

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Executive Board March 6, 2023

**BRIESE:** Good to go? OK, I'll call the meeting to order, meeting of the Executive Board. Have the members of the committee introduce themselves, starting with Senator Clements.

**CLEMENTS:** I'm Rob Clements from District 2: Cass County, eastern Lancaster.

**BOSTAR:** Eliot Bostar, District 29.

**GEIST:** Suzanne Geist, District 25.

**ARCH:** John Arch, District 14.

**TREVOR FITZGERALD:** Trevor Fitzgerald, committee legal counsel.

**LOWE:** John Lowe, District 37.

**VARGAS:** Tony Vargas, District 7.

**RIEPE:** Merv Riepe, District 12.

**BRIESE:** And I'm Tom Briese, I'm the Chair, District 41. First item on the agenda are proposed changes to the maternal leave donation program. Trevor, do you want to fill everybody in on that?

**TREVOR FITZGERALD:** So the Legislature's maternity leave donation program was adopted in 2018. At the time we adopted that program, it was basically a mirror image of a program that had been adopted for other state employees through the Department of Administrative Services. It came to our attention that that policy for other state employees was recently amended as part of the NAPE/AFSCME contract to make several changes to provide more flexibility with the program. And so the proposed changes are to provide that same level of flexibility in our program that other state employees have. Basically, the new language provides that under the, under the current policy, an employee can apply for maternal leave donation if they already have an approved family medical leave request. This would allow the Chair of the Executive Board to waive that family medical leave requirement because under federal law you have to actually be employed for a year to be eligible for family medical leave.

**VARGAS:** So moved.

**SLAMA:** Second.

**BRIESE:** Any discussion? Speaker Arch.

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**ARCH:** I just had-- I just had one question that, that I addressed to Trevor on Friday, and that was-- I've been through this at Boys Town, where that was a discussion. And one of the questions that came up was tax implications for the recipient as well as the person making the donation. Since this is-- since this is mirroring what, what is already in place, I'm sure that has been, has been researched. But that can get a little-- that can get a little tricky on, on, on those tax implications. Who gets taxed and, and whether there's any benefit to donating as well so. But that's something for-- that's something for them to, to, to research so.

**TREVOR FITZGERALD:** And, and the program, once, once their requ-- request is made and approved, the program is entirely run through the, through the Accounting Office. So they take care of all the technical details.

**BRIESE:** Thank you, Speaker Arch. Thank you, Trevor. Anyone else?

**TREVOR FITZGERALD:** Senator Riepe.

**BRIESE:** Senator Riepe.

**RIEPE:** Thank you, Speaker. I have more of a question than a comment. And my question was, does this go to the extent of individuals who might want to donate, someone who's run out of sick leave? They have a very serious, say it's a cancer. It does, does it--

**TREVOR FITZGERALD:** That is a separate policy. So we have a separate policy, and I'm trying to remember the terminology. It's catastrophic leave, which is typically that's someone who is involved in a car accident or has a major surgery and then they run out of all of their leave, and they can request leave to be donated. Both programs work in kind of a similar nature.

**RIEPE:** Why do we have two programs?

**TREVOR FITZGERALD:** I think the short answer is because we've, we've had the catastrophic leave program at least as long as I can remember being here. We didn't create the maternity leave program until a state program was created and we mirrored that. So the immediate answer is we had one and then created a second. But we mirrored the state program rather than just tying them together in one document.

**RIEPE:** They've never heard of amendments? OK. Thank you, Mr. Chairman.

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**BRIESE:** Thank you, Senator Riepe. Anyone else? Seeing no other discussion, let's do a roll call vote quickly.

**SALLY SCHULTZ:** Starting with Senator Briese.

**BRIESE:** Yes.

**SALLY SCHULTZ:** Senator Arch-- Speaker Arch.

**ARCH:** Yes.

**SALLY SCHULTZ:** Senator Bostar.

**BOSTAR:** Yes.

**SALLY SCHULTZ:** Senator Geist.

**GEIST:** Yes.

**SALLY SCHULTZ:** Senator Lowe.

**LOWE:** Yes.

**SALLY SCHULTZ:** Senator Riepe.

**RIEPE:** Yes.

**SALLY SCHULTZ:** Senator Slama.

**SLAMA:** Yes.

**SALLY SCHULTZ:** Senator Vargas.

**VARGAS:** Yes.

**SALLY SCHULTZ:** Motion carried.

**BRIESE:** Next up on the agenda, we have appoint members to the Child Support Advisory Commission. Want to give us a brief update, Trevor?

**TREVOR FITZGERALD:** Yes, I can. So it seems like we have a never-ending string of special committees to appoint. So the Child Support Advisory Commission, we are, we are required to do this every four years. It's basically a commission that is run-- the Chairperson of the Judiciary Committee serves as Chair of the committee. There are representatives from kind of all three branches of government that serve on this. So there are appointed members from the courts, there are members

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appointed by the Governor, there are members appointed by the Legislature to serve on this commission. Every four years they basically review the child support guidelines and make recommendations as to whether we should change or update those. We actually had a request to start this process that we received in, I think, the fall of 2020-- or sorry, 2022. At the time it was decided, since there are two Chairs, members of the Legislature, Judiciary Chair and the Health and Human Services Chair that serve on that committee or commission. Since both of those members were going to be new Chairs beginning in January, the decision was made in consultation with the judicial branch to delay the appointments until 2023. And so that process will start at the end of session. But the Legislature is required to appoint five members meeting the five criteria that are listed out on your agenda. Senator Briese and our office sent out an email requesting that members nominate individuals to serve in that capacity. As it turns out, we have five positions and five people who volunteered.

**BRIESE:** OK. Very, very good. Any other comments or a motion?

**VARGAS:** Move.

**BRIESE:** I guess the motion would--

**VARGAS:** [INAUDIBLE].

**BRIESE:** --be to accept all five of these that we have listed here. Everyone have a list of the--

**TREVOR FITZGERALD:** And members should have also received a, a packet in the email that has letters of interest and resumes from the members as well.

**SLAMA:** And I'll second Senator Vargas' motion.

**BRIESE:** Motioned by Senator Vargas, seconded by Senator Slama to appoint the five members listed here on our sheet. Any other discussion? Nope? All in favor say aye. Any nays? Motion, motion carried. And that should end-- that should end that meeting. So meeting adjourned. And I'd like to go into Executive Session to talk about the three bills that we have before us.

**ARCH:** So, so moved.