

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the nineteenth day of the One Hundred Ninth Legislature, First Session. Our chaplain for today is Father Dale Alder, Cathedral of the Risen Christ in Lincoln, a guest of Senator Riepe. Please rise.

DALE ALLDER: Let us pray. Lord God, you are the source of all goodness. You are the source of all truth. You are the supreme law giver and perfect judge. We thank you for your many blessings. We come before you and ask that you bestow your guidance on all those whom you have called to serve in this venerable Chamber. Because they have been entrusted with this responsibility, in your mercy, give them a share in your divine wisdom. Give them prudence that they may know what is good and pursue it effectively. Give them justice that they may strive to render to each person what is owed to them. Give them temperance that they may reject any decision which is self-serving. Give them fortitude that they may persevere in doing what is right, even when confronted by difficulty and rejection. Grant them success in all their good endeavors, and may their work bear lasting fruit for all whom they serve. Finally, we ask that all of us may attain the true happiness and perfection for which we have been made. Amen.

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

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

KELLY: Thank you. I call to order the nineteenth day of the One Hundred Ninth Legislature, First Session. Senators, please record your presence. Call-- roll call. Mr. Clerk, please record.

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

KELLY: Thank you. 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. Notice of committee hearing from the Education Committee, as well as the Appropriations Committee. Additionally, communication from the governor concerning appointments to-- for members of the Nebraska Tourism Commission, as well as reappointments to the Nebraska Tourism Commission, and an appointment

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to the Nebraska State Fair Board, Anna Castner Wightman. That's all I have at this time.

KELLY: Thank you, Mr. Clerk. Senator Guereca would like to recognize the physician of the day, Dr. Theresa Hatcher of Omaha. Please stand and be recognized by your Nebraska Legislature. Senator Riepe would like to recognize Nancy and Dave Allder from Lincoln, seated under the south balcony. Senator Murman would like to recognize 50 student state officers, leaders participating in their Career and Technical Education Advocacy Day, representing various organizations, and they are in the north balcony. Please stand and be recognized by your Nebraska Legislature. Speaker, Speaker Arch would like to recognize a group in the-- both the north and south balcony, the APTA, American Physical Therapist Association-Nebraska Chapter. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk, please go to the first item on the agenda.

CLERK: Thank you, Mr. President. General File, LB229, introduced by Senator Hallstrom. It's a bill for an act relating to employment security law; amends section 48-604; provides that employment does not include service by a marketplace network contractor for a marketplace network platform; defines terms; and repeals the original section. The bill was read for the first time on January 14 of this year and referred to the Business and Labor Committee. That committee placed the bill on General File. Mr. President, when the Legislature left the bill, there was nothing pending at that time, other than the bill itself.

KELLY: Thank you, Mr. Clerk. Senator Hallstrom, you're recommend-- you're recognized for a 5-minute refresher.

HALLSTROM: Thank you, Mr. President, colleagues. We commenced debate on LB229 last Friday morning, until we got derailed yesterday on, on appointments. I brought this bill to clarify that individuals engaged in the marketplace network platform-- think Uber and Lyft drivers-- are independent contractors for purposes of the unemployment insurance law and other factors. They are, in fact, independent contractors. Senator Sorrentino had gone through the various tests to de-- determine independent contractor status. And I think it's clear from the record and the practice that they are independent contractors, and this would codify that under Nebraska law by ex-- excluding them from the definition of employment under our unemployment insurance laws. And with that, I'd waive my time back to the chair.

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Floor Debate February 4, 2025

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. Today is Day 19 in the Nebraska Legislature. And in essence, this is truly the first bill of consequence before the body this session. I had hoped that, and perhaps, still have hope that one of the overarching themes for our legislative session this year would be working together to ensure good governance, to remove red tape, and to improve oversight and make government work better for consumers and for business. But nevertheless, this bill is indicative of disturbing, broader themes that are emerging from this legislative session, where there is a palpable disdain both for the voters of Nebraska and for working families. We are the people's branch of government. We are here to serve the people of our state and those in our district, our fellow neighbors, including working families. We are not here to advance the interests of national businesses and corporations at the expense of our constituents and working Nebraskans. The bill and the debate in support of this measure thus far has been myopic, a misread, and mean-spirited. It's important that we keep in mind that we are-- look at the committee hearing. There was one proponent of this bill, one opponent of this bill, and no letters. Nebraskans are not crying out for this measure. Senator Hallstrom, my good friend, readily concedes at the committee level and in floor debate that the relationship between drivers and companies like Uber and Lyft are already classified and defined as independent contractors, according to the very contract terms that drivers and the company enter into, which are plain and undeniable, and when you apply well-established tests from the Department of Labor, where we look to if there is any sort of ambiguity as to what the nature of the relationship is. There has been no widespread confusion about what the nature of this relationship is between drivers in, in Nebraska and these companies, like Uber and Lyft. They are currently classified as independent contractors and this bill is unnecessary. But why does this ultimately matter? The government cares about whether someone is classified as an employee or an independent contractor because it impacts the amount of taxes that need to be paid, including income tax, Social Security, and Medicare. Employers are required to withhold portions. They do not do that for independent contractors. And misclassification can lead to significant tax liabilities for businesses and loss of benefits for workers. In addition to the tax implications and revenue implications, there's also benefit and protections for employees. Employees are typically entitled to various protections, such as minimum wage, overtime pay, unemployment insurance, worker's comp, and anti-discrimination

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Floor Debate February 4, 2025

protections, which are not available to independent contractors. Additionally, there are enforcement differences and distinctions, dependent upon whether or not the nature of the employment is set, set as an independent contractor or an employee. My good friend, Senator Hallstrom, noted that this bill is needed to give guidance to state courts. Well, let me tell you, colleagues, the Nebraska judges that I am familiar with are quite able and adept at handling controversies to assess whether or not an employee is an independent contractor or an employee. And they look, of course, at the terms of employment and the-- which are stated in the contract, and then they apply various tests if there are ambiguities. And no one has indicated that the, that the courts are not able to accomplish this under current law. I have a, a-- quite a bit more to cover in our debate this morning, but those are some opening comments. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. And good morning, colleagues. Happy to be back here today, talking a little bit more about LB229. I do rise, I believe, opposed to LB229, but I am still listening to the conversation. I, I wanted to get up on the mic today and just talk briefly about some of the concerns that I have and some of the objections that I have, both to the underlying nature of the bill and also some of the arguments that I've heard in favor of it. I, I would, I guess, reiterate what Senator Conrad said, that I do think this is a good debate to have, and I think it's important that we, as a body, be comfortable having these conversations. Just because we're on the mic talking doesn't mean that this is a filibuster. These are important pieces of legislation that I think it's our job to try to suss out the benefits of bills, some of the negative impacts, and so I, I do appreciate the opportunity to talk about this. Fundamentally, I think my largest overarching concern with LB229 is that it seeks to put its thumb on the scale of a determination that is still sort of up in the air in the courts. I think the way it's been presented thus far is that this is a cut and dry and already adjudicated issue that, in fact, Uber and Lyft drivers are 100% independent contractors. Certainly, there are judges that have made that determination, and I'm not going to say that that is inaccurate. But there are other judges who have made a different determination. And the reason I think that's important is we need to be very clear when we're making a decision on LB229, the sort of lay of the land of where we're coming from, and whether or not these decisions are final. Are we just codifying, codifying what's already the law of the land, or are we standing up as a state and saying, we are telling you that these are independent

contractors instead of employees? There's a number of different reasons that it matters whether or not somebody is an independent contractor or an employee. Certainly, I think there's benefits to both. I think as an employee, you're obviously afforded certain benefits-- literal benefits, and you're also afforded certain protections as an employee. But as an independent contractor, you're afforded perhaps a little bit more wiggle room in, in making determinations about your job and how and when you'll work. And because it is a very complex situation, the, the courts look towards, as, as Senator Sorrentino very helpfully pointed out previously, sort of a, a number of tests or a 6-point test to determine whether or not somebody is, in fact, an independent contractor or an employee. One thing I want to make very clear. The courts have been very, very upfront multiple times in saying there is no single factor that is definitive about whether or not an individual is an independent contractor or an employee. But rather, the court has to look at a totality of the circumstances. And why that's important is, of these 6 different factors that are looked at, you can't just go down and say, well, this one fits, therefore they're an independent contractor, or this one doesn't fit, so therefore they're an employee. And there's a number of different things the court has to balance in making that determination. Factors that favor employee status, as were already outlined, are significant employer control over work methods and schedule, whether or not the employer provides tools and materials, whether or not work is an integral part of the employer's business operations, the limited opportunity for profit or loss based on individual performance, and set hours and consistent work schedule. And why I think that's important and kind of harkening back to the things I said last time I spoke on the mic on-- a couple days ago about this, I'm not entirely convinced that this test that is currently being used is an adequate analysis of our current digitized economy. So clearly, when you're looking at whether or not the employer provides tools and materials, somebody may say, well, obviously an Uber driver provides their own car. They provide their own, you know, whatever else-- the materials they have in the car, water bottles and things like that, so that means they're an independent contractor. But I would also argue that one of the integral materials or pieces of tools you need to be an Uber driver is the app itself. If you're an Uber driver, you don't just get to create some app on your own. You have use-- your entire job is predicated on the use of a tool that is provided to you by the company. So already right there, it's a little bit less cut and dry, I think, than we had previously heard. There was an argument that was made before that an Uber driver gets to determine how they do their job. Not really. They

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Floor Debate February 4, 2025

do their job according to the rules of the Uber and Lyft, where you have to take somebody to where they're going. And there's definitely a set standard for whether you can deviate from that path or make additional stops if not requested by the driver. So Uber and Lyft control that aspect of the job. I might punch in one more time to talk a little bit more about this. My point is, colleagues, this is not a cut and dry issue And to--

KELLY: That's your time, Senator.

DUNGAN: And to pretend like it is, I think belies the point. Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. I rise opposed to LB229. Again, I was the lone no vote when this came out of committee, for many reasons. (1), it's to protect the right of voters. Because if this bill passes, workers will not be able to say they're workers. They, they will be restricted. You know, I have 5 points to point this out. You know, they talk about individuals that drive Uber, are contractors and things like that. And I will say that, number one, control over work. Uber exerts significant control over drivers, including setting fair prices, determining which drivers-- which rides drivers can accept without penalty, and using performance metrics like ratings and cancellation rates to regulate drivers' behavior. This level of oversight resembles an employer/employee relationship rather than an independent contractor relationship. (2), lack of entrepreneurial independence. True independent contractors typically operate their own businesses, set their own rates, and build their own customer base. Uber drivers, however, rely on the platform for work, cannot negotiate fares, and have limited ability to establish their own brand or services. You don't see Uber drivers with signs saying, hey, my business is X. I could pick you up. No, you don't see that. (3), essential roles in Uber's business. Uber's core business is providing rides, and drivers are essential to this function. In many legal cases, courts have ruled that workers who perform the primary service of a company, such as driving for a ride-hailing service, should be classified as employees, not as independent contractors. There are restrictions on flexibility. While Uber promotes driver flexibility, the company effectively dictates work conditions through surge pricing, algorithmic [sic], management, and deactivation policies. Many drivers feel pressure to work during peak hours or in high-demand areas to maximize earnings, limiting true autonomy and a lack of

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Floor Debate February 4, 2025

benefits. Many will come up and say that they're contractors, sole contractors, and all these type of things, but it's not true. Because every contractor that I know has a LLC, can shop around at who they want to contract with. It's not the same with Uber. It's not the same-- or DoorDash. Because it's mentioned in the statement of intent, DoorDash, Lyft, I guess Uber Eats. I wonder if-- what is it-- Instacart is included in this? I'm wondering if-- what else-- it's just a bunch of-- if DoorDash is included, that means a bunch of other things are included. Very curious about that, but neither here or there. We should be trying to work to protect people, not corporations, as I stated last week. And this bill goes against that fundamental purpose of working for the people of Nebraska. We shouldn't be trying to work for Uber. Other countries have already done this. Uber operates in countries where drivers have won worker protections, such as in the United Kingdom and Spain, and the company, unsurprisingly, still continues to function. This disproves the claim that something will disrupt the business and make it unviable. In many cases, Uber has adapted by offering benefits while still maintaining its services. So it's not impossible. And the last thing I'll say: according to Senator Sorrentino last week, we already have things that say they are contractors. So why is this bill needed? To preempt things because of issues in other states. And I had to say it last week, If we're going to follow other states, we need to legalize marijuana, online sports betting, and stop building prisons, and stop trying to arrest 12-year-olds, and I'm-- I'ma go on later about a, a bunch of other things, but I'll get back in the mic. Thank you.

KELLY: Thank you, Senator McKinney. Senator Sorrentino, you recognize to speak.

SORRENTINO: Thank you, Mr. President. Last week, I rose in favor of Senator Hall-- Hallstrom's bill, LB229, specifically noting the recently adopted January 2024 Department of Labor 6-factor test used by-- used to determine whether or not a worker is an independent contractor or employee. I've listened intently to my colleagues' comments and those who oppose LB229. While I have great respect for all of them and their opinions, I believe it is time to steer the conversation back to the substantive issue at hand, specifically, passing legislation that can be supported by common law, employment law, and guidance provided by the Department of Labor. The Department of Labor guidance in question has the weight and legislative intent of providing legal guidance that an employer can rely upon in building an affirmative defense to those who may challenge the categorization of their employees. I'm going to say that again. It-- you can rely-- as an employer, rely on their guidance as an affirmative defense to those

who challenge you. In non-legal terms, what that means is the Department of Labor is saying this: Employer, listen up. If you make your determination by following our guidelines-- in this case, the 6-factor test-- then you are protected from liability from any type-- or protected from liability by any party who claims that you have a violation under this concept. The Department of Labor is giving you a get-out-of-jail card free. Follow our guidelines and you have what's called an affirmative defense. What that does is shift the liability back to those who accuse you of miscategorizing your employees. I've been an employer for a long, long time. You can talk all you want about workers' rights. Workers don't have jobs without employers. If I'm an employer, I'm looking for security. I'm looking for guidance. Yet, we in this body today want to thumb our nose at the Department of Labor and say keep your guidance. We know better. I would ask this body, who among us is bold enough to oppose a law that is helpful to employers-- who provide jobs-- to protect themselves and clarify the important decision of who is an employee and who is an independent contractor. Better yet, let's talk about the American dream. Who among us has not wanted to be self-employed, to run our own business, to create jobs, to not be controlled, to build our own business? Isn't that the very definition-- very definition of being independent? Is there anybody in this body who doesn't want to be independent? Not everyone feels that being an employee is their ultimate occupational goal. In fact, I would argue absolutely just the opposite. Walk through the 6-factor test with me. The overwhelming evidence found in the true answers to the questions indicates that there's only one answer that's defensible. Opposing LB229 could easily be considered an intentional thumbing of the nose to the true facts and the federal guidance and legislative intent adopted by the Department of Labor. I yield the remainder of my time.

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

J. CAVANAUGH: Thank you, Mr. President. I appreciate what Senator Sorrentino was saying. I think he made some good points. And I'll tell you, I'm not bold enough to stand up and challenge the Department of Labor, and certainly don't have Senator Sorrentino's expertise in employment law and those sorts of things. And I'm not here to say whether these folks should be employees or independent contractors. My question is whether the wisdom in this Legislature passing this law. Senator Sorrentino makes, I think, a very good argument. Senator Dungan makes a good argument about calling into question this 6-factor test and whether it applies here, and so did Senator McKinney there. But that's not the question here, is not whether or not these folks

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Floor Debate February 4, 2025

are independent contractors or are not independent contractors. The question is whether or not this Legislature should weigh in and put into statute going forward that anyone so situated is an independent contractor or not. And so, Senator Sorrentino made a good point about certainty, so that begs the ultimate question of we could go the other way and establish certainty and say all folks and similarly situated are employees. And so there's a question about certainty for the sake of certainty, if there's wisdom in that. I don't know. I don't think that the folks who do this job necessarily want to be considered employees. I don't know if we passed-- if we proposed that bill, if you'd see Uber drivers coming and saying, we do want to be employees, so please pass this bill. I don't know if that's the case. And so, I guess the current situation allows for folks to operate under that federal guidance, allows for Uber to operate its business model clearly. But passing this bill, I think, shifts the balance of power further in favor of a large, multibillion-dollar corporation, away from individuals. And that's, I think, the question presented to this Legislature, is whether we want to undertake legislation that shifts the balance further in favor of billionaires and away from working people. That's, that's my problem with this bill. My other problem with this bill, I think, is one that Senator Conrad was hitting on, which is that the ultimate work of our committees is to kick out bills that, at this stage, hopefully are less controversial but are ready for primetime. And last week, I raised the concern I had about this bill, which is that I think it's-- it seems to me that this bill applies to Uber, but not Uber Eats and DoorDash. It doesn't apply to whatever Hy-Vee's version of delivery is. It doesn't apply to Amazon deliveries. It just applies to ride-share. And in the interest of certainty, clarity, I guess I don't know why we're passing a bill that could affect a person if they open one app, but not the other app, based off of what thing they're delivering. And so I do think there's more work that needs done on this bill, even if, if you're in favor of this bill, figuring out what it applies to or who it applies to. My understanding-- and I've already been made fun of for this, but I have never used DoorDash or Uber Eats. But my understanding is that someone can-- signs up for both of those apps, or someone I-- signs up, does both Uber and Uber Eats, and that they might choose-- go, go back and forth, which is-- of course, is an argument for allowing people that dynamic employer/employee relationship or independent contractor relationship. But my question is, what is the wisdom of this Legislature in treating the person differently based-- in law, based off of if they choose the, the one that's the regular black circle with a U in it that says Uber or-- actually, I don't know what the Uber Eats logo looks like, but I assume it's similar with like an E or

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Floor Debate February 4, 2025

something. It's green. There you go. So it looks like it. So if they choose the black logo or the green logo, they get treated differently under law. I don't get it. I don't understand why that's a good idea, why this Legislature should be moving that bill forward, why we're all rushing to do that. So those-- that's my concern. Why are we passing a law that shifts the balance in favor of billionaires against working people? Why are we rushing to do this when we haven't answered the fundamental questions about what's the distinction between those 2 types of employment. And so, at this point, I guess I, I, I am a no. I was undecided last week, but I'm a no at the moment on this bill. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad-- or Cavanaugh. Senator McKinney has a guest under the north balcony, Tyler Wright of Omaha. Please stand and be recognized by your Nebraska Legislature. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. And again, good morning, colleagues. To my good friend, Senator Sorrentino, who would be so bold to stand up for working families in Nebraska, I am proud to do so. Senators, there's no doubt that there are some common themes and through lines as a result of our most recent state and national elections. Nebraska voters, American voters spoke resoundingly that they were looking for someone to champion the status quo, to be a stronger voice for working families, to tip the balance away from big corporations and towards working families. You heard that resoundingly from many Trump voters. You saw that in Nebraska, where an independent working candidate almost took out a sitting U.S. Senator. And you saw Nebraskans vote unequivocally for paid sick leave. Yet, rather than heeding that call and finding common ground to come together to support and help working families succeed, we see an assault on not only the voters, but also on working families. And this measure is just one piece of the larger puzzle. So whether it's Senat-- my good friend Senator Raybould's effort to undercut the minimum wage provisions, whether it's Senator Strommen or Ballard's effort to undercut the paid leave efforts, or whether it's Senator Ballard's attack on teacher retirement, now we have, yet again, another instance, in LB229, where we're seeking to attack working families and their rights, health, and benefit. And we're doing so, misreading the most recent election results, both generally, in terms of candidate preferences expressed, and specifically, in regards to ballot initiatives that advance economic justice and support working families. And let's compare and contrast the parties that are present in this debate. So we know from the Nebraska Legislature's Planning Committee recent reports that Nebraska is at the top of the list-- number one-- for the amount of Nebraskans

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Floor Debate February 4, 2025

working full time, year round, and living in poverty. We know from the Kansas City Federal Reserve report that came out this November 2024, that while the labor market in Nebraska remains strong, emerging trends point to elements of softness that must be monitored moving forward. Of particular note, the number of Nebraskans working more than one job has increased significantly in recent years. Multiple job holders, on average, earn less and work more than people working one job. This points to emerging financial weakness amongst working households in Nebraska. In Nebraska, we know that 80% of multiple job holders, according to the Kansas City Federal Reserve, work more than 40 hours per week, compared to just 25% of those who work one job. On average, those who hold more than one job work 51 hours per week, compared to 38 hours per week for single job holders. And then we compare and contrast to the large corporations that are seeking this additional government favoritism. Supporters claim this bill is necessary for innovation and entrepreneurship. I agree. Government should not stifle innovation or entrepreneurship, and it is not under the status quo. These companies have operated in Nebraska since 2015, without needing this bill, successfully. According to the Public Service Commission, in 2019, there were about 500 drivers for these corporations. At the committee hearing, a company representative indicated there were thousands, and that tens of thousands of Nebraskans rely upon these services for good reason. However, when you look at the actual facts and the finances, under current law, in the vast majority of states that haven't passed these and under the status quo in Nebraska, Uber and Lyft and DoorDash are highly profitable and successful-- increased ridership, increased profits, increased growth. At February 2025, Lyft had a market cap--

KELLY: That's your time, Senator.

CONRAD: --of \$5.73 billion.

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

DUNGAN: Thank, thank you, Mr. President. Sorry for the delay. I, I was expecting Senator Fredrickson there, so I was outside in the Rotunda. My apologies. I just wanted to finish up a couple of the thoughts that I had. Let me grab my computer real quick. Couple of the thoughts that I had last time I was on the mic-- I don't want to belabor the point too much, but I do think it bears, again, additional conversation. We talked a lot about the California law and we've talked a lot about Proposition 22, which was, I think, this proposition in California, where the voters ultimately supported and then I think the California

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

Supreme Court upheld a statewide proposition that classified Uber and Lyft drivers or app-based rideshare drivers, I think, more specifically, as independent contractors. And there's a couple of finer points to make about that, though, because yet again, when you talk about the actual things that have happened in other states, we have to be very clear about how they are differentiated from what our current statute before us or our proposal is. The California Prop 22 didn't just classify these drivers as independent contractors. It actually went further and also ensured that they would have certain protections. So California Prop 22, I believe, also adopted certain labor and wage policies that apply only to app-based drivers and to companies such as Uber, Lyft and DoorDash. So to say that Prop 22 was widely supported by the individuals that it was classifying as independent contractors tells only half the story. The part that it leaves out is part of the reason that there was a number of individuals and organizations that supported that, is it ensured they would have additional protections and additional benefits. The law before us today being proposed, LB229, does not do that. I unfortunately have not had a chance to speak with my colleague, Senator Hallstrom, about whether or not some of those provisions could be included in a potential amendment. Again, these early bills happen very quickly, and so hopefully we can continue to have that conversation. But I want to make very clear that just because Prop 22 was supported by drivers, it does not mean universally that drivers are going to want this bill in place. In addition to that, the case wherein Prop 22 was ultimately upheld by the California Supreme Court, my understanding is the challenges were not necessarily to the, the meat of the bill or the meat of the proposition, but the challenges were to the constitutionality of, I think, the voters getting to decide labor policies. I, I think there was something of an argument, essentially, to put it very simply, kind of a separation of powers issue. Is this something that you can put to the voters? And so, I just want to be very clear that the, the Prop 22, while I think is informative, is certainly not binding, and I don't think it paints the entire picture of what we're actually dealing with here. In addition to that, I do think-- and I want to take a step back. This is about a larger conversation. And some of my colleagues, Senator Cavanaugh and others, have, I think, done a really good job of trying to say, what is this really about? Is this about people versus corporations? Is this about working families versus labor policy? And, and ultimately, to me, it's about trying to stand up on the side of the individual who is that worker in the gig economy, ensuring that we don't inadvertently pass legislation that's going to harm their ability in the future to protect certain benefits. Do I think that LB229 on its

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Floor Debate February 4, 2025

face is going to deprive workers immediately of certain things? I don't. But my concern is that it is a step in a broader direction that we, as a Legislature, continue to take away from supporting workers and away from supporting workers' rights in favor instead of ensuring that companies and corporations have protections. I sit on the Banking, Commerce and Insurance Committee, and we actually deal with a number of these issues, even though they oftentimes associate more with labor. And one of the questions we always have to struggle with is who does this benefit? Just yesterday, I think we were hearing a bill regarding whether or not you can bring class action lawsuits against banks. And the question I think that ultimately prevails oftentimes is who are we protecting? Are we protecting the individual citizens who inadvertently find themselves in a position where they've been defrauded, or are we protecting larger corporations from the citizens bringing their suits? It's a different conversation. It's a different concept. But large picture, I think we have to make sure we situate ourselves in that context when we're talking about these kind of bills. My concerns about LB229 have been expressed by others and by myself. And so I do, at this point, stand opposed to it. And I would encourage my colleagues to--

KELLY: That's your time, Senator.

DUNGAN: --look into the language. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. Good morning, Nebraskans. And good morning, colleagues. One of the points that I've kind of considered as I, as I think about my position on this bill that resonated most with me was one that was just sort of shared again by Senator Dungan, and one that was originally brought up by Senator Conrad, that a lot of the work that we do in the Legislature, we have to go back and look at what the committee did before. We have to look at the committee work and the committee statement, and where Nebraskans, the people we represent, not the corporations, not the companies, not the national organizations, but the people-- where do they stand on the issue before us? This bill had one proponent, one opponent. I believe it had no letters. But it's a matter of great consequence before us because of how it affects the future of how working families and Nebraskans are able to support themselves and work going forward into the future. If we take no action, if LB229 falls off, if it doesn't get rescheduled, if it fails, nothing changes in terms of the status quo for rideshare drivers in Nebraska. They're still categorized as

independent contractors for purposes of employment, because that's what their contract says that they sign with Uber or Lyft or whatever service, and that's how courts have interpreted it. And as Senator Conrad said, knowing judges in this state, that's probably likely how courts are going to interpret it in Nebraska, too, if this were to come before them. Of course, we don't have any pending court cases in Nebraska that would call into question, you know, what is the employment status of a rideshare driver. So LB229, ultimately, when you look at the history of the bill, when you look at the committee work that was done on the bill, this bill explicitly is a favor to corporations like Uber and Lyft, to enshrine in Nebraska state statute that even though there's no danger of this right now, rideshare drivers will never, never in Nebraska be able to unionize, as long as this bill is in statute. I think that we have to keep in mind, you know, this is an unnecessary government intervention that is designed to stack the deck against workers, against working families, and against drivers in a climate in this state where there is actually no, no need for this bill to exist right now. They're already classified as independent contractors. If we take no action on this bill, they still will be. And there's no pending action right now in the courts that would be affected by this bill. And there's no general interest or, or movement right now for drivers in Nebraska to unionize. So all this does is put the thumb on the scale in favor of corporations, and it throws Nebraska workers and families back out to the wolves and takes away protections that they need to support themselves. Let's also be clear, colleagues. Not every attempt to unionize succeeds. When you look at movements to unionize around this country in the last 5-10 years, workers at Amazon, Starbucks-- I can think of other ones-- they have fought for years with major companies to form unions. And many have failed. There's corporate pressure, there's legal challenges, there's internal resistance. Sometimes you can't even organize the workers in the first place to begin that process. And so we need to remember in Nebraska, if rideshare drivers decide to try to form a union, there's no guarantee that they're going to win. There's no guarantee that that's even going to happen. But that's not the point, colleagues, either. The point is they should have the right to try without government preemptively coming in with a bill like LB229 and saying, you can't even try. You can't even make an attempt. This bill, colleagues, it's not about protecting workers. It's not about ensuring fairness. It's about tilting the playing field even further away from working families and working Nebraskans in favor of billion-dollar corporations like Lyft and Uber, who are making it nearly impossible for drivers to even advocate for themselves to get safety protections, to get minimum wage, to get support that they

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

need. So for that reason, you know, workers are already up against corporate interests and they don't need government making it even harder. Thank you, Mr. President.

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

HALLSTROM: Thank you, Mr. President. One thing I'd like the record to reflect is that the approach undertaken in LB229 is neither novel or unique in Nebraska. If you take a look at pages 6-11 of the bill, it's chock full of exclusions from the definition of employment. There are 21 categories of workers who at one time or another have been excluded from the definition of employment, including agricultural laborers, domestic service providers, and interestingly enough, we're looking at direct sellers. And direct sellers to me are Uber drivers on foot. So we have made that specific exclusion. And in fact, similarly to the provisions of LB229, the current law says with respect to direct sellers, the services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed, and the contract provides that the person will be treat-- will not be treated as an employee for federal and state tax purposes. That's very similar. One of the things that I think have been overlooked are there are criteria that apply with regard to the independent contractor status or the exclusion from employment that we're providing for under LB229. Specifically, those are found at the bottom of page 11 and the top of page 12 of LB229. Similar to the direct seller exclusion, the person performing marketplace network platform services and the network platform contractor must agree in writing that the marketplace network contractor is an independent contractor and not an employee. It further goes on to top of page 12, to indicate that the mark work-- marketplace network platform does not unilaterally prescribe specific hours. It also indicates that the individual is free to work with other outside employment, including working for other network-- marketplace network platform providers. And finally and importantly, the marketplace network platform is not allowed to terminate the contract of the marketplace network contractor for not accepting a specific service request. And again, the employ-- the independent contractor has the ability to deny any specific request to provide service. I think when I made my comments on Friday and also at the committee hearing, I noted that Senator McKinney suggests and Senator Hunt has chimed in, as well, that we are protecting corporations and turning our back on the, on the working people. But contrary to that, in fact, the drivers indicate, and, and I quote, virtually every poll, survey, and election has shown that this is what the overwhelming majority of drivers on the Uber platform

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

want. And we go on to say 75% of the drivers expressed their preference to remain as independent contractors. So we are doing something by codifying this that's similar to many similar changes that we've made over the years for the platform network drivers. I do want to address-- I noticed that Senator John Cavanaugh is not on the floor of the Legislature right now. But for the record, he had asked me off the mic last week and I think on the mic, whether or not the-- Uber could make a decision to switch course and treat these individuals as employees. And I would note, based on what I've just indicated from the, from the bill, that that is the case. There must be an agreement in writing between the individual driver and the contractor that indicates that they are an independent contractor and not an employee. So at any time, Uber could determine that they are not going to continue carrying forward in that manner. I think, just in closing-- and I might have another opportunity on the mic here. I find it interesting, Senator Conrad last week was suggesting that the independent contractor test is complex. Senator Dungan suggested it was murky. But yet this week, Senator Conrad's on board that there's no question that the drivers are independent contractors, Senator Dungan's not so sure, and Senator McKinney thinks they are employees. So there certainly is a reason to move forward affirmatively and put something in the statutes that will codify their status as independent contractors, which carries out the wishes of the drivers.

KELLY: That's your time.

HALLSTROM: Thank you.

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

HOLDCROFT: Thank you, Mr. President. Praise in public, criticize in private. That's kind of what we were taught, military-wise, leadership-wise, in, in my service days. But, you know, we don't do that very much here on the floor. We criticize in public and rarely ever praise. This is particularly true, I think, in-- when we talk about the Department of Corrections and the Department of health, use and-- Health and Human Services. But as the governor often says, what makes Nebraska great is the people. And this is reflected in our correction officers and caseworkers, and they should be recognized for the good work they do in very difficult environments. Before I served on the Judiciary Committee, I had never been in a prison. Knock on wood. Since then, I have visited all 9 of our corrections centers, and I have been very impressed with the quality of our administrators and correction officers. So what I would like to do is share with the body

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

and viewing Nebraskans details about what I have learned from my tour of these facilities over the coming weeks and months. So here are my first facts. In 2024, Nebraska averaged 5,880 incarcerated individuals, just under 6,000 incarcerated individuals in our 9 corrections centers. We have 5 maximum-security prisons, 3 work-release facilities, and one work ethic camp. Our 5 maximum-security prisons include the Reception and Treatment Center here in Lincoln, the Nebraska State Penitentiary here in Lincoln, Tecumseh Prison in Tecumseh, and the Omaha Corrections Center, which is out by the airport. Our 3 community corrections centers, which are work-release facilities, are located at the Omaha Community Corrections Center by the airport, and then here in O-- in Lincoln, we have the, the Lincoln Community Corrections Center and also the Women's Corrections Center. And those, those then are the 3 corrections centers. And again, those folks are, are available for work release. They leave at like 8:00 in the morning, work the day, and come back. I did inadvertently forget about one of the maximum-security prisons, which I often do, is the women's maximum security prison in York, so that's our fifth. And then finally, we have the work ethic camp, which is out in-- is in-- out in McCook. And that was the last one I visited, and it's a long ways to go. So about once a week, I'd like to get on the mic and tell you about each one of these facilities and, and what I have seen and learned and hopefully, to impart some of the information so you're not just getting one side of the story. So the next lesson will be on the history of the corrections center-- centers. Thank you very much, Mr. President.

KELLY: Thank you, Senator Holdcroft. Senator Fredrickson would like to announce some guests in the north balcony, eighth graders from the Friedel Academy Jewish Day School in Omaha. Please stand up and be recognized by the Nebraska Legislature. Senator McKinney, you're recognized to speak.

McKINNEY: Thank you, Mr. President. I still oppose LB229. Interesting comments about the Department of "Punitive" Services and the Department of "Hell, Harm, and Suffering." Senator Holdcroft, you made a comment last week in committee about people showing up to, to committees. For this bill, people didn't show up, only representatives from Uber and the introducer. The drivers didn't testify. If the drivers really wanted this, they would have come. They didn't come. So, very interesting. Senator Hallstrom mentioned a poll. Where's the poll at? Who did the poll? Could we see the poll? Why does this need to be codified into state law-- state statute? Why does this need to be codified? I think that is a valid question. Why does this need to be codified? Why does a industry-- no, no-- why does something need to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

be changed for a company? Why does this need to be codified in law? Please clarify that for me. Because I'm just also curious, after this is codified into statute, can the drivers negotiate their prices? Senator Hallstrom, when you get back on the mic, can drivers negotiate the prices of fares since they're supposed to be independent contractors? Can they negotiate the prices? Can they choose their own routes to drive, since they are independent contractors? Those are 2 important questions that deserve to be answered. And you also said that I think they're workers. True. But more than that, I think they are people, and we should, and we should treat them as such. And that's what's being missed in this conversation. This bill doesn't work for the people of Nebraska. It works for Uber and whoever else owns or operates a platform for rideshare or delivery services online or on an app on our phones. This is who this bill works for. It doesn't work for the people of Nebraska. And it's clear. So I want to know, why didn't the drivers testify in support of this bill? Not one driver. Let me look online and look at the comments. One second. Online comments, where are they at? No drivers even submitted an online comment in support of this bill. So they didn't come and te-- they didn't come in support of the bill in person and testify, they didn't sub-- submit online comments, so where are the drivers at? Where's this poll? Can they negotiate their own prices? This is a valid question. You calling them independent contractors. Can they negotiate they own prices? Can they choose their own routes? I think these are valid questions. And recognizing the Department of "Punitive" Services and the Department of "Hell, Harm, and Suffering," go ahead. But since I've been a senator, I haven't been impressed with either. Because since I've been a senator, in the times I have been inside the prisons, I've witnessed people having to scoop feces out of toilets. I've witnessed men living in in-- inhumane conditions. Women, as well. I've also had to hear stories about the Department of Hell, Harm, and Suffering" losing kids. So I'm not impressed with neither one of these departments because they have failed too many people, whether adults or kids. So you could say you're impressed with them, but I'm not. So, Senator Hallstrom, can you answer why the drivers didn't testify? Where's this poll? Why does this need to be codified? Can they negotiate their prices and can they choose their routes? Because the people of Nebraska deserves these answers. Thank you.

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

MOSER: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. I have some friends that drive for Uber and Lyft, and they do it just to supplement their income. They do it in between

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

the times that they do their normal job, and it provides extra income for them. And they have the opportunity to work for a company that is unionized or they can work for a company that's not unionized. That's their choice. The other day, we had a hearing on a bike share program, and one of the testifiers was talking about how younger people in the more populated areas are not necessarily owning cars. They want to use public transport or they want to use Uber or Lyft to get around. So Uber and Lyft provide competition for the more traditional forms of transportation. And they've held down prices so it makes it easier for people in these urban centers to get around if they don't want to own a car and they want to go exactly somewhere-- they don't want to ride the bus and then walk a mile when they-- or ride their bike from the bus station-- the bus stop, to get where they want to go. Uber and Lyft will take them right where they want to go, and at a cost that's probably less than a traditional taxi and-- maybe more than riding the bus. But nonetheless, it's another opportunity for people to get transportation. I think that these drivers are independent contractors, and I think that, you know, we should recognize that, and I, I do support Senator Hallstrom's bill. Thank you.

KELLY: Thank you, Senator Moser. Senator Conrad, you're recognized to speak, and this is your third opportunity.

CONRAD: Thank you, Mr. President. And just to continue, as of February 2025, Lyft has a market cap of \$5.73 billion in almost-- an almost 15% increase from the previous year. And that's under the status quo in Nebraska and the majority of our sister states that do not have this kind of law on the books. As of February 2025, Uber has a market cap of one-- \$141 billion and is the world's 117th most valuable company. As of February 2025, DoorDash has a market cap of \$79 billion and is the world's 235th most valuable company. According to Indeed, the average hourly pay for a DoorDash driver, also called a Dasher, is about \$16 per hour, which includes both base pay and tips. According to ZipRecruiter, the average Uber driver in the United States makes about \$19 per hour. So these are just the cold, hard facts about the economics at play here. And I do want to note some technical issues, but I also want to gently kind of reset some of the debate that has been brought forward thus far, that not only seeks to dis-- have disdain for working families, but also a very hostile approach to those who represent working families, including unions. And people have questioned, you know, why is the AFL-CIO testifying on this measure? What do they have to gain? And even a casual observer of this process knows that groups like the AFL-CIO testify on measures impacting working families, whether or not it impacts their particular union. Look no further than their support of the earned income tax

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

credit or the child tax credit, for example. They have a right to organize, associate, and petition their government for change and to let their members' voices be heard, just like the corporations who hired lobbyists to push this bill. They, too, have a right, under the First Amendment, to petition their government for these changes. Let's also remember and not forget that union advocacy has helped to end child labor, brought forward minimum wages, brought forward health and safety standards, brought forward worker's comp systems. So if you want to have hostility for working families and the organizations that represent them, that, of course, is your own prerogative. But I do not. And I want to have the record be clear that this Legislature does not speak with one voice, in terms of hostility to working men and women in Nebraska. So I want to turn to some technical questions or issues with the bill. I do think-- and Senator John Cavanaugh has done a nice job of kind of laying out some definitional problems in terms of the inclusions or exclusions. Additionally, the statement of intent on this legislation specifically names Uber and DoorDash, which causes potential for special legislation concerns. Additionally, economic legislation must only pass a rational basis test, but what is the rational basis for the inclusions and exclusions among different market platform operators that are either subject or not subject to this measure? Additionally, on page line-- page 11, lines 29-31, there are specifics related to the independent contractor definition and the person who enters into the agreement. Again, why is this in state law instead of simply governed by common law principles? It is well known and clearly established that government cannot and should not interfere with contract rights of either party, which is at the heart of this legislation. Additionally, on page 12, lines 2-5, there are private--

KELLY: That's your time, Senator.

CONRAD: --contract, contract mandates. Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President. Would Senator Hallstrom please yield to a few questions?

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

HALLSTROM: Certainly.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

SPIVEY: Thank you, Senator. My first question is around the issue that you are trying to solve. Was this legislation brought by a constituent? Did you have a conversation with Uber or the Uber drivers, or like how did this come to be that you brought this legislation and what ideally are you trying to work to solve?

HALLSTROM: Thank you, Senator Spivey. I, I did have initial conversations with some of the marketplace network platform folks, including Uber, and I have visited with drivers. I submitted some written testimony, written response or written remarks from an Uber driver, indicating that person's interest and suggesting that other Uber drivers that they know are of similar mind, in terms of wanting to retain the independence, and it's the only way that they can continue in their drive-- driving capacity, is if they have the independent contractor status.

SPIVEY: OK. Thank you for that. And then, I know that AFL-CIO was in opposition. Did you get a chance to speak with them about their issues as it relates to the labor piece of this?

HALLSTROM: I, I-- I've talked to no one from AFL-CIO. I believe Susan Martin had testified at the committee hearing. She followed up with an email, but nobody has either darkened nor brightened my door on this issue from AFL-CIO.

SPIVEY: OK. Thank you, Senator. And I appreciate you answering those questions. I think, for me, sitting and listening to the, the dialogue and discussion, which I really appreciate, that (1), to Senator Sorrentino's point, that protections must be not just for employers, but employees. And for me, as I listen and am learning and trying to make sure that I understand the intent of this legislation, that this is an attack on labor and labor unions, and what precedent are we setting? I think that needs to be answered and is an unintended consequence of this legislation. And from my understanding, where we are in the session, as bills are getting introduced, the things that we are currently moving to General File that we are passing are noncomplex, controversial bills, things that are pretty cut and dry. They're in really good shape. And there seems to be a lot of confusion around this, that this is more of a complex bill than what is being presented currently. I agree with Senator Sorrentino around the expertise, and I don't think that we currently have that in the body at this time and as a state to make that decision and legislate. And as we think about the support of small businesses and what does that look like, I actually have a bill that I introduced, LB100, that actually supports startups and small businesses. So this legislation

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

shows that startups in our state have the net job growth. They are providing the actual jobs that people are employed within, and it also al-- allocates money to invest in their sustainability through investment income. And so when we talk about being small business owners and the American Dream-- I own a small business with my husband. And we wanted to make sure that we had autonomy, and as we started to build what we wanted gener-- for generational wealth, that there, there is legislation that does that, that we can support. So LB100 is that, where I feel like what we are talking about now is not in that vein. I think it's a mischaracterization of the intent of the legislation. And I do-- and I would love for us to think about what we are talking about here and the impacts on labor, on labor unions, and what does that look like. I was going to yield the rest of my time and it looks like I only have a minute, so thank you, Mr. President.

KELLY: Thank you, Senator Spivey. Senator Guereca, you're recognized to speak. Senator Guereca? Senator Hunt.

HUNT: Thank you, Mr. President. I would like us to, to think critically, to use some critical thinking skills. The argument that drivers want this is not a reason to pass LB229. You're putting something in statute. You're, you're creating a law that A, isn't being asked for, you know, in a, in a large way by Nebraskans; and B, puts something prohibitive in statute that is not solving a problem that's been currently identified, and then it prohibits that thing forever. We know from experience in the Legislature here that when you pass something like LB229, no one's really going to come back in a couple of years and, and introduce something to undo that stuff. Think about the rule that we passed to limit our bill introduction to 20 bills. We're never going to come back from that. And that's why we have to be so mindful and careful when we pass these things. I remember in-- it was 2019 or 2020. Senator Hughes, Dan Hughes had a bill that I fought against for the same reason as LB229, but it was a different kind of bill. It was, we called it at the time a ban on bans. It was a ban on bans bill. And what the bill did was it prevented in Nebraska statute, forever, any city or, or you know, town or village in Nebraska from passing a plastic bag ban. Now, at the time and still today, of course, there was no city proposing a plastic bag ban. Nobody in Nebraska was even trying to ban plastic bags. But because we passed that bill, now nobody ever even can, no matter what, unless we repeal the bill. So do you think that's ever going to happen? No. It's going to, you know, go down the black hole, spiraling down into the annals of work that the Legislature has done, forever to be forgotten. You know, maybe in the future, if there's ever some kind of emergency, which isn't probable, that could be repealed. But we

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

know how unlikely that is. The same thing is going to happen with LB229 that happened with the ban on bans and that happened with the 20-bill limit. We're passing something that's never going to be undone that at the end of the day, puts shackles on workers. It, it prevents them from their own self-determination for something that they're not even asking for. So, you know, I heard Senator Moser and Senator Hallstrom-- you know, this is supposed to be the party of small government, the party of, you know, limited government, party of the working class right now, to hear them talk about it. Introducing this bill, supporting this bill that puts limitations on workers for no reason, solving a problem that doesn't exist. So, frankly, you should think critically about this. It doesn't matter if workers want to be independent contractors. It doesn't matter if most Uber drivers who this bill affects do not want to unionize. That doesn't mean that we put it in statute. That doesn't mean that we make it illegal for them to ever try forever. You don't know what the landscape of, of the country in Nebraska is going to be like in 10, 15, 50 years. Why would you limit the capacity of, of not just workers, but corporations, of businesses to operate the way they want to? It doesn't matter that workers don't want it right now. What I wonder, you know, between now and my last time on the mic, I was doing some basic light research on the computer. I was looking at Twitter and Bluesky and Facebook, which are 3 social media sites, and searching for Nebraskans, which you can do by using a filter to select messages from people near me, or you can, you can select messages that were sent from a certain geographic area. So I'm looking for messages and tweets and statements from people in Nebraska who drive for rideshare, along with terms like independent contractor, union, unfair, tips, you know, just kind of looking for things people are saying. And I can talk about this more on my next time on the mic. Reddit, also. Reddit has a lot of Uber and Lyft drivers talking about their experiences. And you know what? I'm seeing kind of a mix. I'm seeing people who do want to unionize. I'm seeing people who don't. I'm seeing a robust discussion between those drivers, talking about how they would like to operate in this space. I don't think it's the role of government. I think it's an unnecessary government intervention for the Nebraska Legislature to then come in and say, you know, we're going to make that decision for you. And by the way, forever. Forever. So, you know what? You don't even have to talk about this anymore because you will never be allowed to unionize in Nebraska.

KELLY: That's your time, Senator.

HUNT: Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

KELLY: Thank you, Senator Hunt. Senator McKinney, you're recognized to speak, and this is your third opportunity.

McKINNEY: Thank you, Mr. President. I rise again, opposed to this bill. And hopefully, sometime today we'll get the questions answered about why no drivers came to the committee to testify in support, why they didn't submit any online comments, where's this poll? But I did hear people are in the lobby circulating some type of poll, DoorDash or something. But I haven't seen it, so it doesn't exist in my mind. Why, why does this need to be codified? Can drivers negotiate their, their own prices? Can they choose their own routes? Those are questions, valid questions. And last week, there was a conversation about this bill is needed because there have been attacks in other states on Uber and other similar companies like this. What are the attacks, that drivers had the option to decide whether or not they wanted to decide their fate of being either contractors or workers? What's wrong with that? Really, what's wrong with people coming together and deciding who they are and what they want to be or what they want to be considered as. Really. Just think about that. But the government wants to decide for them, for a corporation. I, you know, I go down historical dark holes a lot of times. And that seems to be very un-American, if I would say myself, that the government would step in and make a decision for the people in support of a corporation, I think that's un-American. But, you know, that's just my argument, but I could be wrong. Why can't we leave the option open for the people? If the people want to decide, let them decide. Maybe they might not choose to be workers, or maybe they'd choose to just be independent contractors. Why does Senator Hallstrom want to decide for them? Why does this body need to decide for them? I have my opinion, but that's my opinion. I'm not them and you're not them. We shouldn't be deciding for people, and that's the point of this conversation. At some point, we have to allow people to be people. Like, we got bills in this place that want to take back some of the things that were passed on the ballot, but the people decided. We either believe in the right of the people or we don't. We either believe in the second house or we don't. I-- I'm--it's just, it's just a interesting conversation that the government is stepping in. And again, I will repeat, for those who probably will end up, whenever we do get to a vote, voting for this, because people need to hear this. In the hearing for this bill, no driver came and sat in that chair and testified. When you look at the online comments, no driver is a proponent. There is a mention of a poll. I haven't seen it. Supposedly there's a DoorDash poll being circulated in the Rotunda. I still haven't seen it. Why does this need to be codified? And somebody probably get up here, so

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

can you answer? Can they negotiate their prices? Can they choose their own routes? Answer these questions for me. I will be delighted. Thank you.

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

KAUTH: Thank you very much. So first of all, I want to say there are so many very impressive strawman arguments going on on this floor-- lots and lots of words taking up lots and lots of time, stretching out this filibuster, making it look like there's actually stuff of substance being discussed. It is an impressive skill set to be able to make something-- or make nothing sound like something. I do want to say, Senator McKinney, I had someone reach out to me who is a driver for Uber, and she said they can accept or decline orders. They're not required to take something. She always turns down the orders that don't pay enough. And yes, they can pick their own routes. They're not forced to drive a certain route. They just have to get the person there on time. And I hope everyone is remembering all of the, the senators on this floor saying, why aren't you listening to the second house? Because we're going to have some bills coming up that are tough, where the majority of the population of the state supports them, so I hope they remember that. And also, Senator McKinney, for your landlord-tenant bill that you had, no tenants showed up either. So I think that judging a bill by the strength of people who show up or don't is probably not as reflective as we should make it. Thank you.

KELLY: Thank you, Senator Kauth. Senator Ibach would like to recognize some guests in the south balcony and north balcony, members of the Nebraska Association of County Extension Boards across the state. Please stand and be recognized by your Nebraska Legislature. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Thanks to all the extension folks being here. Love the Extension. I think we have a Master Gardener Extension in Douglas County. I'm sure they have them in other places, but I always aspire to use that service, and have not successfully. I would not say I'm a master gardener, but I'd love to learn about it. So I, again, rise in opposition to this bill. And I've been listening. I've caught some of the stuff folks have talked about and maybe some of the answers to some of my questions. But I do think that we're having kind of a fundamental conversation about legislation, which I think is good. I know people feel like there's time being wasted, but it is important to sort of set out some

principles about I-- like, what you think is something we should do in laws. And I do think this one strikes a, you know, a-- puts a divide between what people think laws-- purpose they should serve. And so I think that we shouldn't pass laws that are infringing on people's rights unless we absolutely have to. We shouldn't insert ourselves into certain relationships unless we absolutely have to. And, you know, so I like to look at bills and laws and think, does-- is this-- one, is it ach-- achieving a objective that we should seek to achieve? And then, does it do it in a way that is least restrictive or-- for people's everyday lives? And this bill is one that inserts itself into a relationship, being the employer/employee or independent contractor and contractee-- I guess. I don't know what the word is there-- relationship and, and says-- basically just sets out and says, this is that-- what that relationship is. And I noticed Senator Hallstrom, I think, did answer my question that they can choose to engage in a different relationship, and so that's good. But I guess then the question is, if they can choose to enter into either a independent contractor or an employee relationship, what role are we playing here? If it's-- if they can choose to define their relationship how they see fit and there's federal guidance in absence of that, of which relationship they should have, what role is the Legislature playing here? And it seems to me that we're playing the role of tipping the balance in this-- in the negotiation. So when they're choosing what relationship to seek between the independent contractor and the contractee or the employee and the employee,--which, which relationship these folks are choosing, we're tipping the balance in favor of this massive corporation. We're really talking about Uber here, but there probably are others that meet the definition. And so, that's the question we're answering, and that's why there's opposition here. It's-- there are technical problems with this bill and ways that it actually would be implemented. But I think the fundamental question is, do we want to insert ourselves into this relationship in a way that tips the balance in favor of billionaires and away from individuals? That's the question that you're being asked here. And I do appreciate-- I've heard a lot of folks, especially new folks, asking good questions in committee hearings, about that very thing, about whether-- why are we inserting ourselves here? We had a great hearing yesterday on some of the Liquor Control Commission, Liquor Control Act stuff. And there were some fundamental questions from some folks about whether it's wise for us to tell people how they should engage in this, this business, these small businesses. And when we do insert ourselves, we do tip the balance one way or another. And we should always tread lightly when we are (1), inserting ourselves between 2 individuals, so how they make a decision, but we should

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

certainly tread lightly when we're inserting ourselves into how anybody can-- is allowed to live their life, especially when it doesn't affect someone else. So I-- still opposed to this bill. I don't really see what purpose it serves. I do think it runs the risk of being-- us shifting the balance out of whack from where it currently is. The current system is working. There are-- you can get an Uber. I took one this weekend. I know I said I don't use Uber Eats, but I did use Uber this weekend. And it was great. I was able to get it, and it was, it was an available service. So it's not chilling this market. It's not preventing these services from being afforded. So I just don't-- I guess I don't know what purpose we are serving in passing this bill. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh, Senator Hunt, you're recognized to speak, and this is your third opportunity.

HUNT: Thank you, Mr. President. I can tell you why we're discussing and passing this bill. Because for the first time, we were unable to maintain committee balance in Business and Labor Committee. Companies like Uber fund and donate to-- I've received a check from Uber, probably in 2019 or 2020. They donate to politicians because they-- why am I have to explain this. Because they want us to introduce bills like this. Did a driver bring this bill to Senator Hallstrom? Did a driver in Nebraska come and say, you know, there's been a lot of effort to unionize, and I want to make sure that I can stay an independent contractor. No. None of them testified, none of them came and talked about this. This is a gift to a corporation, and we're discussing it because we weren't able to keep it in committee for the first time. This bill has been introduced many times, and we were always able to keep it in committee because it's anti-worker, and because it's a gift, wrapped in a bow, from politicians to a corporation, and that's not what Nebraskans have sent us here to do. So I'm sorry to people like Senator Kathleen Kauth, who think that we're all up here flapping our gums, wasting time, but substantive things are being said, and we are using the process to protect workers who sent us here to advocate for their interests, not corporations and national organizations and companies who are writing big checks to get us here in the first place. So that's why we're discussing this. A bill that bans Uber and Lyft and any other rideshare service from forming a union in Nebraska is a direct attack on the constitutional rights of the workers in Nebraska. They have the right to petition the government. They have the right to organize. They have the right to worker protections and to fight for those protections under federal law. And you know what? Companies like Uber and Lyft, they have the right to write checks to senators like Senator Hallstrom and ask them

to introduce bills like this. What we shouldn't do, what would be an irresponsible use of government, is for us to put our thumbs on the scale for these corporations and say, you intro-- you, you brought this bill to us, Uber, because you don't want Nebraskans to ever have a whiff of the possibility of forming a union in your company. Instead of taking care of their workers, instead of providing them with a good wage, instead of giving them protections, they're going to the government and saying, we want you to make sure this can never, ever happen, instead of working internally with their drivers to make sure they're happy. And you know what? By the way, it sounds like drivers are happy. All the light research that I've done this morning, looking at Twitter, looking at Facebook, looking at Reddit, looking at posts from Nebraska drivers on Uber and Lyft. There's some back and forth and, you know, discussion about unionizing, about protections for wages, things like that. There are other states that have passed things like guaranteeing a minimum payment for drivers based on the distance they drive and the time that they drive. I think that would be a more productive use of Senator Hallstrom's time. And it would be-- maybe something that could potentially be an amendment. Those are the kinds of things that drivers are talking about. There is no demand for drivers to say, please, government, please, government, please help us so that we will always be independent contractors. We never want to be able to organize. No one is saying that. If we take no action and LB229 does not advance, the status quo stays the way it is. Nebraska Uber drivers, the majority of whom seem to be totally happy with their contract relationship with Uber, stay as they are and nothing changes. Uber continues to make billions of dollars. Lyft continues to make billions of dollars. All that's happened is the big government didn't come in and put their thumb on the scale against the workers. And that's why this bill, LB229, the same bill that's been introduced many times, never got out of committee before. Because we had a balance in committee and we had the wisdom to say that it is not the government's place to put our thumb on the scale this way. Rideshare drivers, they often make less than a minimum wage, because they don't get money for gas. That comes out of that \$16 an hour. A UC Berkeley study found that after expenses, Uber and Lyft drivers take home an average of \$5.64 an hour, worse than some of the lowest paid jobs in this country. In some cases, drivers even end up losing money after gas, repairs, Uber and Lyft's constantly changing pay algorithms. This bill does nothing to address that. All it says is that they will never, ever, ever be able to organize as workers, which there isn't even an appetite for right now.

KELLY: That's your time, Senator.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

HUNT: Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President. I would like to yield my time to Senator McKinney.

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

McKINNEY: Thank you, Mr. President. So I still oppose this bill. And Senator Kauth, you mentioned something good, good and very interesting. You said nobody came-- no tenants came in support of my bill, so I shouldn't make my argument about this bill. That proved my point about why I made this argument. Well, you walked into it. Because Senator Holdcroft brought up this same com-- brought up the same issue, like where are the tenants? Where are the tenants? Why aren't they here? So I started making this argument for that very purpose. Because supposedly, in that hearing, because the tenants didn't show up, the validity of my bill was in question. So thanks for making that argument. I appreciate it. As far as if you want to call this a filibuster, I really don't-- I wouldn't even necessarily call it a filibuster. It's the fact that we start at 10. We got 2 hours. 2 hours is easy, honestly, considering we have 2 hours. I got 3 times on the mic. That's 15 minutes. Somebody could yield me time. We could take up time. It's not-- it's very simple mathematics if you think about it. Then, a lot of words without intention. I do have intent. My intent is to protect the people of Nebraska. My intent is to bring up this issue and talk about how this bill is prioritizing a corporation over people. That is my intent. So it's not a lot of words without intent. My intent is to protect people. That is my intent. And that's what I started with. That was my intent when I voted no on this bill when we voted out of committee. That's been my intent. So I haven't said a lot of words without intention, because my intent has been clear. My intent was clear when this bill was voted out of committee that I didn't support it. So my intent hasn't been in question. It's been clear this bill isn't necessary. Why are we trying to codify independent business practices into statute? Why? To, to make sure that the people of Nebraska cannot someday, if they decide to, if they decide to say, hey, we value ourselves in a different manner one day. This would prevent that. And that's why this bill is being pushed, not by the drivers. This is not being pushed by the drivers, who this is being sold as protection for the drivers. The drivers are not pushing this bill. It's not the drivers out in the Rotunda pushing this, handing out polls. It's not the drivers. It's companies and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

corporations. So think about that. So my words, with intentions, just like my vote when this bill came out of committee, is to protect people, not corporations. So you can say this is a filibuster. I really don't think it is. I've been through a bunch of them. Really, we started at 10. Really, not 10 exactly, because we waste about 10 or 15, sometimes 20 minutes when we start our day, so it's not a true 2 hours. So people-- if, if like 5 people take 15 minutes, it's really not that hard to get to noon, honestly speaking. And then, because you want to defend this bill, you get on the mic, so that's another 3-5 minutes or maybe, so it's not hard to take up time. So when you get on the mic, you help. If you wanted this to go to a vote, you wouldn't have clicked your light. Just that simple. Thank you.

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

M. CAVANAUGH: Thank you, Mr. President. I, I haven't actually engaged in the debate today, so. I, I think we talked about this last week. And I wasn't really clear on what the bill was at that time, and then, you know, spent some time over the weekend looking at it a little bit more. And I apologize. I was out in the Rotunda talking with various groups that are here today-- there's quite a few groups here today-- and so I didn't get to hear all of the conversation in the floor debate. I heard that there were amazing strawman arguments, but I don't know what those were. What I have heard is, I mean, essentially a philosophical difference in how we approach our workforce. And I don't know that that means that it's a strawman's argument. I think it just means that we either value our workforce or we value the businesses. And this bill, for me, couple of things. One is I'm not sure why we're doing it, because nobody is seeking to do this, to organize to be considered employees. The other is, in states where that has happened, that has failed. It's just cost a lot of money. So that's another reason to kind of like, proactive, kind-- nailing people down. I'm not really a fan of that, especially as this is a gig economy right now, but it's evolving. I mean, like just when I started in the Legislature to now, how Uber, Lyft, Gopuff, Uber Eats, GrubHub, DoorDash, Postmates, all of those things keep evolving, shifting, the services that are provided, that are included-- we don't know what the future holds for this market. Right now, I would say, does it make sense for them to be employees? No, it doesn't. Does it make sense for us to lock that into statute? I don't think it does. I like to leave the flexibility open for what the future may hold. Can we change this in the future? Sure, we can. But it is much harder to change statute once that's been enacted. So I would prefer to see us stay as we are and see how this new and evolving industry evolves. And perhaps, it

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

will continue to be an opportunity for sort of that independent contractor gig economy. And if that's the case, fantastic. It certainly-- it serves a need for the people that they are providing the services for. Most of us in here probably take Lyft, Uber. I know I have had DoorDash delivered to me here many, many times. And, and that's-- it's great, because then I don't have to leave this building in January or February when it's really cold out. So I guess what I'm saying is that I am not going to vote for this bill at this point. I don't know if there's been any proposed changes to it. So I'm-- this is when that soft no comes in. I'm not going to vote against it because I'm not 100% convinced that there can't be some resolution or common ground or compromise. I don't know what that is so I'm not offering one to Senator Hallstrom at this point, but I am going to remain actively listening as this, I assume, moves forward in the stages of debate and see where we land. But for today, I'm going to be present, not voting. And I appreciate having a robust debate on any topic. But when it comes to workers and the workforce, I think it's important that we are serious and deliberative in any changes that we make. So with that, I-- how much time do I have left?

KELLY: 40 seconds.

M. CAVANAUGH: I just like to get you to say that on the mic, Mr. Lieutenant Governor. I miss, I miss our one minute back and forth. So when I can, when I have the time, I like to ask how much time I have left. And that-- I will yield the remainder of my time to the chair. Thank you.

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

QUICK: Thank you, Mr. President. And good morning, colleagues. You know, yesterday, I talked a little bit about my son's situation with being classified as an independent contractor and how that really affected him, and, and was-- created some adverse situations for him. I do understand that, that it does work for some in that industry. So I, too, as well as-- I may be present, not voting, and hoping maybe we can see what changes we could make to this bill. I do also know that in Grand Island, at one point, we had a, a, a contractor who had made all of his employees independent contractors. And actually, he ended up getting in trouble because he did it illegally, and ended up-- maybe-- I think he did some time for that, as well. You know, the one thing that I want to make sure we understand is that we want to make this-- there should be a choice in the matter. So if these-- does-- it-- does this make it so they can never just become employees again,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

if they want to go back to that way, become a regular employee versus an independent contractor, if they found out this wasn't working for them. And then, you know, in that choice, it doesn't mean you always have to unionize. It means-- but there is that opportunity, if you go back to being an employee, can you unionize? And so, there should always be that choice for people to make if, if things aren't working directly the way they would like to see them go. I will say, you know, I still pay-- I'm an-- actually a union member. I'm-- I was IBEW. I still pay my union dues even though I can't be represented, but that's a choice for me because I see the importance of, of having that, that representation, and I support that. I will tell you that not every employer needs to have a union, needs to have that because they treat their employees the way-- that what-- the way they should. And the employee-- and the employees recognize that and really work together with their employer, so there's no need for that unionization. But there are those times where maybe an employee's been mistreated or something and they don't have that representation. Maybe they've been terminated or, or disciplined for, for things they didn't feel was right and they have no way to resolve that, and, and unions have that, that, that ability to do that. I represented a lot of people in grievances, and we would actually work directly with the employer to make sure that, that those needs were met. So we wanted to make sure that that employee was doing what they were supposed to do and following the rules. But then, also, on the other side of it, employers have to follow the rules, as well. So those, those roles were all defined, either in the, in the agreement or if you agreed to follow the policies through your-- through the employer policy. And I know there was many times that we would find out-- we would go into a meeting and we would find out maybe that employee had did some things that they didn't tell me about. And so, we'd have to call a, a sidebar and go outside and, and talk to them and tell them, you know, you need to tell us everything before we go in, and then we could go in and correct that. And those areas, we wanted to make sure we didn't skip any parts. I think sometimes the employer might have wanted to skip from point A to point C, go right from the-- skip the discipline part and go to termination. And we wanted to make sure that that process was followed, unless it was so serious that it couldn't be resolved. So those are just some things that we did while we were-- while I was a union representative. A lot of people talk about wages and benefits. Yeah, we do negotiate those, as well. But, but you know, a lot of those times when we're sitting down with, with the employer, we're working together with that employer to make sure that, that we're not making it hard for them to be able to, to, to keep their company open and to keep the doors open and keep running efficiently. A lot of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

times, it was about safety. We would meet about safety issues, and making sure that those employees were-- had all the safety equipment to make sure we didn't have workplace accidents, to make sure that-- we didn't want to have work comp cases any more than the employer did. So we wanted to make sure our employees went home every day with, with all their body parts and make sure they went home so they could spend time with their families and not have to be in a hospital or be injured. And so, you know, I'll be-- I'll, I'll watch this and see if, if the-- if-- what happens with this bill. But, but thank you, Mr. President. And I'll yield the rest of my time.

KELLY: Thank you, Senator Quick. Senator Spivey, you're recognized to speak and this is your third opportunity.

SPIVEY: Thank you, Mr. President. As we've been having this dialogue, we've been talking and some of the conversation has been centered around labor unions and worker rights. And I would be remiss as we are talking about that if I did not acknowledge the resolution that I put forward for Black History Month. We are in the fourth day of Black History Month, and I am thankful to all of the senators that signed on to acknowledge this month in February. So the resolution reads: Whereas, February is recognized, acknowledged, and celebrated as Black History Month across the country; and whereas, Black History Month is an annual celebration of achievements by Black Americans and a time for recognizing their essential role in the history of our state and our nation; and whereas, Black History Month was originally established in 1926 by Dr. Carter G. Woodson as a week-long observation, and later expanded to a month-long celebration in 1976; and whereas, Black Americans have contributed significantly to the cultural, social, economic, and political fabric of our state by navigating historic and systemic inequities to drive progress and innovation; and whereas, Black History Month provides an opportunity to reflect on the history for racial equity and justice, honor the resilience of black communities, and commit to creating a more abundant and equitable future. Now, therefore, it be resolved by the members of the One Hundred Ninth Legislature of Nebraska, First Session: That the Legislature recognizes February 2025 as Black History Month in Nebraska; that the Legislature encourages all people to take the time this month to celebrate the history, heritage, and culture of Black Americans and their contributions to the United States of America and Nebraska; and that we have made history this session by having 3 Black Nebraskans represented in the history of the Legislature that has never been done before. I would like to yield the rest of my time to Senator McKinney. Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

KELLY: Thank you, Senator Spivey. Senator McKinney, you have 3 minutes and 4 seconds.

McKINNEY: Thank you. And thank you, Senator Spivey. And thank you for LR36 to celebrate Black History Month. I think it's very important to celebrate Black history, especially in the times that we live in, in America, in this country, where there's a tax on a lot of things, especially Black history, which is American history. I know some people are asking let's go to a vote. Let's figure this out. There's some people who want to PNV and just let this move on. Honestly, I mean, I'm out of time, but, you know, I'm on the mic again-- some type of way, but I am. I just think it's important, and we still haven't had these questions answered. So people keep asking me, what do I want to do? Like, honestly, I'm just like, can we get these questions asked? Why weren't any drivers testifying in support of this? Where are the drivers? Can-- after this bill pass, can drivers negotiate their prices? I would like to know. After this bill passes, can drivers negotiate their prices? I think there's are-- these are fair questions to be answered. Can they choose their, their own routes? I think these are fair questions. So also, another question-- why is this needed to be codified into state statute? Why? What for? What is the reason that this is so important that it needs to be codified in state statute that takes away the flexibility of the people of Nebraska to decide on who they would like to be. So somebody might answer these questions. So, again, if this bill passes, can drivers negotiate their own prices? If this bill passes, can they choose their own routes? Fair questions. And that's just what I would like to know. And Happy Black History Month. Let's continue it. I might start coming up with, you know, Black history facts every day on the mic, because I think it's important to make sure those things are read into the record, since people don't, don't like to recognize it and try and erase it. So, thank you.

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

HOLDCROFT: Question. Call of the house.

KELLY: There's been a request to place the house under call. The question is, shall the house go under call? Do I see 5 hands for that previous motion to call the question? I do. There's been a request to place the house under call. And the question is, shall the house go under call? All those in favor say aye; all those opposed vote nay. Record, Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

CLERK: 28 ayes, 2 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused members are present. Members, the question is shall debate cease? All those in favor vote aye; all those opposed vote nay. There's been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Andersen.

KELLY: The question is shall debate cease? There's been a request for a roll call vote.

CLERK: Senator Andersen voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Bosn voting yes. Senator Bostar. Senator Brandt voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting no. Senator DeBoer not voting. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Fredrickson not voting. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Juarez. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKeon voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Prokop not voting. Senator Quick not voting. Senator Raybould not voting. Senator Riepe voting yes. Senator Rountree voting no. Senator Sanders voting yes. Senator Sorrentino voting yes. Senator Spivey voting no. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting yes. Vote is 33 ayes, 8 nays, Mr. President, to cease debate.

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

HALLSTROM: Thank you, Mr. President. I appreciate the body's patience and involvement in, in discussing this issue. Senator McKinney, I will address your questions. If you stepped out of the Chamber while Senator Kauth was making her statement, she did address both of those questions. However, I will do that again. The drivers cannot negotiate

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

prices, but they have the ability to accept or decline rides, and they can choose their own routes. I would like to address-- Senator John Cavanaugh raised a question as to whether or not we need clarity on the applicability of the bill to DoorDash, and we certainly can propose an amendment on Select File with the advancement of this bill to address that issue. I believe we've made the case that we should move affirmatively on this issue, and I would appreciate your green vote on the advancement of LB229.

KELLY: Thank you, Senator Hallstrom. Members, the question is the advancement of LB-- the advancement-- the question is the advancement of LB229 to E&R Initial. There's been a request for a roll call vote, reverse order. Mr. Clerk.

CLERK: Senator Wordekemper voting no. Senator von Gillern voting yes. Senator Strommen voting yes. Senator Storm voting yes. Senator Storer voting yes. Senator Spivey voting no. Senator Sorrentino voting yes. Senator Sanders voting yes. Senator Rountree voting no. Senator Riepe voting yes. Senator Raybould voting yes. Senator Quick voting no. Senator Prokop voting no. Senator Murman voting yes. Senator Moser voting yes. Senator Meyer voting yes. Senator McKinney voting no. Senator McKeon voting yes. Senator Lonowski voting yes. Senator Lippincott voting yes. Senator Kauth voting yes. Senator Juarez. Senator Jacobson voting yes. Senator Ibach voting yes. Senator Hunt voting no. Senator Hughes voting yes. Senator Holdcroft voting yes. Senator Hardin voting yes. Senator Hansen voting yes. Senator Hallstrom voting yes. Senator Guereca voting no. Senator Fredrickson voting no. Senator Dungan voting no. Senator Dover voting yes. Senator Dorn voting yes. Senator DeKay voting yes. Senator DeBoer not voting. Senator Conrad voting no. Senator Clouse voting yes. Senator Clements voting yes. Senator Machaela Cavanaugh not voting. Senator John Cavanaugh voting no. Senator Brandt voting yes. Senator Bostar. Senator Bosn voting yes. Senator Ballard voting yes. Senator Armendariz voting yes. Senator Arch voting yes. Senator Andersen voting yes. Vote is 33 ayes, 12 nays on advancement of the bill, Mr. President.

KELLY: LB229 advances to E&R Initial. Mr. Clerk. Raise the call.

CLERK: Mr. President, some items. Your Committee on Health and Human Services, chaired by Senator Hardin, reports LB118 and LB148 to General File. Additionally, your Committee on Enrollment and Review reports LB38, LB43, LB91, LB167, LB51, LB52, LB72, LB85, and LB182 to Select File, some having E&R amendments. Amendments to be printed from Senator DeBoer to LB66. Notice of committee hearing from the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 4, 2025

Government, Military and Veterans Affairs Committee, as well as the Revenue Committee. Amendment to be printed from Senator Hallstrom to LB229. New LR from Senator Murman, that will be laid over. Name adds: Senator Hallstrom to-- and Senator Lippincott, Senator Bosn, and Senator Holdcroft to LB468; Senator Spivey, LB701; Senator Prokop, LR20CA; and Senator Hallstrom, LR21. Finally, Mr. President, a priority motion. Senator Andersen would move to adjourn the body until Wednesday, February 5, at 9:00 a.m.

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