120 and replaced with changes to 76-214 instead. 76-214, the section of Nebraska law that created real estate transfer statement Form 521 is amended to require that Form 521 have a section added that inquires as to whether an affidavit required by Section 1 of LB1120 needs to be completed, and if it has to be completed. Thank you, Mr. President.

KELLY: Thank you, Senator Jacobson. Mr. Clerk, for an item.

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CLERK: Mr. President, Senator Hardin would move to amend the committee amendments with AM2773.

KELLY: Senator Hardin, you're recognized to open on the amendment.

HARDIN: Thank you. And AM2773 addresses more concerns from stakeholders that were brought up after the bill had advanced from the committee. First, the amendment clarifies further what land will be subject to an affidavit by referencing 31 C.F.R. federal regulations. And that's 802.211(b)(3). This regulation states any county or other geographic area identified in connection with any military installation described in 802.227(a), as identified in the list as part of 3 of appendix A to this part. 802.227(a) is, quote, active Air Force ballistic missile fields. The appendix of the C.F.R. states that the 8 Nebraska counties that I referenced earlier-- those, those counties actually are-- and these are sensitive counties that are listed in the federal code. They are Banner, Cheyenne, Deuel, Garden, Kimball, Morrill, Scotts Bluff, and Sioux. The regulations identify all of Banner County, Cheyenne, Kimball, and Scotts Bluff County as being sensitive land. That's where the Sentinel system is located. The military project in the Panhandle has been the issue that I have dealt with the most since taking office last year. Almost every day I hear of another interaction near a missile facility that leaves me scratching my head. LB1120 is an important safety check for protecting Nebraska land from foreign adversaries. Thank you, Mr. President.

KELLY: Thank you, Senator Hardin. Moving to the queue, Senator Erdman, you are recognized to speak.

ERDMAN: Thank you, Mr. President. I want to thank Senator Hardin for his hard work on this. I have been involved with some of these issues that Senator Hardin spoke of. I know of no one who has put in as much time and effort as Senator Hardin has to resolve these issues and be a watchdog for the Panhandle of Nebraska and the-- and the state of Nebraska. Senator Hardin has spent endless number of hours dealing with these issues that the foreign folks are placing on the residents of his district. My district has some of these missile silos as well, so I understand the significance of what's happening there. But if we would have time to explain to you what has happened in the Panhandle in Nebraska and west or eastern Wyoming since this project was announced, you would be amazed. And so just let me say this. What Senator Hardin is trying to do here is protecting not only us that live in Nebraska, but those that live in the free world, because what these foreign agents are trying to do is interfere with what we're trying to do to make us safe. And so I would encourage you to vote for

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Senator Hardin's amendments, the Banking amendment, and for LB1120. Thank you, Senator Hardin, for your hard work.

KELLY: Thank you, Senator Erdman. Senator DeKay, you're recognized to speak.

DeKAY: Thank you, Mr. President. I rise in full support of the amendment and the underlying bill, LB1120. And I am appreciative of all the hard work Senator Hardin has put into trying to solve the protective part-- proactive part of our safeguarding our state's land near sensitive military installations. I agree with Senator Hardin that it is imperative we take action to preserve Nebraska's land from potential threats, particularly from individuals and entities with ties to countries that are hostile to us and do not respect our sovereignty. I also do feel that I need to put this debate into context. During the interim last year, a few senators: Senator Hardin, Senator Halloran, Senator Bostar and myself got together to try to solve this problem with foreign adversaries or their subsidiaries from acquiring land in our state. LB1120 is part of the package we need to have means to screen land buyers and get names and signatures on the record. If we did find that buyer is tied to a foreign adversary, we now have that affidavit that can be used as evidence. This is where my bill, LB1301, comes in. LB1301 is the retroactive part of the package that looked at, at how we-- how we do enforce our state's foreign land restrictions and divest the land held by violators of our laws. We really need both LB1120 and LB1301 to pass together, since right now county attorneys in outstate Nebraska do not have the resources, do not have the intense-- intensive divestment action or investigate the layers of foreign corporate shell companies and entities. My bill would instead empower the AG and the Department of Agriculture to investigate and enforce such laws instead. I want to applaud Senator Hardin and his staff for all the hard work they have put into this LB1120 and this issue. Finally, I would ask that Senator Hardin yield to a question.

KELLY: Senator Hardin, would you yield for a question?

DeKAY: Senator Hardin, this came up at the hearing on LB1301. There was a concern raised of trying to identify where certain military installations are located, like Offutt Air Force Base-- Air Force Base, and the missile silos. Can you say again, for the record, where Offutt Air Force Base and missile silos are located and how you define them?

HARDIN: I would be glad to. In reference to what I'll be addressing in a little bit, and I'll go ahead and steal the thunder now and answer

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your question. As we've said, we want to work smarter, not harder. So in finding 31 C.F.R. 802, this Code of Federal Regulations addresses foreign persons involving real estate in the United States. I'll get to the specific areas that we're talking about in a moment. The Defense Production Act of 1950 authorizes the Committee on Foreign Investment in the United States to review transactions involving real estate that meet specified criteria and to mitigate any risk to the national security of the United States that arises as a result of such transactions. What this federal code goes on to explain, and it unpacks the sensitive areas. Again, we mentioned those a little while ago. The regulations identify all of Banner, Cheyenne, Kimball, and Scotts Bluff County as being sensitive land. For the partial counties, the code is very specific. For example, in Deuel County, all lands located south of Township 15 north and west of Range 43 west, using the Bureau of Land Management's--

KELLY: One minute.

HARDIN: --Public Land Survey System, the C.F.R. makes it very clear what land the affidavit must be submitted with. I give you that level of detail just because the federal code does dive into that level of detail in terms of specifically where.

DeKAY: Thank you. And I yield the remainder of my time back to the Chair. Thank you.

KELLY: Thank you, Senator DeKay and Senator Hardin. Senator Ibach, you're recognized to talk.

IBACH: Thank you, Mr. President. I'm just wondering if Senator Hardin would yield to one more question.

KELLY: Senator Hardin, would you yield to a question?

HARDIN: Yes.

IBACH: So this one's very easy and something that we discussed just briefly in Judiciary. But do you think that there is an opportunity or if it's determined that someone lied on their application, is there any recourse for that?

HARDIN: That's really why it takes both sides of the proactive part, which is what LB1120 is, and the reactive part that Senator DeKay was mentioning a little while ago. I will relate it to you this way, Senator Ibach. If anyone listening has ever purchased a gun before and you go into a gun store and there's this crazy question that says, do

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you intend to use this firearm in the commission of a felony? Well, everyone chuckles at that and no one would seriously say, yes, I'm going to check that box and say yes. And then I'm going to get to walk out with a gun. Everyone checks no. The reason that question is there is to look back later on, when in fact a felony might occur, and to say you lied. And that's what this is about.

IBACH: OK.

HARDIN: This is about referring back in time and saying, on the proactive side, this was the trip wire.

IBACH: All right. Thank you for that answer. I yield my time back. Thank you, Mr. Chairman.

KELLY: Thank you, Senator Ibach and Senator Hardin. Senator Blood, you're recognized to speak.

BLOOD: Thank you, Mr. President. I would ask that Senator Hardin please yield to some questions.

KELLY: Senator Hardin, would you yield to some questions?

HARDIN: Yes.

BLOOD: Senator Hardin, can you tell me the percentage of land that is currently owned by adversaries here in Nebraska?

HARDIN: By adversaries, no. What we did come across is 7 questionable pieces of property in Nebraska. We also came across, incidentally, 3 in southeastern Wyoming.

BLOOD: I, I think the last number I saw was 1.7% of the land in Nebraska. You may want to look that up, but I remember reading that recently. So the question that I have is that it's clear coming from the executive branch, because we have multiple bills that are pertaining to foreign adversaries, that this was a priority for the executive branch. Can you explain to me why our Governor didn't just go ahead and do an executive order to do this because it's so pressing and why we're doing it through legislation when Missouri, I think in January, actually was able to do that without any legislation?

HARDIN: We did ask for an executive order, and for reasons unknown to me, I was told that that would not be something that the executive branch would pursue at this point. If I can, I'll refer back to the 1.7% you talked about. And I think that's the great mystery, Senator

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Blood, is we frankly don't know. We know exactly how many acres have been purchased in Nebraska by friendly foreign purchasers, and that's into the hundreds of thousands of acres. But the point is, we don't know just exactly how many foreign hostile acres or pieces of property have been purchased. And that's why we have to start this process.

BLOOD: But the same reason that we don't know doesn't seem mechanically within the bill to change anything.

HARDIN: Well, thank you for asking about that. Allow me to go into that because I was saving it for AM2519. But I'll go ahead and address that now if that's OK.

BLOOD: I think since this is my time, I will let you do that on your time, but thank you. So my concern with the underlying bills that are on the board is that we, again this year, we have several hot topics that we have multiple bills on. And I always call them boogeyman topics. Doesn't mean that they're not important topics. Doesn't mean it's not legitimate. Offutt Air Force Base is literally my backyard. And so of course I am always concerned about things that pertain to the security of our military bases. But sometimes in our rush to wave that flag, we don't always do a good job when it comes to the mechanisms of the bill. We do know that at least 1.7% of our land is owned by what we call foreign adversaries, but we're willing to sell to people that we do not consider adversaries. But as we know in the world that we live in today, they may not be an adversary today, but they might be 10 years from now. And I don't feel that the bill addresses things like that. I do feel that if it had been such a great concern, which apparently it is, we did have the opportunity for our Governor to do an executive order. We've done it during floods and fires. Surely this is just as important, if in some ways not more important. But now we're trying to do it through legislation that looks like requires multiple amendments to fix it to be right. And I'm not sure even after these amendments, and I will wait for the other one, is going to make it a better bill. So my concern is not that I don't support the cause. I do support the cause. It's that it's just another example of how we rush--

KELLY: One minute.

BLOOD: --to craft legislation based on hot-button topics, and we sometimes are not looking at the unintended consequences, which is, I believe, one of NACO's concerns in the hearing. Thank you, Mr. President.

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KELLY: Thank you, Senator Blood. Senator DeKay, you're recognized to speak.

DeKAY: Thank you, Mr. President. I'd like to address the prior conversation for just a second. I would say that if we have 1.7% of our land owned by what we consider foreign adversaries, I would consider that a problem in our state. And yes, there are bills coming forward that we will be addressing that, where that list of adversaries changes from time to time and that is mandated-- that's not mandated. That is coming down from the federal government. That's not names that we are picking out of the air on this. So there are countries that have been friendly to us in the past that are now on that list, and that is why they're there. There are countries that could be on that list that could be taken off of that list. And that's why we're making the adjustments and being able to control land owned by foreign adversaries now and going forward. And that's what we're trying to address and keep our national and our state security as safe as we possibly can. So I appreciate that. Thank you, Mr. President.

KELLY: Thank you, Senator DeKay. Senator Bostelman, you're recognized to speak.

BOSTELMAN: Thank you, Mr. President. Good morning, Nebraska. I support Senator Hardin's AM2773, the Banking Committee's amendment and the underlying bill, LB1120. This isn't-- I would counter in the sense I don't think this is a new issue. Last year, I believe it was Senator Bostar, we had a Viaero bill where there was Chinese equipment being put on towers and in communication equipment across the state, different areas. Senator Hardin and I have spoken about this for some time about the issues going on that he's wishing to address. I also have a bill coming up that also addresses this issue with foreign adversaries, specifically 15 C.F.R., countries that are-- may have questionable material on that within the state or near certain facilities within the state. This is a serious, serious issue. This is an issue that is not something that's quickly being addressed or quickly looked at. In a sense, it could be. And do we wait until there is an-- a, a significant security event, national security event that happens that we now take action? Or as we know, we have certain adversaries that are actively working within the state that we take the time right now to address that to make sure, as Senator Hardin has, to make sure that we address it now and to make sure that things that are happening within our state are happening within the appropriate context that it needs to be so that we don't have those adversarial nations making ground, getting a foothold, making those attempts within the state to make sure we're aware of it? And just

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make sure that those purchases of land, those other activities that are going on are within the best interests of this state and within this nation. So I don't think this is something that just came up. I think this is something that's-- we've known about now for a couple years, things that we're becoming even more known-- aware of, through Senator Hardin and the events that are happening out in his district, as well as on the eastern side of the state around Offutt Air Force Base and our other military installations. So I do support the amendments and the underlying bill. I think this is an issue we've known about and an issue that we need to take some immediate action on and make sure that national security, state security events are recognized and we have protections put in place. Thank you, Mr. President.

KELLY: Thank you, Senator Bostelman. Seeing no one else in the queue, Senator Hardin, you're recognized to close on AM2773.

HARDIN: Thank you, Mr. President. To respond to Senator Blood's concerns about NACO, in fact, NACO's concerns have actually been addressed; and they are fine with these amendments. Thank you.

KELLY: Thank you, Senator Hardin. Members, the question is the adoption of AM2773. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: AM2773 is adopted. Seeing no one else in the queue, Senator Jacobson, you're recognized to close on the committee amendment and waive. Members, the question is the adoption of AM2519. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on adoption of the committee amendment, Mr. President.

KELLY: AM2519 is adopted. Seeing no one else in the queue, Senator Hardin, you're recognized to close on LB1120.

HARDIN: Thank you, Mr. President. With LB1120, just to speak to some pragmatic pieces here, whenever land identified in 31 C.F.R., that's the federal regs in 802.211, is purchased, the purchaser shall submit an affidavit to the register of deeds stating that the purchaser is not affiliated with a foreign adversary of the United States. This bill ensures that foreign adversaries cannot get into the pockets of an American citizen and get them to purchase land for the adversary. This is the trip wire for third-party or straw man purchases. In

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Section 2 of the earlier amendment, the Tax Commissioner is directed to design a form for the register of deeds to use to help ensure that no one accidentally forgets an affidavit is needed. So we worked with the title companies to make sure that we could make this process smooth. The intent of this is for the real estate transfer statement Form 521 to be amended to add a small section asking if a foreign adversary affidavit needs to be submitted. That's one of the tricky things, is where do you need to do this and where do you not need to do this? So this is another safety check to address concerns of property purchasers and the register of deeds, knowing if an affidavit must be submitted. The amendment also includes an example of the affidavit to be completed by the purchaser. This ensures that the affidavits will be uniform for all purchases. And that is all, Mr. President. Thank you.

KELLY: Thank you, Senator Hardin. Members, the question is the advancement of LB1120 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 38 ayes, 0 nays on adoption, excuse me, on advancement of the bill, Mr. President.

KELLY: LB1120 advances to E&R Initial. Mr. Clerk, next item.

CLERK: Mr. President, General File, LB1004 introduced by Senator Hansen. It's a bill for an act relating to Nebraska rules of the road; changes provisions relating to protective helmets; eliminates obsolete provisions; harmonizes provisions; and repeals the original section. The bill was read for the first time on January 5 of this year and referred to the Transportation and Telecommunications Committee. That committee placed the bill on General File with committee amendments. There are additional amendments, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Hansen, you're recognized to open.

HANSEN: Thank you, Mr. President. LB1004 is a cleanup, cleanup bill that came as a response to the suggestions I received from law enforcement, the Department of Motor Vehicles, and experienced motorcyclists in the riding communities across the state. By working with all interested parties, we were able to come to an agreement that addresses all concerns with current state statute. First, LB1004 brings clarity for law enforcement officers in how they make decisions during a traffic violation stop. How it stands right now, law enforcement has expressed the uncertainty of knowing how to treat

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out-of-state riders. State statute says that an out-of-state rider must take a safety course to be able to ride without a helmet. But upon further conversation, we found that there is no way of tracking this or confirming it if their certification is valid. The statute is simply unenforceable. With LB1004 and the committee amendment, law enforcement is given clear direction based on the driver's license that is presented to them. This bill also specifies the basic motorcycle safety course requirements for operators and passengers. The safety course as provided in the Motorcycle Safety Education Act is split into 2 portions: a 3-hour online course and at least 10 hours of in-person training for education on how to operate a motorcycle. Right now, a motorcyclist must take both portions before qualifying to go without a helmet. This means an individual who has been riding for 30 years must spend 10 hours learning how to ride a bike. This requirement has overwhelmed the safety classes with skilled riders and prevents those who actually need to learn the basics of riding from attending. LB1004 provides a solution and guarantees adequate instructors are available to teach classes for unexperienced riders. So if an individual has received their Class M license prior to May 1, 2024, they will only need to take the 3-hour online portion of the safety course. This online safety course has to deal with more defensive driving, rules of the road, updated laws. And these are some of the things I believe experienced riders would benefit from being updated on, which is where a majority of accidents typically tend to come from, which is distracted drivers. For those who are receiving their M Class license this year, they will be required to take the full course, both the 3-hour E course and the 11-hour in-person portion as well. These are the individuals who would benefit from in-person instruction and the time to become familiar with their bike before riding without a helmet. So basically, after May 1 of this year, anybody who tries to get a motorcycle license must take the full course then. And finally, LB1004 discusses the passenger. I received a lot of feedback on how unrealistic it is to require someone who never intends to operate a motorcycle to get on a bike and take a 14-hour and \$275 course. With the committee amendment, passengers must wear a helmet. Or if they are 21 years old and the operator of the bike has gained all the proper training, they can choose to ride without a helmet. This is one of the provisions that maybe we might have overlooked in the original bill that probably shouldn't have been in there. In January, the motorcycle community showed up for their legislative day and spoke with many of you. It is ABATE's commitment to working with law enforcement and the Nebraska Safety Foundation to make sure all required safeguards are in place through LB1004. And I appreciate their desire to educate the riding communities. LB1004 only

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enhances their safety efforts and eliminates confusion for law enforcement. So with that, I'll ask for your vote for LB1004. Thank you.

KELLY: Thank you, Senator Hansen. As mentioned, there are committee amendments. Senator Moser, you're recognized to open.

MOSER: Thank you, Mr. President. The Transportation and Telecommunications Committee amendment makes the following changes to LB1004. The committee amendment replaces Section 1 of the bill and makes the following changes. It clarifies that individuals issued the Class M operator's license prior to May 1, 2024, can satisfy the safety education requirements by submitting proof of completion of the Motorcycle Safety Foundation 3-hour basic E course. Individuals issued the Class M license on or after May 1, 2024, must provide proof of completion of the basic motorcycle safety course required by the Motorcycle Safety Education Act. Finally, the committee amendment clarifies the passengers on a motorcycle are subject to the helmet requirement unless they are 21 years of age or older and riding with an operator who is not required to wear a helmet. Thank you, Mr. President.

KELLY: Thank you, Senator Moser. Mr. Clerk, for items.

CLERK: Mr. President, Senator Hansen would move to amend the committee amendments with AM2840.

KELLY: Senator Hansen, you're recognized to open on the amendment.

HANSEN: Thank you, Mr. President. This amendment is, is basically just the E clause portion of the bill. It was suggested by the DMV for administrative purposes and also law enforcement to make sure we can enforce the law more appropriately instead of waiting 3 months. It adds an emergency clause to allow LB1004 to go into effect when passed and approved. This bill is needed for state statute to be enforceable, so immediate enactment is necessary. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Moving to the queue, Senator Wayne, you're recognized to speak.

WAYNE: Thank you. I promised Senator Hansen that I would filibuster this bill for 8 hours until we get a worked-upon agreement to allow those riding motorcycles to wear leather bubble wrap. So once we get this amendment down, I will quit my filibuster. Thank you, Mr. President.

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KELLY: Thank you, Senator Wayne. Senator Bostelman, you're recognized to speak.

BOSTELMAN: Thank you, Mr. President. I feel that speaking, I was a no vote coming out of committee. I felt last year the bill, as it came out, was-- needed work. And exactly the things we're amending out this year are things they insisted on to have in the bill last year. Will there be plenty of training opportunities across the state? Now we're finding out there are not. And we're changing some other things within the bill. I just did not feel that the amendment-- that last year the bill came out too quickly. The amendment right now is not needed and shouldn't be. I think the bill, as was passed last year, should stand on its own. I was a no on the bill last year. I'm a no on the amendments and on the bill this year. I just thought I'd get up and give that explanation since I was a no vote. Thank you, Mr. President.

KELLY: Thank you, Senator Bostelman. Senator Erdman, you're recognized to speak.

ERDMAN: Thank you, Mr. President. I listened to Senator Wayne's comment about the leather bubble wrap, and he got that idea from me. So he didn't give me credit for that, but that's OK. So I'm, I'm in favor of what Senator Hansen's trying to do. It's peculiar the way the regulations were written. And I think it's important that we give people a choice. They make a decision. They can decide. We're not restricting them. We don't make them ride without a helmet. That's their choice. And so, Senator Hansen, we have been working-- we, I mean the Legislature, had been working on the helmet repeal for, I would say, more than-- almost 3 decades. I talked to someone last week that said it's been almost 3 decades. So I appreciate that Senator Hansen has carried it this far and we're this close to the finish line. So I would encourage you to vote for Senator Hansen's amendments and LB1004 as well. Thank you.

KELLY: Thank you, Senator Erdman. Seeing no one else in the queue, members, the question is the adoption of AM2840. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 32 ayes, 2 nays, Mr. President, on adoption of the amendment.

KELLY: The amendment is adopted. Members, there's no one else in the queue. Senator Moser, you're recognized to close on the committee amendment and waive. Members, the question is the adoption of AM2551. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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CLERK: 33 ayes, 1 nay on adoption of the committee amendments. Mr. President.

KELLY: AM2551 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Hansen, I have AM2128 with a note you wish to withdraw. In that case, Mr. President, there's nothing further pending on the bill.

KELLY: Senator Hansen, you're recognized, and waive closing on LB1004. Members, the question is advancement of LB1004 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, 3 nays, Mr. President, on advancement of the bill.

KELLY: LB1004 is advanced to E&R Initial. Mr. Clerk.

CLERK: Mr. President, next item, General File, LB262 introduced by the Agriculture Committee. It's a bill for an act relating to the Nebraska Pure Food Act; defines and redefines and eliminates terms; changes permits and fee provisions relating to food establishments, food processing plants and salvage operations; changes permit posting and certain change of address, location and inspection requirements; eliminates water supply requirements; harmonize provisions; repeals the original section; and outright repeals several sections of Chapter 81. The bill was read for the first time on January 10 of last year and referred to the Agriculture Committee. That committee placed the bill on General File with committee amendments. There are additional amendments, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Halloran, you're recognized to open on the bill.

HALLORAN: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. LB262 was brought by the Agriculture Committee at the request of the Department of Agriculture. LB262 makes a series of revisions to the Nebraska Pure Food Act that are described in section-by-section detail in the committee statement. But let me quickly walk through the main points of the bill. First, the bill clarifies permit categories and how permit and annual inspection fees are determined. The bill better reflects the way the department implements permits for food establishments having more than one type of operation or food preparation area. Essentially, an establishment permit is for one primary type of activity in one food preparation area and pays the base annual inspection fee. Additional inspection

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fees are added when additional food handling or food preparation areas are added under the permit. LB262 more clearly spells out how additional food handling and preparation areas are determined. The revisions do not change or increase permit or inspection fees establishments currently pay, but are rewritten to be more understandable and consistently applied. The bill also consolidates some fee categories for simplicity, eliminates unnecessary fee categories, and utilizes new technology to refer to convenience store category. Further, the bill addresses confusion for when a food truck is a mobile food unit or a standalone establishment for a purpose of the permit inspection fee. This bill additionally creates a permit exception for operations already permitted, but selling food within another food establishment, which would allow restaurants to sell food inside a retail food establishment without having to obtain an additional permit. Secondly, the bill adds an additional option of a food safety course necessary to meet the registration requirements for cottage food operators. The revision would allow completion of a course under-- offered by UNL that meets the purposes of the cottage food registration, but is not nationally accredited. The final major component is 2 instances where the Pure, Pure Food Act is revised to adopt Food Code standards, rather than variances we now have. First, the bill would strike the exclusion Food Code Section 5-104.11. This section sets forth alternative safe water sourcing for certain establishments, for which connecting to a public water supply is difficult. This section has been excluded because it conflicts with Statutes 81-2,272.31, which requires permanent water source. Adoption of the Food Code standards would be helpful for food trucks and temporary food establishments. Additionally, the bill would utilize the Food courts-- Code standard pertaining to qualifications of food sanitarian; i.e. inspectors. Nebraska requirements are currently more stringent and require that food inspectors be registered environmental health specialists. Food Code Section 8-402.10 requires that inspectors have training and continuing education as needed to properly identify violations and apply the food safety regulations. The committee amendment makes a revision to this portion of LB262, which I will describe in the committee amendments. I will conclude my opening here and continue with my introduction of the committee amendments.

KELLY: Thank you, Senator Halloran. As mentioned, there are committee amendments. Senator Halloran, you're recognized to open.

HALLORAN: Thank you, Mr. President. The Agriculture Committee makes one clarification in the underlying bill and also adds the provisions of LB263, LB264, LB305, and LB740. LB262 amends the Pure Food Act and

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LB263 amending the Hemp Farming Act are brought at the request of the Department of Agriculture. And LB264 amending the grain laws is brought on behalf of the Public Service Commission. In effect, LB262 will become a committee package of agency-requested bills, plus 2 additional related bills. Again, the committee statement provides a detailed section-by-section description of the amendment, and I would urge you to consult it as we go along. The provisions of LB262 are contained in Section 17-21, 23-29 and 33 of AM719. The only revisions to LB262 is found in Section 33. This section continues to provide that food inspectors need to-- need not be registered, registered environmental health specialist certified, but must still meet the competency standards of Food Code Section 8-402.10. AM719 adds additional language adopting standard 2 of the FDA's recommended National Retail Food Regulatory Program Standards to ensure inspection employees are properly trained prior to beginning an inspection, as well as acquiring a reference to food safety certification within 3 years of hire. There was concern which accounts for opposition to the bill as introduced, that not specifically specifying the FDA recommendation for inspector competency was vague and allowing for a wide range of interpretation. The amendment addresses this opposition. Next, Section 30 through 32, insert the provisions of Senator Vargas' LB740 as advanced to General File with a pending committee amendment. These sections also amend the Pure Food Act to provide for the following: to allow for food truck permitting reciprocity among local jurisdictions, i.e. Douglas, Lancaster and Hall County, and enforce Food Code regulations under contract with the Department of Agriculture; to create a registry of regulations applied by cities and counties to operation of food trucks within their jurisdictions; to assign a duty to the department to develop guidance documents for food establishment permit requirements for mobile food establishments, including those standards that-- relating to permit reciprocity. I have an amendment pending that will strike these provisions from the committee amendment as the LB740 provisions were rolled into LB562, enacted last session. Next, Section 1-12 of AM719 add the provisions of LB263. These sections make a series of amendments to the Hemp Farming Act to be consistent with the USDA's Final Rule setting out requirements of state hemp plans for states that choose to regulate hemp production rather than deferring to federal regulation. The USDA Final Rule was established in January 2021. LB263 is identical to LB889 last session, which was advanced from committee but failed for the lack of time. There are a handful of changes to minimal specifications for state plans contained in the Final Rule that merit some adjustments to the Hemp Farming Act. The revisions will tend to reduce some uncertainties and compliance difficulties for growers and

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marginally reduce implementing costs and burdens for the department. Some of the more prominent clarifications made in the Final Rule reflected in the amendment include the following: The USDA expanded the harvest window for hemp after official sampling is completed from 15 to 30 days. The Final Rule incorporates alternatives for destruction of noncompliant hemp that were not included in the interim rule, but allowed by guidance documents published by USDA for the use in 2021 growing season. The Final Rule allows for mitigation of a noncompliant hemp, if feasible, and allowed on a case-by-case basis by the Department of Agriculture. The mitigation option would require retesting to confirm that the final harvested hemp does not exceed the .3% THC level. The THC threshold at which noncompliant hemp is considered a negligent viol-- violation is increased from .5% to 1%. Please note the negligent threshold does not increase the THC concentration of hemp that may be harvested and marketed. Any hemp above .3% THC will continue to be considered noncompliant and still required to be destroyed and mitigated. The Final Rule gives states greater flexibility to allow risk-based sampling protocols for certain categories of hemp production, such as fiber or seed varieties or certified seed varieties that, that present a lower risk of exceeding the acceptable THC limit. The next portion of the committee amendment adds the provisions of LB264, making revisions to the Nebraska Grain Dealer and Grain Warehouse Act. These are found in Section 13-16 and 34-37. First, these sections address an ambiguity whether the acts apply to persons dealing in or warehousing organic certified, or other types of crops that are often sold through segregated marketing channels. LB264 essentially codifies existing interpretations that these are not exempt. The bill adopts the use of preferred term, quote, warehouse operator, referring to persons oft-- oper-- offering grain warehousing services to be consistent with terminology under the Federal Warehouse Act. LB264 also clarifies an existing exemption to a criminal history check for license applicants who have submitted a criminal history report for a previous application. The revision would be consistent with current practices and legislative intent. The requirement applies to all initial applications for a new license. Finally, the bill would increase the statutory maximum amount of bond or other forms of security maintained by licensees as a condition of licensure; the current maximum, \$300,000 for grain dealers and \$500,000 for grain warehouse licensees. LB264 increases the maximum to \$1 million. The bill would strike a statutory formula for calculating the amount of bond for grain dealers and essentially allow the commission to establish the formula by rule and regulation. This is currently the case under the Grain Warehouse Act. The last edition is a provision of LB305 as advanced to General File with committee

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amendments. These are found at AM719, Sections 38 and 39. LB305 would remove a duty and authority of the Public Service Commission under Statutes 81-541 of the Grain Warehouse Act to set storage rates that may be charged by state-licensed grain warehouses. Currently, the Grain Warehouse Act states that the commission shall annually set reasonable rates. Currently, law also provides that individual warehouses may not deviate from this rate, either higher or lower, without first requesting a hearing before the commission. While the bill would defer to the marketplace to set storage rates and related handling charges, it, it is not absolute deregulation. The bill would require warehouses to be in compliance with notice and transparency provisions, as these are defined in the committee amendment to LB305. A warehouse must post its rates in a conspicu-- conspicuous place on signage provided by a PSC, and such posted rates shall disclose all costs of storing grain, including the storage rates and any related handling charges. Additionally, warehouses must give 30-day advance notice to the commission and its customers--

KELLY: One minute.

HALLORAN: --before any rate change could take effect. AM719 also includes a provision of the committee amendment to LB305 that adds charging storage charges that deviate from those filed with the PSC as a misdemeanor violation under the Grain Warehouse Act. That is a not-so-quick overview of the committee amendment, and I will be happy to go into further details in response to questions or discussions, and thank God for time limits on the floor. Thank you.

KELLY: Thank you, Senator Halloran. Senator Vargas would like to announce some guests in the north balcony, members of the Nebraska chapter of the American Foundation for Suicide Prevention. Please stand and be recognized by your Nebraska Legislature. Senator Halloran would like to announce guests in the south balcony, 63 fourth graders from Watson Elementary in Hastings. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk, for items.

CLERK: Mr. President, series of motions from Senator Hunt, MO420-426, all with notes that she wishes to withdraw.

KELLY: Without objection, they are withdrawn.

CLERK: Mr. President, Senator Halloran would move to amend the committee amendments with AM2020.

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KELLY: Senator, Senator Halloran, you're recognized to open on the amendment.

HALLORAN: Thank you, Mr. President. Do I have a time limit on this one? Nevermind. That's fine. AM2020 removes the portions of the committee amendment that included the provisions of LB740, Senator Vargas' legislation pertaining to food truck regulation under the Pure Food Act that I described in my opening on the committee amendments. As you may recall, the provisions of LB740 that are identical to what is contained in the committee amendment were amended into LB562 enacted last year. This amendment, therefore, simply strikes provisions that have already been enacted and are no longer necessary to include in the committee amendment to LB262. I urge you the adoption of this amendment. Thank you.

KELLY: Thank you, Senator Halloran. Seeing no one else in the queue, you're recognized to close on AM2020 and waive. Members, the question is the adoption of AM2020. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 35 ayes, 1 nay on adoption of the amendment, Mr. President.

KELLY: AM2020 is adopted. Seeing no one else in the queue, Senator Halloran, you're recognized to close on AM719 and waive. Members, the question is the adoption of AM719. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 33 ayes, 1 nay, Mr. President, on adoption of the committee amendment.

KELLY: AM719 is adopted.

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

KELLY: Thank you, Mr. Clerk. Senator Halloran, you're recognized to close on LB262 and waive. Members, the question is the advancement of LB262 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 33 ayes, 1 nay, Mr. President, on advancement of the bill.

KELLY: LB262 advances to E&R Initial. Mr. Clerk.

CLERK: Mr. President, LB1170, introduced by Senator Riepe. Senator Machaela Cavanaugh would move to indefinitely postpone LB1170 pursuant to Rule 6, Section 3(f).

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KELLY: Pursuant to the rules, Senator Riepe, you're recognized to open.

RIEPE: Thank you, Mr. President. Good morning, Senators. I'm opening today on LB1170, a bill that reduces the amount of unemployment benefits payable from 26 weeks to 16 weeks. It was supported in the Business and Labor Committee by the Nebraska Chamber of Commerce, the Lincoln Chamber of Commerce, the Nebraska Grocers, and the Nebraska Chapter of the National Federation of Independent Businesses. LB1170 proposes to reduce the maximum number of weeks for which Nebraskans may receive unemployment benefits from 26 weeks to 16 weeks. Similarly, existing reductions in benefits contingent on the circumstances of an employee's departure from a company would be-- would be adjusted accordingly. For instance, a reduction of 14 weeks for certain circumstances would be reduced to 9, and a reduction of 13 weeks would be reduced to 8. However, the extension of benefits for individuals pursuing skilled-based education would remain unchanged. These policy adjustments, as proposed, are scheduled to take effect at the beginning of the next fiscal year. Around 30% of unemployment claims in Nebraska are filed after the 16-week mark. While it's important to support Nebraskans in finding work that aligns with their experience and provides fair compensation, it's also critical to recognize that at a certain point, individuals may need to accept available work opportunities. These might not line up nicely with what a person has done before or what a person has studied for what or why-- what a person expects to do with the individual's personal time. But how many of us have degrees that we earned and don't fully utilize? How many of us have worked odd or temporary jobs in the swings of our career? And how many of us turned those odd jobs into our careers? According to the New York Federal Reserve Bank, only 27% of Americans work within their field of study. Nebraska employers are currently facing challenges in recruiting employees. Our unemployment rate in Nebraska is 2.3% and the federal rate is 3.7%. According to the Bureau of Labor Statistics, for every one job opening in Nebraska there are 0.4 unemployed people for that opening, meaning that there are 2.5 job openings per unemployed person in Nebraska. Furthermore, there's a growing recognition of the job market of the value of training individuals on the job for new skills, rather than exclusively seeking those who have preexisting qualifications. Therefore, after 4 months, 16 weeks, it is my opinion that it is reasonable to expect that job opportunities should be accessible. Additionally, the recent and anticipated increases in the minimum wage even semi-skilled and low-wage jobs may offer support comparable to or greater than what the state can provide through unemployment benefits.

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Moreover, the proliferation of remote work opportunities means that decent paying jobs may be more accessible than ever before. While unemployment benefits play a vital role in our society, it's essential to be mindful of when they may inadvertently discourage individuals from actively seeking employment. We have to ask ourselves, at what point does it stop becoming a safety net and when does it start become a disincentive to participation-- participating in society? It is important to note that the extended benefits clause would remain in place. In the event of rapid deteriorating economic conditions, the unemployment benefit duration would be increased until the emergency situation has passed. This provision ensures that if Nebraska faces a situation akin to the economic challenges posed by the COVID-19 pandemic, our system can adequately respond to the heightened demand for support. It is also worth mentioning that a 16-week unemployment benefit limit has been adopted by 11 states including Iowa, Kansas, Missouri, and Oklahoma. But other states doing it is rarely itself a reason to adopt a policy. Instead, this is an opportunity for us to look at our economic conditions, the realities of our labor market, and to figure out how to assure that support is available when needed but not to the extent that it limits personal and collective growth. With that, I know we are going to hear plenty of discussion around this topic for which I appreciate and I ask for your support. Thank you, Mr. President.

KELLY: Thank you, Senator Riepe. Senators Conrad and DeKay would like to announce 2 guests, Madalynn Kellum and Stacy Kellum of O'Neill, seated under the north balcony. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to open on your motion.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I rise in opposition to LB1170. I'm going to start with a personal story. I don't know how many of you have ever been on unemployment, but I have and I can tell you that it was awful. It was a terrible experience. I had to apply for jobs no matter what they were every week. I had to fill out forms to show that I was applying for jobs and I wouldn't hear back from the jobs. It was very emotionally discouraging and hard. And it was financially hard because I was living off of unemployment which is not full benefits. I couldn't wait to not be on unemployment any longer. And I was on unemployment far longer than I ever wanted to be. In 2020, I decided to go through the process of applying for unemployment. I knew I was going to be denied, but to apply for unemployment in Nebraska because my previous unemployment was not in Nebraska. But I decided to go through the process because I was hearing from so many people about the process of

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unemployment in Nebraska at the height of the pandemic that I thought I should understand what this is. And it took me a week to make it through the system of applying because the system was so laborious and I have Wi-Fi at my house and a computer. So that's, that's a pretty, pretty hard slog. And the fact that you would have to then go through that process of renewing regularly means that it-- it's an even harder slog for people. And if you don't have a computer or you don't have Wi-Fi, you have to go to the library or if you have a computer or you have a phone, you have to go sit in a parking lot somewhere. And let me just tell you, if you want to apply for unemployment on your phone, best of luck in your future endeavors. You will never get through it. It's almost impossible. So the notion that people on unemployment don't want to work just doesn't sit well with me. Because when I was on employment-- on unemployment, all I wanted to do was work. That's it. That's all I wanted to do was get a job and work. It was so degrading to be on unemployment, I hated it, I hated every minute of it. So unemployed workers, last year, there was less than 1,000, 779 people who exhausted the maximum benefit in 2023 in the fourth quarter. 76.3% of all people who applied for unemployment in 2023 were denied. So we are not fast and loose with our unemployment here in Nebraska. We are pretty restrictive in who-- in who receives unemployment. But I do want to speak to this, this notion that I've heard repeatedly from various colleagues over the years that people who aren't working don't want to be working or maybe they're lazy. There is dignity in work and people who can, want to work. There may be an outlier here and there who wants to game the system, but is it worth it to punish families, single parents, low-income kids' households? Is it worth it to punish them because somebody may be possibly gaming the system? When we talked about tax incentives for the bill, LB1107 in 2020, no one, not a single soul brought up concerns about bad actors in tax incentives, a government giveaway of millions of dollars. No one was concerned about bad actors. Were they actually employing the people they said they were employing? Was the money going to the economic development that we intended it to go to? We didn't require a study. We didn't require a sunset. We didn't care about bad actors. But when it comes to low-income people, these are the arguments I hear time and time again. And it is disconcerting because most of these people are working multiple jobs. In fact, that is why our unemployment is so low, is because people are working and they are working multiple jobs. People are underpaid and over-employed in this state. We have families where the parents, a 2-parent household has 4 jobs because they are making hourly wages. And if they have a sick kid they-- and they stay home from their job, they do not get paid. We are institutionalizing and systematizing poverty, and we

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are punishing people for being in poverty. And at the same time, we are rewarding their employers with tax incentives keeping them in poverty. We fight over nickels and dimes and pennies in this place when it comes to poverty, and we give money away like it's a free-for-all when it comes to the most wealthy with tax cuts, we can't afford middle-income tax cuts because we have to cut taxes for the highest tax bracket. If we are worried about our finances, if we are worried about our budgets, we should look internally. We should reevaluate how we are approaching governance, and we should do better by the most vulnerable people. And the most vulnerable people are people living in poverty, and those people are not lazy. Those people are doing the hard, laborious work every single day. Those people are in our meatpacking plants making food for us to put on our tables. Those people are cleaning this building and office buildings all over the state. Those people are detasseling corn and working in the fields. These are hard-working people. And when they are in the circumstances where they have lost their job for legitimate reasons, we shouldn't be finding ways to penalize them. We should be finding ways to lift them up and help them to make it easier not only to get the next job, but to get the next job that will help them pay for their family to eat, pay for their utilities, pay for their housing. We are institutionalizing poverty. In 2016, the Legislature created an Intergenerational Poverty Task Force that put out a report on how to address intergenerational poverty. It was a bipartisan effort, and I encourage you, colleagues, to look at the report. It's online where our reports are, to read it, to read the recommendations. We can do so much better for the people of Nebraska, so much better for the children of Nebraska. We can build a bigger and brighter future for everyone. But LB1170 is not the way. And I have a great deal of admiration for the introducer. And we oftentimes are on the same side of things. But sometimes, as I said to him one of the very first times I ever met him, Senator Riepe, I am the yin to your yang, and I think today that might be the case. But perhaps I'll persuade you, and perhaps I will persuade some of our colleagues to come along as well. I really, truly do hope that we can find a better path forward on how to address critical workforce issues in Nebraska and poverty in Nebraska. I think we together have an opportunity to do great things. I don't think that LB1170 is the way forward, but I think that it is bringing up a great conversation for us all to have together. How much time do I have left, Mr. President?

KELLY: One minute.

M. CAVANAUGH: Well, thank you, Mr. President. I'm used to-- I'm not used to you telling me my one minutes, but I think today you might be.

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I will yield the remainder of my time and get in the queue. Thank you very much.

KELLY: Thank you, Senator Cavanaugh. Senator Blood, you are recognized to speak.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I stand in support of the motion to indefinitely postpone and against the underlying bill. And I'm going to take some time today and explain why. My only regret is that not even half of the senators are on the floor right now so I hope they're at least watching in their offices because I think I'm going to bring some valid information that you're not going to hear otherwise. So-- excuse me-- this underlying bill is a prime example of how we refuse to assess unintended consequences of state policy responses. So in this case, we had this grandiose idea that if we do this, more people are going to get to work faster and that's going to help lower our unemployment numbers. But guess what? Facts, science, data, I talk about this all the time, shows otherwise. So they talked about the other 11 states. What you may not know is that many of those states going-- lowered it going back to the last recession, and they reduced the duration that individuals could receive their benefits. So there's a lot of studies that were done. So compared to states that did not reduce duration, those states had higher unemployment rates-- higher unemployment rates-- I hope you're listening-- and weaker UI trust fund balances and were more likely to receive federal loans as their UI reserves became depleted. Now I, I want to assure you that Nebraska, we have a high solvency rate. We're really good at things like that. But that doesn't mean that it can't happen. You're going to hear people say, well, this is really tough on the employers, but what you may not know is that employers receive an offset of up to 5.4% of their FUTA tax when they pay state unemployment taxes on time. Therefore, they pay only 0.6% of the first \$7,000 of an employee's wages or \$42 in FUTA tax per qualifying employees. So people are going to say this is a huge burden. It is not a burden. It is a safety net that's been put into process by the federal and state governments working together to protect people who lose their jobs. So then I started looking for a cluster analysis. A cluster analysis is when you utilize multiple sources and there are traditionally, over and over again, 6 points that came up that when you lower the duration, and I've already said it, weaker trust fund balance, lower total taxable resources, federal loans, I talked about that to a greater degree, it creates higher unemployment rates. It lowers union membership rates, which some of you may be happy about but I would not be. And it also makes more homogenous political opinions and behavior. So some of the very people that you think might

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want to support you in the future politically may not give a darn anymore. So you're creating this little circle of people who are becoming apathetic. Oh, gosh, it's almost like we have a whole bunch of apathetic voters right now in the United States. So in Nebraska, we're a little different than some states because we depend heavily on commodities. We need them to do well in Nebraska. So the threat of low unemployment and how it affects us is very different from other states that don't depend on commodities. But low unemployment rates trigger inflation, as we've just recently seen. As workers get harder to find, employers start offering higher wages and inflation will rise. It's the Phillips curve, you heard it talked about a lot over the last year, which also explains why long periods of unemployment are so rare. Now they talked a little bit about the Nebraska Chamber coming in and, by the way, I don't know if I've said this, but the bill came out 5-3.

KELLY: One minute.

BLOOD: So it is a committee priority bill, but it did not have the committee's full support. I think I'll talk more about some of the, the things that were said during the hearing since I'm running out of time. But I really encourage you to not look at this as a panacea to changing our unemployment rate because it does the opposite, and data and facts show that very thing. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise in support of the motion filed by my friend, Senator Cavanaugh, and in opposition to the measure LB1170 on the board. I would like to echo some of the comments that have already been made and then add a few additional thoughts that are guiding kind of my approach to this measure at this point in time. It's widely established, well known that our unemployment system dates back to the 1930s and different states and the federal government came together to ensure a safety net program as our country was, of course, working through the Great Depression and scores of Americans found themselves unemployed due to the volatility of economic conditions during that time. There has been an evolution of this policy since inception and different states approach this differently, as Senator Riepe has laid out in his opening on this measure. But, friends, I contend that this represents a needless evisceration of our state's safety net. And just because other states may be moving in this direction for different reasons, I do not believe the time is right for Nebraska to follow suit and

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here's why. It's, it's widely established that Nebraska has consistently had the top or among the top when it comes to low unemployment, historically low unemployment rates, that our state has enjoyed for a significant period of time. And, friends, make no mistake; that low unemployment exists under the current safety net system in the unemployment program as it stands today. OK? Remember that fact. Additionally, I think that it's important to reiterate a statistic put forward by our Planning Committee that I have talked about a lot this year and will continue to talk about until we can see, hopefully, some reforms to address this shocking statistic. But our state, our beloved Nebraska, is at the top of one of these lists we don't want to be at. And what list I am talking about is the statistic that our state is number one for adults working year-round, yet living in poverty. We have historic low unemployment. We consistently have one of the highest rates of both parents working outside the home, one of the highest rates of women working outside of the home. We are number one for adults working full time, yet living in poverty. We should not needlessly eviscerate our safety net knowing these factors are present. Additionally, we know that there is volatility in unemployment that this safety net responds to. We know there are seasonal components that this safety net responds to and we need to be thoughtful and clear that even under the status quo for most people and generally speaking, the max benefit is really at or below minimum wage. So we're, we're not talking about the kinds of benefits that would incentivize employees to move away from work. This--

KELLY: One minute.

CONRAD: --provides-- thank you, Mr. President-- the current system provides the type of safety net support it was intended to, to provide a hand up, to provide a safety net when a hardworking Nebraskan loses their jobs for no fault of their own. And this ensures that they have a little bit of breathing room for themselves and their family until they can figure out the next step in their employment career. I would also ask my colleagues to think carefully about how this program connects with other safety net programs. And by making dramatic, drastic changes to the unemployment program, what does that mean for-- mean for SNAP eligibility or Medicaid eligibility or childcare subsidies? The list goes on and on and on. And we need to not look at these issues in a vacuum but need to look across committees and across the state budget--

KELLY: That's your time.

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CONRAD: --to ensure that we're not putting more pressure on Nebraska taxpayers. Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. I rise in support of the IPP motion. I voted against this bill coming out of committee for many of the reasons that were stated previously by others. I don't think decreasing the weeks that people could get unemployment benefits is actually going to be beneficial to the state for multiple reasons. And one is that the, the-- it's like you're implying that people who are on unemployment are not seeking out job opportunities. If somebody is on unemployment, they have to apply for jobs weekly. They have to report that they're trying to seek a job. It's not like they're on unemployment and not trying to find work. They have to find work. And sometimes, depending on the profession or the industry, those jobs aren't there. We have a low unemployment rate so it's possible those jobs aren't available. So why are we trying to force people into what I would say into jobs or industries that they probably shouldn't be work-- working in? It would be interesting if we did a poll on individuals who, who believe-- not believe, but individuals who are working in fields of work and we look at whether or not they have, like, college degrees or bachelor's degrees or master's degrees and whether that matches up to what actual job they're actually performing every day. I guarantee you that data and that information would be very interesting. Just because our state has a low unemployment rate does not mean that people are not underemployed. It does not mean that people are not working multiple jobs to survive. And just to say, like, we need to get people back to work or just to imply that people are being lazy and they're gaming the system when they're on unemployment is just not truthful. People are trying to find work. The work is at times maybe not there. It-- it's not about remote work or anything like that either. The work isn't there either. We have a low unemployment work and it's, it's, like-- and it goes back to this whole philosophy we've had as a country: go to school, get a great education, go into debt, but then go get a minimum wage job that you can't pay off that debt. And then let's, as a state of Nebraska, get our Attorney General to sign on to something so you can't get your debt relieved. Where, where are our priorities as a state? Like, this is-- it's, it's just beyond me that we, we scream and say that we care about Nebraskans and, and all these things, but we do everything that works against Nebraskans. But we want people to come here. We want to change our slogan from Nebraska, not for every-- not for everyone, I guess it's for-- I don't know what the slogan is going to be, be now.

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I guess it was the good life and somehow that got changed to not for everyone. But apparently, which--

KELLY: One minute.

McKINNEY: --should have been obvious, I don't know how that made it out of a room that somebody made money to say just say Nebraska is not for everyone and that's a good idea. I don't know how that happened, but they're changing it, so I don't know what's going to happen. Maybe we should say Nebraska is Nebraska. Maybe we should-- that should be our slogan, Nebraska is Nebraska. And maybe that's the simplest way we could say it in so many words. Nebraska is Nebraska. That probably should be our slogan because we do everything to work against ourselves and this is one of them. Nebraska is Nebraska should be-- should be our new state slogan. I just made it up. Thank you, you don't have to pay nobody.

KELLY: Thank you, Senator McKinney. And Senator McKinney would like to announce some guests in the north balcony, 19 fourth graders from Holy Name School in Omaha. Please stand and be recognized by your Nebraska Legislature. Senator Hughes, you're recognized to speak.

HUGHES: Thank you, Mr. President. Today, I rise in support of LB1170 and against the IPP motion. I believe that 4 months of unemployment benefits, benefits are sufficient. We currently offer displaced Nebraska workers with 6 months of unemployment benefits. That made sense during the upheaval of the pandemic and in hard economic times, like back in 2008. But it is counterproductive when our state unemployment rate is at 2.3%. I don't know if you've been aware, but for nearly 4 decades, we've been warned about the coming silver tsunami, whereby large numbers of our workforce compromising of the baby boom generation would be retiring. That generation's impact on the workforce is significant and real. The retirements began before the pandemic, which in many ways accelerated the trend. Throwing money at this problem is not going to change the outcome. It is not going to change the fact that we cannot simply snap our fingers and create more employees to fill all the jobs that we have. Barring some miracle where Congress passes a meaningful immigration reform, we aren't going to see this change. I would not hold my breath on Congress. They can't pass the ketchup at a picnic right now. To me, LB1170 is a commonsense approach to dealing with reality. Keeping unemployment benefits at 6 months only serves to make our workforce issues unnecessarily worse. I know opponents of LB1170 have or will mention that forcing people back to work before they find a good fit is not to Nebraskans out there that are looking for well-meaning or well-paying, meaningful work. I

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suggest they come to District 24 where we have plenty of unfilled jobs that fit those criteria. Let's be part of the solution instead of being part of the problem. Green vote LB1170 and let's connect workers with jobs and help out all the small businesses, farms, manufacturers, and others that are looking for help. And I'd like to yield my time to Senator Wayne, who apparently has a rela-- oh, the relative left. Oh, I'm sorry. Senator Wayne can say a shout out to his "cuz."

KELLY: Thank you, Senator Hughes. OK, Senator Lippincott, you're recognized to speak.

LIPPINCOTT: Thank you, sir. I'd like to ask Senator Riepe a question, he being in the medical field for a very long time. People who are off work for a certain amount of time, how apt are they to go back to work? Does it hamper their-- the chances of them finding employment again in the-- in the future?

KELLY: Senator Riepe, would you yield to a question?

RIEPE: Yes, I will. Thank you, Senator Lippincott. My response is when an, an absence becomes long term, 4 weeks or longer, the chances of an employee's return to work diminishes rapidly. 1 in 5 will not return to work after just 4 weeks of absence. This is all well documented. And after being off work for 6 months, only 1 in 5, that's 20%, return to work. And that another factual piece is that in 78% of cases and patients main-- the main problem was not, I repeat, not one of medical care. So thank you, again, Senator Lippincott.

LIPPINCOTT: Yes, sir. Thank you. I heard a long time ago-- a, a preacher one time, he says all of us have 3 basic needs: a sense of belonging, a sense of worth, and a sense of competency. And that can be true whether you're in school, whether you're in a legislative body, whether you're working in a place of employment. So employment is obviously very important in terms of one's purpose. In fact, I think Senator Riepe was telling me earlier about a thing called the Ten Commandments, and one of them says to rest 1 day a week, but to work 6 days a week. So it does certainly have its purpose and meaning in our lives and it really helps us along with the economy and commerce all around us. So, obviously, when people are off work we want to encourage them and help them get back to work just as quickly as possible because it helps not only them, but everyone around them. Thank you, sir.

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

J. CAVANAUGH: Thank you, Mr. President. Well, you know, I'm not sure where I'm at on the IPP. I would-- been reading the bill. I talked to Senator Riepe a little bit. I've got some thoughts about it, but I just-- I, I wanted to comment on Senator Riepe's introduction where he said 30% of people don't use the benefits after the 16 weeks-- or 30% of people do use a benefit, sorry, so that means 70% of people would still be covered under this. But-- so, I guess-- I mean, my initial reaction to that is so what are we trying to do here? The people who are-- most everybody gets back to work and I will comment on the study, I guess, that Senator Riepe was referencing there. But most people, 70% of people under 16 weeks get the, the support they need to get back into the workforce and, and be productive which is, I think, what we're striving for when we have this sort of program that is bridging the gap between types of employment and, and, and ideally getting people, you know, so they don't lose their house, they don't lose their-- you know, don't starve, don't become destitute in between jobs and allow them to look for another job, find a job, and get back to work. So 70% of people, by Senator Riepe's opening, get back to work within 16 weeks. But that means that there are people, a smaller subset of people, who are in some sort of extreme situation where they're going to need a little bit longer, a little bit more help. And maybe they do at that point, they're starting to look in other fields that are not their field. And so I'm not sure why we need a bill to say we shouldn't be looking out for the people in those most extreme situations. I hear what folks are saying about-- we have 2.3% is the Nebraska unemployment, and the national unemployment is 3% right now. And, of course, like all things, I would caution folks from making policy changes that are going to go into effect in perpetuity that are based off of perhaps a, a pretty rosy economic conditions that we are currently experiencing. And, of course, Senator Conrad correctly points out that, maybe, our low unemployment rate, we have folks who are overemployed, working 2 jobs to make ends meet, some folks, 3 jobs to make ends meet. And so I don't see how this bill addresses those issues. I don't see how it actually helps us build a workforce. I do see how it is forcing, maybe, a square peg into a round hole in getting somebody to take a job that is-- pays less and is not in their field. And I'm not sure why we want to incentivize that. We have all of these programs we're all talking about that are, maybe, long-term projects that are difficult to really grasp on to, that are to encourage people to get skill-based training. We have apprenticeship programs. We have programs for people to get their student loans reimbursed. We have people encouraging people for workforce retention. We have all of these other programs to try to make sure that we have the right folks doing the right jobs and incentivizing people to get

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into these positions. And those are-- it is difficult work, it is slow work, but it is the right approach to finding people to do the jobs that we need. Forcing people to take lower-paying jobs that are not in their skill set doesn't make a lot of sense. I do see why the Chamber of Commerce and the Lincoln Chamber of Commerce and other business entities are interested in this because, as Senator Blood correctly pointed out, by forcing people to take lower-paying jobs, you create a downward--

KELLY: One minute.

J. CAVANAUGH: --pressure-- thank you, Mr. President-- on wages. And if your goal is to get people forced into taking low-wage jobs, this is helpful for that. It is not helpful to the, the working people who are trying to find a job that's going to lift them up. And, of course, a lot of people here do not want to expand other benefits either. But when we force people to take lower-wage jobs, those are the people who are working full time, maybe 1 or 2 jobs and still getting things like food stamps or other assistance. So if you want to encourage people to get a job that they're going to be able to get off of other state benefit programs, this is not the bill to do that. So I've got other comments I would like to make about it but, I guess, I'm going to run out of time so I'll push my light again. Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. I would like to address this bill but, first, I was remiss in my earlier times on the mic in making a special announcement: today, it is our colleague Carol Blood's birthday. So happy birthday to Carol. And we wish you many happy returns. Now to the bill. So the thing that's sort of puzzling to me about this bill is the movement from-- down to 16 weeks. A number of you know that I have been through a number of different kinds of professions. And one of those that I was involved with was-- well, I went to seminary and so a lot of my friends are pastors. And those of you who know what the pastoral call process is like will know that if you are going through that process, 16 weeks is not a very long period of time for that. So there are a number of different professions in our society in which the process of moving from one job to another is extensive. There are a number of very specialized types of high-income, high-wage jobs, ones that we would really like to cultivate in Nebraska and ones that we would really like to have those workers here in Nebraska. But those specialized jobs-- see, there's a thing called cyclical unemployment, which says that when you're going

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from one job to the next, you got to have a little bit of unemployment because you got to have time for one job to open up, for somebody to see it, respond to it, apply to it, and go there. So in these high-wage, high-income jobs, these very specialized jobs, there has to be a little bit of movement, a little bit of room for them to find these jobs. And it's not like the day that you quit one job or separate from one job in one of these very specialized fields that you're going to immediately the next day find that job again. Now you might find some job, but what we really want in Nebraska are people working these high-income, high-wage, highly specialized, highly trained positions. Those are the kinds of jobs that I've seen before. Those are the kinds of jobs that I've been involved with. And they take a little while to move between those positions. Those kinds of things, we want to be able to have some support for those folks, especially if they're early on in that part of their career where they're trying to get into those high-wage jobs, where they're trying to get into those difficult positions to fill. So I agree with Senator Lippincott when he says that work is a thing that gives us purpose. I do. I think it gives us purpose. I don't think there are people sitting around saying I'm going to game the system for the few weeks that I can between the two. It's just not worth it. What is worth it is finding that right next job that you're going to be able to be in for a long period of time and not taking something short because we'll end up with the same situation. If you end up out of a job in a year because you took the wrong job, and then we're providing unemployment at the end of that period of time or 2 years or whatever it is, and you keep going through this cycle, that is not helpful for our economy. What we want to do is we want to get people into their forever jobs. We want to get people into jobs that they're going to stay in for 5, 10, 20 years. And the way to do that is to make sure that we're allowing them the space--

KELLY: One minute.

DeBOER: --to find the right job, allowing them the space to say, we know you have a very specific set of skills-- a very specific set of skills and you're trying to match up with that one. There's a family member of mine that this recently happened to. He has a very specific set of skills, and there aren't very many jobs like that. He's trying to advance in his career. It's going to take him a little time to get the right job. These kinds of things happen and I hope that we would not move backwards in saying we just want you to take any old job and cyclic-- cyclically go through this process over and over and over again throughout your career. That's not good for our economy. We want

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to get people in these long-term jobs. We want them to have the runway to get to the right position. Thank you, Mr. President.

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

FREDRICKSON: Thank you, Mr. President. Good still morning, colleagues and Nebraskans. I rise today, I don't know what I'm going to do on the IPP motion. I will very likely support that. I have a lot of concerns about LB1170 and, you know, I-- so I, I, I-- I've been listening to the debate and I'm thinking more and more about this and I've been, obviously, reading some of the online comments and, and other feedback that we've received from stakeholders and I, I think that I do have concern about making this level of a drastic-- this drastic of a cut, I should say to, to one of our, I think, primary safety nets. And I think one thing I want to really reiterate is that the necessity of having the availability of unemployment benefits is really, I think, difficult to understand unless you yourself have experienced something like that. And I want us to think about the ways that-- and I had mentioned this a couple of times last year, how one of the I think our biggest challenge is in this room is that we have to make policy for the entire state. So, oftentimes, we can be experts in our own districts or our own areas. But what we do in here impacts all of Nebraska. And there are areas of our state where 1 or 2 large companies or organizations are the primary employers of entire communities, for example. And the question becomes, what happens if an employer like this leaves the state or what happens if one of these companies shuts down? You have a situation where you have the potential for an entire community to be in a pretty significant economic crisis. I also want to turn our attention to we, we have some very stringent requirements to obtain and maintain unemployment benefits. If you go to our Department of Labor's website, they highlight all that is required if-- for someone to receive these benefits. So, you know, you have to have a resume actively online posted for a job. There's a question. If I received a notice report for reemployment services, do I have to go? If you receive a notice that you have been selected for reemployment service program, you are required to take part in this program in order to remain eligible for unemployment insurance benefits. So, you know, it's not like someone can sign up for this benefit and then just keep receiving this. There, there are active requirements that they have to be adhering to. How many reemployment activities are required each week? How many reemployment is required each week, right, and what activities qualify? Five reemployment activities must be completed per benefit week in order to remain eligible for unemployment benefits, and 2 of

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those activities must be applications for suitable work. So every single week, if you're going to continue to receive an unemployment benefit, you have to have at least 2 applications for suitable and eligible work and a total of 5 reemployment activities need to be completed. If you do not meet those qualifications, you are not going to continue to receive the benefit. How can I record the required reemployment activities? You must record your reemployment activities before submitting your weekly claim each week. So if you are not documenting and showing that you are conducting all of these things, you are not receiving this benefit. And so I wanted to highlight a little bit about how unemployment in our state actually works, because there are very stringent requirements around this. And one thing that I think we can all agree on is Nebraskans are very hard workers. We have an incredible work ethic in this state. The culture around work is very, very, very strong. You ask any employer that employs folks nationally or in other states, you will consistently hear that they love Nebraska because of how hard people work here.

KELLY: One minute.

FREDRICKSON: And so, you know-- thank you, Mr. President-- the, the implication that I think a very important safety net that is utilized in times of crisis, in times of unexpected occurrences should be slashed to me feels like it borders a bit on being a bit cynical about, about our, our workforce, about our workers. And I, I truly hope that no one in here is ever in the situation where you yourself have to experience the need for this entitlement, because this is something that really does keep people on their feet. As I highlighted earlier, active search for employment is required for this, so I have grave concerns about cutting this benefit. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I was going to ask if Senator Riepe would yield to some questions?

KELLY: Senator Riepe, would you yield to some questions?

RIEPE: Yes, I will.

M. CAVANAUGH: Thank you, Senator Riepe. I was reading over the bill and I'm just trying to understand what some of the numbers mean. So do you have a copy of the bill?

RIEPE: I don't have it right in front of me.

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M. CAVANAUGH: OK. Well, I'll, I'll start reading them and then maybe you can give me--

RIEPE: OK.

M. CAVANAUGH: --some insights. So on page 2 of the bill on lines 24 to 31, page 2 is mostly stricken so it's the current statute. And one of the things you strike is: Two times his or her weekly benefit amount if he or she left work voluntarily for a sole purpose of accepting previously secured, permanent, full-time, insured work. But then-- so I'm trying to figure out what the difference of the benefits are, essentially. You got the-- you-- are you lowering the amounts of, of the benefit that is paid out? Because on page 4, line 24, it looks like "reduced by 8 times." And I, I honestly don't understand what it means. I was just trying to understand a little bit what those different numbers-- what's stricken versus what's put in mean.

RIEPE: I, I would-- I'm simply-- I do have it in my hand now and I'm looking at it and it says: the total benefits shall be reduced by 8 times the weekly benefit amount. And then it goes on in line 29, it says: the-- if the, the benefit then in that situation can be reduced by 9 times his or her weekly benefit amount. It's, I think, in correlation with the reduction from the 26 weeks down to the 16 weeks.

M. CAVANAUGH: OK. So it's not reducing the benefit amount that they receive, it's reducing the time period. Yes. I'm getting a head nod from off to the side.

RIEPE: I would have to get back to you on-- specifically on that so I don't give you misinformation.

M. CAVANAUGH: OK.

RIEPE: OK.

M. CAVANAUGH: Well, I'm sure we'll be discussing this after lunch as well.

RIEPE: OK. I will-- over lunch I will figure that out.

M. CAVANAUGH: OK. Yeah, I'm just trying to understand-- sometimes the language in these is confusing as to what it actually means and contrary to popular belief I am one of the Cavanaughs that is not an attorney so sometimes I'm just trying to catch up here. I appreciate you yielding to my question. Thank you very much. I probably should have-- actually, after lunch I'll be, probably, just digging in on the

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fiscal note and we can have a fun conversation about that as fun as that might be for you. OK. Well, I think we are about to break for lunch and so if I'm the last one to speak, yeah, OK, then I will yield my time to the Chair so we can hear our announcements before lunch. Thank you very much, Mr. President.

KELLY: Thank you, Senators Cavanaugh and Riepe. Mr. Clerk.

CLERK: Mr. President, some items, your Committee on Education, chaired by Senator Murman, reports LB1377 to General File with committee amendments. Additionally, your Committee on Banking, chaired by Senator Slama, reports LB990, LB1290-- excuse me, LB990 and LB1290 to General File, both having committee amendments. Additionally, your Committee on Urban Affairs, chaired by Senator McKinney, reports LB842 and LB1190 to General File, both having committee amendments. New LR from Senator Aguilar, LR316. That will be laid over. Notice that the Appropriations Committee will be holding an Executive Session in Room 1113 today at 12:30; Appropriations, Exec Session, Room 1113, today at 12:30. And, finally, Mr. President, a priority motion, Senator Hughes would move to recess the body until 1:30 p.m.

KELLY: Members, you've heard the motion to recess. All those in favor say aye. Those opposed say nay. We are in recess.

[RECESS]

KELLY: Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

KELLY: Thank you. Do you have any items for the record?

CLERK: I do, Mr. President. Communication from the Governor: Engrossed legislative bills were signed-- communication from the Governor about bills that were signed and delivered to the Secretary of State. LB16, LB16A, LB51, LB83, LB102, LB102A, LB147, LB152, LB184, LB190, LB303, LB317, LB731 were received in my office on February 29, 2024, and signed on March 5, 2024. These bills were signed and delivered to the Secretary of State on March 5, 2024. Signed, Sincerely, Jim Pillen, Governor. Mr. President, your Committee on Natural Resources, chaired by Senator Bostelman, reports LB16-- LB1369 to General File with committee amendments. Additionally, Senator Wayne offers AM2754 to LB175 to be printed in the Journal. That's all that I have this morning, Mr. President-- or this afternoon, Mr. President.

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KELLY: Thank you, Mr. Clerk. Please proceed to the first item on the afternoon agenda.

CLERK: Mr. President, LB1170. When the Legislature left the bill this morning, pending was a motion from Senator Machaela Cavanaugh to indefinitely postpone pursuant to Rule 6, Section 3(f).

KELLY: Returning to the queue, Senator Erdman, you are recognized to speak.

ERDMAN: Question.

KELLY: The question has been called. Do I see 5 hands? I do. The question is, shall debate cease? All those in favor, vote aye. There's been a request for a roll call vote. Mr. Clerk. Been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 28 ayes, 4 nays to place the house under call, Mr. President.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call.

CLERK: Where's Aguilar going?

KELLY: All unexcused members are present. Members, the question is shall debate cease? All those in-- and there's been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Blood voting no. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting no. Senator Day. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting no.

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Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe voting yes. Senator Sanders. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz not voting. Senator Wayne voting no. Senator Wishart. Vote is 29 ayes, 10 nays, Mr. President, to cease debate.

KELLY: Debate does cease. Senator Cavanaugh, you're recognized to close.

M. CAVANAUGH: Thank you, Mr. President. Well, I have all the motions filed on this, so I appreciate when the question is called because it's less time for me. But we did only discuss this for an hour, and there are people in the queue-- ahead of me in the queue that have not yet spoken on this. So this concept of calling the question so quickly is kind of strange to me. Like, you know, we're going to be here for the time that we're going to be here. If you want to call the question, I mean, that is, of course, your prerogative. But you could just go in the lounge and, you know, sip your coffee and do Sudoku or whatever brings you to a place of Zen; or you can keep calling the question. It just is actually more work for the Chair and the, the Clerk than it is for me. So I appreciate anytime that I don't have to talk, because I'm a little out of practice at doing this. It's been a-- it's been a-- almost 9 months since I last filibustered. It's like I'm addicted to filibustering. I'm not addicted to filibustering. But I do, I do stand in opposition to LB1170, and I am going to maintain my opposition to LB1170. I would entertain changes to it, but I am not sure what changes would bring me on board, which is why I haven't brought anything to Senator Riepe. Because I would not want to say, if you do this, I'll stop, because I just kind of oppose the concept here. But, I hope ever-- maybe you all wanted to cease debate because you're all going to vote for the motion. That, that must have been it. Like, well, we're going to just indefinitely postpone the bill, so we'll just cease debate so we can get right to it. All right. Well, let's do a roll call vote again, since we're all here. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. The question is the motion to indefinitely postpone. All those in favor vote aye; all those opposed vote nay. There was a request for a roll call vote.

CLERK: Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz. Senator Ballard voting no. Senator Blood voting yes. Senator Bosn voting no. Senator Bostar. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting

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no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting yes. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson voting yes. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt. Senator Ibach. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould. Senator Riepe voting no. Senator Sanders. Senator Slama voting no. Senator Vargas voting yes. Senator von Gillern voting no. Senator Walz not voting. Senator Wayne voting yes. Senator Wishart. Vote is 9 ayes, 10 nays, Mr. President, on the-- 30. Excuse me. 9 ayes, 30 nays on adoption of the motion, Mr. President.

KELLY: The motion fails. I raise the call. Mr. Clerk, next item.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote just taken on MO1222.

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

M. CAVANAUGH: Thank you, Mr. President. Don't worry. If you voted red this last time, this is your chance to change your mind. And when somebody calls the question on this round, then we can go to a vote again on motion 1222 and end debate on this bill, possibly. I did notice as I was standing up here and the motion was called, and now it's motion-- the motion to reconsider is 1232. That number is the number of motions that have been filed with the Clerk's Office since last year. So I don't know how many of those have been mine, but I think I owe the Clerk's Office like, lunch for a month or maybe something stronger. OK. So Nebraska unemployment insurance fact sheet. This is from the Sentry Foundation. I got to turn-- light on. OK. So data as of July 2022, the maximum weekly benefit amount. In Nebraska, it was \$490. The replacement rate was 42.5%. The total annual benefits paid per person were \$4,347. So-- and then in 2021, the denial rate was 66.5%. Appeals processing time was 13 days, reciprocity rate over 12 months was 15%. Time for first payment-- that got cut off. Let's see here. Time to settle dispute claims, it says 87.1%. I'm not sure what that means. Oh, time to settle-- there's a little key at the bottom here. Sorry. Well, I have 10 minutes, so you probably don't care. Percent of non-monetary issues resolved within 21 days. Oh, OK. Average high costs multiple, which, what does that mean? Years of

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recession level benefits saved, 1.55 years. Well, that's good. So the weekly benefit amount \$490. And the replacement-- the total benefits paid per person, \$4,347. I would be interested, because this is as of 2022, if that takes into account COVID-- if the number is even higher because of COVID. Oh, you can just hand that to me. Sorry. I had to get my new purple Rules Book. Break that in everybody. We got new rules. Purple or violet, perhaps? This-- we're in Lent, for those of you that observe. And this color just seems like-- I think this is the color of Lent, or maybe that's advent. I might be getting my religious holidays-- Lent? I'm, I'm phoning a minister. "Minister" Senator DeBoer says yes. Purple, Lent. So, there we go. OK. So before we took a lunch break, I said I wanted to dig in on the fiscal note. So the fiscal note will-- according to the fiscal note, it says, see below. So LB1170 changes provisions related to employment security law by reducing the maximum amount of unemployment benefits a person is eligible from 26 weeks to 16 weeks. The bill has an operative date of January 1, 2025, next year. The Department of Labor estimates reductions in payments from State Unemployment Insurance Trust Fund. This estimate is based on the number of individuals receiving such payments for more than 16 weeks of unemployment in 2022. There is no basis to disagree with this estimate. So when it says other funds, the expenditure-- the-- or the less amount of money that the state would be paying in 2025 is \$11,705,000. And then in the next fiscal year, \$23,411,000. Now that sounds great, doesn't it? Save that money. That is not taxpayer money. That is the Unemployment Insurance Fund money. That is money that is paid into by employers in this state. So if the thought process with this bill or with people voting for this bill is, hey, that's \$34 million there that we could take and put in the property tax relief fund. Now, what I would say to you if I were an employer, is whoa, whoa, whoa, whoa, whoa. That's money I've been paying on behalf of my employees into the Unemployment Insurance Fund, knowing that that fund would be utilized for unemployment insurance and not property tax relief. So, once again, we are seeing an example of swooping cash funds, no matter what they are, and moving them towards property tax relief. And I 100% agree that property tax is not indicative of an ability to pay taxes. It is not a fair tax. But that doesn't make it OK to just take money from other places without any consideration for what that money is supposed to be used for. Whether it's the Universal Service Fund, whether it is the property tax relief fund-- or, or not the property tax relief fund, the Unemployment Insurance Fund, it doesn't-- we have to take into consideration what these funds are for. And trust me, when we get to another bill where I have an amendment to move around money in funds, I get the irony of my statement. I do. But it's either that or make the government operate

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effectively, and put things into their budget that they should be funding through their budget. So, so all of this is to say that LB1107 [SIC], yes, it will decrease the amount of benefits people-- or the term, term of benefits people are able to receive while unemployed. But the underlying issue, in addition to that, is that we are taking money or will be taking money out of the Unemployment Insurance Fund, not giving it back to the employers who paid into it in the first place, but instead, putting it towards property tax relief, which I would think if I were an employer in this state, I would take quite umbrage with that and be contacting my senator, saying that money needs to come back to the employers who paid into the fund. Now, an actual way to pay, pay it back to the employers is not to reimburse the employer-- employers, but to, in effect, lower the amount required to pay in. And that, that amount does fluctuate over time. And the Department of Labor adjusts how much an employer has to pay in, over time, depending on the health and financial stability of the fund and the utilization of the fund. So it does change and it does fluctuate. And taking this money and not giving it back in one way or another to the business owners, the employers, well, it just seems wrong. It just seems wrong. OK. So the Department of Administrative Services identifies--

KELLY: One minute.

M. CAVANAUGH: --thank you-- identifies that the provisions of LB1170 will likely result in lower unemployment benefits being paid out. DAS is unable to estimate the total dollar amount. However, an estimate of percentage fund type is identified as general fund, 53%, cash fund, 23%, federal fund, 19%, revolving fund, 5%. This I have questions about, because the total dollar amount-- an estimated-- because up above, it doesn't seem to say that. But I am almost out of time and I only got through the first page of the fiscal note, so I will have to come back for the DAS fiscal note and the Department of Labor fiscal note, which-- yeah. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Aguilar has some guests in the north balcony from the University of Nebraska-Omaha and Kearney, athletic training students from the Nebraska Athletic Trainers' Association. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk, for items.

CLERK: Mr. President, the Judiciary Committee will be meeting in room 2102 at 2:00 for an Executive Session. Judiciary now, in room 2102 for an Executive Session. I have nothing further at this time, Mr. President.

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KELLY: Thank you, Mr. Clerk. Returning to the queue. Senator McDonnell, you're recognized to speak.

McDONNELL: Thank you, Mr. President. Good afternoon, colleagues. I currently am opposed to LB1170, M01222. Oh, I'm actually in favor of M01222 and M01232. Now, I, I want to talk to-- ask Senator Riepe a question. Senator Riepe, would you yield?

KELLY: Senator Riepe, would you yield to a question?

RIEPE: Yes, I will.

McDONNELL: Senator, Senator Riepe, would you tell me how you came up with the 16 weeks? And I, And I apologize. I missed your opening. I was in another meeting. But, yeah. If you, if you mentioned it, can you please tell me, again?

RIEPE: Yes. I'm, I'm sorry you missed the opening. It was really good. The way that we came up with the 16 is we were looking across the marketplace. And Iowa and Kansas and other states are doing that. We need to be competitive from an employer and a recruitment standpoint. And so, it wasn't some Alfred E. Neuman kind of survey. That's where we came up with it.

McDONNELL: OK. I appreciate that. Thank you.

RIEPE: Thank you.

McDONNELL: So talking about the number of weeks and, and looking around the country-- and I'll have a handout shortly, on that. And speaking with, with Senator Riepe off the mic, trying to possibly find some areas to, to compromise, I'd brought up that a few years ago, my priority bill was authorized workers in the state of Nebraska. And this came up during the pandemic, where-- an example, where I, I-- Mike was working for his employer. Because of the pandemic, they have to lay me off. I'm authorized to be here. I'm paying taxes. My employer is paying into unemployment insurance. And at that point, he says, hey, I, I unfortunately got to lay you off. So Mike, go down and collect unemployment insurance. So I go down to collect, and they tell me, yes, you're right, your employer has been paying. You've been paying taxes. You're, you're authorized to be here. You're, you're legally working here in this country. But no, we're not going to pay you. And the reason is because we're not like 49 other states in the country. We haven't harmonized with the federal government, the language. So at that point, people start calling, of course. I think some of you that were here probably got some of these phone calls,

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saying, we don't understand. We've done everything right. The other 49 states have done this, and we would like to get unemployment insurance, and that's where our employer told us to go. So we started having the discussion. So one of a couple of things are, are going on here. We just didn't know, as a state, we had made a mistake. Because, of course, we're taking that dollar. Those employers are paying that unemployment insurance, or we're running a scam because we have no intention of paying those people that are authorized, that are paying taxes, that are working here. And we know we're taking their dollar from their employer, but we're never going to go ahead and, and let them have the benefit that their employer paid for. That's just unfair. That's not right. And 49 other states have found a way to handle this and harmonize with the federal government, and that's not going on in their states. So what I want to talk with, with Senator Riepe about is, is the idea of the number of weeks. I'm not agreeing to, to 16 weeks. But also, I just wanted some of that history of, of how we got there. But also, I want to talk about legislation and including in, in this bill as an amendment, for those people that are, are authorized, they're working, they're paying taxes and their employers paying unemployment insurance, and they're not able to collect like 49 other states. Thank you, Mr. President.

KELLY: Thank you, Senator McDonnell. Senator Blood, you're recognized to speak.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I stand in support of the reconsideration and the IPP motion. I have sat here during the whole debate, which clearly by the Chambers, not everyone has. And I'm really disappointed that people are not listening to the data and the facts that are being put in-- put out. We have become a body where we think if we say something enough, even when the information is wrong, that it becomes fact. And that is not the case. Senator Cavanaugh brought up the fact that the reason we're doing this is because we have money in reserve. We have \$511 million in this fund and \$77 million in reserve. This is one of 31 state funds our Governor wants to tap to help pay for property tax reductions this year-- \$60 million from this reserve. So for those of us that pay high property taxes, we could say, this is great. But I want to remind all of you, and I'm not going to talk very long about this because this is not the issue, if our state would get up off their butts and put together a strategic plan and a budget to match that strategic plan instead of constantly, every year, telling you they're going to give you property tax relief and your property taxes go up every year anyway, we would not be stealing from Peter to pay Paul. It's embarrassing that we are willing to support this bill, knowing that it will not change our

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unemployment rate. Knowing, as Senator Riepe said, that it's going to help our brain drain, because, you know, it may not be the right job, but it's a job. But Senator Riepe said to me just several weeks ago that people-- young people are leaving the state because they're finding more suitable jobs with better benefits outside of the state. So I'm a little confused by what he said today and what he said to me in person several weeks ago. Senator Hughes talked about the senior tsunami, which we've been talking about for decades in Nebraska, and we did nothing about it until it became a crisis. And then we became an ATM, giving money to every cause we possibly can that we thought would help build our workforce. So shame on us. That was before my time, so I don't take credit for that mistake. But we're talking about things where there's no correlation on the mic today, because you're being handed things to read off that are not facts, that are not data. I talked about the cluster analysis, and it showed you that there are weaker trust fund balances, lower tax-- total taxable resources, federal loans to a greater degree, higher unemployment rates, lower union membership rates, and more homogenous opinions in the political arena. We know that you can promote this any way you want to. It ain't doing nothing. And you should be embarrassed if you pass this bill. I don't care what other states are doing it. They're not getting any kind of results from it. I haven't participated in the discussion that pertains to who actually uses unemployment, because I want to talk about how come the bill doesn't work. It doesn't work because data shows it won't work. So there's only 2 reasons we would pass this bill. One, so the Governor can steal money from our employers, or 2, because we refuse to look at the facts that say that if we pass a bill like this, that our unemployment rates will go down. It ain't happening. Come back to me even when I'm not in this body in 10 years and prove my point, that--

KELLY: One minute.

BLOOD: --I'm wrong. Did you say one minute, Mr. President?

KELLY: Yes. One minute.

BLOOD: Thank you, Mr. President. We know that if we want to keep people in our state and prevent brain drain, then we ought to be looking at paid maternity leave. We ought to be looking at no-fault firings. Right now, I can fire you if I don't like your red beard, Senator John Cavanaugh. And I don't have to justify it, because that's how Nebraska works. Yee-haw. We can do better. If you vote for this, it shows that you didn't do your research. It shows that you want this money taken away from our employers to try and, and save property

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taxes. But, hey, it's a Band-Aid. If you want to save property taxes, sit down, do a strategic plan, and plan your budget for the first time in recent memory. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I'm glad I get to come up next. I get to rebut Senator Blood's maligning of my beard. Although I'm told it's not as red as it used to be, so maybe I'm getting out of the area of somebody wanting to fire me. But aside from that, I would just encourage everybody to listen to what Senator Blood is saying. I, I missed, maybe, the earlier comment about the Governor trying to take this money. And so I, I-- you know, I'd encourage people-- sometimes you got to repeat yourself because even those of us who are listening maybe don't catch something the first time, but Senator Blood was making a lot of sense there. So I'd certainly encourage everybody to tune in and pay attention. And I have other things to say, but I did pass out something that I know a lot of folks have been waiting with bated breath to find out why I handed it out. So when Senator McKinney was talking, he mentioned, you know, the state tourism motto is, "Nebraska, it's not for everybody," and that maybe we should just go to "Nebraska is Nebraska." And it reminded me of when I had been previously doing some research on other issues, I stumbled across Nebraska Revised Statute 90-105, that specifically lays out in statute-- it says, the following is hereby adopted as the official symbol and slogan of the state of Nebraska, which is what I handed out to you. And it says, Welcome to Nebraskaland, where the West begins, to Senator Blood's comment of yee-haw. But the other interesting thing about this, and kind of how it-- I'll tie it together with what we're talking about here, is that section of statute-- so then you go on to 90-106, and it says the, the official slogan and official symbol, either separately or in conjunction with each other, shall be used by all agencies of the state whenever appropriate in the promotion of the state. So we should be using it probably for tourism, rather than Nebraska, it's not for everybody. And then, they shall be imprinted on state letterhead and on the reverse side of all mailing envelopes as new supplies are acquired. So I would-- now that you all know this, I-- actually, I asked my staff about this, about how many envelopes we have left and when we need to order some new ones, and to make sure that we follow the state statute to the letter, and ask that this be imprinted on the backside of those envelopes for when our office orders the next round of envelopes. But all of this, aside from Senator McKinney's point about Nebraska being sort of purposefully exclusionary and Senator Blood's point about how,

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if you want to actually get people to move here and get people into the workforce, that you should focus on the things that actually do that. But just on a more kind of fundamental level about the conversation we're having here, is just looking at stuff. Right. When we have-- an issue comes before us. I'm not on Business and Labor. So, you know, it was kind of a-- this is more of an issue of first impression for me, when this bill comes to the floor, or when it gets out of committee. And so I've been looking through the statute and asked Senator Riepe a few questions about this. And, you know, when we have these conversations-- and like a lot of people would want to jump in and call the question when we're fairly early in the debate. But there's a lot of information-- things-- questions I'd like to have answered, just about how unemployment insurance works, how this will change that. And so, you know, over the lunch hour, I took the opportunity to look at the State Department of Labor's explainer for employers about how they collect it. You know, up to my recollection of just reading it, was \$9,000-- the first \$9,000 in wages, they pay something like 2.5%. And then that goes into this trust fund that then Senator Blood just was talking about, and perhaps, the other Senator Cavanaugh before her, was talking about that the Governor wants to scrape that funds-- take funds out of that.

KELLY: One minute.

J. CAVANAUGH: Thank you, Mr. President. And I guess my question is this bill, my read of it says we'll dis-- decrease the amount we-- of benefits we provide, but it does not decrease the amount employers are paying in. So-- and maybe someone could explain this to me, but-- so are we just going to essentially divert funds from workers who work and earn a benefit and-- but their employer still pays for, into the Governor's slush fund that he's attempting to take from other funds here, which is a broad-- broader problem with about a-- a bunch of other issues. And I'll push my light to keep talking about this. But I would say, make sure you take a look at the bill. Take a look at the fiscal note, because I got other questions about that. But-- and take a look at the other surrounding parts that are not specifically in this bill, but other parts of the statute that this bill references and what that means. And I'll push my light, because I have a point to make about that, that's going to take more than 10 seconds or however much time I have. Thank you, Mr. Speaker-- or Mr. Lieutenant Governor.

KELLY: Thank you, Senator Cavanaugh. Senator Machaela Cavanaugh, you're next in the queue and recognized to speak.

M. CAVANAUGH: Thank you, Mr. Lieutenant Governor. OK, colleagues. Before lunch, I started talking about the Intergenerational Poverty Task Force report. And I found it. But I found it by searching it, just on the Internet. I did not find-- actually find it in our reports. I know it is here in our reports because the link took me to it, but I have not found the actual report. But I can send you all the link to the actual report if you would like. And it's 180 pages, and this was a report done in 2016. I think then Chair of HHS, Kathy Campbell, and Chair of Appropriations, Heath Mello, worked on this report. And so, there are recommendations to address the most daunting problems faced by poor families today. Those are employment, ensure parents have access to good jobs and possess the skills they need to obtain, obtain them, financial stability, early childhood education, healthcare, childcare, fair credit and finance literacy, housing, language access. So those are the main recommendations, and then they go on to explain how those things would work. And here's the thing. Employment is the very first thing to address intergenerational poverty. Good jobs. What we're doing here is cutting unemployment, and we jeopardize the ability of families and parents to get those good jobs, because they're going to have to take a job or have zero income whatsoever. And that is really unfortunate to have to-- I have a lot of education. And I think somebody else talked about the expense of education. And then you, you have to take a job that you could never dream of paying back your education. So I went to undergraduate university, and I also have a master's degree, and I had student loan debt. I think-- oh, it was Senator McKinney that was talking about this. And I have been on the public service student loan forgiveness program forever. Well, it's 10 years, but if I were to take a job that wasn't in my industry, I would jeopardize getting my student loans forgiven because I took a job that wasn't in the public service student loan forgiveness program. And so not only would I then be paying my tens of thousands of dollars in student loans back for a long time, I would be getting wages that weren't what I was making previously, just so that I had a job. So for me, that would be very problematic. It would be very problematic to not be able to continue in my field so that I could get the student loan forgiveness that I have worked for almost a decade to get-- well, actually more than a decade. But-- so you can see that there are even more nuances to this issue, not just about the fact that the cash-- the fund, that it-- it's employers' money. And not just the fact that, you know, people want to work, but there's other things that this would impact that are problematic. Instead, why don't we invest in people, invest in resources, invest--

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KELLY: One minute.

M. CAVANAUGH: --in-- well, you do invest in jobs programs. And the fact that we have such a low unemployment rate is a good thing. But if we want to have a larger, more robust workforce, forcing people into the workforce, into jobs that don't fit isn't the way to do it. Recruiting people, making this a state that people want to live in, making this a state that people want to raise their families in, that is going to grow our workforce. But forcing people to take a job just to take a job is not going to help our workforce shortage, not even a little bit. So I hope that people will take the reconsider motion seriously, and we could move forward with our day. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. And good afternoon, colleagues. I do appreciate the conversation about the state motto, Welcome to Nebraskaland, where the West begins. Something that I, I was unaware of, so I appreciate Senator John Cavanaugh educating us all about that. And there's been a lot of conversations this session about the motto and what we should do moving forward. I've always been very partial to the Willa Cather quote, "The only thing very noticeable about Nebraska was that, was that it was still, all day long, Nebraska." I find that very charming. Consider that my pitch for that being a state motto moving forward. I think a Willa Cather quote would do us well. I've not had much of a chance, colleagues, to join in, in this conversation yet. I've been dealing with a couple of other things, so I appreciate the opportunity to speak on this. I know we had-- already had a number of conversations, so I apologize if I'm repeating any of those. But I think it's important to stand up and, and have a broader conversation about the implications of what we're doing with LB1170, both based on data, as Senator Blood said, but also based on a more 30,000-foot view, and sort of what this says about our state's view of unemployment. I, I do rise opposed to LB1170 and in support of the motion to reconsider, MO1232, and also in support of the motion to indefinitely postpone. I think that this conversation actually started, obviously many years ago, but we talked about it a little bit last week, when it kind of pertained to what we, as the Legislature, see as sort of a, a normal family or a normal income, or, or what does it mean to be somebody who's on unemployment. So I have friends and know people who have collected unemployment before. I have friends who have had to collect it for some period of time while they've searched for jobs. And so while they don't have firsthand

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experience dealing with the system, I certainly have second-hand experience. And I, I know we should-- always should base our decisions based off data, but the anecdotes that I think you do hear, about people who are on unemployment, are often, I think, either unintentionally inflated with other things or conflated with other things, or they're misleading. Generally speaking, people are on unemployment, obviously, for a short period of time. Now saying that, obviously, well, then why wouldn't you support reducing the amount of time, total, that somebody would be able to receive their unemployment? And, and the reason for that is there's still a considerable chunk of people who still take that additional time past the proposed 16 weeks. I think I see here that according to the Labor Department, 2,287 Nebraska workers, or about 18% of unemployment claimants in 2022, which was during a strong economy, had not found new jobs and continued to get unemployment benefits beyond the 16-week mark. So even though when you look at that as a part of the larger pie-- 18% seems like a small amount. We need to remember that's 2,287 Nebraskans who were actively seeking employment, who were unable to find that job. And that was in 2022, when the economy was kind of coming back together and people were needing to hire folks. And I think that that is not an insignificant number. And certainly, if we were to limit this to 16 weeks, we'd be talking about the potential of that 2,287 Nebraskan workers who were actively seeking employment, who would be out of luck. And I think that's a big problem, because we should not be in the business of saying to people, hey, you tried your best, you did a good job, but couldn't find a job, so we're going to cut you off. Senator Michaela Cavanaugh and others, I think, have spoken in great detail about the ramifications of cutting somebody off from their income while they're still seeking jobs. It causes intergenerational poverty. It causes acute, financial trauma. I mean, there's any number of things that making somebody essentially have, have no income whatsoever, would, would cause problems for. In addition to that, I think we also have to keep in mind that there are certain marginalized populations in Nebraska that have less access to additional kinds of wealth. Right. We're talking about people who may not have access to--

KELLY: One minute.

DUNGAN: Thank you, Mr. President-- may not have access to additional savings. They may not have access to a retirement account. They may not have access to land or, or property that they could liquidate, and then ultimately have access to those, those additional funds. The, the kind of people who are hardworking Nebraskans, who pay rent, who don't have a large savings account, who have not been able to accrue a large

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IRA, that's some of the people that we're talking about here. And so to cut them off of their additional funding, these, these working folks who are looking for jobs, is to put them in a position where it becomes a cyclical problem. And it's going to be harder and harder for them to get that employment. It's going to be harder and harder for them to find a job. When you're struggling with the day-to-day realities of poverty, it is very, very difficult to, quote unquote, pull yourselves up by your own bootstraps, if you don't even have the bootstraps in the first place. So we're not talking about people who are abusing the system. We're talking about hardworking Nebraskans. And I think we should continue to have a conversation about this. Thank you, Mr. President.

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

VARGAS: Thank you very much. I was having a wonderful conversation with my friend and colleague, Senator Lippincott, specifically about this. Yeah. I'm just giving you a shout out, friend. Look, it's OK that we can disagree on these different issues, and I was having that conversation with him. You know, there's a couple of reasons why I'm, I'm not in support of this. And I mentioned this to Senator Lippincott, which is if there was a cor-- correlation in policy between the number of eligible maximum weeks of unemployment and reducing unemployment, then I think that that's a sound-- or a sounder policy, and it'd be something that we should take up. Looking at the data, looking at the number of states, which it's less than 8 states that have fewer than, you know, sort of the average of 24 weeks of maximum unemployment, it's showing that this isn't a trend happening across the country, in neither urban or rural, or East or West Coast, or conservative or more liberal leaning states. I don't-- whatever you want to call it. There isn't a trend line. The only trend line is, is, is a little bit of fewer states, sort of around Kansas, but not including South Dakota or North Dakota and Montana, which each have greater than 24 weeks. I think Montana actually has up to 28 weeks. The point I'm trying to make is if this was sound policy that reduces un-- unemployment, I would be more likely to be supportive. I'd probably be supportive, because I'm not opposed to getting people back to work. I'm, I'm not opposed to trying to reduce our underemployment. I think we need to address that. It's why, you know, Senator McDonnell and I, we've worked on Appropriations for years. We have funded a lot of workforce retraining programs in collaboration with, with businesses, you know, fortune 5000 companies. And the Chamber of Commerce, because we want to get people to work. We want to retrain them. We got tens of thousands of jobs that pay more than \$60,000 a

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year across the state of Nebraska, that we consider high wage, high demand, high, high skilled jobs. And I want the policies we've been [INAUDIBLE] is workforce retraining programs, eligibility programs, funding to these workforce retraining programs, tax incentives for companies that are investing in these kind of programs, because those policies have been shown to lead to more employment. There isn't policy that is explicitly supporting whether or not we should lower the number of eligible weeks for unemployment to 16 or lower than 24. And if there was, we would be seeing more of those policies passed in bigger states that lean a, a bit more conservative. And we would see that happening. Because, one, it would be a huge cost savings for them. But what tends to really happen and what we are seeing in the small number of data that we have, is, really, it's just taking away a tool in the toolbox for employers and employees. I understand some employers came in support of this, but I want to make sure that we are leveling the playing field and advocating on behalf of Nebraskans that are-- could potentially be unemployed at some time. I want people to get to work, but I also, in a dire time, want to make sure that people have the ability to get up to a certain number of weeks that is on par with the average across our country. We would be an outlier that is not informed by policy that actually reduces unemployment. The other scenario that I framed is in a situation where we have some economic downturn and we're past this, we would be one of the fewer--

KELLY: One minute.

VARGAS: --than 10 states that has lower unemployment and that has lower unemployment benefits in terms of the number of weeks. And we are just taking away that legislative tool for Nebraskans in case they really need it. Colleagues, I'm still looking at-- to see the policy, the correlation that this is going to lead to fewer unemployment numbers and less underemployment. But the fact of the matter is, we don't see that right now. What we're simply doing in this-- and I appreciate Senator Riepe. I don't know if this is from the Department of Labor or if it was another entity or if it was the Governor's Office, but there isn't a sound policy rationale behind this. And if there was, I would be much more supportive of doing that. And I am supportive of putting some more stipulations to make sure people are searching for work. Not a popular thing to say, but I do think it's OK if we're putting making sure people are jumping through the necessary steps to search for work, look for work--

KELLY: That's your time, Senator.

VARGAS: --while they're on unemployment. Thank you very much.

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KELLY: Thank you, Senator Vargas. Senator Erdman, you're recognized to speak.

ERDMAN: Question.

KELLY: Members, the question has been called. Do I see 5 hands? I do. The question is, shall debate cease? All those in favor vote aye-- there's been a request for a call of the house. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 11 ayes, 9 nays to place the house under call, Mr. President.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Blood, Conrad, Jacobson, Slama, Dover, Bosn, and von Gillern, please record your presence. The house is under call. Senator Cavanaugh, Senators Conrad and Slama are not here. How do you wish to proceed?

M. CAVANAUGH: We can go ahead and proceed. Thank you.

KELLY: Thank you, Senator Cavanaugh. The question before the body is whether or not to cease debate. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 27 ayes, 12 nays to cease debate, Mr. President.

KELLY: Debate does cease. Senator Cavanaugh, you're recognized to close.

M. CAVANAUGH: Thank you, Mr. President. So I did do a call of the house, because there were a lot of Executive Sessions happening off the floor, and there was only 17 senators on the floor. So that's why I did a call of the house. And then I thought-- but I, I talked to our Deputy Clerk-- assistant-- I don't know-- what-- Assistant Clerk, to Dick, about votes required. Because I was like, man, maybe I shouldn't have called the house. I thought maybe it was just the majority of those here voting on my motion to reconsider. But no, it's the majority of elected members, so I guess I would have lost either way. But, this is a motion to reconsider the vote that we took on the motion to indefinitely postpone LB1170. So I would encourage everyone to vote green, yes. Vote for the motion to reconsider. And then when that passes with a roaring 30-plus votes, vote green for the motion of MO1222. Thank you, Mr. President.

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KELLY: Thank you, Senator Cavanaugh. Members, the question is the motion to reconsider. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 10 ayes, 30 nays, Mr. President, on the reconsideration motion.

KELLY: The motion fails. I raise the call. Mr. Clerk.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to bracket the bill until April 11, 2024.

KELLY: Senator Machaela Cavanaugh, you're recognized to open on your motion.

M. CAVANAUGH: Thank you, Mr. President. As Senator Jacobson pointed out, we did get 30, just the wrong color. Next time, listen closer to what color to push. OK. We wanted green-- 30 green. OK. So this is my motion to bracket, MO1218. Oh, this one got filed before the other ones because of the number-- so until April 11. So I picked a day towards the end of session to bracket it until, you know-- maybe we'll all be done with our taxes by then. I don't know how many people wait until the very last minute to file their taxes, but if we bracket this until then and you haven't done your taxes, this will give you the time that you need to finish your taxes, because we'll pick right up where we left off, and you can work on your taxes during a filibuster. Speaking of taxes, the property tax relief form, for those of you that are currently working on your taxes for 2023, do not forget to claim your property tax reimbursement on your income taxes. You can get your property tax relief from the state of Nebraska, aka the Legislature, through your income taxes. And that's actually what a lot of the fight is about, because the money that we're talking about here today would go into that fund, and it's a proportional fund. It's based off of what you pay in property taxes for public education. And you'll hear me talk about this a lot more when we get to tax bills. But I have always been not a big fan of the fund, because I think we should be paying for public education just outright, at the state level, to alleviate that line item on your property taxes. But we are where we are. So since we are where we are, we put money into the fund to help alleviate your property taxes that you pay for public education. Make sense? Sure. So the money that we would supposedly save in the Unemployment Insurance fund by enacting LB1170 would then go into the property tax relief fund. But here's, here's one of the kickers that we have to think about. So let me grab that fiscal note. OK. So let's-- hypothetically, LB1170 moves forward and is enacted into law. Well, this is one-time money. This 11-- \$11 million this biennium and

\$23 million the next biennium, that won't-- that's not in perpetuity. Because, like I said earlier, the Unemployment Insurance Fund, it fluctuates on what is needed to go into it, based on the needs and the utilization of the fund. So it should actually go down if we are decreasing the amount of payments coming out. And I-- it does beg the question, which-- perhaps I will have to ask Senator Riepe. I'm going to give Senator Riepe a heads up on this question, and I will ask him later in the debate. But if we enact this bill and the Unemployment Insurance Fund functions the way that it's supposed to, which is to go down in the contributions when the utilization goes down, will the \$23 million actually be available to take out of it? Because presumably, they would adjust what, what the pay-in is if we're paying out less. So that's a question I'm going to put to Senator Riepe later on. Let him think about it, marinate on it. I don't think I'm in the queue for like 30 minutes, again. So, we can get back to that. But I would be interested to know how that works with the Unemployment Trust fund, and if the number-- it's based on the number. So here, it says, the estimate is based on the number of individuals receiving such payments of more than 16 weeks of unemployment in 2022. So-- and then if we go to the Department of Labor's fiscal note-- let's see, here. OK. It reduces the total maximum number of unemployment benefits a person is eligible to receive from 26 to 16. It then proportionally reduces the reductions and/or disqualifications for quits and discharges. So 2,287 individuals received payment during 2022 for more than 16 weeks of unemployment, totaling \$23,000,411. So LB1170 would have a corresponding impact to benefits paid. But if we know that it's going to have that correlating impact, shouldn't the amount of money that employers are required to pay into it go down as soon as the bill is enacted? And if that is the case, then those moneys are not going to be available to be put into the property tax relief fund, because they are not going to exist. OK. Mr. President, how much time do I have?

von GILLERN: 4 minutes.

M. CAVANAUGH: Thank you. So, fun things you can learn from the fiscal note. But the real question is how the unemployment fund works, and I am not an expert on that at all. It has been a mystery to me for quite a long time. It's-- perhaps one of my colleagues who is an employer who pays into it can enlighten us on how this fund works. But I have always thought it's very hard to qualify for unemployment. I know employers pay into unemployment. Why is it so hard to qualify for unemployment? We do, we do make it challenging here in Nebraska. I mean, 2,200. That's not a lot of people that qualified for unemployment over 16 weeks. Not, not at all. It's, it's actually quite, quite small. So let's talk about how LB1170 would harm local

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economies. Unemployment insurance provides wage partial-- provides partial wage replacement until an unemployed worker finds a new job. This provides stability for jobless workers and their families and the communities where they live. Fewer weeks of benefits means less wage replacement, which can increase hardship, workforce-- force workers into less stable jobs that are misaligned with their skills, as I previously was discussing, or push them to leave their communities for locations with better employment opportunities. When workers have the time they need to find appropriate jobs, businesses benefit from hiring workers with the right skills. Improved job matching enhances the function-- functioning of the labor market overall, contributing to the economic growth and vitality. So there are actual problems with unemployment insurance in Nebraska. Unemployed workers are not sitting around gathering unemployment checks. Only 799 people exhausted their maximum benefit in the fourth quarter of 2023. To the contrary, Nebraska's unemployment insurance program is a so-called safety net for-- with gaping holes. The denial rate for unemployment insurance claims in Nebraska in 2023 was 76.3%. Only 5 states have high-- and-- have higher rates of denial. Imagine losing your job and having to wait over 2 weeks to receive a partial replacement for those lost wages. This includes when you are furloughed for your job and you have to apply for unemployment. And that can happen. You can get furloughed. I remember during the pandemic, my cousin was a pilot and he was furloughed. And--

KELLY: One minute.

M. CAVANAUGH: --that, that was-- thank you. One minute. Yeah. Thank you. That was really, really difficult for him, financially. And his furlough kept being extended, until eventually he was no longer qualified for the hours. You have to fly so many hours-- which you want in a pilot. You have to fly so many hours. And he was furloughed so frequently-- or so-- for such a long time, that he did not-- he had to re-up all of his hours for certification, later on. So, you know, that would be an instance where you're being furloughed, you're filing for unemployment, you don't want to get another job because you're being furloughed. You don't want to apply for another job because you want to go back to that job, and something could happen with your company that requires a long stay away. And I, I guess I'd be--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

KELLY: Thank you, Senator Cavanaugh. Senator Mc-- Mr. Clerk.

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CLERK: Thank you, Mr. President. I inadvertently failed to read the title. So in that case, LB1170, introduced by Senator Riepe. It's a bill for an act relating to employment security law; changes provisions relating to the maximum annual benefit amounts and periods of disqualification for benefits; eliminates obsolete provisions; harmonizes provisions; provides an operative date; and repeals the original section. The bill was read for the first time on January 11 of this year and referred to the Business and Labor Committee. That committee placed the bill on General File. There are no committee amendments. There are a series of motions, Mr. President.

KELLY: Thank you, Mr. Clerk. Returning to the queue, Senator McDonnell.

McDONNELL: Thank you, Mr. President. As I mentioned earlier, I was going to get the number of, of states-- and I will be handing this out to everyone-- and the number of weeks each state has. In most states, workers are eligible for up to 26 weeks of benefits from the regular state-funded unemployment compensation program. There are currently 13 states that provide fewer weeks, and 2 that provide more than 26 weeks. States that provide fewer than 26 weeks, maximum included-- the states included: Arkansas, 16, Iowa, 16 weeks, Michigan, 20 weeks, Oklahoma, 16 weeks, South Carolina, 20 weeks, Missouri, 20 weeks. States with fewer than 26 weeks but change based on unemployment rate, which is going to be an interesting discussion: Alabama, current-- currently 14 weeks with a 5-week extension for those enrolled in state-approved training programs, so that would be 19, Georgia, 14 weeks, increases to 26 weeks during the COVID emergency but expired, Florida, 12 weeks, Idaho, 21 weeks, Kansas, 16 weeks, North Carolina, 12 weeks, Kentucky, 12 weeks. I'll make sure that I hand this out to everyone to look at. As I was mentioning earlier about the authorized employees, going back to LB298, which we voted on this floor at the time, the members that were here-- moved from General to Select. But some people were asking me, currently it's LB618. This is the, the-- if you want to refer to them as, as DACA, but they're, they're authorized employees, regardless of, of DACA. And here was my opening for the Business and Labor Committee. The purpose of LB618 is to provide fairness by addressing a gap in access to unemployment benefits currently being denied or otherwise to, to other-- otherwise qualified, legally present workers in the state of Nebraska. I want to emphasize that: Qualified, legally present workers in the state of Nebraska. The bill would ensure that any person who is legally authorized to work in the United States and satisfy all other employment requirements can access their earned unemployment insurance. In Nebraska, employers pay unemployment insurance taxes for

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all of their employees, including eligible, legally present, work-authorized individuals. Nebraska employers are required by law to verify the work-authorized status of their employees and the-- by the, by the Department of Labor. Then the Department of Labor is required by law to verify the work-authorized status of every employment insurance applicant. Then, then they go to every unemployment insurance applicant. They verify it again. Only legally present, work-authorized employees can qualify for these benefits that employers must pay into the Unemployment Trust Fund on their behalf. The current gap in Nebraska law prevents some work-authorized individuals from accessing the unemployment insurance they've earned, and for which their employer paid. Unlike Nebraska, the vast majority states following the long-standing federal guidance that eligibility for earned unemployment insurance is based on whether a person is authorized to work in the United States. LB618 proposes to align Nebraska with the current practice followed throughout the country by addressing this unnecessary oversight. And I have referred it to as an oversight. When I brought LB290 that came to the floor, and we, we discussed it and it was moved on to Select File, I did say it was oversight. But at some point, it stops being an oversight. It stops being us just not taking the time to harmonize with the federal government, and it becomes a scam.

KELLY: One minute.

McDONNELL: Because if you are taking a dollar from someone knowing that they expect to have unemployment for their employees if they need so in the future, and you have no intention of giving that unemployment to those people, I don't know what other word to use except scam. We should fix this, not only because the rest of the country has, but again, it's the, the, the right thing to do. I'm going to continue to work with, with Senator Riepe. We are talking about the number of, of weeks. We're talking about this bill, specifically, having good discussions. And I, I appreciate that with Senator Riepe, but I'm still opposed to LB1170, and I'm in favor of MO1218. Thank you, Mr. President.

KELLY: Thank you, Senator McDonnell. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President. I rise in opposition to the bracket bill, MO1218, and, and I rise in support of LB1170. We've heard a lot of discussion today. Obviously, we're in the middle of the filibuster, so I try not to waste a lot of time, filling in the time for the filibuster. But every now and then, you feel like you need to

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get up and kind of weigh in and kind of explain to those that are listening what we're really talking about here. So there's a lot of moving parts here, so let me kind of walk through the moving parts. First let's talk about unemployment insurance. OK. So, currently if you are fired from your job or if you resign under certain conditions, you qualify for unemployment for 6 months, 6 months. Now, I'll bet if I ran from here-- and it'd be hard for me to run very fast. But if I ran from here, 2 blocks away, how many help wanted signs would I see? You can stumble over them, there's so many. And it's been that way. And what I keep getting asked from constituents and others is why are there so many job openings? Where did the workers go? Well, start looking at some of the bills that we have, where we're trying to figure out how we can qualify for government subsidies of some kind, without having to include certain other parts of their income so that they can stay on the government subsidy, or we're going to figure out how we can game getting my student loans forgiven by not taking any job, but taking a job only in my field. Folks, it shouldn't work that way. We're talking about moving this from 6 months to 3 months. Really? Three months is a hardship, to have somebody find another job in 3 months? That's what we're saying. That's what this bill does. You shouldn't have to take 6 months to find a job. You shouldn't need 6 weeks to find a job, frankly. That's what we're doing with this bill. But it gets better. We've heard a lot of talk about what's going to happen to the dollars in the fund. Well, let's understand how the fund works. If-- and those of you who have your budget book, I'd suggest you-- if you want to look at it, read-- turn to page 58. Page 58, in the middle of the page, it says, Labor, State Unemployment Insurance Trust Fund. FY 2020, the ending balance was \$69,724,000. That was after zero was paid out of the state fund. Zero. So then, let's go to 2021. So the fund grew because of earnings on the fund to \$71.7 million. Zero paid out. Then let's go to 2022. \$73,773,000 in the fund, paid out, zero. Then in 2023-- FY 2023, now there's \$76,607,000 in the state unemployment fund, and zero was paid out in 2023. So some of you may be asking, well, then how are the unemployment claims getting paid? They're getting paid on the federal side. So how much is in the state's portion of the federal fund? Right now, \$515 million, \$515 million. Now, according to John Albin, there's enough money in that federal fund that even in the middle of a recession, we're not going to blow through those dollars. We're not going to touch the state fund.

KELLY: One minute.

JACOBSON: So how much do we have excess there? Well, the plan is to move \$60 million out of the fund, leaving us with \$19 million. And oh,

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by the way, what have we paid out in 2024? You guessed it, zero. This is not a problem, folks. If I've got a concern, it would be why are the employers paying what they're paying in unemployment insurance, but that's a [INAUDIBLE] other subject. But let's understand, 26 weeks to 16 weeks. That's 6 months to 3 months, and we got plenty of money, and we paid zero out. Pass this bill.

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

FREDRICKSON: Thank you, Mr. President. Good afternoon, colleagues. I continue to listen closely to the debate here, and I rise in continued opposition to LB1170, for some of the reasons I cited earlier. I, I, I do want to-- before I talk a little bit more about the bill, I wanted to go back to something that Senator John Cavanaugh brought to our attention earlier. I think-- he handed out-- so, so one of the benefits that we have in here in the Chamber, is that as senators, we can hand out different handouts to our colleagues if we have something that they want to bring their attention to. And Senator John Cavanaugh graciously handed out what I believe he mentioned is the-- I, I don't remember if it was the motto or the slogan of the state. But based on statute, there was some discussion earlier about whether or not-- and I know Senator McKinney was involved in this, as well. But if you look at this, it says, Welcome to Nebraskaland, where the West begins. And I think he had mentioned that there is some statute around this, so I just wanted to get some clarity on that. So would Senator John Cavanaugh yield to some questions?

KELLY: Senator John Cavanaugh, would you yield to a question?

J. CAVANAUGH: Yes.

FREDRICKSON: Thank you, Senator Cavanaugh. My question for you was you-- can you refresh us a little bit on the statute you mentioned, and specifically, the aspect that involved envelopes and letterhead?

J. CAVANAUGH: Oh, yeah. Great. Well, so the statute that references the state symbol or slogan is 90-105. The statute that references where it should be used is 90-106.

FREDRICKSON: Got it. And that, and that includes that our official letterhead should include this slogan. Is that right?

J. CAVANAUGH: Yes. That-- I could read it to you, if you like. So that section says, the official slogan and official symbol, either separately or in conjunction with each other, shall be used by

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agencies of the state whenever appropriate in the promotion of the state. So that's 1 sentence. So that should be used in the promotion of the state, which I would argue is potentially a reference to our tourism-- being used as our tourism slogan. And then the next sentence is, they shall be imprinted on state letterheads and the reverse side of all mailing envelopes as new supplies are required.

FREDRICKSON: Thank you, Senator Cavanaugh. That's-- might be something I need to inquire with the Clerk's Office about, because I don't believe we currently are doing that. But pivoting a bit more to this bill, LB1170-- I was going to ask Senator Riepe-- I don't know if he's still on the floor or not. Senator Riepe? He is. Would Senator Riepe yield to a question?

KELLY: Senator Riepe, would you yield to a question?

FREDRICKSON: He's coming, I see.

RIEPE: Get my exercise in. Yes, I will.

FREDRICKSON: Thank, thank you, Senator Riepe. I'm keeping you on your toes over here. So I, I had a little-- I had a question about the bill. I think I had spoken to you a little bit off the mic on this, but we were discussing the funds that specifically, businesses pay into the unem-- unemployed insurance. Help me understand, are, are businesses-- it-- should, should LB1170 go into law, will businesses still be paying the same amount they're currently paying into that? Does that impact the rates they're paying? Are they going to be paying less into that fund? Can you, can you, maybe, sort of shed some light on the impacts there?

RIEPE: Yes. Thank you for the question. The bill does not specifically say how this reduction, in terms of payouts, would be applied. But the commissioner would simply be in a position that he could go back and lower the taxes that every employer is paying on this, at-- now or at some time in the future.

FREDRICKSON: Got it. So the, so the idea being that if the businesses are continuing to pay the rate and unemployment benefits are not being paid out at the same level they currently are, that at some time in the future, those funds might be or those taxes might be lowered for businesses.

RIEPE: Yes.

FREDRICKSON: Am I understanding that correctly?

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RIEPE: Yes. We thought that aggregate number was probably \$23 million a year.

FREDRICKSON: OK.

RIEPE: That they would be able to pass down, make us more competitive with our neighboring states and--

KELLY: One minute.

RIEPE: --just make us more competitive in, in terms of the marketplace, for businesses to keep them and to get them.

FREDRICKSON: Great. Thank you, Senator Riepe.

RIEPE: Thank you, sir.

FREDRICKSON: I appreciate that. Thank you, Senator Riepe. So that was another question I-- and I appreciate Senator Riepe taking the time to clarify that for me. Because, you know, obviously, if we're going to be passing legislation that impacts the, the payout of uninsurance, we have to ask ourselves what, what--what's going to be happening with those actual funds. And the way uninsurance works and as, as I'm sure folks are aware, is that businesses do pay a, a tax into a fund with this. So this is an expense that is coming from businesses in Nebraska, to, to pay for this benefit for our citizens. So, I don't believe that the bill changes that tax. It does not change the tax from what I understand. And so, the idea being that businesses would continue to pay that, even though the reimbursements from this would go down, is, is a question for me as well. So, I believe I am about at time, so I will continue to marinate. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. Lieutenant Governor. And I, I thank Senator Fredrickson for his questions. And, and I would just point out to everybody-- a lot of people have come up and asked me about it. They, they missed my conversation about it earlier. So, you know, must be present to win is the answer. You got to be here to hear somebody talk about something. But and I would also point out to those who asked me, where does the West begin? I didn't make up the slogan. I-- this is the state's slogan, which I'm told is from the '60s, maybe. But I-- my read of the slogan would be that all of Nebraska is where the West begins. So everybody else can haggle about where in Nebraska they think the West begins. But the slogan would say, the entire state

of Nebraska is where the West begins. And, you know, state of Missouri might have an issue with that, too. So, why don't we go back to what I was kind of getting to the last time I was on the mic, about reading the bill and the surrounding statutes. So the bill itself and Senator Riepe talked about this in his opening-- and actually, Senator Hughes made reference to it in her remarks, as well, about how, in instances of maybe exigent circumstances, or where-- like things like during the COVID-19 pandemic and there's kind of an extreme employment situation, the department would be able to extend benefits. And so that, I had looked up here, 48-628.14. And there's-- if you go down to, I think it's Section-- let's see, 3, under that-- oh, yeah, subsection (3). The weekly extended benefits amount payable to an individual for a week-- total unemployment in his, his or her eligibility period shall amount to that equal benefits payable to him during applicable benefit year. Total extended benefit amount payable to an eligible individual with respect to his or her applicable benefits shall be the least of the following amounts: 50% of the total amount, or 13 times the weekly benefits payable to him under the employment-- let's see. That might not be the right section. But either way, I'm look-- still looking for it. But it's in here, where it says-- oh, here we go. The state "on" indicators. This is where the extended benefit period-- I'm sorry. This is subsection (1) (a)-- is a period where essentially-- you can take a look under it. So Section 1(a), I apologize, not (3) (a). It says that the department can essentially find that when there is an "on" indicator, that they may extend the benefits in the third week after the first week, for which there is a state "off" indicator, or the 13 consecutive weeks of such period, except that no extended benefit period may begin for reasons of a state "on" indicator. So I guess my reading of that, and it's kind of convoluted, but my interpretation is that the department can extend benefits beyond the-- currently, under the 26 weeks, and then would, again, be able to extend the benefits beyond whatever we adopt here, in those sort of exigent circumstances when unemployment rates go up. Which-- so that's under current law. It does not revert back to the current amount if there is a prolonged period of unemployment. It would just extend the benefits. And so, if this is-- like I said, it was a convoluted or complicated section of statute, had a lot of folks talking about what exactly is the motivation here? And I just-- you know, I was going to talk about a few other things. There's a fiscal note you can take a look at, as well. But I'm curious about Senator Jacobson's point about how much money is in the trust fund. And then, he referenced the federal funds. I would point out that the fiscal note says that there would be-- 19% of the funds come from federal funds. But then

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additionally, what Senator Riepe just said about the fact that the rate that is assessed against--

KELLY: One minute.

J. CAVANAUGH: --employers-- thank you, Mr. President-- could be decreased by the agency at their discretion. Which-- I guess my question is, if we have so much money in the fund, why have they not-- if they have that authority, why have they not decreased the amount assessed against employers? And if this is a question about employers, what we're-- we-- overcharging employers, that does not seem to be what this is about. This seems to be more about getting back to that point of forcing people to take lower-paying jobs and driving down wages. And that will be the effect of adopting this. If we actually want to decrease a burden on employers where we are overtaxing them, that-- that's a different bill, it sounds like. And so, I'd, I'd be curious to hear other folks' conversation on this, and I'll push my button to kind of clarify my thoughts on it. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Well, Senator John Cavanaugh, you were possibly speaking and listening in on my conversation at the same time. I don't know how that is possible. But would Senator Riepe yield to a question?

KELLY: Senator Riepe, would you yield to a question?

RIEPE: Yes, I will.

M. CAVANAUGH: Thank you, Senator Riepe. So, Senator John Cavanaugh was bringing up the point that I had brought up earlier, but I will let you first answer the question that I asked earlier, about the department and the rate. I know you had jotted down in some notes.

RIEPE: On the--

M. CAVANAUGH: On the unemployment insurance collect-- like, the rate for collecting unemployment insurance?

RIEPE: Well, it's my understanding that the commissioner-- because there would be \$23 million more that the commissioner could and I would hope would pass those savings of moneys not being paid out, that he has the opportunity of lowering the rate to the individual employers, if you will.

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M. CAVANAUGH: So he could potentially-- if we enacted this, this legislation, then he could lower the rate, based on the fact that it's forecasted that this legislation will yield lower payout. And he could lower the rate so that that, that negative number paid out on the fiscal note never comes into the possession of the government, meaning he lowers the rate for employers to pay in. And we never see that money to begin with.

RIEPE: Yes.

M. CAVANAUGH: That's--

RIEPE: Is your question about that, that the, the employers would or would not receive this? That would be up to the--

M. CAVANAUGH: The em-- the employers would never pay it to begin with, as opposed to paying it and the government using those funds for something else.

RIEPE: Well, that would be up to the commissioner.

M. CAVANAUGH: But that is a possibility.

RIEPE: I believe it to be a possibility.

M. CAVANAUGH: OK. Thank you, Senator Riepe.

RIEPE: OK. While I'm on the mic, I might add that I was asked if the Governor had asked me to bring this bill. And the answer is no, he did not. I brought it on my own.

M. CAVANAUGH: Thank you, Senator Riepe.

RIEPE: Thank you, Senator Cavanaugh.

M. CAVANAUGH: So, so I, I, I hope that that is what the Department of Labor does if this bill is enacted. I would hope that they would then lower the rate that employers are paying in and pass the savings that would be yielded out of this bill, onto the people who originally paid into this fund to begin with. I am not enormously optimistic that that's what's going to happen, just based on what has publicly been said about property tax relief and what has been introduced in other legislation, about taking cash funds and putting them into the property tax relief fund. I am concerned that this is just another avenue for one-time funds to be taken and given to property tax relief. I hope that that's not the case. I really appreciate when I am

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wrong, and I will stand for correction at any time, but it does seem to be the pattern of what has been happening in the Governor's policy proposal. I don't know if it's a proposal. I don't know that there's a firm-- there's not a plan, but concept-- policy concept. There we go. So-- yes. But I was talking about the pro-- the Intergenerational Poverty Task Force Report from 2016, and the recommendations for increased jobs, quality jobs. So if you are looking at this report, it's on page 24, the task force recommend--

KELLY: One minute.

M. CAVANAUGH: Thank you-- task force rec-- task force recommendations, improve job skills and increase job quality. The first thing is to increase minimum wage, something that I, I know is not widely popular in the Legislature, but it was widely popular in Nebraska. So we will see-- we are beginning to see an increase in wages. Support paid family and medical leave. Hey, I've got a bill for that. I've actually got 2. It's one of the main reasons I ran for the Legislature. Invest in job training and skills development. Use available funds streams such as Federal Workforce Innovation and Opportunity Act and Temp-- TANF to aid children subsidy recipients in enrolling in workforce training and education classes. I believe we do that. Use corporate tax incentives to promote higher wages, higher quality jobs. I fought for that in LB1107. The reas--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

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

DUNGAN: Thank you, Mr. President. Colleagues, I rise again, respectfully opposed to LB1170. My friend, Merv Riepe and I, often disagree on some things, agree on others. But I, I do appreciate his hard work on this. And I, I know that although we disagree about what we're trying to do here, I think ultimately we agree that one of the goals we should all be working towards, and I think Senator Machaela Cavanaugh talked about this, is trying to find ways to bring more people back into the state. We hear time and time again that there's brain drain and that we're losing talent to other states, and we're losing young people to other states. And I think that's absolutely true. I have the unique experience of having been someone born and raised in Nebraska who left for a little while, went to college and law school elsewhere, and then ultimately came back to Nebraska,

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because I missed it and wanted to live here at home. But I know that that's not the, the circumstances that everybody goes through. So I do think it's important that we try to find ways to get people back here. I have trouble believing that LB1170 is going to be some assistance or help for building our workforce. You know, Nebraska does generally enjoy very, very low unemployment rates. But I also understand that there's workforce issues in pretty much every arena that we talk about. But I don't really understand what the nexus is between reducing our unemployment benefits down to this reduced number and, and trying to maintain more people in the state or having additional folks work here. So I would, I guess, just continue to listen and see if I can better understand that. One of the things that I was talking about earlier, before I ran out of time, that I just wanted to go back to, I think, is the general thoughts and notions that we have about people who are on unemployment or generally on government assistance programs, whether it's SNAP or other programs commonly referred to as welfare. I think that we have this misnomer, I think we have this misconception that there's a bunch of people out there who are just living off of the state, who are not seeking-- really, really seeking employment, who are just benefiting from these programs. And I simply don't think that's true. If you look at any of the data or any of the numbers, both in Nebraska, but also federally, you'll see that the vast majority of people who are on government assistance programs are only on them for a short period of time. I, I know the majority of people who are on government assistance federally, I think are off it within 3 or-- 3 years or under. And I think when you're talking about unemployment, like I said earlier, most people do get off of it before they reach that 16-week mark. And so when we think about who it is we're talking about, I just want to make sure we're framing our conversation accurately and we're framing it about people who are generally good actors, who are working hard and who are trying to get employment and, and work their way off of that assistance. But there's still those other people who continue to seek work and are unable to find it that we have to keep in mind. I think it also bears repeating or at least highlighting, yet again, that there are other marginalized populations that have greater hardship when we reduce benefits. Studies have shown that reduced benefits create greater hardship, for example, for black workers and other workers of color, because they typically have fewer financial resources to draw on during unemployment due to an array of other issues and systemic problems that are faced with regards to generational wealth. And that's why I think it's so important that Machaela Cavanaugh or Senator Cavanaugh-- I'm sorry-- has, has referenced that. Because we do have to keep in mind the impact that our legislation has on certain populations that

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are not always, I think, thought about or talked about here at the Capitol. And so I do think that's a very important note, as well. In addition to that, I just-- I don't think that this is an issue that is one of the more pressing things that we need to be focusing on right now. And in meeting with constituents and meeting with neighbors and any number of other people and when we've talked about the kind of issues that we should be focusing on this session, what I've heard, time and time again, is increasing workforce.

KELLY: One minute.

DUNGAN: Thank you, Mr. President. Increasing affordable housing, increasing access to healthcare, increasing access to high-quality education, those are the things that we continue to hear. And so I, I just-- I don't necessarily think that LB1170 is achieving those goals. I certainly don't think that LB1170 is going to solve any of our financial woes, and I just-- I don't think it's a necessary bill at this juncture. Again, I believe Senator Riepe is very well-intentioned with the introduction, but I just disagree that this is something we should be doing as a state. So, colleagues, I would encourage your green vote on the bracket motion, MO1218, and a red vote on LB1170. And I look forward to continuing the conversation. Thank you, Mr. President.

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

VARGAS: Thank you very, very much, President, or Lieutenant Governor. Colleagues, I remain in opposition in LB1170. I want to try to answer some of the questions that were asked about the funds regarding to unemployment, federal, state, cash funds. I'm just going to-- at the, at the very high level, I'm still against this because this is about economic security for individuals. We provide economic security to businesses in so many different ways. It's one of the reasons why we've supported tax incentives, tax benefits, tax credits, lowering corporate taxes, lowering, lowering property taxes. This was with the intent of helping to spur economic growth, but we've also provided economic security. Even in this last, in this pandemic, we saw examples of what it looks like to provide economic security, security to businesses, to companies, to employers, and to employees. This is about economic security when somebody is out of a job. And once again, we are an outlier in doing this, in accepting this, so going down to 16 weeks. The best example I can give you is Montana, that's got 28 weeks. And they have pretty much the same unemployment rate that we do, and similar job-- similar claims, similar number of unemployment

claims. This is a really small number of people that even get up to the 28. So I don't see the rationale in terms of spurring or reducing unemployment. It's not doing that. There isn't causal data to show that, and there is a lot more things that we should do. I'm less concerned about the funding to these cash funds. And I know Senator Machaela Cavanaugh was, was asking this question because there is excess funds in the state fund, in the federal fund for unemployment. Those excess funds have been building up. There are things that we supported in the committee moving to be able to offset costs within the budget, some of it going to tax relief. However, it's solvent. It has enough funds in it. And what this is doing is, is separate and aside, but it still is very, very concerning. The Department of Labor and the Commissioner has the ability to lower some of these, these-- the amount that, that employers are paying in to this. He has the ability and has been doing it over the years. So kudos to him-- and, and still should be able to without our consent. So I hope they do that. They've said they've done it in past years. They've been very, very frugal about it, and I do commend the Commissioner on that. But this is not doing that. This isn't necessarily lowering-- if this was a bill just saying we're lowering the amount that employers are paying in-- I think Senator Fredrickson was alluding to this, as well. That's a different story. We could do that. All right. Lower the amount, which means fewer revenue is going into these funds, and we just have less funds to then, to then deal with. This is about sort of backwards lowering the number of weeks that they could be eligible, rather than just lowering the amount that they're paying. Colleagues, this is about economic security for individuals. We provide it to companies, we provide it to small businesses in so many different ways. I don't understand why we need to do this. We're not solving an exigent problem. And more importantly, there are solutions. And the reason why we moved those funds from, from the budget was to provide a, a-- more leverage for doing more property tax relief-- more, more tax relief in general. This is not doing that. The, the data doesn't suggest that more-- lowering the number of weeks leads to more individuals or fewer individuals filing unemployment claims. It just doesn't. The bigger issue that we have on hand is people aren't getting into the jobs that pay well right now, because they don't have the training and support or they don't have the skills to get into those jobs.

KELLY: One minute.

VARGAS: Right. We, we have to do more to retrain people to get into the jobs that are higher wages. We have to support people getting into technical and labor pathways, into apprenticeships and union programs that can get them into higher wage jobs. That will indeed get them to

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not be on unemployment, not just cutting down the number of eligible weeks. So, colleagues, I remain in opposition to LB1170. Again, there's not causal data to support that doing this will lead to lower unemployment. I know, in theory, for some people saying that they think it will, it's not showing that. And the best examples are large states that haven't done this, that are keeping it at 24, 26 or even 28 weeks. Some of-- that's obviously an outlier. We should focus on job retraining. We--

KELLY: That's your time, Senator.

VARGAS: Thank you very much.

KELLY: Thank you, Senator Vargas. Senator McDonnell, you're recognized to speak.

McDONNELL: Thank you, Mr. President. Going back to my bill that I introduced, LB618, and talking about the authorized employees. I was looking at the, the fiscal note, the authorized workers. So in 2022, 130 individuals were denied unemployment insurance benefits because of their citizenship-- ship status. Now, these are people that are here working legally. These are not anyone working in this country illegally. Just want to make sure I emphasize that. They are here legally. They're paying taxes. Their employer is paying unemployment insurance. The number includes more individuals than those authorized to work under DACA. The Nebraska Department of Labor believes additional individuals in Nebraska under DACA may not have applied for unemployment insurance benefits because they knew they were going to not be-- they were going to be denied. Now you start looking at those numbers, and then you get down to-- the average weekly benefit amount for 2022 was \$379, and the average claim duration was approximately 11 weeks. The Nebraska Department of Labor anticipates it will be-- will pay out \$1.2 million more, based on their-- their math was 379 times 11, times 300-- in unemployment insurance benefits each year. Nebraska Department of Labor would need to implement business process change, but does not anticipate any technology costs. So back to the idea of these people, if it's one or potentially 100 or, as they're guesstimating, 300, it's not right. And we have an opportunity to potentially correct that. Now, going back to the, the number of weeks when I handed that out on the floor-- hopefully everyone gets a chance to look at what other states are doing. But, you know you have 35 states that are 26 weeks and above, you got 2 that are higher than-- I'm sorry. At 26 weeks, you got 35 states. You got 2 that are above 26 weeks, and you got the 13. But I gave you all that, that information. The-- right now, if you look at, in the state of, of Nebraska, and

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some things that Senator Cavanaugh was talking about earlier and some of the reports were, were-- had been done. I took the 2022 Poverty in Nebraska report-- this is from the Center for Public Affairs Research from UNO. And you start looking at-- the poverty rate for younger age groups in Nebraska has trended down until COVID-19, while the poverty rate for those 65 and over have increased since before the pandemic. The official poverty definition is based on the income and household's size comparison. Thresholds are updated annually to adjust for inflation, and are based on the 3 times the basic cost of food. The supplement poverty measure--it's SPM, considers other sources of income, government benefits, for example, as well as variation in range of expenses such as for clothes and shelter, by geography. For Nebraskans 2022-- 2020, the SPM is at 8.1%, which is lower than the official poverty rate in Nebraska and most of the Midwest. So you start looking at the poverty amongst profiles in the families, and you look at the work part--

KELLY: One minute.

McDONNELL: --you have-- thank you, Mr. President. And I'll continue to talk about this through the evening. The poverty profiles-- and, and get down to the work. And this is for a, a single mother with 2 children. Working total income of, of \$25,000, working between 50 and 52 weeks per year, with 45 hours average of those 50 to 52 weeks, 45 hours a week. Potentially other monthly income for [INAUDIBLE]-- dollars for possibly child support, one vehicle, and carpools to work. That's also taken into consideration. And then you look at a family of 4 and their employment, and the idea of total income of \$21,132. No vehicle, carpools, with 2 people, 7 minutes to work on the average. There's a lot of good information--

KELLY: That's your time, Senator.

McDONNELL: Thank you.

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

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I rise in support of my friend, Senator Machaela Cavanaugh's motion to bracket this measure till a later date. I want to thank the senators who have stepped forward, including my friend, Senator McDonnell, in offering such a thoughtful perspective on behalf of working families as he always does, and I am proud to join Senator Cavanaugh and Senator McDonnell and others, who are working to hold the floor and to

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take as much time as we can because it matters. Because it matters for working men and women in our districts and all across the state. And any implication put forward as part of this debate and dialogue that indicates that Nebraskans are lazy, or gaming the system, or takers, I completely reject that. I, I completely reject that. If there are some bad apples out there who do that, we of course know that bad apples exist in any per-- demographic, or in terms of the utilization of any particular program, whether that be individual or corporate, corporate bad actors. But when you talk about Nebraskans as a whole, I just-- that doesn't resonate with me. It, it's, it's not something familiar to me, knowing how hard my friends and neighbors, my parents worked growing up in rural Nebraska, knowing how hard my friends and neighbors work in north Lincoln, which I am proud to represent for the 10th year in a row in this body. Not in a row, overall. But the other thing that is unique about our experience in going door to door and learning more about our districts is my district in north Lincoln consistently has one of the highest poverty rates in the state for a lot of different reasons. There's a high student population in the district, which skews that a little bit, but it's also a blue collar district, full of hardworking families that are trying to play by the rules, do what they can, and find it harder and harder because of inflation, because of policies that exacerbate inequality. They find it harder and harder to keep their head above water. And they get frustrated, because they are trying to do the right thing, and they see their state government not as an ally in helping them work their way up the economic ladder and out of poverty, and not supporting their families and their ability to start or expand a family. They don't see their state government as a partner in those efforts. They see their state government running to cut taxes at all costs for the most wealthy, for the biggest corporations, for millionaires and billionaires who don't need those tax cuts. And working men and women get left further and further behind with these policies, and now are being asked, yet again, to shoulder the burden of this inequitable fiscal policy that benefits the wealthiest among us and puts pressure on working men and women and people who are least able to afford, afford it. So if we need--

KELLY: One minute.

CONRAD: --to make-- thank you, Mr. President-- adjustments to this program, or otherwise if it's funded at the wrong level, we should be talking about this. But we shouldn't be making changes to benefits that support working families in between jobs so that they don't fall deeper into poverty so that we can sweep significant amounts of money to pay for more tax cuts for millionaires and billionaires and big

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corporations that don't need them. And let me be clear, as well. One thing that's very dangerous about how we got to this point in the debate is reflected upon the committee statement. And I want to thank my friends, Sue Martin, for sharing online comments on behalf of the AFL-CIO and talking about the impact to working Nebraskans. But I want Nebraskans to look very carefully at the lack of opponents and the lack of neutral testimony and comments that are reflected on the committee statement.

KELLY: That's your time, Senator.

CONRAD: And that's a missed opportunity. More Nebraskans representing working people should have been at that hearing. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. Lieutenant Governor. And you know, I echo Senator Conrad's comments about getting more folks to testify at hearings about things of great importance to all working Nebraskans. You know, we had a conversation yesterday, I think it was, on a bill about making sure that people are able to come and be heard at public meetings for city councils and county boards and other local elected boards when they have open meetings. And we have a really great system here where every bill gets a hearing and every hearing is open to the public, and people can come and testify in favor and opposed and, and neutral, of course. And then we've had a more robust system of submitting comments. And it is-- when those of us who are not on these committees, like I said earlier, I'm not on the Business and Labor Committee, and this is one of the bills I wish I had been able to sit in on that hearing, and maybe I'll try and go back and look at the transcript. But, you know, those of us who are not subject-matter experts on certain issues need the input of the people who these bills affect. We need the input of the experts, who maybe represent the interests of the people that these bills affect. And it is-- it is hard to understand what a bill does when there is a rush to pass something and there's no real conversation about it. And it's hard to have a real robust conversation when there isn't effective criticism. You know, I've got up and talked on a lot of issues this session and said I, I appreciate constructive criticism on issues. You know, during the rules debate, when we started out, I talked about how there were things I disagreed with at having the rules changes at all this session. But the fact that we were doing it, I wanted to make sure we were doing it as well as possible. And so I proposed a couple of

constructive criticisms that I thought made some of those rules stronger, which, by the way, nobody's really pointed out, but we have essentially used those rules today, with getting to a vote on the IPP motion that Senator Machaela Cavanaugh brought up. And this bracket motion would be an excellent opportunity for someone to withdraw it and re-offer, maybe not to telegraph what we're doing, but. So, you know, but engaging in these constructive criticisms, pointing out, sometimes slowing things down, bills move really quickly and people say, wait, what happened? We just voted on a bill and I don't know what it does. And for those watching at home or listening on the radio, the room's kind of empty right now, so I'm not sure a lot of people are learning a lot more about this, but I'm trying to take my time and learn. And so to that point, on my last time on the mic, we were talking about the cash fund, and the reserves, and how much the commission can, or commissioner be-- can change the tax assessed against employers. And I guess despite my suspicion about the fact that that is true, I did find it, and maybe somebody talked about it and I missed it because I was having a conversation off the mic, but 48-649.01, state unemployment insurance tax rate. And it says December 1st of each calendar year, the commissioner shall determine the, the state unemployment insurance tax rate for the following year, based on information available through the department. The state unemployment insurance tax rate shall be 0% if-- so, then it goes into some criteria that I don't fully understand at this point. But like I said, I'm learning as I go here. But yeah, the-- so the commissioner does have the ability to change the tax rate, and he's required to lower it to zero if certain requirements are met, being that the trust fund has a large amount of money in it, which is greater than 1% of the taxable wages of the state in the preceding year. So the amounts we're--

KELLY: One minute.

J. CAVANAUGH: --talking about here, I don't know if that's where we're at. But it, it does-- essentially it says that, that it could be lowered, or adjusted in proportion to that. So if we're concerned about employers being overly taxed and we think there's too much money in the trust fund, then maybe the commissioner should be encouraged to lower the rate in the next subsequent year. But that doesn't mean we should be decreasing benefits. And, of course, we certainly should not be raiding this money. That means we've taxed Nebraskans' businesses too much, and we've not paid out enough of the benefits to employees. But it does not mean we should be taking that money out of there. And there are lots of other funds. We'll have this conversation probably going forward about the inappropriateness of taking money that is meant for something else that is paid in as a user fee, or a

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specifically assessed tax that is directed for a specific purpose. But this is one where apparently the commissioner has the ability--

KELLY: That's your time, Senator.

J. CAVANAUGH: Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Machaela Cavanaugh, you're recognized to speak, and this is your final time before your close.

M. CAVANAUGH: Thank you, Mr. President. Senator John Cavanaugh, I did, I even got my Lentan colored purple Rules Book from one of the pages, I'm trying to see-- I don't see her. Who-- did any of you go and get it for me? No. She had blonde hair. And it wasn't Maggie. OK. Well, anyways, I-- yes, I have already utilized the rules. Actually, this isn't the first time, because I did put an IPP motion up a couple weeks ago. And, when you put up the IPP motion that specifically says it's to be read, or it's to be introdu-- bill-- after bill is read, or before bill is read. So 6-3(f) is before the bill is read. But we did make a rule change that the introducer of the bill still gets to do their introduction before the IPP motion, but the IPP motion is the only motion that can go up before a committee amendment. So, the more you know. Oh, I grab-- OK. LB1170. So, some of the big takeaways for me on this bill, our opposition. Well, first of all, I oppose just reducing the number of weeks that people can collect unemployment, because being unemployed is hard. It's really hard. And, it is a lot of work to be unemployed, and it can take more than six weeks. Contrary to some statements that were made here earlier today, it can take more than 13 weeks. It can take-- it can take time. And there is a detriment to industries when we have employees who are furloughed, being forced to take jobs that are outside of their industry or that are, you know-- if we're not-- if they're furloughed, not furloughed, but they just lose their employment and another company-- they haven't found the other company that could hire them. And that company is going to miss out on, on hiring a really great employee in their skill set. So otherwise, why are we encouraging people to get education, whether it's in the trades, academia, what have you? Why are we encouraging people to get skilled training if we're not going to encourage them to get jobs in their trained skill set? So the AFL-CIO has some interesting points on slashing unemployment benefit weeks hurt workers. Decreasing the maximum duration of unemployment benefit weeks from the current 26 weeks to 16 weeks will have harmful impacts on the lives of workers and their families. Trying to find a new job in a particular career field or at similar pay to their previous work

can be a struggle. It can take longer to find work in some parts of the state. That is very true. There are some parts of the state that it can take much longer to find work, and if you live in those parts of the state, you might have to actually move to find work. So that's a huge thing to have to do. And if you have to do it because you have to get a job within less time, that's just adding more stress to the whole situation. These cuts will increase economic insecurity and hardship among workers who need unemployment benefits while they look for their next job--

KELLY: One minute.

M. CAVANAUGH: --reduce the unemployment system's ability to respond to future economic shocks, and likely result in some individuals dropping out of the labor force. I had earlier talked about LB1107 from 2020. And the reason that I didn't support it was I was advocating to have higher wages put in that, because I felt very strongly that if we were going to give corporations and businesses tax incentives to hire employees, we shouldn't be double subsidizing those employees by having them qualify for social services. And this is sort of part of the intergenerational poverty problem that I've started talking about earlier today. We are not taking a holistic approach to solving our workforce crisis, our jobs crisis, our poverty crisis. We are taking disparate moves to chip away at things. And then also sometimes something like this that's going to cause more damage, then it's going to be good

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr.--

KELLY: Thank you, Senator Cavanaugh. Senator McDonnell, you're recognized to speak, and this is your final time on the bracket.

MCDONNELL: Thank you. Mr. President. Continuing to talk about my LB618, there's some more information here that I'll, I'll hand out. Yet I'm still opposed to LB1170, and I'm in favor of the motion, M01218. So they told us that our workplace-- at our workplace was going to be closed for a few weeks, maybe a few months, and then like six weeks later, I got a letter saying I cannot apply for unemployment. A quirk in Nebraska's law prevents some work authorized immigrants, Nebraskans, from accessing the unemployment insurance they earned and their employer paid for in the event they lose their job through no fault of their own. The quirk makes Nebraska's unemployment insurance program among the most restrictive in the United States.

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LB618 ensures that any person who is legally authorized to work in the United States and satisfies all other unemployment requirements can access their earned unemployment-- unemployment insurance. For example, the bill would ensure work authorized DACA and asylum applicant residents can access their earned unemployment insurance if they lose their job through no fault of their own, and meet all the other eligibility requirements. In general, who can access unemployment? The quality for unemployment insurance-- the qual-- to qualify for the unemployment insurance, all Nebraskans must show they lost their job through no fault of their own. This means a person cannot simply quit their job because they want unemployment. Additionally, they must be able to and ready to-- they must be able and ready to work, actively searching for work, and meet the minimum previously earnings requirements, the amount and duration of previous work and earnings. Why does unemployment earn support? Nebraskans can only access unemployment if they earn insured wages. These wages are subject to be-- to a tax paid by the employer into the state's Unemployment Insurance Trust Fund. DACA and other work-authorized residents earn wages that are taxed and contribute to the trust fund. Since current law already requires taxation of these wages, LB618 will not increase the tax burden on businesses. Why cannot some work-authorized immigrants in Nebraska access unemployment? Most states follow the longstanding federal guidelines that eligibility for earned unemployment insurance hinges on whether a person is authorized to work in the United States. State law unnecessarily uses the narrow term qualified alien-- qualified alien in the federal term that excludes many work-authorized Nebraskans whose wages contribute to the state's Unemployment Insurance Trust Fund from accessing their earned insurance. LB618 aligns Nebraska with the practice followed throughout the country by changing the eligibility requirement to work-authorized. Talking a little bit more about the statistics I quoted earlier from the, the Center for Public Affairs Research from the University Nebraska at Omaha. In Nebraska, individuals in the following demographic groups have an increased likelihood to experience poverty: geographic location, persons of color, level of education, work status, parents in poverty, degree of economic issues. The graphs, there's graphs--

KELLY: One minute.

McDONNELL: --again, I'll-- thank you, Mr. President. I'll hand this out. Metro counties have higher youth poverty, while rural counties have higher poverty among aging adults. Average poverty rates in Nebraska by county. This is based on 2020 numbers. It was put together and handed out in 2022. So if you-- if you look at the number of low

level of education attained is a strong predictor of poverty, as we've talked about in this, this body before, was the idea that college isn't for everybody. And the idea of someone, of course, if, if their dream is to be a doctor, an architect, they go to college. But there's so many good paying jobs out there that doesn't require a 4-year degree. If you look at the trades as, as an example, and what you can do for your family, and, and provide for them over a long period of time. And actually do something--

KELLY: That's your time, Senator. Thank you, Senator McDonnell. Senator Conrad, you're recognized to speak. Senator John Cavanaugh, you're recogni-- John Cavanaugh, you're recognized to speak, and this your last time on the bracket motion.

J. CAVANAUGH: Thank you, Mr. President. All right, so where were we? I guess I was talking about the ability to adjust the tax-- unemployment insurance tax rate. And I was told, I had a good conversation off the mic with Senator Dorn, who told me that he asked in the Appropriations hearing when we-- when there was a conversation about taking the funds in Appropriations, that the commission doesn't believe it has the ability to adjust the tax. So I guess I'm-- like-- the conversation I've been having all day is this is a complicated issue, and I'm not really getting any closer to understanding it based off of some missed-- mixed signaling I'm getting about it. I guess maybe I should try harder. But the-- again, to go back to section 48-649.01, and again, I'd be happy to have somebody tell me what this means, but it specifically says that the rate shall be set by the commission, shall determine the state unemployment insurance tax rate for the following year based on information available through the department. And then it says it shall be 0% if there's more than 1% of the wages are-- from the preceding year in the fund, or the balance of the State Unemployment Insurance Trust Fund equals or exceeds 30% of the average month and balance of the state's account in the Unemployment Trust Fund for three lowest calendar months in the preceding year. And then the next is the state-- this is-- so that's the end of that section, subsect-- (1), subsection (a)(b). So then subsection (2), if the state unemployment insurance tax rate is determined to be 0% pursuant to subsection (1) of this section, the contribution rate for all employers shall equal 100% of the combined tax rate. So I guess if the inher-- the unemployment insurance tax is deemed to be zero, then the contribution shall be 100% of that plus the other rate, which I guess I'm still trying to find what the other parts of the combined tax rate are. And then the state unemployment insurance tax rate is not zero so this is next, subsection (3), 0% as determined in this section, the combined tax rate shall be divided so that no less than 80% of the

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combined tax equals the contribution rate, and no more than 20% of the combined tax rate equals the state unemployment insurance tax rate, except for employers who are assigned a combined tax rate of 5.4% or more. For those employers, the state unemployment insurance tax rate shall equal zero, and their combined tax rate shall equal their contribution rate. So we've got to figure out what the other portion of this combined tax rate is, I guess. I'm still-- like I said, I'm still trying to figure out all of this stuff, and you guys are along for the journey in some respects, I guess. So maybe, maybe the other portion is the part that the department is not able to change. They can change the one, one factor, they can't change the other factor. I'm not going to force you all to learn while I'm doing this. I'll push my-- well, I guess I can't push my light again, but I'm sure I'll have another opportunity to talk. So to go back to some of the things that other folks have been talking about and just to highlight, we're talking about that there is supposedly \$400 or \$500 million in a trust fund. Let's see, state unemployment's fund is not running low. So there's \$551 million available to pay benefits, and then there's \$77 million in a separate fund that serves as a reserve. And then, again, we're trying to scrape \$60 million out of that for property taxes. And you know, the, the example I like to point to all the time when we're talking about scraping these funds is the Underground Storage Tank Remediation Fund. And I point to that for--

KELLY: One minute.

J. CAVANAUGH: --2 reasons. One is my first year here, I brought a bill to take money out of the Underground Storage Tank Trust Fund, so we learned from our mistakes that we shouldn't be taking money out of a fund like that. I learned it when I brought that, and I thought, oh, this is just a cash fund that's out there, I could take this money. But then I figured out what it-- what it's for and where the money comes from. And so now I guess I proselytize for the idea of not taking money out of this fund. But users pay a fee into the Underground Storage Tank Trust Fund, and then that fund is used for remediation of underground storage tanks, which are like gas storage at gas stations. And if we take the money out of that and there's not enough money there, then we don't have the-- we are not going to be adequately funded to do that remediation work, which is really important. And like I said, I'm gonna run out of time here to talk through this idea, but I will get another opportunity at some point to circle back and explain the rest of my thoughts on the Underground Storage Tank Trust Fund. Thank you, Mr. President.

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

HANSEN: Thank you, Mr. President. I'm going to maybe try to clear up a few things that I've been hearing on the microphone. And I can always get on again later. And I'll try to answer some of these questions as best that I can. I was previously the Chair of the Business and Labor Committee about 2 years ago, somewhat got an understanding of some of this, even though as convoluted and, and difficult as it is to understand. If you're reading the statute when it comes to the Department of Labor and unemployment, it's like reading Greek sometimes. And so, it takes a lot of clarity from different aspects to maybe some understand where this is coming from. So just to make sure, we do have 2 kinds of trust funds. We have the state unemployment trust fund, and we have the federal unemployment trust fund. The one we're talking about here is the federal unemployment trust fund. The state unemployment trust fund, the feds-- I won't say they don't care about, but when it comes to rules and regulations, it's different. That is the one where if the Governor so chooses, like we're hearing from some of the opposition, that he's going to take a lot of this money, that is from the state unemployment trust fund. The federal unemployment trust fund, the Governor cannot take money out of. And so-- and it's-- this is the essence of the-- some of the opposition that we're hearing when it comes to this bill. And another argument that we're hearing from the opposition is that we're going to pay out less benefits, and the rate is not going to go down. That is untrue. In statute is-- in statute, 49-649.03, states that it is the responsibility of the Department of Labor and the commissioner, as we pay out less benefits, he is forced then to lower the rate. So, so for instance, as an example, if we go-- if we go from giving out \$64 million in employment one year, this bill passes, and we go-- we start giving out \$44 million, he is forced to lower the rate. And for the last 3 or 4 years, from my understanding, he's actually been keeping it as low as he possibly can. So we'd have to lower that even further the less that we give out. That is in statute right now. And so that not only benefits the business owners of Nebraska, small and large, but in turn, that's going to benefit the taxpayers as a whole. Because then we would expect, again, as a free market capitalist, we hope that then as businesses incur less expenses, we will see that they will raise their rates of their products and goods and services less, or even lower them to some degree. And so that is in statute right now that he has to lower the rate. And so again, we're talking about the state unemployment trust fund versus the federal unemployment trust fund. The Governor can't come in here, you know, with a net and take

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money as he sees fit with the federal trust fund, you know, so there's a lot of rules and regulations pertaining to that. And so those are some of the 2 main arguments that you're hearing right now when it comes to the opposition of LB1170. And so I just wanted to come up here and clear up a few things, and then let them continue on discussing the bill, which I'm sure will be kind of going on for a while. But if I get any more information or any more questions my way, I'll do my best to answer them, or Senator Riepe, I'm sure, will. So thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Senator Vargas, you're recognized to speak.

VARGAS: Thank you very much. That's why I like-- that's why I like Senator Hansen, clarifying things on the mic. I-- there's a couple of things I wanted to clarify because, one, I'm not-- maybe some other people said this, for the funding side, he's completely correct. That wasn't my opposition to it. We have the federal, we have the state. And we will talk about this later. The, the Governor and-- proposed moving, I think it's like \$60 million or \$50 million from the State Unemployment Trust Fund, which our Appropriations Committee did do, I think the majority of it, we did transfer it because it had excess funds, to the, to the General Fund, for tax-- for tax relief, for bills on the floor generally, that-- so we did do that. So just-- so this is a separate aside. And then on the other side, and this is no less benefits, I think that's completely correct. True. That's not my opposition to it. My opposition is still coming from there isn't a standard or norm. There isn't sort of a preponderance of an economic benefit that we're seeing in other states. We're still not seeing that even Montana, who was at 28 and maybe is now 26 or 24, if I remember, they did it in a more piece-- not piecemeal approach, but they did it because they're like, well, we have lower claims, we have lower unemployment, we don't need it to be that long. But they also didn't want to make it too low, because then you compound 10 years of co-- of, of actually having a necessary trust fund, federal and state. Nobody wants to be in a scenario where there is an economic downturn, and then you have to increase those funds to be able to fund potential unemployment. We don't ever want to be in that scenario. This is, I think, to some extent, just about being like fiscal restraint, a little bit of responsibility with making sure we have enough, and keeping pace with where other states are. I personally am OK with us being at like 20 weeks or 22 weeks. Because we have low unemployment, we have lower underemployment, we have fewer unemployment claims. We have, and I think Senator Machaela Cavanaugh phrased this, we just have a fewer number of people in general that are even getting to the

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full 24, you know, 24 weeks, or at the top end of what our limit is. And because of that, there's a reason to then look at, well, we couldn't lower it because it just doesn't make sense. But I think the number of weeks, you know, moving it to 16 is a substantial change, which also doesn't take into account, you know, variable period of time and where we are economically right at this moment. I mean, we could possibly even look at doing the number of years, or putting a trigger, or combi-- really confining this to the areas where we have the highest unemployment, you know, making sure it's still available where the highest unemployment potentially is, or potentially doing the opposite, which is where the highest unemployment is, maybe looking at lowering the number of weeks there, because maybe it is being overutilized in those communities, in those communities or tho-- that county. I, I have no idea. But what I would rather is use that data approach to determine how we would go about doing this, rather than looking at just the 16 because Iowa did it. Like, that's not-- it doesn't make a-- as much of a rationale for me, especially when like, largely when we're talking about either lower income or property tax, we are looking at trying to be competitive in the region, is the rationale. This doesn't change our competitiveness in the region, because it is not mandating that the Department of Labor lower how much they charge from employers. If that was that, I think we could say we're trying to be more competitive. This is not doing that. Employers are still paying the same amount, generally. There's still a variable rate in terms of--

KELLY: One minute.

VARGAS: --what the commissioner is asking of them. But again, this is not doing that. And if it was, that would be a different scenario. So I personally am OK with lowering it. It's just I think it, it is foolhardy to lower it completely to 16, and maybe look at some of the other states that have gone down 2 to 4 weeks, or look at putting a cap on this. Or we could reevaluate in 4 years while most of the members are still here-- I won't be here at that time-- and say, did the sky fall or not? And then who knows? At that time, it goes back up, or you lower it down. But this is a dramatic decrease in terms of the number of weeks. And it will have an impact, obviously, on the revenue that goes into that specific UI cash fund for a very urgent reason if there is an economic downturn for unemployment. We just want to make sure that that can remain solvent for employees in the same way that we think about how we're going to help employers. So, I remain opposed to this. I'm not opposed to-- I think we can do something--

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KELLY: That's your time, Senator.

VARGAS: Thank you very much.

KELLY: Thank you, Senator Vargas. Senator Lowe, you're recognized to speak.

LOWE: I yield my time to Senator McDonnell.

KELLY: Senator McDonnell, you have 4 minutes, 55 seconds.

McDONNELL: Thank you, Mr. President. Thank you, Senator Lowe, for the, the time. I wanted to go back into, as I mentioned earlier, LB298, we had voted on in, in 2021, and we-- the session ended, it was on Select File. Going to my current bill, LB618. If you look at page 2, the, the changes was the public benefits does not include unemployment benefits provided pursuant to the employment security law. That changes that part. But then you go down and it says all such aliens authorized to work as provided by 8 C.F.R. as such regulation existed as January 1 of 2023. And it's a short bill. You go to the page 3 and any individual who qualifies for benefits under subsection (1) of this section shall have his or her employment authorization document verified through the Systemic Alien-- Systematic, excuse me, Systematic Alien Verification for the Entitlements Program operated by the United States Department of Homeland Security, or an equivalent program designated by the United States Department of Homeland Security. So we wanted to make sure that there was a number of ways to verify and make sure that all these people were work authorized, and here in, in our country legally, and again, paying taxes and pursuing the, the American dream while they look for, for citizenship. We also had-- coming back to some of the stats I was reading you earlier, when you start looking at the poverty-- and this goes back to the 2022 Poverty in Nebraska report by the Center for Public Affairs Research at University of Nebraska Omaha campus, persons of color are more likely to be in poverty in Nebraska. Poverty rates by race and ethnicity. Native American and Asian-- excuse me, Native American and Alaska Native was as high as 24.9%. Native Hawaiian and other Pacific Islander was 24.6%. I'm sorry, the first one was 24.9%. Black or African American was 23%. Hispanic-Latino, was 18%. Asian was 12%. And, and white was 8.1%. So you look through the state of, of Nebraska-- and I was talking earlier about the profiles, and you start breaking that down with a single mom of 3, and then they, they, they show a family of 4, with mother and father present. You start looking at the, the housing, live in a 4-bedroom home with a-- wi-- for the single mother of 3, with a family member likely, are there temporarily

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living there? Potentially was separated. Has insurance through Medicaid, and most likely be enrolled in SNAP. For the housing for the family of 4 with mother and father present, he lives in-- with no disability, but no high school degree. And they break it down to rents 2-bedroom home for \$825 on the average per month. They break down the-- if this was happening, has insurance through Medicaid. In the past year moved homes in the same area, likely based on affordability, and also enrolled in SNAP program. Work-- going back to work, as I mentioned, total income around \$21,000 for the family of 4.

KELLY: One minute.

McDONNELL: Thank you, Mr. President. For the, again, the, the single mom with a fam-- with 2 children, most likely is, is total income around \$25,000. So this breaks down all the things going on, and sometimes I, I think we forget what's going on in our, our own backyard as a state and, and what people need. And again, I think sometimes government needs to plow the way, and some-- sometimes government needs to get out of the way. And, if you look at someone that's, that's unemployed, and, and, and needing that, that help, and if you look at around the country with the, the average, if you look at the 35 states that are at 26 weeks and the 2 that are above 26 weeks, and then you look at the 13 that are below, the average is about 22 weeks. And if we're doing this for a reason that's logical on the, the number of, of weeks--

KELLY: That's your time, Senator.

McDONNELL: Thank you, Mr. President.

KELLY: Thank you, Senator McDonnell. Seeing no one else in the queue, Senator Machaela Cavanaugh, you are recognized to close on the bracket motion.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, well, it's been a long day. I forgot how, how tiring this is. Why did I do this for so long? My goodness. OK, so the, the comments that Senator Hansen made clarifying the fund were very useful and helpful. I also had gone out to speak to Director Albin and received very similar information, so thank you for that, Senator Hansen. Oh, I was asked to give a public service announcement for the body. One moment. No, somewhere in here, my desk is very messy. I'm going to go into your desk, Senator. You have-- oh, no. Your black book, the binder? Mini binder? Yes. Here we go. He's much more organized than I am. So your black binder, if you open it up, it has the purple Rule Book. Thank you to the Clerk's

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Office and the pages. And also thank you to Julie, the page, who got me my extra Rule Book, because obviously I can't keep track of anything on my desk. It's a little bit of a mess over here. OK, so I was reading some of the, the points that were shared from the AFL-CIO, who are the people that came-- submitted opposition online. I would like to speak to that. Senator Conrad and Senator John Cavanaugh both mentioned this. For those watching at home, being in the Legislature sometimes can be like drinking from an information firehose. This bill is LB1170. That means 1,169 bills were introduced ahead of this bill. That's a lot of bills. So it helps to have subject-matter experts come and testify on bills in committee so that when a bill comes to the floor, we can look at the committee statement and we can see what that testimony was in support or opposition. And then we know who to go to to ask questions of. So, for example, on a committee statement for a bill earlier today-- well, I'm not going to remember the exact example. There was some opposition testimony and I thought, I should ask that person if their opposition has been addressed with the amendment that was introduced. This is extraordinarily helpful to the process. It might seem sometimes like you are screaming into the void when you come and testify here, and sometimes you might be screaming into the void. But I will tell you that when I look at a bill, I go onto the website, I look at the committee statement, which also, thank you to all of our legal counsel, I want you to know that your work is appreciated. I read the committee statements for the bills that are on the floor. Thank you to the Clerk's Office for filing the committee statements online for us. I look at the fiscal notes. I read the fiscal notes. Thank you to our Fiscal Office for doing the fiscal notes. And it is just extraordinarily, extraordinarily helpful to know where the good and the bad are. And I cannot do that sitting in committees 5 days a week. And it's only 2 committees that I sit in, and there's several other committees. It is very hard to stay on top of everything. So I echo the sentiments that this was an unfortunate slip up, that this bill for working people did not get the attention that it deserved. But I know that we will all do better in the future.

KELLY: One minute.

M. CAVANAUGH: So the reserve fund is one of 31 states-- 31 state funds that Governor Pillen wants to tap to help pay for property tax reductions this year. He has proposed taking \$60 million from that reserve. The money should not be diverted away from the original intent, and that is to supplement workers' incomes when they are laid off through no fault of their own. There are workers who do not own property and therefore would not benefit from the property tax relief if the moneys of this fund were diverted. Actually, I would say that

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without knowing the data at all, there's probably a likelihood that a lot of people who are on unemployment don't own property. So this money is intended for a specific purpose and it should not be diverted. I realize after hearing some of the comments, like Senator Hansen's comments, that we are talking about 2 separate funds, but it's still worth mentioning every opportunity that we--

KELLY: That's your time, Senator.

M. CAVANAUGH: --should not be raiding cash funds. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Members, the question is the bracket motion. There's been a request to place the house under call. The question is, shall the house under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 9 ayes, 4 nays to place the house under call, Mr. President.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All those unauthorized personnel, please leave the floor. The house is under call. Senator Cavanaugh, we are lacking Senator Blood. How do you wish to proceed?

M. CAVANAUGH: We can go ahead with a vote.

KELLY: Thank you. Members, the question before the body is the bracket motion. All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

CLERK: 9 ayes, 30 nays to bracket the bill, Mr. President.

KELLY: The bracket motion fails. I raise the call. Mr. Clerk.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote just taken on MO1218.

KELLY: Senator Machaela Cavanaugh, you're recognized to open.

M. CAVANAUGH: Thank you. This is my opening, and I will yield the remainder of my time to the Chair.

KELLY: Thank you, Senator Cavanaugh. Mr. Clerk for items.

CLERK: Mr. President, some items. Your Committee on Revenue, chaired by Senator Lou Ann Linehan, reports LB1026, LB1059, and LB1326 to

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General File. Additionally, amendment to be printed, Senator Machaela Cavanaugh to LB62, Senator Conrad to LB1268, Senator Machaela Cavanaugh to LB1108, Senator Fredrickson to LB399. Name adds: Senator Vargas to LB198; Senator Sanders, LB253; Wayne, LB731; and Vargas, LB1324. Finally, Mr. President, priority motion. Senator Ibach would move to adjourn the body until Wednesday, March 6, 2024 at 9:00 a.m.

KELLY: Members, you've heard the motion to adjourn. All those in favor say aye. All those opposed say nay. We are adjourned.