

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 08, 2023

**KELLY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventy-fourth day of the One Hundred Eighth Legislature, First Session. Our chaplain today is Senator Bosn. Please rise.

**BOSN:** Dear God, we thank you for another week together, an opportunity to represent the people of our beautiful state. We thank you for our leaders and we praise you for who you are. Lord, I thank you for your word, which reminds us that we can do all things through you, who empowers us. As a result, Lord, we put our reliance in you rather than in ourselves. And we hope that every leader would depend on you since you comprehend and perceive things better than we do. We pray for leadership guidance because being a leader is difficult, but it is possible with your help. In your son's most precious name, we pray. Amen.

**KELLY:** I recognize Senator Halloran for the Pledge of Allegiance.

**HALLORAN:** Please join with me in the Pledge of Allegiance to our flag and to our country, which it represents. 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 seventy-fourth day of the One Hundred Eighth Legislature, First Session. Senators, please record your presence. 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.

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

**CLERK:** Just one, Mr. President. Your Committee on Enrollment and Review reports LB814 to Select File with E&R amendments. That's all I have this morning, Mr. President.

**KELLY:** Thank you, Mr. Clerk. Senator Vargas would like to recognize the physician of the day, Dr. Theresa Hatcher of Omaha. Please stand and be recognized by your Nebraska Legislature. Will members please find their seat for Final Reading? Mr. Clerk for items.

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**CLERK:** Mr. President, LB683. Senator Conrad would move to recommit the bill to the Transportation and Telecommunications Committee via MO163.

**KELLY:** Senator Conrad, you're recognized to open.

**CONRAD:** Good morning, colleagues. Hope everybody had a restful weekend after this beautiful Nebraska weather that we had a chance to enjoy and our time away from our important work together as we head into the final stretch. But just to refresh the body's recollection, these were protective amendments-- or, motions that were filed on a host of different pieces of legislation in response to the rule change that the body decided to adopt earlier this session, foregoing public hearing and-- in attempt to stifle debate and dissent. So I haven't yet decided exactly whether or not I'm going to push this motion to a vote this morning. But I do know that Senator Bostar is very interested in ensuring that there's robust debate on a substantive amendment that he has filed. And I do know that different members wanted to weigh in on that particular amendment and then the, the bill as a whole. So I anticipate we will have some, some very good debate this morning on, on Final Reading on this critical bill emanating from the Telecommunications and Transportation Committee. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. I rise in support of MO163 to recommit to committee. As I have stated on previous rounds of debate with LB683, I oppose LB683. I have concerns over taking away this authority from the Public Service Commission and giving it to the Governor's Office. I know that there are those that believe that the-- broadband will not be defined as a common carrier, but it currently is undefined. It's not defined as a common carrier or not a common carrier. And I find that very concerning that we might be doing something that could potentially be unconstitutional. And I think that we should take more caution in that. I also don't think that it is imperative that we do this at this time. The Public Service Commission is already working with the Department of Transportation on the BEAD Program, and we have the opportunity to let that continue through the granting process. And then we could revisit this in the coming biennium. But right now, I feel that we are-- it is a manufactured emergency, and we should be taking more time and care prior to entering into, into-- making this very enormous shift. Additionally, I have the concern over the fact that we have added language that gives the Governor carte blanche authority over the money. And really-- we've seceded our own authority to the Governor

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when it comes to managing the finances of the state. So I would ask that this body reconsider the motion to recommit to committee. Thank you, Mr. President.

**KELLY:** Senator Conrad, you're recognized to close.

**CONRAD:** Thank you so much, Mr. President. I appreciate Senator Cavanaugh's comments. And I will withdraw my motion.

**KELLY:** Motion's withdrawn. Mr. Clerk for items.

**CLERK:** Mr. President, Senator Bostar would move to return LB683 to Select File for a specific amendment, that amendment being AM1301.

**KELLY:** Senator Bostar, you're recognized to open.

**BOSTAR:** Thank you, Mr. President. And thank you, colleagues. AM1301 would amend my bill, LB63, which was amended into LB683, the Transportation and Telecommunications Committee priority package on Select File. And just to refresh the body's recollection of what that bill was, it had a few components. It stipulated that the state would restrict access to Nebraska Universal Service Fund funding, as well as Broadband Bridge Act funding, for telecommunications companies that utilized equipment that posed a threat to our national security. It also included language that would eliminate permitting requirements for telecommunications companies that sought to replace that equipment that was deemed to pose a threat to national security. And that definition, by the way, of, of what does and doesn't pose that threat-- in the legislation, we are citing federal FCC regs in that regard. And then finally, the bill created reporting and certification requirements to ensure that we have an accurate picture of where this equipment is in the state of Nebraska and how it's being utilized. So when we attached the bill to the committee priority on Select File, we did so with a 2025 effective date, an enactment date. And this amendment would simply have the legislation enact immediately. That's what this does. There's a few reasons for that. One is actually that when this bill was kicked out of committee-- and it was kicked out of committee with 7 yeses, 0 noes, 1 absent-- the committee attached a committee amendment to the bill, which actually did this, made it enact immediately. So in some regard, what this amendment on the board in front of you would do is it would have the legislation contained within the committee package match what the committee voted out onto General File. Additionally, this is, this is an effort to recognize the fact that we don't really have time to have this equipment removed from the state of Nebraska. And there has been a significant amount of

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time available to those utilizing it to take corrective action. And there can be debate about whether or not enough effort has been put into that. But one thing that I, I really don't find much debate about when I speak to folks about this topic is that resolution must happen immediately. The Department of Defense has made clear that China will be evaluating whether or not it has the strategic readiness in about 2025 on whether or not it will invade Taiwan, start a war. And part of that analysis involves an assessment of what influence the nation of China has within the United States and what ability the nation of China has within the United States to create, we'll call it "distractions," for us. Because the biggest hindrance to the invasion of Taiwan is the potential reaction from the United States. And so if that assessment by China is happening in 2025, we surely cannot wait until 2025 before we create the incentive environment necessary to have this equipment removed immediately. Colleagues, this isn't the time for timidity when it comes to this issue. I appreciate all the conversations I've had regarding this with, well, just about every member of the body. I would encourage your green vote to return to Select File, to amend the legislation and then to advance back to Final Reading. I'd be happy to answer any questions that you may have. Thank you very much, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President, colleagues. I rise in opposition to AM1301. Senator Bostar may have spoken with almost everyone. He certainly did not speak with me. When this bill, LB683, was on Select File, I had numerous amendments and motions pending. And I spoke with Senator Bostar about adopting his bill onto LB683, and I was definitely an obstacle at that point in time. I removed the obstacle so that Senator Bostar could amend his bill onto LB683 and even discussed with him at that time that delayed implementation being the reason for that. Senator Bostar knows that as well as everyone who was here that day listening to the floor debate. I'm disappointed that he would bring this amendment without even discussing it with me. I'm disappointed that it was scheduled. It shows me that I can't trust people when they make a deal with me. This is unnecessary to move this timeline up, and it is going to cost the people in the communities where this equipment is access to service. Because if we are denying access to the USF funds immediately, we're removing an incentive for companies that-- in Senator DeKay's district, it's the only company. And I'm sure that's the same with several others of you. So I oppose this amendment because I don't think it's necessary. I also oppose it because of how it was handled. I think it shows a great deal of

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disrespect to the process and certainly a complete lack of respect for a relationship with me. So, there it is. I don't care enough. I'm going to take this bill to two hours. I don't care enough about blocking this amendment. You all can do what you want to do. It needs 25 votes to get adopted. And I-- you'll show me. You'll show me if you think honoring deals is important or not. If you vote for the amendment, don't come talk to me about anything else. Don't ask me to step aside on things, because you can't be trusted. Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. And thank you, colleagues. And I appreciate, Senator Bostar's additional information in regards to the substantive reasons for why he brought forward this amendment to change the time frame with the prohibition on the underlying subsidies. But since I'm not a member of the Telecommunications Committee and since we're going to be here together for two hours, I did want to [INAUDIBLE] some substantive questions for perhaps the members that do serve on that committee. And I see Senator Moser is moving his way around and might be able to, to help to make a clear record in regards to some of these issues due to his leadership now as Chair of the, of the committee. But I, I know that we touched upon this a bit in previous rounds of debate. And I had a chance to review some of the corresponding media stories in February of this year when this issue was brought forward by Senator Bostar, Congressman Flood and then Senator Geist. But I was just hoping that perhaps we could have a little bit more clarity about where exactly this issue emanated from, whether or not there were other models in state law or from our sister states that utilized a similar solution to the national security challenges, which seemed to be underlying the measure and just a little bit better and clearer understanding of a couple of things, I guess. First being-- of course, national security is national security, and we need to ensure that we have a clear, singular, national policy in regards to protecting America's interests at home and abroad and particularly with nefarious or bad actors that seek to undermine our best interests. Now, in a system of federalism, of course, we at the state level could perhaps bring forward different policies or proposals that may complement that national security prerogative, which is singularly at the federal level. But I do want to make sure any time that we touch upon issues like this that really strike at the heart of federalism. And it's clear that, of course, the federal government is occupying the field when it comes to our national security interests. Whether or not that this would be aligned

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with our stated national security goals, whether or not anybody who is carrying out, meting out our national security goals has weighed in onto whether or not this is a prudent solution to address our concerns about China. And then just the final question would be, of course, since this only allows for a prohibition on the utilization of some funds, of course there could be equipment that might be out there that would not touch upon the utilization of the funds, perhaps, and that that would, would leave that area, I guess, open to utilization of equipment from this company that we are looking at or dealing with. The final question that I would just pose for the record is I saw that there was a significant amount of attention paid in previous rounds of debate and in the corresponding media articles for when this issue was brought forward by Senator Bostar, Congressman Flood and Senator Geist in regards to a specific company that they were concerned about. And I just wanted to see if anybody had a chance to vet whether or not our prohibition against special legislation--

**KELLY:** One minute.

**CONRAD:** --might apply to a foreign entity. And if so, whether or not if this, this measure is about a singular company, whether or not this, this solution would be able to overcome our special legislation prohibition. Thank you, Mr. President.

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

**MOSER:** Thank you, Mr. President. Good morning, colleagues. I don't have answers to every question that Senator Conrad asked. Possibly Senator Bostar might be the better person to answer some of those questions. In the discussion of this bill, the-- some of the lobbyists were talking to members of the committee and to Senator Bostar about the bill and-- that's how the date got set to 2025. They were going to give them more time because they were supposedly working diligently on this, trying to get this equipment replaced. And, and we were supposed to take them at their word, is that they were working diligently to get this equipment replaced. Well, then a subsequent installation came and went. And it appears that the-- what they were trying to tell us about their due diligence to get rid of this equipment was not true. So, that's, I think, the impetus to this motion to make this happen more immediately rather than waiting a couple of years. The-- some, some of the situation, some of the evidence that evolved happened after the deal to remove motions and to allow Senator Bostar's motion to come to a vote. So, I support LB683, of course. I support Bostar's motion to take it to Select File so we can add this amendment. I

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consider it to be a friendly amendment. I think it's a matter of urgency that we address that. Thank you.

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

**JACOBSON:** Thank you, Mr. President. I'll be very brief here. I just wanted to rise in support of LB683 and the amendment being offered by Senator Bostar, oppose to AM1301 to return to Select-- or, excuse me-- I support returning it to Select File. I think when we look at this particular issue, originally, I felt that it was appropriate to give the additional time. There is one company right now in Nebraska that we know of who is using this Chinese equipment that the federal government has made very clear that needs to be eliminated nationwide. This particular company has continued-- there's one company that's continued to use it. We were, as Senator Moser had indicated, we had indications that they were making a diligent effort to remove the equipment, then learned as recently as a year ago that they replaced a tower where they could have put up new equipment, that would have been equipment that would be acceptable and chose to put the same equipment back up again. So when you don't act in good faith, then it's time to take other action. I do believe, although I'm not an attorney, I feel like over the years as a banker, I've paid for enough attorneys that I feel like I should be an honorary attorney, even though I don't have the degree. But I can tell you that it seems to me that this is a restriction of any company out there of using this equipment. So it would not be special legislation, per se. Even though there's only one that we know of that's using the equipment. Of course anyone could go out and start putting the equipment up. So this would ban anyone who is putting that equipment up and using that equipment in the state of Nebraska from having access to these funds. And rather than waiting until 2025, this amendment's pulling that date back and making it immediate. As soon as that equipment is eliminated, then you once again would have access to the funds. That's what we're doing. This, this particular company does operate tow-- towers in western Nebraska. That's why I was concerned initially about taking this step because, obviously, I want to see more cellular service in the 3rd District and in western part of the state. However, at the end of the day, if you're not making a concerted effort to come into compliance with what the federal government's requiring, if you're not making efforts to truly make this happen, then I think this step is necessary. I do believe there are other companies who can fill in the gap. And quite honestly, I'm not certain that they will stop putting up new towers even if this is banned. But nonetheless, I think it's inappropriate for the state of Nebraska to be providing subsidy to a company that

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wants to continue to use this equipment that will be banned nationwide. So with that, I am in support of Senator Bostar's amendment. Would encourage a green vote to return to Select File for a specific amendment and then vote for the underlying bill, LB683. Thank you, Mr. President.

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

**ERDMAN:** Thank you, Mr. President. And good morning. Senator Bostar and I have had a conversation about bringing it back for this specific amendment. And I appreciate the conversation I had. I was wondering if Senator Bostar would yield to a question or two.

**KELLY:** Senator Bostar, will you yield to a question?

**BOSTAR:** Yes, of course.

**ERDMAN:** Senator Bostar, thank you for bringing this to our attention. So, currently, whatever, whatever equipment is on that tower, you're not forcing them to take that equipment down and replace it immediately. Is that correct?

**BOSTAR:** That's correct.

**ERDMAN:** So anyone who has this service will continue to have that because you're not disrupting their service to any of their clients?

**BOSTAR:** Yeah. That, that's absolutely correct. We are, we are simply restricting access to USF funds and Broadband Bridge Act funds, which are programs the state utilizes to subsidize the expansion of networks. So this won't, in fact-- this won't impact current service.

**ERDMAN:** All right. Thank you, sir. Thank you for answering those.

**BOSTAR:** Thank you.

**ERDMAN:** That's exactly what we had discussed earlier off the mic. And Senator Bostar correctly described it just then. I am in favor of bringing it back for amendment-- for an amendment and then supporting LB683. Thank you.

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

**BOSTAR:** Thank you, Mr. President. So I wanted to talk about a couple of things that have come up. So, one being what our role is to address some of this. And while I think-- while I absolutely do agree and believe that it is the federal government's primary responsibility to handle issues of national security, I think it's everyone's job. I think it's our job here too. And if there are actions that we can take here to enhance the security of the United States, to protect Nebraskans, we would be foolish not to do it. And also to address the question of whether or not this is aligned with a, a broader strategy implemented by our federal partners, the answer to that is "absolutely." We've been working closely with our federal partners, congressional, Department of Defense, Federal Communications Commission. They are all aware of what's happening here. They are all absolutely on board with what's happening here. As far as what other states have done, we will be a little bit of a leader in this field. To some extent, though, that makes sense because we have some unique risks here in Nebraska. One of the reasons why there is such a large amount of telecommunications equipment that is actively threatening the security of our nation-- why, why there's so much of it here in Nebraska is because we have defense assets here in Nebraska that very few states have. And they are, we'll just say, "of interest" to our national adversaries. Even though we are a leader in this, we won't be on our own for long. The amount of interest that I have received, the number of questions from other states and other state lawmakers have posed to different partners in this endeavor is really encouraging. I think we will quickly see other states follow our lead. That's a good thing. With that, I know that there's, there's a lot of other questions that were, were posed by Senator Conrad. I don't remember them all. So, Senator Conrad, would you yield to a question?

**KELLY:** Senator Conrad, will you yield to a question?

**CONRAD:** Yes, of course.

**BOSTAR:** Senator Conrad, could you remind me of some other questions that you had?

**CONRAD:** Yes. Sorry. And it's a little challenging to not be able to have the organic movement on the floor while we're in Final Reading. But I was just-- the questions posed were, where the idea for the legislation emanated from, whether or not there were other models from our sister states and then whether or not we had any feedback from those that are leading our national security efforts as to whether or not this was complementary to those goals.

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**BOSTAR:** I think I've answered a few of those. As far as where it emanated-- you know, this, this actually came from-- you know, as you've, I think somewhat identified, this came from our--

**KELLY:** One minute.

**BOSTAR:** --federal delegation. No, there aren't other states doing this exactly yet, but that will soon happen, I am sure of it. And all of our federal partners on the legislative side and the executive side are aware of this and are encouraged by the steps we are taking here.

**CONRAD:** Thank you so much, Senator. And I think the other question I had posed was in regards to special legislation-- I guess for targeting the foreign entity and then, of course, the one carrier in Nebraska that would be subject to this prohibition.

**BOSTAR:** Yeah. And this came up on Select File-- and I know we're about to run out of time, but I'll just add that we believe there's one company in Nebraska. We don't know that to be sure. That's part of what this bill will help uncover, as well as it is an open class. Other companies can take the equipment that's already in existence and put it on a tower, and then they would fall into this category as well. So we're running out of time, but I hope that--

**CONRAD:** Yes. Thank you so much, Senator.

**KELLY:** Thank you, Senators. Senators DeKay-- Senator DeKay, you're recognized to speak.

**DeKAY:** Thank, thank you, Mr. President. I rise to support of the motion to return LB683 to Select File. I appreciate what Senator Bostar is trying to do and agree we need to get any remaining equipment off the towers in our state as soon as possible. This equipment represents a pressing national security threat. For example, studies by the U.S. military and other agencies have found that this equipment is capable of capturing and potentially disrupting highly restrictive airways used by the military specifically-- and I'm not going to name all the areas that it could impact. But I would say I am sure others can explain this better than I can-- Senator Bostar being one. But in short, this gets into some of the most sensitive missions of our military does. We are at risk of China, a potential window-- having a potential window into our nuclear arsenal and ability to potentially disrupt our military communications and a backdoor tap into our commercial cell traffic. I believe the work of removing the Chinese equipment off of our telecommunications infrastructure is a

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priority and needed to be done yesterday. I understand these concerns with potential impact in the deployment of broadband and cellular service in the state, especially in Greater Nebraska. What is being done here is not intended to result in an interruption of service. What this amendment does, it speeds up the timeline to get the equipment and other Chinese telecommunications equipment off of Nebraska cell towers and get this equipment swapped out with something more secure. I have had a conversation with Senator Cavanaugh. And at that time-- the conversation-- I was supportive of her opposition. But since then, pertinent information came forward that wasn't being done in, in a favorable timeline and they were-- and they could have used to change out their equipment and didn't get serious about it until their feet were in the fire. This won't restrict them from building and maintaining towers within their company. All it does is help put the pressure on them to start eliminating this equipment from our towers immediately. The situation before us represents a critical national security concern in this state that needs to be addressed. I appreciate Senator Bostar's work on this issue and again want to reiterate my support for his amendment. I would urge the body to vote in favor of moving LB683 back to Select File. And I would yield the remainder of my time to Senator Bostar if he wants it.

**KELLY:** Senator Bostar, that's 2:00.

**BOSTAR:** Thank you, Mr. President. And thank you, Senator DeKay. I sort of rushed through the, the ending of that conversation I was having with Senator Conrad on the floor, as we were running out of time. So to spend just another minute on that-- yeah, I-- we had a robust discussion about special legislation when we were amending LB63 into LB683 on Select File. The reality is, we don't know with certainty who all is using this equipment. That is one of the things that this legislation seeks to address. Even if there is only one company currently utilizing the equipment--

**KELLY:** One minute.

**BOSTAR:** --that, that in and of itself doesn't really mean anything when it comes to special legislation. Because-- to take a step back, there's currently an importation ban on the equipment. And you can't use federal funds to buy it or install it. However, a lot of it is still here. We have seen this equipment get moved around and put on new towers as recently as September of last year. So it isn't impossible for any company to acquire these radios-- it's the bulk of the equipment in question-- and install them on towers. So for that reason, this is an open class, and I don't have any concerns with--

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or, or-- I'm not worried about special legislation being a, a challenge here. Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. And thank you, Senator Bostar, for sharing your perspective in regards to some of the substantive questions that, that I posed this morning and that we've had a chance to at least touch upon in prior rounds of debate. The other piece that I just wanted to follow up on was in regards to a, a couple of matters. In reading the media reports from the committee level, I saw my friend, Senator Brandt, posed a, I thought, a very interesting question at the committee level that-- about the, the contours of this specific solution, which is a prohibition on the utilization of funds. And he asked-- which I think bears repeating-- wouldn't it be better to authorize the utilization of these funds to help companies buy American or to replace or reinstall equipment that we had more confidence in in regards to, of course, our telecommunications needs and our national security needs? So I just wanted to, to lift that up as an alternative solution, which I thought was interesting and important and perhaps might need to be explored into the future. The other questions I just had were more practical in regards to how this measure might work. Are-- is there intended to be any sort of clawback provisions for prior grants of these funds that may have gone to equipment that would, in essence, now contradict our public policy? Is there any sort of concern brought forward by the companies that would risk liability to the state in regards to interruption of contract? And then finally, in-- my ears really perked up when I heard the exchange with Senator Bostar and Senator Erdman, which I thought was instructive. Definitely good to know that there won't be an interruption of service, which is really important, as we know that many people already struggle with connectivity and ensuring strong cell service in Greater Nebraska. But that also kind of, on the flip side of that coin, kind of got me thinking. If there's not going to be any interruptions of service, then what, what does happen in terms of the existing structures? And then if this measure is adopted in an immediate sense, you know, what is our ongoing obligations in regards to oversight, to ensuring a swift timeline for removal, swift replacement? Is there any additional tracking? Will that be taken up in a broad sense by the oversight of the Telecommunications Committee? So, it does seem to me that there have been a host of actions taken by the Biden administration on the federal level to address this very issue, and perhaps this can indeed complement that-- our appropriate role in regards to national security. But, colleagues, let me be very

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frank. I have a great deal of admiration and respect for Congressman Flood. We serve together. We maintain a warm personal relationship and a constructive working relationship, and I'm glad that we've had the chance to work together on so many different issues. But what I'm not interested in is having this body engage in some sort of political battle between a congressman and the Biden administration because they want to talk about who's toughest on China. I just-- that part is not interesting to me. If that is in any way part of the underlying impetus for this bill, I think that we should be candid about that. If that's not on the table, I take everybody at their word--

**KELLY:** One minute.

**CONRAD:** --and think that perhaps this could be one way to address our shared national security interests. Thank you, Mr. President.

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

**HARDIN:** Thank you, Mr. President. Just wanted to give you a glimpse of life from District 48, where we do have the biggest guns in the world, and we have more of them than anywhere else in the United States. We'll be one of three missile fields addressing what is the conversion from the Minuteman III to the Sentinel system over the next many years. In our neck of the woods, it's not often that someone comes up to your door, knocks and then offers you many multiples of what your farm or ranch is worth in cash. That has happened a few times. Local law enforcement, the FBI, the Department of Defense are aware of these things. Thankfully, we have patriots out in western Nebraska. And the reason we know about these things is because they turned down the money and reported them. And so the threats are real. It's fascinating when local farmers and ranchers feel the weight of international decisions and progress that's being made when it comes to national defense. But that's the reality of what our folks are dealing with where I'm from. And so, just wanted to let you know that that's an ongoing thing. Those discussions, by the way, with those three-letter organizations and so forth happen every week between our office and people who have to make and wrestle with those decisions on a daily basis. So, just wanted to give you a, a glimpse into what it's like to be in Kimball, Banner, Scotts Bluff County. But, thank you, Mr. President. I yield the rest of my time to Senator Bostar if he would like it.

**KELLY:** Thank you, Senator Hardin. Senator Bostar, that's 3:00. Senator Blood, you're recognized to speak.

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**BLOOD:** Thank you, Mr. President. I would ask that Senator Bostar please yield to a question. Is he still on the floor? He's not on the floor? All right. So, perhaps when he comes back to the floor, he can answer a few questions. I'm not really hearing much about what happened in December of last year when the Biden administration barred sales and imports of any new equipment that would pose an unacceptable risk to national security. During that time, they highlighted five companies; I think four from China and one from Russia. And I noted that one of those companies is one of the companies that we're saying, well, maybe they are here or not here in Nebraska. And I see that Senator Bostar is back at his mic. I'd ask that he yield for a question, please.

**KELLY:** Senator Bostar, will you yield to some questions?

**BOSTAR:** Of course.

**BLOOD:** Senator Bostar, would you say what role the Biden administration's goals are to, to prevent the very thing that you say that you want to prevent, how they've come into play when it comes to your bill?

**BOSTAR:** I don't think that I am equipped to fully speak for the Biden administration.

**BLOOD:** As a policy-- policymaker, would you say that you are equipped to utilize federal legislation, federal policy, as a foundation for good policy at the state level?

**BOSTAR:** Yes.

**BLOOD:** OK. So, in any ways, are we duplicating what was done by the Biden administration?

**BOSTAR:** I believe what we are doing complements what was done by the Federal Communications Commission, which-- their actions in this regard related to putting restrictions on telecommunications companies and equipment that utilize the technology that we are talking about today. And that started, that started before the Biden administration.

**BLOOD:** And also disallowing those organizations from tapping into any government funds, correct?

**BOSTAR:** Yes. There's a prohibition on the utilization of the federal Universal Service Fund for the purpose of acquiring any of the equipment that has been deemed a national security risk.

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**BLOOD:** And also for those companies, correct?

**BOSTAR:** Their restrictions are much more focused on equipment and less on companies. They're-- the way the national USF Fund works is, is different than ours. But this is complementary to that effort.

**BLOOD:** Can you be more specific in how it complements?

**BOSTAR:** Well, as we stand here today, companies that face restrictions nationally and are using equipment that hasn't been determined nationally to pose a threat to our national security are currently able to utilize universal service funds in Nebraska, apply for grants to the Broadband Bridge Act and operate its business as usual. And this bill would honestly fix that.

**BLOOD:** So you're saying that it fixes them not being able to get funds from Nebraska?

**BOSTAR:** Correct.

**BLOOD:** But couldn't we just say no when they apply for those funds?

**BOSTAR:** My understand--

**BLOOD:** As opposed to having legislation that says we believe that you're a threat to national security, couldn't we just allow the organization-- and I-- I don't know if that's going to be falling under the Governor's Office or not, but--

**KELLY:** One minute.

**BLOOD:** Can't they just say, no, we aren't going to give you the money because we feel that you're a threat to national security?

**BOSTAR:** Well, currently, the Universal Service Fund distributions are done through the Public Service Commission. So it's, it's not through the Governor's Office.

**BLOOD:** Currently.

**BOSTAR:** The-- right now, in the questions that are posed and evaluated as far as whether or not an application for USF funding should be funded, there is no question of, are you using equipment that compromises the security of our nation? And so we are rectifying that.

**BLOOD:** But they don't have that ability to do that on their own. Yes or no?

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**BOSTAR:** Their provisions are outlined in statute that we set.

**BLOOD:** Thank you, Senator Bostar.

**KELLY:** Thank you, Senator Bostar and Senator Blood. Senator Moser, you're recognized to speak.

**MOSER:** Thank you, Mr. President. I don't think we can leave it to the Public Service Commission to set policy on what brands of equipment are used in cell towers. I think this-- the-- that's the job of the Legislature, and so I think that's why this bill has come up. I don't think there are any political gains from passing this legislation. I think it's important legislation to pass, and we need to protect our country. I had a discussion probably five, six, eight years ago with one of our, one of our senators, not currently serving, about the rise of Korea, China in the manufacture of electronics. And I said, we're giving them all our technology and they're building VCRs, computers, radios and everything based on what we've learned. I said, don't we need to protect our technology? And he said, well. He said, America's the leader in technology and we'll always be the number-one electronics manufacturer and all this rah, rah, rah stuff. And this is an example right here where it's hitting us over the head. We've given this technology to companies that build it cheaper, and they've reverse engineered a lot of the technology, and they've added extra features to it that are surveilling us. And I think this is-- maybe it is a "suspenders and belt" kind of thing where we're doing something that the federal government is also trying to do. But I think it makes sense to not give universal service funds to companies that use this equipment that then is used for surveillance on us. Thank you.

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

**DeKAY:** Thank you, Mr. President. I too have some of the same concerns that Senator Moser and Senator Conrad had alluded to earlier. I am a customer of that company, and I don't want undue financial liability to the company. That company also has over 500 towers out there. It takes about one and a half weeks per crew to change out that equipment on tower. I don't know how many crews they have available, but this is an example of how they could be working on it and have chose not to in the last X amount of years. Senator Jacobson alluded to this: they-- up in Norfolk, they had a tower down. They had new components they could have put on it, changed it out and put it back in the air. They chose not to. They chose to use the existing source of components that were available to them, and they had a chance to change that and be in

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compliance and show that they are working in good faith with the state of Nebraska to do that. And at that point, they did not do it. We need to grow our cell service in rural Nebraska, but we do not need to do it with the equipment that could put us at risk. And I yield the rest of my time to Senator Bostar if he wants it.

**KELLY:** Senator Bostar, that's 3:30.

**BOSTAR:** Thank you, Mr. President. Thank you, Senator DeKay. I, I think I'll just use this time to respond to something else that Senator Conrad had, had posed as a question, which was whether or not there were some partisan motivations here. And truly, you know-- I can't stress this enough-- the answer to that is no. This isn't about whether or not President Biden or his administration has done an adequate job of addressing this particular threat. It's also not about whether or not Congress has done an adequate job of addressing this threat. This is about the state of Nebraska doing what it can to protect Nebraskans. The work that has been done on the national level to identify this threat, to analyze it, to sanction it, to raise the alarm about it has happened over several administrations. It seems more and more like there aren't that many things that both national parties agree on. However, thankfully, this seems to be one of them. President Obama's administration took action on this. President Trump's administration took a lot of action on this. President Biden's administration has taken action on this. Regardless of the majority in Congress, Congress has been repeatedly taking action on this. Is there more to do? Of course there is. The gears of government move slow. That's true. I wish it was faster. I wish they had all done more by now. I wish we could do more now. But we're doing what we can.

**KELLY:** One minute.

**BOSTAR:** Thank you, Mr. President.

**KELLY:** Thank you, Senator Bostar. Senator Hunt has guests in the north balcony: 32 fourth graders from Brownell Talbot in Omaha. Please stand and be recognized by your Nebraska Legislature. Senator Erdman, you are recognized to speak.

**ERDMAN:** Thank you, Mr. President. I appreciate Senator Bostar's explanation of what it is we're trying to do and the national security we're trying to keep. Senator Hardin had made a comment about what's happening in his district. My district is adjacent to his, and we have several of those missiles as well. There have been people in my district that are trying to buy ag land with cash. And I'm not talking

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about a few dollars. I'm talking briefcases full of cash. It's a real threat. And Senator Hardin is correct. Not a lot of people are accepting that. And we do have some patriots out there and we appreciate that. So what we do here when we're doing dilatory things is we talk about, has any other state done this? Do you know of someone else that has restricted this? So the question is, does any other state have a unicameral? Obviously, the answer is no. So we can be different. We can be the first. So we're indicating that the Biden administration is going to stand up against China, right? With all the dealings the Biden family has with China, I would say we can trust the Biden family to do the right thing for America, right? Not a chance. Not a chance. So I'm, I'm not sure why we want to bring this administration's lack of understanding of national security, or whatever else it is that they can't remember they did, and put our trust and faith in them to accomplish something to keep us secure and safe. So, Senator Bostar, I do appreciate the fact that you've taken this on and that you've brought it to our attention, what needs to be done. And I'm wholeheartedly in support of AM1301. And I will also vote for LB683. It doesn't take a rocket scientist to be in this room to figure out that a lot of these questions and a lot of these objections are dilatory. Very simple. Let's move on. Let's vote for AM1301 and do the things that the people sent us here to do. Thank you.

**KELLY:** Thank you, Senator Erdman. Senator Conrad, you're recognized to speak. This is your last time on the amendment.

**CONRAD:** Thank you, Mr. President. Good morning again, colleagues. Just wanted to ask more clearly on the record whether or not this solution had been brought forward to the Public Service Commission, whether or not they had failed to act in regards to their authority and jurisdiction in regards to this issue, and just getting a better understanding for the context in terms of how it ended up in, in the Legislature this year and getting a, a clearer understanding with how our work corresponds with our colleagues at the Public Service Commission. And of course, we have separate and distinct roles and checks and balances on, on the work that we carry out together. So I was happy to hear Senator Bostar's comments in regards to some of his thinking in how this substantive measure may or may not interplay with our local, state or federal political landscape. I guess Senator Erdman's comments speak for themselves in that regard. So I'm glad that we have those on the record. But, you know, while we can and should have a robust debate about our place in this world and ensuring that America's interests are paramount, when-- on the one hand, I think about how these issues transcend politics and partisanship and

how that can be a good thing, and how, in many instances on the federal level and here in the Nebraska Legislature, we really have found ways to find common ground and consensus to join hands on policies that impact our military, that impact our veterans and that impact our role in terms of national security. I was thinking about Senator Murman's bill that we have later up in the Education package, making a broadening for the new Space Force to take advantage of our educational benefits. I know Senator Sanders and Senator Blood and Senator Brewer, Senator Holdcroft, Senator Linehan, Senator Day, Senator Aguilar have brought forward a host of different issues during the course of their service to ensure that we are continually updating our public policies to benefit our military and our veterans and our military families. And just kind of thinking through, through those lenses as well. And I know we have perhaps more work to do on those measures. And, and I'm hoping that maybe since we have some time together this morning that we might be able to hear a little bit more about some of those other pieces that are out there. So if anyone would be able to weigh in just whether or not this proposal was brought forward to the Public Service Commission and whether or not they failed to act, I think that that, that would be very helpful for the record, and thank all the senators who weighed in this morning because I think if we're going to have some time together on Final Reading, it's important that we make it as substantive as possible. And I think the debate has been substantive and helpful in regards to this measure to take us back to Select Reading-- to Select File with a substantive amendment to change the time frame that we discussed earlier in debate on core issues underlying this measure brought forward by Senator Bostar. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. I was going to ask if Senator Moser would yield to a question.

**KELLY:** Senator Mo-- Senator Moser will yield.

**M. CAVANAUGH:** Thank you, Senator Moser. Well, Senator Conrad has asked this question on her previous time, but have you spoken with the PSC about this? And has anybody asked them to do this without this legislation?

**MOSER:** I did not talk to the PSC personally, but I know that they're aware of what we're doing-- and we had a hearing on it. I don't recall if they came to testify or not.

**M. CAVANAUGH:** They-- I just spoke with our legal counsel. They did not. They submitted a letter, however. I, I remembered they weren't there. But I guess my question is, even before the hearing, if, if anybody has at all spoken with the PSC about whether we even need to do this. Do they have the authority? It's my understanding that they do have the authority. And if they do have the authority, are we doing this because the PSC is refusing to deny funds?

**MOSER:** Well, the-- I was just talking to counsel about this question. And the PSC previously ruled that this equipment should not be used. This bill says you won't be able to apply for money until equipment is removed from the towers where it exists. So this is a little bit of an extension of what the PSC did.

**M. CAVANAUGH:** But the PSC currently-- if somebody applied for these funds and they had the Huawei equipment could be denied and likely would be denied use of the funds.

**MOSER:** Well, in the case of that Norfolk instance, the equipment went up. So I don't know if the PSC wasn't aware or if they--

**M. CAVANAUGH:** Were those universal service--

**MOSER:** --are objecting to it. I don't know the answer to that.

**M. CAVANAUGH:** Were they using universal service funds for that equipment move?

**MOSER:** I, I don't know. First of all, we don't want them to use this equipment anywhere, regardless of whether they get money or not.

**M. CAVANAUGH:** No. I 100 percent agree.

**MOSER:** OK. And so whether they got money there or not-- but it appears that that equipment was reinstalled when, in my opinion, it should not have been. And if this causes them, the whole industry, it's not just-- I mean, there's one company who's primarily using this equipment, but it would extend to all companies that they should not use this equipment. And the matter of--

**M. CAVANAUGH:** But my question is, do we need to do this? Has anyone talked to the PSC? If the PSC already has the authority to deny the funds and they already have the authority to deny the funds for this specific reason, has anyone asked them to just do that? Do we really need to legislate this? Do we really need to create another mandate for a different elected body? Is this necessary?

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**MOSER:** I think, I think this is important to the national security. I think it's something--

**M. CAVANAUGH:** But is it, is it necessary--

**MOSER:** --that we should address what the PSC thinks about it is no bearing on what I think about it.

**M. CAVANAUGH:** But we're asking-- we're directing them to do something. Shouldn't we know if they're willing to do it without legislation?

**MOSER:** We're directing universal service funds not go to companies who install this equipment.

**M. CAVANAUGH:** We're directing the PSC. The PSC is the one that has to handle the universal service funds. So shouldn't we have this conversation with the PSC? It's like somebody telling us what to do without asking us if we would just do it. It seems like an odd way to operate.

**MOSER:** If they had an issue, I think they would have been at the hearing. And I think they have talked privately with members of the committee. Senator Geist was Chair at the time, and she may have talked to them. I don't know. She's--

**KELLY:** One minute.

**M. CAVANAUGH:** OK. Thank you, Mr., Mr. President. And thank you, Senator Moser. So that answers my question. No, we haven't asked the PSC if they are willing to deny the universal service funds without us creating more legislation, which is another reason that this feels unnecessary. I think we should be very wary when we make these kinds of statutory changes, especially if the result is to prohibit the use of universal service funds for equipment that is made in China and we already have a means to do that. Why are we not working with our other elected bodies? Why aren't we working with our partners in the Public Service Commission? They don't oppose it-- they don't support it, but they don't oppose it because they can do it. But we should not just pass things just because.

**KELLY:** That's your time, Senator.

**M. CAVANAUGH:** Thank you.

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

**BLOOD:** Thank you, Mr. President, fellow senators, friends all. I want to build a little bit on what's been said. After Senator Bostar said that it had to be in state statute, I did do a little research, and apparently Senator Cavanaugh did as well. The PSC actually has broad authority on decisions such as that. So they can literally just say no. It doesn't have to be in state statute for us to be able to accomplish this. You know, I go back to when Trump was president, and I remember that he had signed a bill into law that provided, I want to say, \$1 billion to help the small, small telecom companies to get rid of this equipment. And then as legislation moved forward, as things happened in the federal government, the federal government actually really let us down because even though they are pushing-- and maybe this is a good, good time for Senator Flood to, to listen-- as they're pushing these causes, these, these causes to scare America-- and we should be concerned about terrorism and we should be concerned about China and Russia. I've had a terrorism bill in the past, but I was told that we didn't have to be worried about it in Nebraska, so it never got out of committee. So it's not that I don't believe that terrorism is something that we should always be aware of, especially being next to Offutt Air Force Base, where I live. But I do know too that the federal government is short on funds by approximately \$3.1 billion. So here is an issue that is so important to them that they come to Nebraska and they have press conferences that they carry the flag, the patriotic flag, and say, OK. We have to be worried about people spying on the United States, but yet they don't fund this legislation that's so important to them. And now it trickles down to Nebraska, where we're carrying this same flag, which well we should. But again, for, like, the fourth time this year, we are going to push legislation forward that's not necessary. Not because the cause is unimportant. Not because it's not necessary to keep these companies out of Nebraska. But because the body that we are saying needs to do this can already do this. They can say, no. You can't have these funds. So I wonder when we keep passing these bills, what's the purpose? Is the purpose for us to show that we are 110 percent in support of making sure that we do everything we can to prevent terrorism? Mostly-- I don't know if it's terrorism. I think it's more about spying. Or are we just feeding into yet another culture war? I just want to make sure that the legislation that we pass is smart legislation and necessary legislation. I think of the hours that we have wasted on the mic this year on bills that we really didn't need to pass to try and make a statement. And I understand in western Nebraska what the issues are. Senator Jacobson has explained his area and his issues to me multiple times and the company that we're targeting. And I hear those words. But, you know, if the federal

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government can't even do the "rip and replace" law properly and fund that properly, when they can't-- do you remember the spy balloon at the beginning of the year? We haven't heard boo about that since we shot it down. Sometimes I just wonder if the things that we talk about in this body and the things they talk about in the federal government are really things that are the kitchen-table issues, the things that really affect everyday Nebraskans and if we go down the wrong path and spend time and money on things we don't have to spend time and money on.

**KELLY:** One minute.

**BLOOD:** So my concern is that, is this a necessary bill when they can literally already say no? Is the purpose more so to scare people into supporting this bill by talking about terrorism? Is the purpose to punish the companies that are ignoring what the federal government has already put into place? And if so, are there other ways we can do this? So I, at this time, am not sure that I'm in support of Senator Bostar's amendment. And Senator Bostar really never talked to me until I opposed his bill on an earlier discussion. I know he said he talked to pretty much everybody and-- there's 49 of us, and that's a lot of people to talk to-- especially when it comes to things like terrorism and telecommunications, anything having to do with technology, because those are kind of my wheel well.

**KELLY:** That's your time, Senator. Thank you, Senator Blood. Senator Bostar, you're recognized to speak. This is your last time before your close.

**BOSTAR:** Thank you, Mr. President. All right. So let's talk about the Public Service Commission. They could do a lot of things. Every year, they distribute funds to the company, the telecommunications provider that is utilizing the equipment that is compromising our security. Ultimately, we have statutory authority. Maybe we went to the PSC and said, hey, would you please stop giving money to companies that are doing this? Maybe they say yes. Maybe they say no. Public Service Commission Board is elected. Maybe they stop. Maybe next election cycle, a new board comes in. Different opinion. They start it up again. This is simple. I do not believe the state should be using public funds and giving them to telecommunications companies that are compromising our national security. That's it. We have the authority to do that. That's what we're voting on. Actually, we already voted on that. We all agreed on that. Not all, but the body agreed to do that. Now what we're discussing is when does it take effect. I think it should take effect immediately. Others can disagree with that. That's

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fine. But that's it. That's the conversation. I do not want to leave it to another elected body. I don't want to pass the buck when we have the ability to do something now. I think that's our responsibility. Thank you, Mr. President.

**KELLY:** Thank you, Senator Bostar. Senator Machaela Cavanaugh, you're recognized to speak. And this is your last time on the amendment.

**M. CAVANAUGH:** Thank you, Mr. President. I'm-- I mean, I don't agree with this process of doing things. I, I don't think that it's a good use of our authority. But it's clear that people in this body are going to go with the flow, so that's fine. It's-- making this change goes against the agreement that I had with Senator Bostar. And if we can't honor agreements in this body, I'm not going to make any more agreements in this body, so that's fine. And I know that people have been asking me for an agreement on other bills that are on the agenda today, so please just move on from that. Agreements will not be made if agreements will not be honored. And now I'm just going to switch gears to taking time. So this is in the statute books, 86-324, Nebraska Telecommunications Universal Service Fund; created; use; investment; commission; powers; administrative fine; transfer to General Fund authorized. It's on page 1080 of the book. That is Chapters 81, Article 15 to 90. I, I snagged it from up there. So if you're looking for the copy up there, it's here at my desk. The Nebraska Telecommunications Universal Service Fund is hereby created. The fund shall provide the assistance necessary to make universal access to telecommunications services available to all persons in the state consistent with the policies set forth in the Nebraska Telecommunications Universal Service Fund Act. Only eligible telecommunication companies designated by the commission shall be eligible to receive support to serve high-cost areas from the fund. A telecommunications company that receives such support shall use the support only for the provision, maintenance and upgrading of facilities and services for which the support is intended. Any such support should be explicit and sufficient to achieve the purpose of the act. (2), notwithstanding the provisions set-- provisions of Section 86-124, in addition to other provisions of the act, and to the extent not prohibited by federal law, the commission: (a), shall have the authority and power to subject eligible telecommunication companies to service quality, customer service and billing regulations. Such regulations shall apply only to the extent of any telecommunications services or offerings made by an eligible telecommunications company which are eligible for the support by the fund. The commission shall be reimbursed from the fund for all costs related to drafting, implementing and enforcing the regulations and

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other services provided on behalf of customers pursuant to this subdivision; (b), shall have authority and power to issue orders carrying out its responsibilities and to review the compliance of any eligible telecommunications company receiving support for continued compliance with any such orders or regulations adopted pursuant to the act; (c), may add-- may withhold all or a portion of the funds to be distributed from any telecommunications company failing to continue compliance with the commission's orders or regulations-- what? Look at that. They could do this already. (d) [SIC-- (e)], shall require a telecommunications company to contribute to any universal service mechanism established by the commission pursuant to state law. The commission shall require, as reasonably necessary, an annual audit of any telecommunications company to be performed by a third-party--

**KELLY:** One minute.

**M. CAVANAUGH:** --certified public accountant to insure the billing, collection and remittance of a surcharge for universal service. The costs of any audit required pursuant to this subdivision shall be paid by the telecommunications company being audited; (e) [SIC-- (f)], shall require an audit of information provided by a telecommunications company to be performed by a third-party certified public accountant for purposes of calculating Universal Service Fund payments to such telecommunications company. The costs of any audit required pursuant to this subdivision shall be paid by the telecommunications company being audited and; may be distributed-- (f) [SIC-- (e)]-- may be administratively fine pursuant to Section 75-156 any person who violates the Nebraska Telecommunications Universal Service Fund Act. (3), any money in the fund available for investment shall be invested by the State Investment Officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. And then (4) (a), but I think I'm about--

**KELLY:** That's your time, Senator.

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

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

**DeBOER:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I thought we'd take a few more minutes talking about the issues that Senator Bostar has raised with his bill. I wonder if Senator Bostar would yield to some questions.

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**KELLY:** Senator Bostar, will you yield to some questions?

**BOSTAR:** Of course.

**DeBOER:** Thank you, Senator Bostar. The primary way that we're dealing with this on a national level is the "rip and replace" program. Is that generally correct? The federal "rip and replace" program?

**BOSTAR:** I think that that is one of the ways we are dealing with this on the national level.

**DeBOER:** OK. And can you kind of-- I just thought the body might want to understand all the measures and the people in Nebraska might want to understand all the measures that are being taken to work towards this end in addition to your bill. So can you kind of explain the federal "rip and replace" program?

**BOSTAR:** Yeah. Essentially, there was money allocated-- appropriated by Congress to set aside for the utilization for, for telecommunications companies to apply for to help financially support their effort to remove we'll call it "compromised equipment" and install safe equipment in their networks.

**DeBOER:** Do you know if the folks who are using the compromised equipment in Nebraska have applied for that program?

**BOSTAR:** I don't know. I have seen that-- so the, the total sum that was appropriated is not sufficient to fully fund all replacement equipment. So I have seen the, the company that is currently utilizing bad equipment in Nebraska make comments that affect that-- that it isn't a full reimbursement, but perhaps it's partial. I don't know some of the logistics and mechanics of how that, that federal program application is done.

**DeBOER:** OK. That was one of the things I wanted to ask you about is, should Nebraska-- sorry. I'm losing my voice this morning. In addition to your measures, should Nebraska additionally try to provide some funds to help with that risk-- "rip and replace" program to try to speed it along? Do you think that there would be, you know-- since we want to get this done as soon as possible and also at the same time maintain our district-- or, our communications system in parts of the state that are reliant on these unfortunately bad pieces of equipment. Do you think that Nebraska should set up a program to help with the "rip and replace?"

**BOSTAR:** Well, the senior U.S. Senator for the state of Nebraska, Senator Deb Fischer, has legislation that would allocate more funding for this purpose. So in some ways, Nebraska is pushing for that. Our federal delegation is, is doing that. My own opinion on this is mixed. On one hand, yes, I think so. Be good to have more money to help make it happen faster. On the other hand, this company ended up in the networks that it did because the telecommunications companies were offered deals that were too good to be true. They're essentially given the equipment for free. Of course that would raise red flags, but companies chose financials over obvious security concerns. Because at that time that this equipment was installed, we had obvious security concerns. And so they've had a strategic financial advantage by having their network supplied by equipment that they basically only had to pay pennies on the dollar for--

**DeBOER:** So--

**KELLY:** One minute.

**DeBOER:** So, so-- OK. So what I'm wondering is if we should, when we return this to Select, also consider whether we need to do additional incentives or additional help or even regulatory help in terms of getting these pieces of equipment changed out as quickly as possible. Because it would seem to me that we would want to do that. And if we can get that done as quickly as possible, arguably that would be, you know, a step further than what you want to do here. So I understand the company. There's some problematic-- I actually am a little concerned about how recently they used this equipment. So-- anyway, something to think about since we're going to have to return it to Select anyway. That's all the questions I had for you, Senator Bostar.

**BOSTAR:** Thank you.

**DeBOER:** Thank you. So-- yeah. So this is just something that as we're trying to balance both keeping our networks safe and keeping them--

**KELLY:** That's your time, Senator.

**DeBOER:** Thank you.

**KELLY:** Thank you, Senator DeBoer. And Senator Bostelman, you're recognized to speak.

**BOSTELMAN:** Thank you, Mr. President. Good morning, Nebraska. Good morning, colleagues. I wanted to talk about a couple of things to clarify perhaps. Of, of the six-plus years being on the Transportation

and Telecommunications Committee and working with and hearing testimony from and discussing with Public Service Commission commissioners and members themselves. One thing to remember: the PSC functions under our statutory obligation, our statutory directive, if you will. We place in statutory how PSC should function, what they should or should not do. They don't go beyond that, that realm, so. Comments have been made-- well, maybe they can just decide not to provide funding in this area. Well, that's not what their purpose is and that's what-- not what their direction is. So, currently, the PSC, if there's someone applying for NUSF funding, as long as they qualify-- and that would be anyone now currently that does receive NUSF funding for towers or other things. If they currently qualify, they would be-- have the opportunity to receive that funding. What Senator Bostar is trying to do is what this legislation does is then provides the PSC the ability to say no, gives them the direction that says, that if this person has certain type of equipment that they do not-- now, they're not qualifying for those funds to be received. And that's any telecom. That's not specific to one or another. And, oh, by the way, in January every year, every one of those telecoms has to certify they do not have this equipment on their towers. So that's the important thing to talk about. Where you're-- I want to make sure we put it on the record where we are on the discussion of whether this is the right time or not, the timing on that, the amendment to that. I want to make sure we understand PSC, how it functions. PSC provides-- works under the, under the statutory authority they're given them. They don't get-- go beyond that. What we're doing is giving them the statutory authority to say no in specific circumstances. And every telecom has to-- it applies to all of them. Any provider-- it applies all of them. Annually. Annually. They also must certify that they do not have this equipment on-- or using that equipment. So with that-- I just want to make sure that we understood that as a body. I think that answers some questions that were raised earlier. I do support the AM and the underlying bill. Thank you, Mr. President.

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

**BOSTAR:** Thank you, Mr. President. And thank you, Senator Bostelman, for that, that clarifying information. It is helpful. I think we've mostly covered this, colleagues. We will have, I think after this, more to vote on. We'll return to Select for the amendment and then readvance to Final. So, you know, we're not done here today. But, but so far, thank you all for-- who participated in the dialogue. I appreciate it. Obviously, if anyone else has any additional questions,

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I'd be happy to answer them either on the mic or off. And with that, I would encourage your green vote for AM1301. Thank you very much.

**KELLY:** Thank you, Senator. Members, the question is the adoption of AM1301-- the motion to return. Request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood not voting. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz not voting. Senator Wayne voting yes. Senator Wishart voting yes. Vote is 1 aye-- excuse me-- 41 ayes, 1 nay, Mr. President, on the motion return to Select File.

**KELLY:** The motion is adopted to return to Select File. Mr. Clerk.

**CLERK:** Mr. President, Senator Bostar would offer AM1301.

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

**BOSTAR:** Thank you, Mr. President. And thank you, colleagues, for that vote. I won't delay this any more than necessary. Again, if there's any questions, be happy to answer them. Thank you.

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

**M. CAVANAUGH:** Thank you, Mr. President. So, page 1081 of the Revised Statutes, Chapters 81, Article 15 through 90 is the Universal Service Fund Statute. I was on (4) (a). The State Treasurer shall transfer funds from the Nebraska Telecommunications Universal Service Fund to the General Fund upon certification by the director of Administrative

Services that the current cash balances in the General Fund and the Cash Reserve Fund are inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred, which shall not exceed the amount by which the General Fund and Cash Reserve Fund are inadequate to meet current obligations. The total of such transfers shall not reduce the Nebraska Telecommunications Universal Service Fund balance below an amount sufficient to meet the obligations on the fund for the next 60 days. Any transfers made pursuant to this subsection shall be revised-- reversed upon notifications by the director of Administrative Services that sufficient funds are available or on June 30, 2007, whichever occurs first. (b), any transfer under the subsections not reserved within 30 days after the initial transfer shall accrue interest in the amount of 5 percent annually. Interest shall be calculated beginning on the 31st day after the initial transfer and continue until the transfer is completely reversed. The interest calculated shall be credited to the Nebraska Telecommunications Universal Service Fund. (c), any transfer of funds which has not been reversed as provided in this section-- subsection with accrued interest shall be considered an encumbrance against the General Fund. (d), this subsection terminates on June 30, 2007. Fund; commission; powers and duties. This is 86-325. The commission shall determine the standards and procedures reasonably necessary, adopt and promulgate rules and regulations as reasonably required and enter into such contracts with other agencies or private organizations or entities as may be reasonably necessary to effectively develop, implement and operate. 86-326, fund; administrator; duties; telecommunication companies; obligations. The fund may be administered by a neutral third-party administrator. The commission shall oversee the preparation and selection process of the administrator through a request for proposal process established by the commission. If a third-party administrator is selected, the administrator shall serve at the will of the commission. The administrator shall: gather the necessary data to estimate fund obligations; notify telecommunications companies of their obligations to the fund; collect and distribute money from the fund in accordance with the Nebraska Telecommunications Universal Service Fund Act and the rules and regulations established by the commission; and notify the commission of any violations of the act and rules and regulations by telecommunications companies with respect to the fund. The commission shall audit the administrator to ensure the duties are being performed in accordance with the act and its rules and regulations. Any telecommunications company not meeting its obligation to the fund shall not be eligible to receive payments from the fund, shall be subject to administrative penalties to be determined by the

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commission and shall be subject to the revocation of any certificate or permit issued pursuant to Section 86-128 or any predecessor statute.

**KELLY:** One minute.

**M. CAVANAUGH:** Thank you, Mr. President. 86-128. I'm going to look and see what that is. Dash 1-- no, that's [INAUDIBLE]. 86-128-- 141. So-- I suppose I could use the computer to do this, but sometimes it's easier to read at these desks. OK. Certificate or permit of convenience and necessity. (1) (a)-- and this is on page 1008-- to preserve the integrity of a ubiquitous network, to preserve and advance the universal service and to ensure the delivery of essential and emergency telecommunications service, telecommunications--

**KELLY:** That's your time, Senator. And you are next in the queue.

**M. CAVANAUGH:** Thank you, Mr. President-- telecommunications common carriers and telecommunications contract carriers in Nebraska are subject to regulation by the commission. In addition to the requirements of Section 86-129, a person shall file an application and receive either a certificate of convenience and necessity as a telecommunications common carrier or a permit as a telecommunications contract carrier before such person may, (i), offer any telecommunications service or, (ii), construct new telecommunications facilities in, or extend existing telecommunications facilities into, the territory of another telecommunications company to provide any telecommunications service. The commission may only issue a certificate of convenience and necessity as a telecommunications common carrier or a permit as a telecommunications contract carrier after due notice and hearing pursuant to commission rules and regulations. The commission shall not issue a certificate or a permit to an agency or political subdivision of the state. (2), if a telecommunications company holds a certificate of convenience and necessity as a telecommunications common carrier, it shall not be required to obtain a permit as a telecommunications contract carrier. (3), the commission may establish such just and reasonable classification of groups and telecommunications common carriers and telecommunications contract carriers taking into consideration the special nature of the telecommunications service performed by such carriers. The commission may adopt and promulgate rules, regulations and requirements to be observed by a carrier so classified or grouped as the commission deems necessary or desirable and in the public interest. (4), the commission may waive applicability of subsection (1) of this section as to the provision of the intra-LATA

interexchange service under rules and regulations applicable to all telecommunication companies providing such interexchange service. After such waiver, the certificate or permit for and provision of intra-LATA interexchange shall be governed by the statutes, rules and regulations for a certificate or permit for and provisions of inter-LATA interexchange services. OK. And then it goes on to certificates and permits for inter-LATA interexchange services. But I'm going to go back to page 1083, which indicated the law that I was looking at, 86-327, fund; advisory board. The commission shall oversee and administer [SIC-- oversee and the administrator], if a third-party administrator is selected, shall administer the fund with the advice of an advisory board appointed by the commission. The number of members on such advisory board shall not be less than seven nor more than nine. The composition of the membership of the advisory board shall be determined by the commission and shall include the following representatives: one member shall represent the commission; one member shall represent elementary and secondary schools; one member shall represent libraries; one member shall represent rural healthcare providers; two members, but not more than three members, shall represent telecommunications companies; and one member, but not more than two members, shall represent the public. The advisory board shall provide recommendations to the commission at the public hearing held pursuant to the Open Meetings Act. The advisory board shall also, on an annual basis, recommend the services to be supported by the fund. So I wonder who, who's on that commission right now and if they all are operatives of China. And that's why we need to do this, because they are recommending that we give money to Huawei Technology perhaps. Annual public hearing; notice; fund level. Annually, the commission shall hold a public hearing to determine the level of the fund necessary to carry out the Nebraska Telecommunications Universal Service Fund Act.

**KELLY:** One minute.

**M. CAVANAUGH:** Thank you. The commission shall publish notice of the hearing in at least one newspaper or general circulation in the state at least once each week for two consecutive weeks before the hearing. After the hearing, the commission shall determine the amount of the fund for the following year, including a reasonable reserve. In the initial year of the fund's operation, the commission shall determine the amount of the fund to be equivalent to the amount which, in the commission's judgment, after careful analysis, is necessary to keep approximately 96 percent of Nebraska households subscribed to local telecommunications service. In an emergency as determined by the commission, the commission may adjust the level of the fund, but only

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after a public hearing for such purpose. And then the next is the Nebraska Telephone Assistance Program Commission duties. Going to mark that. I did want to go back to certificates and permits of the inter-LATA, interexchange services, but I'll do that on my next time on the mic. I think I'm just about out of time.

**KELLY:** That's your time, Senator.

**M. CAVANAUGH:** Thank you.

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

**ERDMAN:** Question.

**KELLY:** The question has been called. Do I see five hands? I do. The question is, shall debate cease? There's been a request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar. Senator Albrecht voting yes. Senator Arch not voting. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood not voting. Senator Bosn voting yes. Senator Bostar not voting. Senator Bostelman voting yes. Senator, Senator Brandt voting yes.

**KELLY:** Senators, we'll restart the vote due to a, an issue up here.

**CLERK:** Senator Aguilar. Senator Albrecht voting yes. Senator Arch not voting. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood not voting. Senator Bosn voting yes. Senator Bostar not voting. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting no. Senator Day. Senator DeBoer-- I'm sorry. Senator Day voting no. Senator DeBoer not voting. Senator DeKay voting yes. Senator Dorn not voting. Senator Dover voting yes. Senator Dungan. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Halloran not voting. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan not voting. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe not voting. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz

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voting no. Senator Wayne voting no. Senator Wishart voting no.  
[RECORDER MALFUNCTION]-- 9 nays, Mr. President, on-- to cease debate.

**KELLY:** Debate, debate does cease. Senator Bostar, you are recognized to close.

**BOSTAR:** Thank you, Mr. President. Thank you, colleagues. Please vote green on AM1301. Thank you.

**KELLY:** Thank you, Senator Bostar. There's been a request for a roll call vote. Mr. Clerk-- on the adoption of AM1301.

**CLERK:** Senator Aguilar. Senator Albrecht voting yes. Senator Arch not voting. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood not voting. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting yes. Senator Day not voting. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn not voting. Senator Dover voting yes. Senator Dungan. Senator Erdman voting yes. Senator Fredrickson not voting. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe not voting. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne not voting. Senator Wishart voting yes. Senator Cavanaugh voting yes. Mr. President, the vote is 37 ayes, 0 nays on the adoption of the amendment.

**KELLY:** The amendment is adopted. Mr. Clerk for an item.

**CLERK:** Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote on AM1301.

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

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I had to switch my vote at the end because I made a mistake. You need to be present, not voting to reconsider a vote or vote with the majority voting. And I voted no. And I was the only one that voted no, so I had to switch my

vote to yes so that I could do my motion to reconsider the vote, which I needed to do in order to continue to take time on this bill. Thank you, Senator Erdman, for calling the question because I was the only one left in the queue. It was my last time in the queue. And that took more time than my five minutes, so I appreciate the assist. All right. Back to certificates of permit-- permanent-- certificates and [SIC-- or] permits for inter-LATA interexchange services. The commission may use a certificate or permit authorizing any telecommunications company which files an application to offer and provide inter-LATA interexchange service. The application shall include such information as required by the rules and regulations of the commission. The commission may as a precondition to issuing a certificate or permit:

(a), require the procurement of a performance bond sufficient to cover amounts due or to become due to other telecommunications companies providing access to the local exchange networks for the applicant and, (b), require the procurement of a performance bond sufficient to protect any advances or deposits the telecommunications company may collect from its customers and order that such advances or deposits be held in escrow or trust. (2), the commission may be-- may deny certificate or permit to any telecommunications company which: (a), does not provide the information required by the commission; (b), fails to provide a performance bond if required; (c), does not possess adequate financial resources to provide the proposed interexchange services-- service; or, (d), does not possess adequate technical competency to provide the proposed interexchange service. (3), within 30 days after receiving the application, the commission shall approve a certificate or permit or issue a notice of hearing concerning the application. A hearing is only required to deny an application. Any telecommunications company or its affiliate that has been authorized by the commission to offer an interexchange service prior to January 1, 1987 shall continue to have such authority. Such telecommunications company or affiliate need not file a new application to provide the interexchange service previously authorized by the commission.

Territorial maps. Every telecommunications company in Nebraska shall file with the commission maps of the territory in Nebraska in which the telecommunications company offers local exchange telephone service and, (b), amended maps to continually keep current the information shown on the maps. (2), rules and regulations of the commission shall include: the style, size and kind of maps; the information to be shown on such maps; the time and place for filing the maps; and a requirement that the maps be kept current. (3), the commission may revoke or suspend the certificate of convenience and necessity as a telecommunications common carrier or the permit as a telecommunications contract carrier of any telecommunications company

who violates this section. Provision of telecommunications services. 86-131, trunk and toll lines; connect-- connection requirements. Every telecommunications company shall take the calls or messages coming from any other communica-- telecommunications company and switch and connect its equipment so that any telephone message from any point in Nebraska may be delivered to any subscriber served by its telephone exchange or switched through and so that any message may be passed on to another exchange over such trunk and toll lines as may be available and designated by the exchange or switching station where the call originated, regardless of ownership of such lines. Such telecommunications company shall also take calls from its subscribers and public pay stations and pass such calls through its exchange toward destination and over the lines and routes designated by the person making such telephone call if there are competing lines existing between such points. If the person making the telephone call does not designate a route for which message or no competing lines exist between points of origination and destination, the telecommunications company may, by its operator at originating point, make such designation of route. But calls or messages shall be switched through to destination if the point can be reached by a connecting equipment. Trunk and toll lines; consolidated-- consolidation requirements. Whenever any competing telephone plant or exchange has been consolidated with or absorbed by another so that the remaining plant or exchange has a monopoly of or exclusive telephone business of any city or village, the telecommunications company operating the exclusive exchange or plant shall cause all toll and trunk lines formerly terminating in the eliminated exchange to be placed on or connected to its exclusive exchange, shall make and keep such connection in a good faith and efficient manner, and shall maintain an interchange of business with such trunk and-- or toll lines the same as its own, in a fair and impartial manner, upon the terms set forth in this section and Sections 86-131, 86-140 and 86-153. During the period intervening between the time when the first subscribers are taken from the eliminating exchange until the time all have been removed, if such a period is more than 30 days, a temporary trunk line shall be established between the two exchanges so that calls may come into both exchanges from the trunk or toll lines of the exchange so absorbed or eliminated and that calls from both exchanges may go over the lines. Exchange abandonment. An existing telephone exchange or central office shall not be abandoned or removed to any other city or village except by the written consent of at least 36 [SIC-- 60] percent of the subscribers who had rental service contracts with the telecommunications company which seeks to change service six-- service six months before an application to change

telecommunications service is filled with the commission-- filed-- sorry-- with the commission. The commission shall hold a hearing and issue an order before the change is effected. Discontinuation of service. This is 86-134. No telecommunications company which provides interstate [SIC-- intrastate] interexchange service or basic local exchange service may abandon or otherwise discontinue such service in or to a local exchange area which it serves unless: (i) [SIC-- (a)], the commission finds upon application and hearing that one or more other telecommunications companies are furnishing comparable telecommunications service to the subscribers in such local exchange area at the time of abandonment and, (ii) [SIC-- (b)], the telecommunications company discontinuing telecommunications service to such a local exchange area: (a) [SIC-- (i)], notifies its subscribers in the local exchange area in writing of the abandonment, which notice shall be sent at least 30 days prior to the date-- the effective date of such abandonment; (b) [SIC-- (ii)], refunds may-- refunds any unused prepaid subscription charges or other unused prepaid charges to each consum-- customer in the local exchange area prior to the effective date of the abandonment; and, (c) [SIC-- (iii)], prior to the effective date of the abandonment, reimburses its customers in the local exchange area for service charges which its customers incur in obtaining substitute services for another telecommunications company or, in lieu thereof, pays other telecommunications companies directly for such service charges on behalf of its customers making changes in their telecommunications service as a result of the abandonment. How much time do I have left, Mr. President?

**KELLY:** 1:27.

**M. CAVANAUGH:** Thank you. 86-135, advanced telecommunications capability service; application; notice; commission; considerations. (1) [SIC-- (2)], any person may file an application with the commission to obtain advanced telecommunications capability establish-- capability service furnished by a telecommunications company in the local exchange area adjacent to the local exchange area in which the applicant resides. (2) [SIC-- (3)], the commission shall reserve-- shall serve upon each telecommunications--

**KELLY:** One minute.

**M. CAVANAUGH:** Thank you-- telecommunications company directly affected a copy of the application and notice of the hearing at least 30 days prior to hearing on the application, which shall be held if all of the telecommunications companies involved do not consent to the application. (3) [SIC-- (4)], if an application for the revision of an

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exchange service area includes more than one customer in a particular exchange, the commission shall consider the circumstances of each customer and the impact of the obligations of any affected telecommunications company which has not consented to the application. 86-136, commission; application approval. I think I'm about out of time, so I'm going to take a sip of water for my next time.

**KELLY:** That's your time, Senator. And you're next in the queue.

**M. CAVANAUGH:** Thank you, Mr. President. OK. Commission; application approval. Upon the completion of the hearing on such an application made pursuant to Section 86-135, if a hearing is required, the commission may grant the application, in whole or in part, if the evidence establishes the following: (1), that such applicant is not receiving and will not, within a reasonable time, receive reasonable advance telecommunications capability service from the telecommunications company which furnishes telecommunications service in the local exchange area in which the applicant resides; (2), that the revision of the exchange service area required to grant the application is economically sound, will not impair the capability of any telecommunications company affected to serve the remaining subscribers in any affected exchanges and will not impose an undue and unreasonable technological or engineering burden on any affected telecommunications company; and, (3), that the applicant is willing and, unless waived by the affected telecommunications company, will pay such construction and other costs that-- and rates as are fair and equitable and will reimburse the affected telecommunications by the commission. The amount of any payment by the applicant for construction and other costs associated with providing service to the applicant may be negotiated between the applicant and the affected telecommunications company. 86-137, certificate of convenience and necessity. After the commission has lawfully granted an application pursuant to Section 86-136, the telecommunications company ordered to provide the advanced telecommunications capability service shall be issued a certificate of convenience and necessity to serve that area added to its local exchange area by the commission, if necessary. The commission shall set the date when the service granted shall take effect and, in doing so, shall take into consideration any construction or major repair which will be required of the telecommunications company involved. And then 86-139, scope of rate regulation, rates and charges. Except as provided in the Nebraska Telecommunications Regulation Act, telecommunications companies shall not be subject to rate regulation by the commission and shall not be subject to provisions as to rates and charges prescribed in Sections 75-101 to 75-158. Just going to write that down, make a note to look

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up later about rates and charges as prescribed in 75-101 to 75-158, rates and charges. We've got a lot of hours to fill today. I may as well do some investigating. Access charge regulation, 86-140. Access charges imposed by telecommunications companies for access to a local exchange network for interexchange service shall be negotiated by the telecommunications companies involved. Any affected telecommunications company may apply for a review of such charges by the commission, or the commission may make a motion to review such charges. Upon such application or motion and unless otherwise agreed to by all parties thereto, the commission shall, upon proper notice, hold and complete a hearing thereon within 90 days of the filing. The commission may, within 60 days after the close of the hearing, enter an order setting access charges which are fair and reasonable. The commission shall set an access charge structure for each local exchange carrier but may order discounts where there is not available access of equal type and quality for all interchange carriers, except that the commission shall not order access charges which would cause the annual revenue to be realized by the local exchange carrier from an [SIC-- all] interchange carriers to be less than the annual costs, as determined by the commission based upon evidence received at hearing, incurred or which will be incurred by the local exchange carrier in providing such access service. Any actions taken pursuant to this subsection shall be subsequently consistent with the federal act and federal actions taken under its authority. (2), reductions made to access charges pursuant to subsection (1) of this section shall be passed on to the customers of interexchange service carriers in Nebraska whose payment of charges has been reduced. The commission shall have the power--

**KELLY:** That's your time, Senator.

**M. CAVANAUGH:** Thank you.

**KELLY:** Thank you, Senator Cavanaugh. Mr. Clerk, do you have a motion on your desk?

**CLERK:** I do, Mr. President. Senator Moser would move to invoke cloture on LB683 pursuant to Rule 7, Section 10.

**KELLY:** Senator Moser, for what purpose do you rise?

**MOSER:** Cloture and a roll call vote.

**KELLY:** And, Senators, we are on Final Reading, so please record your presence with your green light prior to the vote. Members, please check in. Mr. Clerk, please call the roll.

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**CLERK:** Senator Aguilar. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood not voting. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day not voting. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan. Senator Erdman voting yes. Senator Fredrickson. Senator Halloran. Senator Fredrickson not voting. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould not voting. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. Senator Aguilar voting yes. Vote is 40 ayes, 0 nays, Mr. President, on the motion to invoke cloture.

**KELLY:** Cloture is invoked. The first vote is on the motion to reconsider. There's a request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch not voting. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting no. Senator Bosn voting no. Senator Bostar voting no. Senior Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting no. Senator Day not voting. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan. Senator Erdman voting no. Senator Fredrickson not voting. Senator Holleran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney not voting. Senator Moser voting no. Senator Murman voting no. Senator Raybould not voting. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne voting no. Senator

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Wishart voting no. Vote is 1 aye, 40 nays, Mr. President, on the reconsideration.

**KELLY:** The motion to reconsider fails. Senator Ballard, you're recognized for a motion.

**BALLARD:** Mr. President, I move that LB683 be advanced to E&R for reengrossing.

**KELLY:** You-- there's been a request for a record revote-- a record vote on the advancement. All the-- yeah. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Bosn, Bostar, Boselman, Brandt, Brewer, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Erdman, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, Wayne, Wishart. Voting no: none. Not voting: Senators Blood, Briese, Machaela Cavanaugh, Day, Fredrickson, Hunt, McKinney, John Cavanaugh and Dungan. The vote is 40 ayes, 0 nays, Mr. President, on advancement of the bill.

**KELLY:** LB683 is advanced for E&R Engrossment. To Clerk-- Mr. Clerk for items.

**CLERK:** Mr. President, amendments to be printed: Senator Vargas to LB705, Senator Moser to LB683. An announcement: the Appropriations Committee will meet at 11:30 under the north balcony. 11:30, under the north balcony, Appropriations. Mr. President, next item: LB282. I have no E&R amendments. Senator Riepe would move to bracket the bill till June 9, 2023.

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

**RIEPE:** Thank you, Mr. President. The Business and Labor community-- Committee holds the responsibility for handling the state claims bill. LB282 and accompanying amendment, AM687, were advanced out of General File unanimously. As a reminder, state claim bills are brought by the state for each year's legislative session and may consist of miscellaneous tort, indemnification, workers' compensation and state insurance claims. Claims against the state pass through the State Risk Manager's Office within the Department of Administrative Services. The dollar amounts in the state claims bill have agreed-- been agreed to settlement or court judgments reviewed and litigated by the Attorney General's Office or relevant state agencies and not determined by me

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or the Business and Labor Committee. Later, I will discuss AM1-3-5-4 AM1354, which includes four additional claims that have recently become available for approval by the Legislature. Thank you, Mr. President. This concludes my opening remarks on LB282.

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

**CONRAD:** Thank you, Mr. President. I was wondering if Senator Riepe or another member of the Business and Labor Committee might provide some more information. And I don't necessarily need to do an immediate Q&A right now. I don't want to catch you on the, the spot here. I want to give you a chance to, to look at your files if need be because I know there is a lot of component parts in the state claims bill, as there always is. But one issue really caught my eye as I was reviewing it. And I know that we're going to have some additional debate on some other matters, but I was wondering if Senator Riepe or members of the committee could provide some more details as to the state claim being paid out to Mr. Jason Galle. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. I think Senator Riepe maybe intended to withdraw this bracket motion. I'll yield my time to Senator Riepe.

**KELLY:** Senator Riepe, you have 4:45.

**RIEPE:** Thank you, Senator Machaela Cavanaugh. And, yes, I do wish to withdraw the bracket motion.

**KELLY:** The motion is withdrawn.

**CLERK:** Senator Riepe, I also have a recommit motion. Is it your intent to withdraw that as well?

**RIEPE:** That is correct. Please withdraw.

**CLERK:** In that case, Mr. President, Senator Riepe would move to amend with AM1354.

**KELLY:** Senator Riepe, you're recognized to open on AM1354.

**RIEPE:** Thank you, Mr. President. AM1354 includes four additional claims that have recently become available for approval by the

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Legislature. Yesterday, the Business and Labor Committee held a-- or, not yesterday, but last Friday-- held a-- Business and Labor Committee held a public hearing on AM1354 and LB282. Representatives from the Attorney General's Office, Department of Health and Human Services and the Department of Administrative Services discussed each of the four claims. No one testified in opposition of this amendment. I will now go through each of the claims in AM1354. The first is a line of duty claim for \$250,000 for John Trumble, a retired Cambridge fire chief. The second is an indemnification claim from-- for one-- \$18,750 [SIC-- \$18,750,000] for-- this is a settlement agreement between the State Troopers Association of Nebraska and the state of Nebraska. This is a, an outstanding issue that's been here for 12 years and now is coming to a settlement resolution. The third, a workers' compensation claim for \$25,000 for a state employee working at the Youth Rehabilitation and Treatment Center in Kearney. Finally, the, the fourth is a contract claim for \$5.5 million. This is a settlement agreement between the DHHS and Wipro, an information technology consulting company. Thank you, Mr. President. This concludes my opening for AM1354.

**KELLY:** Thank you, Senator Riepe. Mr. Clerk for a motion.

**CLERK:** Mr. President, Senator Machaela Cavanaugh would move to amend with FA96.

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

**M. CAVANAUGH:** Thank you, Mr. President. I really did myself a disservice on time by yielding Senator Riepe time to withdraw because I could have spent more time on that previous motion. But I want these lawsuits settled. So even though I am going to take the full four hours on this bill, I thought it was worth getting the actual amendment up on the board, so. We talked about this last week, the Wipro. And, just reiterating my concerns this morning about the fact that the money that we're utilizing for this comes from the behavioral health aid. I understand from comments that were made last week by members of the Appropriations Committee-- I believe it was the Chair of the committee, but I'm not entirely certain-- that this was used because it shifted back to the general funds in the mainline budget-- or, the cash transfers budget, I guess-- because there was money there. And since this was a healthcare lawsuit, it seemed like a good use of the funds. This is sort of the undercurrent theme of this year's budget, is, we see money, we take money, and we don't ask too many questions. It's served to be extraordinarily problematic once the bill got to the floor that all of these different mon-- pots of moneys

were used and appropriated inappropriately. The money in the health-- in the behavioral health aid-- I have so many questions about why there would be enough money in there to transfer to the general funds to pay for this lawsuit. Because we talk about the mental health crisis in the state and we talk about the significant need for investment. We did a provider rate increase last year. We got a provider rate increase this year. So are we taking money that was being underutilized? And-- that's what it sounds like, so why was it being underutilized? And should we not investigate that a little bit further and explore that a little bit further before we take the money? Was it underutilized because it's taking time to build up to that? And if we take that money now and shift it to this lawsuit payment, are we hamstringing our behavioral health investment in the future? And nobody's really answered any questions whatsoever about why the behavioral health aid wasn't utilized-- just that it was there, so we took it. I do believe that we should be paying our debts. I do believe that we should pay our, our settlements, and those should come from the General Fund. They should not come from the healthcare-- behavioral health aid. So Senator Riepe sent out, distributed this morning a handout. I believe it's about the different lawsuits. And since I'm taking time, I'm going to read them. So the first page is settlement of Wipro versus the state of Nebraska claim within AM1354 to LB282, page 7, Section 8, lines 9 through 14. Well, thank you to Senator Riepe and to the committee staff for putting all that information at the top of the page. I find that extremely helpful so that I can know where to look in the amendment for what I'm looking for. In 2014, Wipro entered into a written contract with the state, and specifically DHHS, to develop a new Medicaid eligibility and enrollment solution software. Although DHHS initially requested an out-of-the-box solution, it later requested that the software be customized. Ongoing customization and changes in federal law led to changes in scope and several amendments to the contract in late 2018 following the-- a leadership change in Medicaid long-term care-- and long-term care, MLTC. The state terminated the contract without cause. The contracts no-cause termination provision obligated the state to pay Wipro for work satisfactorily performed as of the termination date. So this is kind of an interesting thing that makes me think about when we terminated the contract with Saint Francis Ministries. We terminated that contract with no fault. Maybe it was also no cause, but it, it was very clearly stated that it was no fault. And it was a mutual agreement to terminate the contract. And I always found that really fascinating that we did it that way because there was fault. There was significant fault. There was significant malfeasance and deception in the entirety of the contract with Saint Francis

Ministries. And I always wondered if we were hamstringing ourselves purposefully from pursuing legal recourse. By saying that we were terminating the contract because of no fault, were we saying, essentially, we found no fault. We just decided to, to part ways and, and deprivatize this, this whole process. And so therefore, we're just going to walk away. We still haven't pursued any legal action against Saint Francis Ministries for defrauding the state of Nebraska. We know that there are numerous indictments with the FBI against the former CEO and the software company that the state of Nebraska was billed part of the money. There's a significant amount of fraudulent activity that took-- transpired that led to them doing a fraudulent bid. And without our own procurement process doing even the barest of minimum of due diligence, we entered into a contract. And then we terminated that same contract-- well, not the same contract-- the emergency contract for no fault, though there was a lot of fault. A lot of fault. And that question will continue to remain with me, is, did we terminate for no fault so that we would not investigate, so that we would not pursue legal action? And why? Why would we want to not pursue legal action? What reasoning do we have to not pursue legal action? I think these are really important questions to consider. But, back to the summary. How much time do I have, Mr. President?

**KELLY:** 2:45.

**M. CAVANAUGH:** Thank you. Wipro submitted three invoices totaling \$15,570,078.05. The first invoice, for \$4,773,104.28, was for work explicitly delineated in the current written contract at the time of termination. The second invoice, for \$9,875,852.80, was for work performed pursuant to the state's instructions but under a contract amendment that had not yet been signed. The third invoice was for \$921,000 in ramped down costs incurred by Wipro. The state refused to pay Wipro's invoices. Following the state's refusal-- Why-pro. I'm sorry-- Whi-pro. Wipro filed a contract claim and later a lawsuit. The state and Wipro litigated the case extensively. They exchanged thousands of documents and conducted depositions of numerous witnesses from both the state and Wipro. Both sides hired experts to testify about the quality of the work product that Wipro delivered to the state. Wipro's expert provided a report and deposition testimony supporting his opinion that the work described in Wipro's invoices satisfied the state's agreed-upon acceptance criteria. Wipro and the state then engaged in formal mediation. At the conclusion of mediation, the parties entered a settlement agreement in which the state agreed to pay Wipro's \$5.5 million in exchange for Wipro's dismissing the suit and agreeing to indemnify the state against third-party claims regarding the project--

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**KELLY:** One minute.

**M. CAVANAUGH:** Thank you, Mr. President. The proposed amendment, AM1354, to LB282 allocates funds to pay this settlement. So, this amendment actually allocates us paying the settlement. The budget transfer funds transfers the money from the Behavioral Health Aid Fund to the General Fund for the purpose of covering these debts. So if one passes and the other doesn't, I think we deal with some complexities. Although, actually, I believe if this passes and we don't pass the budget-- which, of course, we're going to pass the budget-- but theoretically, if we didn't pass the budget and this passed, then this would come, I believe, just out of the general funds without that transfer of the behavioral health aid, but I don't know for certain. So that will remain a mystery. I see I'm--

**KELLY:** That's your time, Senator. And-- Senator Blood, you're recognized to speak.

**BLOOD:** Thank you, Mr. President, fellow senators, friends all. I stand against Senator Cavanaugh's floor amendment but in full support of the amendment and the underlying bill as a member of the Business and Labor Committee. But with that said, I feel since Senator Cavanaugh is taking some time, this is an opportunity to really talk about what I think our taxpayers need to know about our amendment especially. So part of this amendment, as you heard, was in reference to a 12-year dispute over state trooper salary. This is an example where Nebraska was wrong, where we did something through the legislation-- through the Legislature, actually, that was unconstitutional. And instead of our executive branch saying, you're right. We made a mistake. We're going to make sure that we address-- properly address your salary and retirement benefits. We decided that we were going to fight it through the Attorney General's Office. And we fought it and we fought it and we fought it for 12 years. So I will give kudos to the current administration for finally settling the state trooper dispute. But I think it's really important that Nebraskans start paying attention to how often over the last two decades our executive branch has dug in their heels to fight things that they may knowingly know that they should not be fighting, trying to get the other side to just basically give up. And I think this was a really good example. We talk about all the time about how we support the blue, how we support law enforcement, how the State Capitol could not run without the help of our State Patrol. But when it comes to giving them their just due, we decided that they didn't have it coming and we were going to fight for it. So while we were fighting for it, that meant the taxpayers had to pay for that fight: for every time we went to court, for every

deposition that we had to have, for any type of hearing that we had to have. You get to pay for that. This is also the-- an opportunity for us to talk about why, outside of an IT department, we still don't have a real technology department in the state of Nebraska. I've asked multiple times as a state senator why we don't have technology as its own committee. Because we don't have a lot of people with keen understandings of technology, and we see that over and over and over again in DHHS. If we go back to Governor Heineman's time and we look at ACCESSNebraska and we look at that fiasco-- and many of us remember that, during that same window of time, there was software that was designed for HHS that was not compatible to the computer system that the staff was using. So basically, that was just money that we burned up and, and never got to utilize for anything that really benefited anybody. This is another good example. When the ACA kicked in and we needed software, as you heard, that was specifically about Medicaid eligibility and enrollment, and there was clearly a miscommunication. And because of that now, we are paying millions of dollars on a settlement which is actually less than what the original bill was. So they saved you some tax dollars there, I guess. But that still doesn't compensate for the staff time, for the time we spent in court. We had to be sued to pay for a bill that we didn't pay because we didn't clearly have a good understanding of what type of software was needed for this Medicaid eligibility. And so, again, I stand in support of these amendments, but I really wish that more senators would read the papers that are on the desk that Senator Riepe provided them. Because over and over and over again, especially now with term limits, we continue to make the same mistakes. We continue to fight battles to not pay bills where we make mistakes because of our lack of knowledge when it comes to technology.

**KELLY:** One minute.

**BLOOD:** We continue to have bad technology because we don't know what we're asking for. From the Department of Labor, during the, the COVID crisis, where we paid out false claims to the Russian Mafia and to Nigerian crime rings to what's going on in DHHS yet again. We have to get a better grasp on technology and the role it plays in state government or we're going to keep being sued and we're going to keep wasting money. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. And-- back in the queue. So the next page in the document from Senator Riepe is, "Nebraska

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Officials Agree to \$18.75 Million Settlement in State Trooper Dispute." And this was on April 20, 2023 and updated on May 4, 2023 from Don Walton, Lincoln Journal Star. Nebraska Attorney General Mike Hilgers recently announced an \$18.75 million settlement of a 12-year dispute, dispute over state trooper salary and retirement benefits that impact, impacts 28 years of payroll. The announcement follows on the heels of Governor Jim Pillen's support for a 22 percent increase in salaries for members of the Nebraska State Patrol. The settlement stems from a lawsuit originally filed in 2011 over increases in the contribution rates state troopers were required to make to the state pension fund. According to the suit, the Legislature approved several increases over the years that raised the troopers' pension contribution rate from 8 percent in the 1990s to 19 percent by 2011. The suit alleged that the increases were unconstitutional. Joining Hilgers at a press conference, the Governor praised the settlement, describing the patrol as the "gold standard of law enforcement" and "the safety of Nebraskans as the highest priority." Pillen said he is pleased to "get this lawsuit behind us." Hilgers said the settlement will benefit more than 400 current and former members of the patrol and suggested that the Governor's budget proposal already has demonstrated his support for troopers by its significant increase in salaries. "We have their backs," he said. "It's time to put this to bed." It's a boost-- "it's a morale boost," said Colonel John Bolduc, superintendent of State Patrol. "It's a demonstration of support for troopers," he said, coming from "an administration that supports law enforcement and the State Patrol." On hand for the press conference were State Senator Robert Clements of Elwood [PHONETIC-- Elmwood], Chairman of the Appropriations Committee; state [SIC-- Senator] Mike McDonnell of Omaha, a committee member; Senator Merv Riepe of Ralston, Chairman of Business and Labor, who will shepherd the claims bill through the Legislature. Lieutenant Governor Joe Kelly and participants in the lawsuit also attended the event hosted by the Attorney General. Senator Riepe, we should get you a shepherd's stick for shepherding this through the Legislature. How much time do I have left?

**KELLY:** 1:57.

**M. CAVANAUGH:** Thank you, Mr. President. Senator Riepe also included another article on the Wipro lawsuit. "Nebraska Settles \$15.5 Million Wipro Lawsuit for \$5.5 Million," Omaha World-Herald from Erin Brimmer [PHONETIC-- Bamer] on May 4, 2023. Nebraska settled a lawsuit with India-based technology company, Wipro Limited, for \$5.5 million, about one-third of the amount the company sought. Wipro was hired to conduct an \$84 million upgrade to the state's Medicaid eligibility and

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enrollment management system. After the state prematurely ended the contract in the late-- in late 2018, the company sued for \$15.5 million, alleging the state failed to pay it when-- it-- pay it what it were owed--

**KELLY:** One minute.

**M. CAVANAUGH:** --before the contract-- thank you-- were terminate-- was terminated. The work began in 2014 [SIC-- 2014] in an effort to bring Nebraska in line with the Affordable Care Act. Prior to Wipro's contract being terminated, the state had paid the company roughly \$6 million, according to previous reporting. Bo Patelho, general counsel for the department-- Nebraska Department of Health and Human Services, said at a hearing on Thursday that the \$5.5 million represents the total settlement agreed upon by both state and Wipro officials. The settlement was part of an amendment to, to LB282, which acts as a regular legislative measure used to appropriate funds for various financial claims made against the state. Overall, the amendment totals more than \$26 million. The biggest chunk of that is \$18.75 million in a separate settlement that Attorney General Mike Hilgers announced two weeks ago. It will resolve a 12-year legal dispute--

**KELLY:** That's your time, Senator.

**M. CAVANAUGH:** Thank you.

**KELLY:** Thank you, Senator Cavanaugh. Senator Hughes announces some guests in the north balcony: fourth graders from McCool Junction Elementary. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you are recognized to speak. And this is your final time on the floor amendment--

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

**KELLY:** --before your close.

**M. CAVANAUGH:** Thank you, Mr. President. The biggest chunk of that \$18.75 million in a separate settlement, settlement that Attorney General Mike Hilgers announced two weeks ago. It will resolve a 12-year legal dispute over state trooper salary and retirement benefits. So that's the end of that. I did have-- oh, no. It's not. Sorry. Turn the page, Senator Cavanaugh. The lawsuit filed by the state troopers claimed the Legislature approved unconstitutional increases to the troopers' pension contribution rate from 8 percent in the 1990 to 19 percent by 2011. The suit was filed in 2011, making it one of the longest-lasting litigations in Nebraska history, Hilgers

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said Thursday. He said the lengthy dispute has incurred significant cost to both sides, and some of the troopers who were part of the original lawsuit have since passed away. Even so, he said, the settlement will benefit more than 400 current and former members of the patrol and will impact roughly 28 years of patrol. OK. So, thank you again to Senator Riepe and his staff for putting this together. It is helpful when we have amendments like this, especially-- you know, this isn't any small thing. It's two major lawsuits totaling-- what did the article say-- \$26 million. That's a lot. So it's helpful to be informed. Going back to the budget. I still remain concerned about how we are funding things. The fact that we're transferring money out of behavioral health to pay for this. We have \$700 million in the General Fund, or more. I haven't looked at the green sheet today. \$714 million is what is the variance after we pa-- if, if we were to pass the budget bills as they are right now, we'd have \$714 million in general funds. And we're taking \$5 million of that out of the behavioral health account. And I just think that this is poor governance, but. If I were to describe the theme of the 2023 Nebraska legislative session, it would be poor governance. The theme of this year is poor governance. We do cosmetic things. We pass vanity bills. We're not focused on good public policy. We literally wasted two hours this morning on a vanity bill. And this body's fine with that. Like, legitimately-- we are on day 74. We have 16 days left. And this body is willing to spend two precious hours on a vanity bill. I mean, I'm, I'm partly responsible because I, I stepped aside when people wanted to put packages of bills on bills on General and Select File. And that was, that was foolish of me. That was me being a good colleague. I made it easier for this body to be lazy about how they're doing their work. So I guess now you are at the point where you have two hours to just waste on a bill that nobody cares about, so. So I'm just--

**KELLY:** One minute.

**M. CAVANAUGH:** Thank you, Mr. President-- I'm just looking over the green sheet, and I see-- I'm trying to figure out-- so the green sheet starts to get more in depth as we move along. Once we move the budget, then we're-- then we start moving A bills and the green sheet starts to change every day. I'm just not seeing changes yet. Let's see here. We've got the mainline budgets, the deficits, state claims. Ah. State claims right now is \$200,000. So I guess this would change it. I assume the A bill on this would change it. Let's see here-- LB282. So if you look at the worksheet, find LB282, A bill. See where that is.

**KELLY:** That's your time, Senator Cavanaugh.

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**M. CAVANAUGH:** Thank you.

**KELLY:** Mr. Clerk for items.

**CLERK:** Thank you, Mr. President. Amendment to be printed from Senator Bostelman to LB818. And Senator Brewer would move to recess the body until 1:00 p.m.

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

[RECESS]

**DORN:** Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your vote. Excuse me, not your vote, your presence. Roll call. Mr. Clerk, please record.

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

**DORN:** Thank you, Mr. Clerk. Do you have any items for the record?

**CLERK:** I have no items at this time.

**DORN:** Thank you, Mr. Clerk. We will proceed to the first item on this afternoon's agenda. Mr. Clerk.

**CLERK:** Mr. President, LB282. When the Legislature left pending, were an amendment to the bill from Senator Riepe, as well as a floor amendment to that amendment from Senator Machaela Cavanaugh.

**DORN:** Senator Cavanaugh, you're recognized to close.

**M. CAVANAUGH:** Thank you, Mr. President. Yes, when we adjourned for lunch, I had run through all of my times to speak on the amendment and so that's why we're here. We're at the close of the amendment. Yay. This floor amendment strikes Section 1. If you want to know what Section 1 is, check out AM1354. Should check out AM1354 regardless because AM1354 is like \$26 million. So before you vote for it, you should probably know what it is. I have had a practice of not voting for pretty much everything, just kind of present, not voting on most things. This particular one, when it comes down to it, I will likely vote for AM1354 because I do think that we should pay our debts. So if people are wondering why I, like, oh my goodness, she finally voted for something, that is going to be the reason. I think we should pay our debts. I think that's part of the function of government. And when

we lose, like the lawsuits that we are paying out for, when we lose, I think we should be good losers and we should just move forward. So it's not easy to lose. I lose all the time, constantly, like every single vote. Now they don't seem like big losses, perhaps, but honestly, they are losses every time. Like every time I'm like, oh, three people voted with me. Oh, no people voted with me. That's a loss. So it's, you know, it's hard to lose. It hurts to lose. But I do it every day, multiple times a day. And the one lesson that I have definitely learned from all of the losses I have incurred this year is that it is important to not wallow in it. It is important to get up and to move forward because there's always something else that needs my attention. And if I just stay focused in the loss, then I'm going to have a real hard time getting anything else accomplished. So I know my kids had soccer again this weekend. They have soccer every weekend. They also have soccer this week and next weekend and the next and the next. They don't play baseball or softball yet. That will take up even more time if they do decide to play that. So, yeah. How much time do I have left, Mr. President?

**DORN:** 1:50.

**M. CAVANAUGH:** 1:15 or 1:50?

**DORN:** 1:50.

**M. CAVANAUGH:** OK. Thank you. OK, so we go to a vote on this. I have other floor amendments pending. You all know the drill. Do one vote against Senator Cavanaugh. Do the next vote against Senator Cavanaugh. It's a whole do-si-do dance against Senator Cavanaugh. I do think on whatever I have pending next, I'm going to get back to reading the budget or the statutes. I started reading, looking in these statute books, and it's kind of fun. You know, I actually-- that's right. I pulled one for a change in rates. I'm going to go revisit that when I have my--

**DORN:** One minute.

**M. CAVANAUGH:** --next motion or amendment or whatever I have next pending, I'm going to revisit the statute book that I've pulled because I was reading the statute book on the NUSF, Nebraska Universal Service Funds, regulations, statutory regulations. And I was reading about that, and it had about rate changes and referenced another statute about rate changes. And so I thought we could go on that statutory journey together this afternoon. And so that's what we'll

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do. I think we're getting close on time here. So I would just ask for a call of the house and a machine vote if-- so, thank you.

**DORN:** There's been a replace-- a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record.

**CLERK:** 13 ayes, 10 nays to place the house under call.

**DORN:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. All unexcused senators are now present. Question before the body is the approval of FA96. All those in favor vote aye; all those opposed vote nay. Has, has everyone voted who would like to? Record, record, Mr. Clerk.

**CLERK:** 0 ayes, 31 nays on the adoption of FA96.

**DORN:** The motion is not adopted. Raise the call. Clerk for the next item.

**CLERK:** Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote just taken on FA96.

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

**M. CAVANAUGH:** Thank you, Mr. President. See, 31 red votes against me. Look how good I am at losing. But I did notice that there were 36 potential votes, which means 36 people checked in because it was a call of the house. So we're missing a few. If this were a cloture vote in the next minute or two, you-- all it would take is four people to not vote for cloture for the bill to die. This is why it's important to show up to work, friends. OK. So let's see here. I was looking up 75-101 Public Service Commission. And so it's 75-101 to-- all the way through -158. Oh, got to get in the queue. OK. Oh. Public Service Commission Districts Number-- districts; numbers; boundaries; established by maps; Clerk of the Legislature; Secretary of State; duties. Does the Clerk of the Legislature distri-- do the district maps? No, I'm just kidding. I know you don't. Based on the 2010 Census Population by the United States Department of Commerce, Bureau of the Census, the state of Nebraska is hereby divided into five public service commissioner districts, and each public service commissioner district shall be entitled to one member. The numbers and boundaries of the districts are designated and established by maps identified and labeled as maps PSC11-1, PSC dash-- 11-2, PSC11-3, PSC11-4, and

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PSC11-5, filed with the Clerk of the Legislature and incorporated by reference as part of laws 20-- 2011, LB700. And then (3). I think this might be outdated. I think there's an updated from the 20-- 2020? When did we do redistricting, in 2021? 2021 redistricting maps. Yes, we redid the maps in 2021, so this is outdated, but I think that there's the updated sitting up there. I just did not grab the book that has the updated. It probably just says the same information except for laws in 2021, LB whatever number that bill was. The Clerk of the Legislature shall transfer possession of the maps referred to in subsection (2) of this section to the Secretary of State on May 27, 2011. When questions of interpretation of district boundaries arise, the maps referred to in subsection (2) of this section in possession of the Secretary of State shall serve as the indication of the legislative intent in drawing the district boundaries. Each election commissioner or county clerk shall obtain copies of the maps referred to in the subsection (2) of this section for the election commissioner's or clerk's county of the Secretary of State. The (d) The Secretary of State shall also have available for viewing on his or her website the maps referred to in subsection (2) of this section identifying the boundaries of the districts. 75-101.02. Public Service Commission; districts; population figures and maps; basis. For the purposes of Section 75-101.01, the Legislature adopts the official population figures and maps from the 2010 Census Redistricting (Public Law 94-171) TIGER/Line Shapefiles-- I don't know what that is-- published by the United States Department of Commerce Bureau of the Census. OK. 75-101.03 Repeals-- Repealed Laws 2001. I'm guessing that there's another one in the-- in the book up there that repeals laws 2011. 75-102. Commissioners; official oath. Before entering upon the duties of office, each of the commissioners shall take and subscribe to the oath of office prescribed in the Constitution of Nebraska, and shall, in addition thereto, swear that he or she is not directly or indirectly interested in any common carrier or jurisdictional utility, subject to the provisions of Chapter 75, nor in the bonds, stock, mortgages, securities, contracts, or earnings of any such common carrier or jurisdictional utility, and that he or she will, to the best of his or her ability, faithfully and justly execute and enforce the duties devolving upon him or her as such commissioner, which oath shall be filed with the Secretary of State. Vacancies and appointments. The Governor shall fill all vacancies in the office of commissioner by appointment, and a person so appointed shall fill such office for the unexpired term. We just saw that this year. 75-104. Commissioners; salary; commissioners and employees; expenses; when allowed. (1) Until January 4, 2007, the annual salary of each commissioner shall be \$50,000. Commencing January 4, 2007, the annual

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salary of each commissioner shall be \$75,000. Whoo, we haven't increased the salary since 2007. (2) Each commissioner shall be entitled to receive from the state his or her mileage expenses incurred while traveling in the line of duty to and from his or her residence to the Office of the Public Service Commission in Lincoln pursuant to the following conditions: (a) The Public Service Commission has adopted and promulgated rules and regulations establishing guidelines for allowable reimbursement of such mileage expenses, except that such mileage rate shall not exceed the mileage rate established by the Department of Administrative Services pursuant to Section 81-1176; (b) The request for such reimbursement falls within such guidelines; and (c) The total amounts authorized for such reimbursement of mileage expenses in any fiscal year does not cause the total expenses to exceed the total funds appropriated to the program established for commissioners' expenses. In addition thereto, the commissioners, executive directors, clerks, and other employees of the commission shall be entitled to receive from the state their actual necessary traveling expenses, including the costs of transportation, while traveling on the business of the commission, to be paid in the same manner as other requests for payment or reimbursement from the state. In computing the cost of transportation for the commissioners, executive director, clerks, and other employees, no mileage or other traveling expenses shall be requested or allowed under Sections 81-1174 to 81-1177 are strictly complied with, unless they are, sorry. 74-104.01 [SIC] Commissioner; salary increase; when effective. Section 75-104 shall be so interpreted as to effectuate its general purpose to provide in the public interest adequate compensation as therein provided for public service commissioners and to permit a change in such salaries as soon as the same may become operative under the Constitution of the state of Nebraska. 75-105. Seal; office; employees. The commissioners shall be known collectively as the Public Service Commission and shall have a seal which may be either an engraved or ink stamp seal similar to the seal of the state and the words of Public Service Commission of Nebraska included thereon. They shall be furnished with offices and with necessary furniture, stationery and supplies immediately after a newly elected member of the commission has taken the oath of office prescribed in Section 75-102. The commission shall meet at Lincoln and organize-- shall meet at Lincoln and organize. The commission shall also appoint employees as may be necessary to perform the duties which may be required of the commission. 75-106. Executive director; qualifications; salary; duties; fees for transcripts. Any person who is eligible--

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**DORN:** One minute.

**M. CAVANAUGH:** Thank you, Mr. President. --is eligible to hold the office of commissioner shall also be eligible to hold the office of executive director. The salary of the executive director shall be fixed by the commission. What? What? A member of the commission can also be the executive director. That seems odd. Mike Hybl, legal counsel for Transportation, was at one point the executive director for the Public Service Commission, part of the reason that he is so knowledgeable about the Public Service Commission. Also, he's just a knowledgeable individual. But there you go. The salary of the executive director shall be fixed by the compensation payable monthly. The executive director shall take the same oath as the commissioners. The executive director shall keep full and correct minutes of all transactions and proceedings of the commission, and it shall be his or her duty to, upon and being paid the lawful fees therefor, furnish a transcript, duly authenticated by--

**DORN:** Time.

**M. CAVANAUGH:** Thank you.

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

**CONRAD:** Thank you, Mr. President. Good afternoon, colleagues. I know that some of these issues have been raised generally, but I just wanted to kind of reaffirm some of my questions in regards to the funding sources in the settlement piece in the state claims bill. And I know that this was brought forward during General File debate on the budget last week, and I've had a opportunity to talk briefly with Senator Riepe as Chair of the Business and Labor Committee, which always handles the state claims bill, just a little bit about trying to get a better understanding about how-- about how this may have come to fruition. Now, definitely, I don't mean to paint with too broad a brush, and if I'm wrong, I'm sure somebody will correct me. But typically the state claims bills are, of course, paid for out of General Funds. We typically have lawsuits that are settled or other sort of settlements on this contract piece underlying the, the measure that's been talked about a great deal thus far that the state needs to pay its bills on. They go through an arduous process in regards to the risk management. And then a proposal is put forward to Business and Labor about claims presented to the state and which ones we should pay and which ones we should deny. And then the committee of jurisdiction of Business and Labor has a chance to kind of sort through those

recommendations and then make any adjustments as they see fit. After that, that process plays out. So-- and in visiting with Senator Riepe, he kind of agreed with my general thinking on it that these measures are presented and they usually give a thumbs up or thumbs down from the Business and Labor perspective, without getting too deep into the weeds, about the funding source. And you know, the funding source in question here on one of the settlements on a technology piece that has raised a lot of questions and legitimate, important questions about why these are being paid out of behavioral health funds. And I mean, on the one hand, if there's underutilized funds that can be committed to help advance state interests, I think that's something that we should look at. However, I think it also begs the question, if there are \$5 million-plus in unobligated behavioral health funds sitting in the Department of Health and Human Services, that we should be asking harder and deeper questions about why those are not pushed out to meet the behavioral health needs for Nebraskans and working, you know, carefully with the department with mental health and behavioral health service providers and Nebraskans in need. And I know that there have been solutions, proposals brought forward in the past to say if for some reason these funds are bottlenecked or not being utilized to their best and highest purpose in light, and light-- aligned with legislative intent, then if we need to make statutory changes to push these resources out to the front lines for behavioral health providers that need them, let's make those changes. Let's not just sit on a stack of resources in the Department of Health and Human Services that then we can pilfer or plunder for other purposes, like settling a disputed IT contract. So I really do hope that we can have a better and clearer understanding of why it's--

**DORN:** One minute.

**CONRAD:** Thank you, Mr. President. --why it's important to pay for our state claims with General Funds, as we typically do, which shows the true nature and obligation thereof and of course are the most flexible and that we have a much deeper and broader discussion and hopefully a better solution on if there's \$5 million-plus sitting in some pot of money at Department of Health and Human Services that's meant to advance mental health care and behavioral health care in Nebraska, those dollars should be out on the front lines as quickly as possible. If there's some reason that prevents that, we should address that solution and we shouldn't allow those to be swept or captured for state claims purposes. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. OK. I appreciate, Senator-- I was reading about the PSC, but Senator Conrad brought up some excellent points about the funds and behavioral health funds for, for this. So I should probably go back to talking about the budget. We've got-- I don't know if anybody took the time over the weekend, if you didn't read it last week to read the budget or if you're just hoping that we'd come back and I would read it for you into the-- onto the mic. Well, twist my arm. OK. I'll read it. Part of just reading it, the benefit is, you come across things. Reading it out loud, you really come across things like, oh, what is this? This is curious. So I will go back to that. So we are-- I'm going to start on transportation since transportation was the theme of the morning. So the Martian, page 152: Set the Highway Cash Fund appropriation level estimated to result in a total average fuel tax of 29.1 cents in FY '24 and 29.1 cents in FY '25. Set the Highway cash fund appropriation at a level estimated to result in the total fuel tax, just says that again, agency wide. OK. The department's current best estimate is that the Highway Cash Fund appropriation of \$494 million in FY '24 will result in a total fuel tax of 29.1 cents, 0.8 cent variable tax and 12 cent wholesale tax plus 9.5 cents state tax plus 6.8 cent local fixed tax. That's how we get to the 29.1 cents. A Highway Cash Fund appropriation of \$502 million in FY '25 will result in a total fuel tax of a-- of 29.1 cents, which is made up of again \$0.08 variable tax, 12 cent wholesale tax, 9.5 cents state tax, 6.8 cents local fixed tax. So for every gallon of gasoline that you purchase, 29.1 cents of that goes to this fund. The current FY '23 Highway Cash Fund appropriation of \$480 million-- is \$480 million. The average fuel tax for FY '23 is 26.9 cents per gallon. So we are increasing the fuel tax. Just a little FYI when you vote for the budget, we are increasing the fuel tax from 29-- 26.9 cents to 29.1 cents. So that is 2.2 cents per gallon. Automatic-- Automated Weather Observing System or AWS, AWOS, Automated Weather Observing System, AWOS, NDOT is requesting a cash appropriation increase of \$211,555 in both FY '23-24 and FY '24-25 to replace--

**DORN:** One minute.

**M. CAVANAUGH:** Thank you. --six of the original eight Automatic Weather Observation status-- Stations, AWOS during the '23-25 biennium. These units are part of the original eight AWOS system purchased nearly 20 years ago. Aeronautics technicians repair them as needed, but also schedule replacements as the equipment nears the end of their useful life, generally 15 years or when regular service checks indicate the equipment may be approaching failure. These older units are currently functional but are no longer supported by the manufacturer. As a

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result, if the unit fails, it may not be repairable as there is a limited supply of parts available. This is kind of like tube TVs. Yeah, you can fix them if you can find another old tube TV because you can't get the parts otherwise. Replacement of these units before failure will allow NDOT to maintain the integrity of statewide weather system.

**DORN:** Time.

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

**DORN:** Thank you, Senator Machaela Cavanaugh. Senator Riepe, you're recognized to speak.

**RIEPE:** Thank you, Mr. President. This is something I might normally save for closing, but I did speak with Senator Clements, obviously Chairman of the Appropriations, and he provided some very helpful and insightful information on two of the bills in terms of because we have talked about where the source of funds and why they came from those particular sources. The \$5.5 million for the Wipro came from the behavioral health services fund as we've talked about, and those funds are in excess of \$52 million. Therefore, the other option would have been to put some of those funds back into General File [SIC] and then take those General Files [SIC] and pay this. The second one of the four is the \$18,750,000 for the state highway patrolman. And that money is coming from the Cash Reserve Fund. I simply wanted to clarify that. And I want to thank Senator Clements for clarifying that with me. I yield back my time. Thank you.

**DORN:** Thank you, Senator Riepe. Senator Machaela Cavanaugh, you're recognized to speak, and this is your third time.

**M. CAVANAUGH:** Thank you. And then I have my closing, correct? Yes. OK. OK, the weather replacement service. The equipment supplements Federal Aviation Administration, FAA, system-- Systems, and also produces reports available for use by the aviation community, the FAA, the National Weather Service, and the general public. State-owned airfield construction services. State-owned airfields construction services, NDOT is requesting a cash appropriation of \$234,260 in FY '23-24 and FY '24-25 for safety improvements at two of the three state-owned airfields. NDOT operates and maintains the Harvard, Scribner, and Fairmont State Airfields. A recent inspection by the Federal Aviation Administration, FAA, indicate-- identified safety improvements that must be completed as NDOT is contractually obligated to the FAA to maintain the three state-owned airfields in a safe and serviceable

manner. The Fairmont Airfield has a pavement drop-off that is too severe along the runway edge. This is a safety issue that requires the pavement to be replaced. The Harvard Airfield also needs pavement repair on the apron and taxiway. In addition, the airfield drainage, which is original to the airfield from World War II times, is failing in places and requires work. These projects will be funded with revenue originating from the operation of the state-owned airfields, as well as interest income from the state-owned airfields trust fund. Revenue from these two sources must be spent on state-owned airfields unless a diversion is approved by the FAA. There's this news show. It's got Rob Lowe and his son on it, and I can't remember what it's called. I think it's on the Peacock network maybe. Anyways, he's like a scientist, developer. He has this big company. His wife dies and his son comes back to stay with him to help him with the company because he's struggling with the death of his wife. It's a comedy, but he's struggling with the death of his wife and so his son comes back. They've kind of been estranged. The mom was like the glue that held them together. Anyways, the son comes back and is trying to help his dad because his son is actually also a scientist, even though he plays the flute. I can't remember now what musical instrument, he plays some musical instrument and he plays it very well, but he also is a scientist. So he's able to help out in the scientists lab, development, whatever, product development. Why am I talking about this? I don't know. No, I do know. There's an episode about concrete. So they're like under the wire. The board is going to vote him out. And they're trying to come up with some big new moneymaking invention. And two of the scientists, these two women, young women who are-- they have their own hijinks ensuing. They're reading the, like, COO, chief operating officer's diary/journal that is fan fiction about the office itself. And so they're getting really wrapped up in that conversation. So they're not focusing on what they're trying to create and they're trying to create concrete, but like a, a renewable source of concrete so concrete that is, like, environmentally friendly. And they keep trying, trial and error, trial and error, and they only have like six hours. It's like a filibuster. They only have this amount of time before they come to cloture. And so they're trying to create this renewable concrete. And one time it comes out of the mo-- and they're just doing it in these molds and it comes out of this mold and they like lift it up like it's going to be a brick.

**DORN:** One minute.

**M. CAVANAUGH:** And it's just like goo, but like gray goo is just really gross and apparently it smells really bad. So then I think this is the episode where the dad and the son go and use the really poorly

smelling goo and put it on the wall in their house because they're trying to get a squatter to move out-- yeah-- this squatter to move out of the house. And the squatter is played by Fred Armisen and he's also a therapist for the dad. But the dad kidnapped him, so he's blackmailing him for a place to live. Anyways, that's a Rob Lowe show. It's new. He wrote it with his son. But I'm sure it's going to end because there's a writers strike happening in, in, well, everything. So late night shows, the writers are striking, sitcoms, movies. We're going to have a lot less content streaming unless they resolve this quickly. So-- which is a bummer because I like the show and

**DORN:** Time.

**M. CAVANAUGH:** Thank you.

**DORN:** Thank you, Senator Machaela Cavanaugh. Seeing no one else in the queue, you're recognized to close.

**M. CAVANAUGH:** So the writers strike, I remember when there was a writers strike, it was a really big writers strike, and it was like in the early 2000s maybe, maybe 2002, 2003 time period. Anyways, then that's when, like, reality TV just exploded because of the writers strike. The only content they could have was reality TV, and that's when we had all these reality TV shows that were, like, dating shows, but like Survivor, but dating. And yeah, that wasn't-- I'm not-- I'm not a big reality TV person. So that wasn't a great time for me personally in TV watching. So I think I probably just stuck to the old reruns of M\*A\*S\*H. I love M\*A\*S\*H, FYI. I have had a crush on Alan Alda since I was about 14 years old. And if he weren't married and, you know, wildly in love with his wife and also I think he's maybe in his '80s now and also I'm never going to meet him, but if all of those things weren't true, I would totally be courting Alan Alda because-- I forgot to mention a very important part-- if I also we're extremely happily married, which I am. So I am not going-- even if Alan Alda's life situation changes, I'm not going to court Alan Alda because I am in love with my husband and I am not going to court-- ruin that situation by courting Alan Alda. Just let's get that straight for the record. So, all right, Where was I? Am I closing? Yes, I am. OK. All right. So this was all my Alan Alda disclosure to the world. It's not really a disclosure. Most people that know me already knew that I'm in love with Alan Alda. All came from the Automated Weather Observing System on page 153 of the Martian and it is talking about concrete. So people are like, why is she talking about Alan Alda? I was talking about Rob Lowe movie or show where they're developing an environmentally friendly, renewable resource concrete. And that led me

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to talk about the writers strike, and that led me to talk about Alan Alda, obviously, clearly connecting those dots. How much time do I have left, Mr. President?

**DORN:** 2:30.

**M. CAVANAUGH:** Oh, wow. Well, great. M\*A\*S\*H is about the Korean War. I think a lot of people thought that M\*A\*S\*H was about Vietnam, but it wasn't. It was about the Korean War. And, and I don't know if you've seen the movie. Some of the actors are the same from the movie, some are not. But the characters are Hawkeye and Hot Lips Houlihan and Radar. I think Rader is the only actor that was in both the movie and the show itself. And I feel like perhaps that actor died recently. It was a great show. It was a great show. But getting back to the Rob Lowe renewable concrete show, I oftentimes wonder, like, when we were talking about the E15 bill last week or the week before and The Dukes of Hazzard came up, well, I brought them up, but The Dukes of Hazzard came up in the course of discussion and an episode where they used ethanol. I mean, they used moonshine basically as ethanol. And I wonder what these TV shows, like, are they on the cutting edge of what technology there is to come? Is there some resource that they have? Like, does Rob Lowe and his son, who are cowriters of the show, do they know about this technology coming in renewable concrete? Possibly. If they do, it'd be nice if they told us all about it so we could all invest, right? I don't know how to invest. I'm terrible at that stuff. It's why I make really great life choices--

**DORN:** One minute.

**M. CAVANAUGH:** --like making \$12,000 a year. So yeah. Is the concrete renew-- as a renewable resource, resource for making concrete, is that what we're going to see in the future? That would be great because concrete is a huge need, especially for infrastructure. Maybe we can come up with a better way of making it. Maybe we can make concrete out of, I don't know what, plant-based concrete. Wouldn't that be something? There's some-- there's, there's some plants that are really hardy and they'll stick with you. They'll stick with your intestines so maybe those would be good for concrete. I think this is something we should explore on my next amendment or motion. What could plant-based concrete look like in the future? I'm here for it. Well, I'm here all day. Thank you, Mr. President. Call of the house and machine vote.

**DORN:** Thank you, Senator Cavanaugh. There has been a request to place the house under call. The question is, shall the house go under call?

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

**CLERK:** 10 ayes, 17 nays to place the house under call.

**DORN:** There has been a request for a roll call vote.

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch. Senator Armendariz. Senator Ballard voting no. Senator Blood voting no. Senator Bosn voting no. Senator Bostar. Senator Bostelman voting no. Senator Brandt. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting yes. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting yes. Senator Dover. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson voting no. Senator Halloran voting no. Senator Hansen. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan. Senator Lippincott voting no. Senator Lowe. Senator McDonnell. Senator McKinney not voting. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz. Senator Wayne. Senator Wishart. Vote is 4 ayes, 30 nays, Mr. President, on the motion to reconsider.

**DORN:** Motion denied. Mr.-- Mr. Clerk, the next item.

**CLERK:** Mr. President, Senator Machaela Cavanaugh would offer FA97.

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

**M. CAVANAUGH:** Thank you, Mr. President. All right. So I will just be doing roll call votes from now on. OK. So the show is called Unstable and, oh, there's a whole do Ellis Dragon's, that's Rob Lowe's characters, Unstable inventions exist in real life? OK. So the concrete that I was talking about, it's carbon capturing concrete. That's what makes it I guess-- it's not. So I was wrong. It's not renewable, it's carbon capturing. So it's good for the environment, but not a renewable. But now let's find out if these exist in real life. I don't know. Also, I did not know-- this is on Netflix and Netflix apparently has a whole, like, blog. I didn't know that either. Oh. Netflix is canceling their DVD-to-home rental program and apparently there's only, like, 11,000 people that still use this

program. But if you are a film aficionado, they have a DVD library that is more extensive than what you can get streaming online. So I don't know if they're going to sell the DVDs that they have, but it's a whole thing. That link did not open up, so I guess we will never know if these inventions are real or not. There can't possibly be any other way to find out if carbon capturing concrete is a real thing. I remember at my freshman orientation when somebody was-- I don't remember the context whatsoever. All I remember is Senator Hunt saying Google it. So maybe-- so maybe I could Google it. Use the Google, the Internets, the machine. It's a little box here. I did talk about tube TV a little bit ago. That's aging myself. So maybe I can Google is carbon capturing concrete real? The fun thing about Google is that you have to also use your brain to think about what you're Googling and you might Google something and then it doesn't yield what you're looking for because you didn't ask it in the right way. Now, Google has gotten better and more intuitive at understanding. The AI is learning from us. Skynet is real. It's just called Google. So Skynet, Google is learning from us and so we don't have to be as thoughtful in our search questions. But the better you are at your searching, the better the results are going to be. CarbonCure, the concrete technology company, mixes CO2 with concrete ingredients, turning it into a mineral that strengthens the concrete, cutting the need for cement, part of the concrete with the biggest carbon footprint. This week, CarbonCure incorporated the gas into water used to cut-- to clean trucks. OK. Concrete traps CO2 soaked from the air and climate friendly dust. Well, maybe that's where they got the idea. Like, maybe they've got somebody on the show that just researches scientific breakthroughs in environmental technology, because I think that their company is focused on environmental business solutions, if I remember correctly, which I probably am not remembering correctly. But the great thing is that I can correct myself in five hours from now if I was wrong, because I'll be here. Five hours from now will be 7 p.m. Yeah, I'll be here. OK. CarbonCure, the concrete technology company, mixes CO2 with concrete ingredients, turning it into mineral that strengthens the concrete, cutting the need for cement, the part of concrete with the biggest carbon footprint. This week, CarbonCure incorporated the gas into water used to clean out trucks. The CO2 reacted with leftover ingredients and then was put into a new batch of concrete. Interesting. Capturing and locking down carbon on a global scale will not be easy, though. Companies like Heirloom will have to build expensive, massive plants capable of capturing millions of billions of tons a year. To remove a billion tons, this is a quote, to remove a billion tons from the air, we need in the order of mid-hundreds of billions of dollars said Samala who expects funders of

solar buildings, transmission towers, and other infrastructure to finance carbon infrastructure too. The price of carbon also needs to fall. The U.S. government and industry abroad sees \$100 a tonne carbon dioxide as a reasonable price, \$100 a tonne, tone [PHONETIC] t-o-n-n-e, a tonne carbon dioxide as a reasonable price for broad deployment. Heirloom charges around \$1,000 now. Samala expects to be at 100 by the time his projects are soaking up millions of tonnes a year. Concrete itself is controversial. It is the most used building material in the world and it accounts for about 8 percent of global emissions of carbon dioxide, including those of its main binding agent, cement. CarbonCure's most used technology cuts that by-- cuts that by about 5 percent, said CarbonCure CEO Rob Niven. The new one using wastewater could cut further 5 to 10 percent. That leaves it a huge net emitter with a difficult path to zero emissions without raising prices. However, concrete's ubiquity is attractive because there are few places to securely hold carbon dioxide at present. It is a really thoughtful way to get around the current bottleneck of storage of DAC, said Anu Khan, deputy director of science at the climate activist group Carbon180. The thing about concrete is there are no substitutes, Niven said. Technology can find new binding agents and new ingredients. We just have to clean it up, he said. That's the end of that article. Interesting. So why is she reading about carbon? Well, I was reading about concrete in the budget for the airports. OK. So I think that's the end of page 153 of the Martian. Moving on, page 154, Infrastructure Investment and Jobs Act. I think I read this already. Ejaw [PHONETIC] I-I-J-A, IIJA, Infrastructure Investment and Jobs Act and that is requesting an increase in cash appropriation of \$168,125,000 in FY '23-24 and \$178,125,000 in FY '24-25 to allow for federal funds to be obligated and additional expenses to be incurred related to IIJA. An increase will allow NDOT to obtain additional funding to support asset preservation and capital construction projects. More funds will be available to complete projects on the state highway system with an investment of the required 20 percent match from the state. This will allow for additional federal funds to be obligated to Nebraska for highway and bridge projects. In FY '23-24, the Federal Highway Administration, FHWA, fawah [PHONETIC] formula funding nondiscretionary, competitive increased by \$135 million. I'm going to pause. Somebody asked how are Transcribers going to transcribe some of the things that I say, like when I was super excited on the budget line item for pay increase for legislative staff and I was like, the crowd goes wild [CROWD NOISE] like, I'm doing it again. But I'm sure by this point in transcribing, they will have figured it out because I did it last week. So I'll just be like, [CROWD NOISE]. Yeah, they go wild. What? OK. The 20 percent state

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match required to obligate the additional federal funds is \$34 million in FY '23-24--

**DORN:** One minute.

**M. CAVANAUGH:** Thank you. --and \$36 million in FY '24-25. Given the state of the Cash Reserve, NDOT is requesting no increase to the gas tax rate, but instead has requested a transfer of funds from the Cash Reserves, which was determined to be the best option. OK. So given the state of the Cash Reserves, NDOT is requesting an-- no increase to the gas tax rate. OK, great. Transfer \$100 million to Road Operation Cash. The Governor recommends a \$100 million transfer from the General Fund in FY '23-24 to the Road Operation Cash Fund, which includes a state match of \$100 million and leverage nearly \$400 million in federal funding devoted to addressing our critical roads and bridge needs. Ooh, gonna make a note here. I'm curious-- this is a note I'm going to make-- is if we typically make a cash transfer out of--

**DORN:** Time.

**M. CAVANAUGH:** Thank you.

**DORN:** Thank you, Senator Machaela Cavanaugh. Senator Hughes would like to recognize 50 fourth grade students from York Elementary, York, Nebraska, in the north balcony. Please stand and be recognized by your Nebraska State Legislature. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. So, OK. What I was making a note is that the state is transferring \$100 million to Roads Operation Cash. And my question is, do we typically do that? Because in looking at the committee proposed, FY '23-24 doesn't have-- OK, federal funding devoted to addressing our critical roads. I'm just curious because I don't recall-- and I started talking about this last week-- but I just don't recall how we fund our-- do we fund our roads with General Funds or do we fund our roads purely with the gas tax? So if we are taking \$100 million from the General Fund and putting it into the Roads Operation Cash Fund, is that what we typically do? Or is this a new move by the Legislature? So that is what I am questioning. That is what I am questioning and I am just marking it so that I don't forget when we get back to debate on Select File to ask that question: How do we typically fund roads? So I know, like when we have big roads projects that the state puts in money like the, the Beltway here in Lincoln. I remember when we had that bill in the Transportation Committee so. OK. Moving on, page 154 of the Martian, Information

Technology. The DAS OCIO's projected rates included rate increases for NDOT and OCIO services for FY '23 base. NDOT is requesting an increase in cash funding of \$904,446 in FY '22-23 and \$1,162,475 in FY '24-25 for this issue. As the NDOT is a large state agency, it relies heavily on services provided by the OCIO. This is especially true since NDOT consolidated much of their IT consolidation with the OCIO. Aircraft Reserves. Aircraft Reserves. NDOT is requesting a cash appropriation of \$16,000 in both FY '23-24 and FY '24-25 for the repair, maintenance, and inspection costs of keeping the state's 2014 King Air C90GTx aircraft in working order. These costs have increased as the aircraft is no longer under warranty. This subprogram was established with the proceeds of the sale of a state-owned aircraft. OK. I wonder why if this one's no longer under warranty, we're keeping it. But we are-- we're appropriating money for other things that are no longer under warranty. Anyways, LB1016 in 2014 directed the proceeds of the sale of the state's 1982 Piper Cheyenne aircraft held in the Aircraft Reserve account to be used for preventative maintenance of the 2014 King Air C90GTx aircraft. This request covers the scheduled preventative maintenance due on this aircraft during the biennium with an objective of zero aircraft operational failures while providing air transportation to--

**DORN:** One minute.

**M. CAVANAUGH:** --state officials. That is a great objective to have. I find it fascinating that it's a stated objective, kind of implied, I would hope, but clarity is always great. It's why I love the Oxford comma, serial comma. The stated objective is to have zero aircraft operational failures. That's why we're maintaining our aircraft. So that's, that's good. I'm glad we're doing that. OK. Page 155 of the Martian, state-owned aircraft. State-owned aircraft, NDOT is requesting a cash appropriation of \$97,173 in both FY '23-24 and FY '24-25 for an increase in insurance cost on the 2014 King Air C90GTx newly acquired annual simulator training for pilots, and increase in JetA fuel costs. To continue providing normal aircraft operations--

**DORN:** Time.

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

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

**CONRAD:** Thank you, Mr. President, and good afternoon again, colleagues. I was hoping to-- that my time on the mic would come up in

time for me to give a shout-out to the students that were here from, from York. I always get a smile on my face when there are students here in general from anybody's district. I think it's a really joyous point in our service when we get to welcome in the schoolchildren to their Capitol on their field trips. And it's really fun for us, of course, to connect with the students from our individual district. But since I hail from rural Seward County and LD 24 is, is my initial original home district before I came to Lincoln in the '90s, I always am excited to see the kids from Seward and York in particular in those counties, because I have so many friends and family there and so many fond memories and present connect-- connections with that district as well, as many of us do with different districts across the state. But the other thing that I wanted to just talk about generally was I've had a lot of really good information off the mic with fiscal analysts, with representatives from Health and Human Services to try and get a little bit deeper and better understanding of, you know, really how we have such a significant unexpended balance in behavioral health and why that's being tapped or utilized to pay for a state claim or a state settlement, which typically is paid for through General Funds and trying, I think, to get a little bit more information about kind of the history of that fund and perhaps why we have such a high unexpended balance and really what that means for our shared goals to invest more resources in mental health and behavioral health, which we know is a top issue in Nebraska and intersectional with educational equity, with mass incarceration, with just our overall quality of life in ensuring that Nebraskans have access to the resources they need to address mental health and behavioral health considerations. So any diversion of those funds away from access to treatment and services should rightly raise a red flag for, for all of this, because I know that there's so much common ground in regards to ensuring that we pour more resources into behavioral health rather than divert resources away from, from those shared goals. Also trying to just kind of sort through if there are any other parallels this year or in other years where we've tapped unutilized cash funds to pay claims in the state claims bill. And I know that there is also a measure moving its way through in regards to a longstand-- some longstanding litigation that the state had with the State Troopers Association in regards to their benefits. And I know there was recently announced a settlement or a resolution to that longstanding litigation. And I think while we're all pleased to see that resolution, I just want to kind of check in to see exactly where we are in terms of timing for the payment of that settlement. And I just wanted to triple check the fund source on that settlement as well, because I think it--

**DORN:** One minute.

**CONRAD:** --should be General Funds, as most of our state claims typically are. But I just wanted to kind of triple-check to see what that might be derived from. And I think this is important not only for this present debate that we're having, but just to make sure that we're not setting a poor precedent here, colleagues. I know that we've had to be nimble and creative and innovative due to the dynamics of this session to find other ways to get our work done. But there's no reason for us to cut corners or seek unprecedented solutions to paying the state-- the state claims from funds outside of General Funds and looking at these, these different cash funds, which really weren't intended for that purpose. So I just wanted to reiterate that. Thank you, Mr. President.

**DORN:** Thank you, Senator Conrad. Senator Machaela Cavanaugh, you're recognized to speak, and this is your third time.

**M. CAVANAUGH:** Thank you, Mr. President. Excuse me. Yes. OK. So and think-- I think we go roughly to like 4:40 on this bill. So 2 hours and 20-ish minutes left. So I have more motions or not motions, amendments, floor amendments filed. Oh, OK. Did I read the state aid, federal funds for public airports? I don't think so. OK. Page 155 of the Martian. Federal funds for public airports. Federal funds for public airports, NDOT is requesting an increase in cash aid, federal funding-- cash aid funding of \$12,050,000 in both FY '22-23 and FY '23-24 for anticipated additional funds from the FAA for improvement to Nebraska's airports as a result of the passing of Infrastructure Investment Jobs Act, IIJA, in November 2021. The NDOT Aeronautics Division serves as an agent to all but the three largest Nebraska municipal airports: Omaha, Lincoln and Grand Island, in managing grant funds administered by the Federal Aviation Administration, FAA, under the Airport Improvement Program. The FAA Airport Improvement Program grants provide much needed assistance to airports in Nebraska with funding for major and necessary improvements. OK. Veterans' Affairs is the next agency followed by Natural Resources Electrical Board. Ooh, kind of want to read Electrical Board; Game and Parks and Land Fund. Oh, OK, I'm going to come back to those other ones. Let's read Education Land Funds. Base cash appropriation increase. The cash fund balance is now sufficient enough to sustain a project for the digitalization of historic and historical land survey records. It is the function of the Nebraska Survey Record Repository to obtain the historical records from each individual county at no cost to the county for digitalization of the records. The purpose is such that members of the public will have access to images of those records

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without the necessity of being present in person to examine and handle the delicate records. The repository software was developed over 20 years ago by custom programmers and is in need of being upgraded. Custom software will be built-- will need to be built in. I wonder, this doesn't reference a bill. I wonder where this is coming from, how they decided. So that's interesting. OK. Game and Parks, salary increase-- this is page 16-- 167 of the Martian, salary increases, health insurance increases, environmental trust. The committee approved the Environmental Trust Agency ask for authority to use their Ferguson House cash fund to pay \$86,500 in both FY '23-24 and '24-25 for expenses associated with vacating the Ferguson House. See, now this is a bummer, like a real bummer. The Ferguson House, my first two years, there would be receptions there all the time. And it's beautiful, historic building. And it's across the street from where our parking lot is, where the senators' parking lot is. So-- and it closed during COVID, as pretty much everything did, and it just never reopened. And it was my understanding that the Environmental Trust actually used the rental income from that to pay for their operations. So I don't know why that they never reopened.

**DORN:** One minute.

**M. CAVANAUGH:** I think it's really-- it's really unfortunate because it really is a cool building and it was really cool to go there for different receptions and events. But apparently they're vacating it. I wonder if they're selling it. Anyways, additional contractual services. Additional contractual services for Program 330 Habitat development. The committee funded \$50,000 in FY '23-24 and FY '24-25 in cash authority for the removal of eastern red cedars, which are choking out desirable grasses and wildfires, the habitat for many of the state's threatened and endangered species, including creating firebreaks, burning tree piles, assisting with prescribed fires and clearing fields. Page 168 of the Martian, equipment replacement needs. The committee approved a cash fund spending authority increase of \$175,000 in FY-- in both--

**DORN:** Time.

**M. CAVANAUGH:** Thank you.

**DORN:** Thank you, Senator Machaela Cavanaugh. Seeing no one else in the queue, you're recognized to close.

**M. CAVANAUGH:** Thank you, Mr. President. The committee approved a cash fund spending authority increase of \$175,000 in both FY '23-24 and FY

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'24-25 for habitat development, planned replacement of aging agricultural equipment: tractor, skid unit, truck, pumper unit, UTV, ATV, and a drill mower detachment. I don't know the difference between a UTV and an ATV, and I think a Gator is a whole nother thing. But apparently we don't have those. Increase to key expenditure areas. The committee fully funded increases to key expenditure areas. DAS projected rate increases for workers' compensation premiums, OCIO/IT-related expenses, and increases in building/vehicle insurance. Staffing for improved service delivery. Program 330 Habitat Development. The agency requested four staffing addition changes to better serve the public. One new FTE Kearney Wildlife Habitat District Manager, one new Access Program Manager, and two exist-- existing FTE positions, a Wetland Program Manager and a Biologist II to transfer in from Program 336 Wildlife Conservation. The total request was for \$419,948 in FY '23-24 and \$371,543 in FY '24-25. The committee funded \$276,830 in FY '23-24 and \$283,570 in FY '24-25, which is 65.9 percent and 73-- 76.3 percent of the requested amount each year of the biennium. I wonder why we did less. Why do we do 65 percent of the request and 76 percent of the request? The total PSL requested was \$248,898 in FY '23-24; \$254,750 in FY '24-25. The committee has funded \$205,059 in FY '23-24 and \$210,052 in FY '24-25, which is 82.4 percent and 82.5 percent of the requested PSL amounts each year of the biennium. Again, why? Why did we do a reduction in this request? Amend state game fund language. There's nothing there. Change earmark language related to wildlife damage payments. It is the intent of the Legislature that the Game and Parks Commission pay claims filed by a land owner in Nebraska for damage to property caused by deer, antelope, or elk. The commission shall develop criteria and deadlines for the filing and approval of such claims. If the total amount approved-- of approved claims filed each year exceeds the annual appropriation pursuant to this section, the commission shall pay claims on a pro-rata basis for each fiscal year. Elimination earmark of additional \$5 million per year of cash funds for wildlife damage payments. All right, equipment-- oh, page 169 of the Martian, equipment Replacement needs. Equipment replacement needs for Program 336 Wildlife Conservation, a cash fund spending authority increase of \$268,000 in FY '23-24 and \$324,000 in FY '24-25 for planned equipment replacement of 15--

**DORN:** One minute.

**M. CAVANAUGH:** Thank you. --15 aging trucks with high mileage and a habitat barge for placing habitat structures and rocks into lakes. Increases to key expenditure areas. Increases to key expenditure areas, DAS projected rate increases for workers' compensation

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premiums, OCIO charges, accounting and auditing services, COTS, C-O-T-S, maintenance, and increase in building/vehicle in-- insurance. The amount of General Fund versus cash funding is related to historical cost share splits for this specific program. Staffing for improved service delivery. Program 336 Wildlife Conservation, to better serve the public, the agency requested 16 FTE staffing additions, 2 temporary positions, and 3 transfers out of positions to other programs, including 10 FTE conservation officers. I think I'm about out of time. So I am going to do another call of the house because I don't want to force the Clerk to do a roll call vote--

**DORN:** Time.

**M. CAVANAUGH:** --all day. Roll-- call of the house.

**CONRAD:** There's been a request to place the house under recall. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Record, Mr. Clerk.

**CLERK:** 9 ayes, 14 nays to place the house under call.

**DORN:** The motion is not adopted. The question is shall the amendment-- there's been a request for a roll call vote. The question is, shall the amendment to LB282 be adopted? Mr. Clerk, call the roll.

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz. Senator Ballard voting no. Senator Blood voting no. Senator Bosn voting no. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese. Senator John Cavanaugh. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting no. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan. Senator Erdman voting no. Senator Fredrickson. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes. Senator Hunt not voting, Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell. Senator McKinney not voting. Senator Moser voting no. Senator Murman voting no. Senator Raybould. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne. Senator Wishart. Vote is 0 ayes, 33 nays, Mr. President, on adoption of the amendment.

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**DORN:** The amendment is not adopted. Mr. Clerk for items.

**CLERK:** Mr. President, amendment to be printed from Senator Sanders to LB583. Concerning LB282, Mr. President, Senator Machaela Cavanaugh would move to amend with FA98.

**DORN:** Senator Machaela Cavanaugh, you're organized to open.

**M. CAVANAUGH:** Thank you, Mr. President. Let's see here. FA98, I think, strikes Section 3. Don't know what Section 3 is, but take a look and see. Probably not something you want to vote for. I find it fascinating, like, how subversively petty this body can be sometimes. Like you just keep voting against calls of the house. But I'm kind of, like, going back and forth. I could just keep calling calls of the house and let them fail and take more time and then do a roll call vote. So can you do a roll call vote on a call of the house? No, you can't. I don't think. Can you? So, yeah. I sometimes, like, you know, you go away-- go away for a couple of days. We had Saturday and Sunday off and think or at least try and give yourself amnesia about this place. Like, these people aren't that bad. You just-- you were there for so long with late nights, everybody's getting crabby. It's not that bad. Like Friday, like, not having a quorum while debating the budget. And then people doing call of the house and it failing three times in a row and just thinking, you know what? People were just getting punchy and it's-- end of long days, like, get cut 'em some slack, have some grace, etcetera. Then I come back and it's today and it's the first day of the week and people are still doing it. And it's like, why are you cutting them slack? They're not-- they're not going to be nice. They're not going to be kind people. They're going to come up to you when they need something from you and pretend like they care about you, and then they're going to turn around and vote against calls of the house, which is just like saying to the rest of your colleagues, I don't think you deserve to be in the room for a vote. I mean, maybe that's the attitude. Maybe that's why people keep voting against the call of the house, because the people who vote red on call of the house are like, if you're not in here, that's a you problem. Like, you shouldn't leave. I'm here. You shouldn't leave. Maybe that's why people are-- maybe I'm thinking of this totally wrong. Maybe people vote against a call of the house because they're annoyed when people aren't in the Chamber. It's a possibility. I think that's a big leap. Anyways, page 168 of the Martian, equipment replacement needs. The committee approved a cash fund spending authority increase of \$175,000 in both FY '23-24 and FY '24-25 for the habitat development planned replacement of aging agricultural equipment: tractor, skid unit, truck. I've read all of that. Did I read this? Yes, I did.

Increase to key expenditure areas. The committee fully funded increases to key expenditure areas. DAS projected rate increases for workers' compensation premiums, OCIO/IT-related expenses, and increases in building vehicle insurance. Staffing for improved service delivery. Program 330 Habitat Development. The agency requested four staffing additions changes to better serve the public: one new FTE Wildlife Habitat District Manager, one new Access Program Manager, and two existing FTE positions, a Wetland Program Manager and a Biologist II to transfer in from Program 336. I read this too. Gosh. I lost my place, apparently. OK. Change earmark language related to wildlife damage payments. It is the intent of the Legislature that the Game and Park Commission pay claims filed by a landowner in Nebraska for damage to property caused by deer. I read this, too. I was on the next page. OK. Wildlife conservation, a cash fund; staffing or-- for improved service delivery. Program 336 Wildlife Conservation. To better serve the public, the agency requested 16 FTE staffing additions, 2 temporary positions, and 3 transfer out positions to other programs, including 10 FTE conservation officers, 1 FTE, Kearney Management Section District, 1 new FTE Fisheries District Manager, 1 new FTE Website Content Manager, 1 new FTE Depredation Biology II, 1 new FTE Turkey Biologist II. How would you like to say, What's your job? I'm a Turkey Biologist II, 1 new FTE Biologist II, 2 new nine-month Fish and Wildlife Education, temporary positions, and 2 existing FTE positions-- position transfers out to Program 330 Habitat Development, Wetland Program Manager and Biologist II. The total request was for \$2,467,736 in FY '23-24 and \$1,503,200 in FY '24-25. The committee funded \$407,954 in FY '23-24 and \$403,367 in FY '24-25, which is 16.5 percent and 26.8 percent of the requested amount each year of the biennium. The total PSL requested was \$695,928 in FY '23-24 and \$734,769 in FY '24-25. The committee funded \$271,818 in FY '23-24 and \$288,605 in FY '24-25, which is 39.1 percent and 39.9 percent of the requested PSL amounts each year of the biennium. Again, that's a 39 percent, that is significantly less than what was requested. I wonder what the reasoning is. OK. Additional contractual services, page 169 of the Martian, an increase for both FY '23-24 and FY '24-25 in cash authority for transitional-- translational, sorry, translational and interpretation services for educational print and online materials, as well as interpretation services for in-person and virtual programming. Increases to key expenditure areas. Increases to key expenditure areas, DAS pro-- projected rate increases for workers' compensation premiums, OCIO charges, accounting and auditing services, COTS maintenance, and increases in building/vehicle insurance. OK. So going back to the aircraft, because I've been thinking about this, where was that? That was under transportation, right? Yeah. OK. So, yeah, this

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is on page 154 of the Martian. So I was thinking about this, like, this book--

**DORN:** One minute.

**M. CAVANAUGH:** --this is a substantial-- a substantial document. You know, it's, it's got a lot in it, the budget. A lot of people put a lot of work into it. A lot of people did a lot of work on it. And it's one piece of the greater puzzle of the budget. And what I'm wondering is if statements like at the bottom of one-- page 154 are like sort of lighthearted Easter eggs that the staff put in there that while obviously are germane to the conversation, totally unnecessary, just to see if anybody noticed. Like, does anybody notice that somebody put in here that it is the objective to not have operation failure of our airplanes? Of course it's the objective to not have operation failure of our airplanes. I'd be terrified if it was-- if the objective was the opposite. So just, you know, we--

**DORN:** Time.

**M. CAVANAUGH:** Thank you.

**DORN:** Thank you, Senator Machaela Cavanaugh, and you are the next in the queue so you're recognized to speak.

**M. CAVANAUGH:** And this is my first time. I have one more and then close?

**DORN:** Yes.

**M. CAVANAUGH:** Thank you, Mr. President. OK. So anyways, I just was wondering if this is something that others-- that there's others in here and just things we do to amuse ourselves. Any who, where was I? Oh, I think I read page 169. Staffing for improved service delivery. Liquor Commission. All right, so we got two hours left, so that means we're halfway done with this bill. Yay! And then we have another bill that's four hours after that. Double yay! And then another one after that that's four hours. Triple yay! I kind of want to go back to talking about the show Unstable, but I only remember the one thing about the carbon capture concrete, and even that I didn't remember very well. I am curious what the status is of the Writer Guild strike. I saw a picture of-- I have a sister who lives in Los Angeles and I saw a picture of one of her friends who's a writer on social media. Her name is Margaret, and I saw Margaret's picture. And in the background of the picture was this guy who I was like, hey, that looks like that guy. The guy, if anybody watches the show Somebody Feed

Phil, it's on Netflix and it's about this guy, Phil, who travels around the world and it's a-- it's a food show. He tries interesting things and tells interesting stories about food. Anyways, he was a writer. He was, like, I think the head writer on that show, Everybody Loves Raymond so it probably was him. It was like he was photobombing my sister's friend's picture. So, you know, if you see pictures of the Writer's Guild strike, take a look. There's probably a bunch of famous people just lurking in the background. I know Rob Lowe and his son went on strike. They were there striking because they're writers. I don't know if Rob Lowe himself is a member of the Guild. I know his son is a member of the Guild and they cowrite the show Unstable. So anyways, Liquor Commission, page 175 of the Martian. OK. So 175, Agency 35, Liquor Commission, pardon me. In 2021, the commission was appro-- was appropriated funds for the Centralized Alcohol Management Project, CAMP, to streamline the commission's services and help eliminate manual data entry. The commission is on track to finish this project during the '23-25 biennium. The commission asks to have funds reappropriated to the '23-25 biennium to complete the project. Cool. I like the Centralized Alcohol Management Project, CAMP because you can't go to camp without liquor. Page 176, Racing and Gaming Commission. Ooh. Did anybody watch the Derby? That was exciting. Well, first of all, there were several horses that were disqualified. I think one of the, like, owners or training facilities had some malfeasance with perhaps steroids. And some of the horses died and all of the horses from that facility were then banned. So there was a lot of shakeup. There were these new horses--

**DORN:** One minute.

**M. CAVANAUGH:** --these new Japanese horses. Nobody knew what was going to happen. Everybody was, like, are they going to be really amazing or are they going to be really terrible? Who knows? So anyways, it was, you know, one of the more exciting lead-ups to a derby that I've seen in a long time. And I do have a tradition. I always do watch the Kentucky Derby, but the lead-up and I never know exactly what time it's going to air. So I thought it was going to be on at 5:15. It was on at 5:57. So you spend the entire time, if you're watching it on TV, they keep having these things that make you think that it's about to start. Like the part where some football players like riders up, which you think, OK, the riders are up on their horse, it's about to start. And then 45 minutes later is when it starts. As they did this whole, like, big intro history of the Derby and it's like, you think that then it's going to cut away to the race starting. No, no. Then it just cut away to broadcasters saying what horses--

**DORN:** Time.

**M. CAVANAUGH:** --they thought were going to win. Thank you, Mr. President.

**DORN:** Thank you, Senator Machaela Cavanaugh. And you are next up in the queue so you are recognized to speak and this is your third time.

**M. CAVANAUGH:** Thank you, Mr. President. So, OK, so they do this whole big history of the Derby promo, and I did start to begin to think, are they filibustering the Derby? Because then they had a pre, like, packaged whole history of the stopwatch. And I was like, really? I think we're really grasping for content here. If before, like we've done the history of the Derby. We've done all the broadcasters have said what horse they want to win. We've watched people walk around in heels on the dirt road. We've seen all the outfits, we've seen all the hats. We've said, riders up. Let's go. Oh, wait. Now we're going to learn about the history of the stopwatch. And I legit was like, I feel filibustered. This is like what it must feel like to listen to me just talk. Like, you're just ready, ready, let's go to a vote. Wait, she's talking about the history of the stopwatch. And now I wish that I would have paid closer attention to the history of the stopwatch because I did not, mostly because my kids were watching with me and they were, well, I think they wanted a snack or something. They were irritated as well that, that the race hadn't started. So, so, yes. Anyways, Mage won and they were not a long shot, long shot. The rider, the jockey whose name I don't remember, but I do remember that this was his 16th Kentucky Derby and he had never won. So that was pretty exciting that he finally won a Derby after racing in it so many times and people acted like this was some sort of tragedy. I'm like, he's raced in the Kentucky Derby 16 times. I mean, that's a major professional, you know, career milestone. Like how many other jock-- professional jockeys have raced in the Kentucky Derby even once, let alone 16 times? So it's not like this guy's a real failure. He just hasn't won the Derby. But he won. So there you go, Mage won and his jockey and owner and I don't know who his jockey is, the purse for, for it-- they had that on the-- on the screen, was like \$1.6 million, I think. And I wonder like that's not-- I mean, that is a lot of money to me. But like as a major business thing, this is the premier, the Triple Crown, the, the ultimate thing, how is that a moneymaking for the industry? Like if you win \$1.6 million at this race, how do you pay, like, all those people that you have to pay for the training of the horse and make, like, some serious cash off of it? So that's one thing that I was curious about is, like, how is this actually a moneymaking venture? Because obviously it is. You see the people on

here, the owners, they are-- this is a moneymaking venture. I just don't know the mechanism for which because winning the purse is not really the moneymaking part of it. Maybe it's then you breed that horse, is that it, like you pay stud fees? Maybe that's the moneymaking venture. I don't know. I don't know enough about this industry, but I am curious to learn more. I do know how to ride horses, however. I've, I learned how to ride at a young age. I used to, well still do, go out to my aunt's ranch out in the Sandhills, but used to go to a farm growing up in the summertime, we would go spend some time out at a family friend's farm and sleep in the barn with the rooster. And that rooster, man. Roosters get a bad rap for a reason. That rooster would wake us up at the crack of dawn every morning. It was not pleasant and I was like nine. I did not enjoy sharing a barn with a rooster. I mean, the rooster wasn't in the exact same area of the barn as me, but still. But I did like going to that farm. We would go out there for the cattle branding, and I'm a vegetarian.

**DORN:** One minute.

**M. CAVANAUGH:** Go figure. So-- and this is my-- this is not my closing. I still have my close after this. Yeah. OK. Yes. So we would go out there for cattle branding. And when I would go out to my aunt's ranch for cattle branding, they don't raise cattle anymore. They-- I think they rent out their, their land for graze for other cattle ranchers, they're doctors out there. But when we would go out there for the cattle branding and again, I am a vegetarian, but, you know, it's my aunt and uncle's business, so I would help make the meal for everybody after the branding was over. Not the meat part of the meal, but, like, the other, like, big hearty salads and big, like, homemade mac and cheese, like massive amounts of it. And I like to cook. And so I would look up creative recipes and then, like, make them en masse for however many people were there.

**DORN:** Time.

**M. CAVANAUGH:** Thank you.

**DORN:** Seeing no one else in the queue, Senator Machaela Cavanaugh, you're recognized to close.

**M. CAVANAUGH:** Thank you, Mr. President. Yeah, well, I was-- why was I talking about all that? I was-- I was to the page on Racing and Gaming Commission, and I just started thinking about the Derby, and that just took me down a path of talking about my aunt's ranch. So, there's a lot of construction happening at the horse racing place in Omaha. I

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assume they're preparing to build a casino with our new gambling laws, So it was not quite the same experience that it usually is when I go for the Derby day. I always go with my dad. It's our thing that we do. We go in and place a bet on the Kentucky Derby race and then watch the race later in the day. We don't watch it there. We go home and watch it. OK. After-- this is page 176 of the Martian-- Adjusted General Fund appropriation in Program 81. After the creation of racetrack gaming in 2021, LB1011e in 2022 included-- well, LB1011-- I don't know why I said LB1-0-1-1-e, OK. LB1011e, e meaning emergency clause, included a General Fund appropriation of \$177 and \$154 PSL for employee salary costs and operations inflation in 2022-23. Moving forward, including the '23-25 biennium, the commission expects to be fully cash funded and can absorb these costs with cash fund appropriations. Therefore, the commission does not need these General Fund appropriations for the '23-25 biennium. Agency will move to large-- a larger facility. The committee recommends funds for a larger facility to accommodate the increase in teammates to support racetrack gaming. The tenant date of occupancy is March 1, 2023. The lease is for 12,746 square feet of office space and for five years from March 1, 2023 through February 29, 2028. The committee recommends added cash fund appropriations in FY '23-24 and FY '24-25 of \$150,000 to cover the rent expenses for the larger office space. Health insurance expense increase. The commission is budgeting health insurance of 64 FTEs for the FY '23-25 biennium and is updating its expected health insurance costs to be able to cover the increase in employees. Previously, the budgeted amount of health insurance for employees was calculated, calculated incorrectly, causing the health insurance cover-- coverage aspect of the budget not, not to be able to properly allow coverage for an increase in employees at the commission. This adjustment will cover health insurance costs of the budget employees over the FY '23-25 biennium. Workers' compensation starts on page 178 of the Martian, but page 179 of the Martian is where the text is. Cash Fund Deficit and General Fund Request. Workers' Compensation Court, WCC, is fully cash-funded agency with most of their revenue received through provisions of Section 48-145. The agency's original FY '23-25 request was for a General Fund appropriation of \$500,000 in FY '24 and \$1 million in FY '25, to--

**DORN:** One minute.

**M. CAVANAUGH:** Thank you. --prevent a projected deficit forecast for February 2024. Analysis showed that overtime expenses had gradually increased while revenues to their cash fund had decreased. Part of the decrease was attributed to transfers from their cash fund to the

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General Fund as specific points in time, while part of the attributed-- part was attributed to reduced assessments.

**DORN:** Time.

**M. CAVANAUGH:** Thank you. Call of the house.

**DORN:** There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 6 ayes, 15 nays to place the house under call.

**DORN:** Motion is denied for the vote. Mr. Clerk, there's been a request for a roll call vote, reverse order.

**CLERK:** Senator Wishart. Senator Wayne. Senator Walz not voting. Senator von Gillern voting no. Senator Vargas. Senator Vargas voting no. Senator Slama voting no. Senator Sanders voting no. Senator Riepe voting no. Senator Raybould. Senator Murman voting no. Senator Moser voting no. Senator McKinney not voting. Senator McDonnell. Senator Lowe voting no. Senator Lippincott voting no. Senator Linehan. Senator Kauth voting no. Senator Jacobson voting no. Senator Ibach. Senator Hunt. Senator Hughes voting no. Senator Holdcroft voting no. Senator Hardin voting no. Senator Hansen. Senator Halloran voting no. Senator Fredrickson. Senator Erdman voting no. Senator Dungan voting no. Senator Dover. Senator Dorn voting no. Senator DeKay voting no. Senator DeBoer voting no. Senator Day. Senator Conrad. Senator Clements. Senator Machaela Cavanaugh not voting. Senator John Cavanaugh. Senator Briese. Senator Brewer voting no. Senator Brandt voting no. Senator Bostelman voting no. Senator Bostar. Senator Bosn voting no. Senator Blood voting no. Senator Ballard voting no. Senator Armendariz. Senator. Arch. Senator Albrecht voting no. Senator Aguilar voting no. Vote is 0 ayes, 28 nays, Mr. President, on adoption of the amendment.

**DORN:** The amendment is not adopted. Mr. Clerk for items.

**CLERK:** Mr. President, concerning LB282, Senator Machaela Cavanaugh would move to adopt FA99.

**DORN:** Senator Machaela Cavanaugh, you're welcome to open.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, FA99 strikes most likely Section 4. So the next call of the house that I do, I am going to ask for a roll call vote on the call of the house. And then if that

fails, I'm going to ask for a roll call vote on the actual vote. So, yeah, because, I mean, I'll just take up time, I guess, doing it that way. It is pretty ridiculous that people keep voting against the call of the house. I think they forgot that the one time that stopped doing calls of the house and then there was calling the question and then call of the house failed. And because the call of the house failed, there weren't enough people here to vote for calling the question so then calling the question failed. So these kind of, you know, say juvenile votes do backfire, but that's fine. I don't-- I'm just mostly talking about it because I don't want to go back to reading right now. So I'm just going to talk about the call of the house. And I know that people at home watch when this happens and they wonder what happened and, like, yeah. Yeah, it's just like, ugh. Makes me just-- anyways, page 179 of the Martian, Cash Fund Deficit and General Fund Request. The Workers' Compensation Court, WCC, is a fully cash-funded agency with most of their revenue received through provisions of Section 48-145. The agency's original FY '23-25 request was for the General Fund appropriation of \$500 [SIC] in FY '24 and \$1 million in FY '25. I think I started to read this already. Oh, I did. Yeah. Okay, so where did I leave off? Ah, the Governor's recommendation for this issue was to amend Section 48-145 so that the WCC [RECORDER MALFUNCTION] receive 100 percent of those assessments versus the one-third they currently receive. While this change would increase revenues into their cash fund by almost \$2 million annually, the agency testified that due to timing issues, the increased funding not being fully realized until April each year, the agency would still need a funds transfer to prevent a deficit during FY '24. As such, a transfer of funds remained part of their request. The Appropriations Committee ultimately voted to transfer \$750,000 from the General Fund for FY '23-24 and zero dollars for FY '24-25 to the Workers' Compensation Court, WCC, Cash Fund. This fund is used for WCC general operations, judges' salaries, and administration. A transfer for FY '25 was not included since the Governor's long-term solution, to amend 48-145, is expected to be reintroduced by 2024 so that the substantive change may be routed through the appropriate subject matter committee. An updated analysis of the WCC Cash Fund is recommended at that time. Onto Court Modernization Project. Oh, Mr. President, how much time do I have?

**DORN:** 3:16.

**M. CAVANAUGH:** Thank you. Court Modernization Project, page 179, the Martian. According to the agency, there is a nationwide push for public workers' compensation organizations to modernize their systems, with the driving force being the securing of the court's data. The court has begun a two-to-five year modernization project to create

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efficiencies in its processes while better securing data. The efficiencies and increased security created by modernization are expected to result in long-term cost savings that have not yet been quantified. This request includes a PSL of \$164,071 and \$172,275 for a project manager and a web developer, two FTEs. The remaining amounts are for benefits and health insurance. Post-Hearing review: The committee did not approve--

**DORN:** One minute.

**M. CAVANAUGH:** --thank you-- the additional cash appropriation but did approve the PSL of \$164,071 for FY '24 and \$172,275 for FY '25. The agency has begun work with existing resources but may need the additional PSL authority. That concludes page 179 of the Martian. Next on page 180 is the Brand Committee from Agency 39. It does not look like the brand committee has--

**DORN:** Time.

**M. CAVANAUGH:** Thank you.

**DORN:** Thank you, Senator Machaela Cavanaugh. And you are next in the queue so you are recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. The Brand Committee does not appear to have a great deal in its budget, and then there is the Motor Vehicle Dealers, and then there is the Real Estate Commission, Barber Examiners, Correctional Services-- interesting, Correctional Services is not very long-- Educational Television, Postsecondary, State Colleges and Boards, University, State Fair Board has nothing-- what-- well, it has, I mean, it has money, but it has cash fund-- Real Estate Appraisers-- oh, I apologize-- Real Estate Appraisers, Nebraska Wheat Board, Oil and Gas Commission, Engineers and Architects, Board of Geologists, Ethanol Board, Dairy Industry Board, Land Surveyors, Public Accountancy, State Patrol. Got some notes in here. Oh, it's my notes from last week on childcare fingerprinting. Still in crisis, by the way. I do think talking about it last week maybe got people a little bit more thinking about it, thinking about how we can address it. You know what we haven't talked about? While talking about these lawsuits, claims against the state, Nebraska had its moment to shine in national media yesterday on 60 Minutes. Should be real proud of that, 60 Minutes did a story on our sweatshop labor in factories. And I think we can anticipate, or I hope we anticipate, lawsuits. I am interested to know what our Department of Labor is doing and has done about that. I know that the story on 60 Minutes and there was also a

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story locally as well, I think, back in February, but this just reignited the conversation. The federal Department of Labor levied significant fines against the companies, but they did not report, and I haven't found any reporting on what the Nebraska Department of Labor has done, and so I-- that does not mean that they have not done something, that just means I am not aware of what they have done. So I am, yeah, curious about it. Curious what our Department of Labor has done. I hope they are doing something. If our Department of Labor isn't doing something about this, then I think we as a Legislature should probably be doing something about this. You know, children working overnight in factories. Not good is the kindest way I could put that. Really heartbreaking, the images of these kids, these little kids. So, yeah. All right, let's see here.

**DORN:** One minute.

**M. CAVANAUGH:** Thank you, Mr. President. The Real Estate Commission, page 182 of the Martian. The committee funded the PSL only for a new Auditor position to help meet current workload demands with the license applications now over 1,200. This has caused the length of time in between obligatory audits to be continually extended out further and further. The PSL increases is \$44,618--

**DORN:** Time.

**M. CAVANAUGH:** Thank you.

**DORN:** Thank you, Senator Machaela Cavanaugh. Senator Hunt, you're recognized to speak.

**HUNT:** Thank you, Mr. President. The story that was on 60 Minutes, was it last night? These days run together. You could tell me it was last week and I'd believe you. Last night on 60 Minutes, they did a story about some of the slaughterhouses in Nebraska that have been having little kids doing labor as young as 10, 11, 12 years old. And I talked about this a couple of weeks ago when we were-- well, I was, I was talking about the law that they just passed in Iowa. And in Iowa, they just passed a law to allow 12-year-olds to work night shifts to work overnight. That in itself is just shocking to me. But what it shows me is, like, we are laying bare, you know, the press is helping to expose, and journalists are helping to investigate and expose violations, child labor violations in Nebraska. And legislatures, the one in Iowa in particular, are responding by legalizing it, not by upholding the law or, or doubling down and saying we need to put in more protections against child labor into our law. They're just

straight up legalizing it and that's what I'm worried about happening in Nebraska in coming years. I'm really anxious that perhaps next year for our short session, we'll see bills introduced that are similar to what we saw in Iowa that would not increase punishments or increase oversight for these slaughterhouses and factories where, you know, preteen kids are working overnight, hurting themselves, getting chemical burns, being too tired for school, missing school. And instead of doubling down on punishing business owners that do that, just legalizing and making it so these kids can do that work, especially since we know this primarily just affects migrant kids and also kids who are less likely to speak English, who are less likely to have documented status in the United States, and that legislatures, at least the one in Iowa, see these kids as expendable, that they see these kids as people who are less human than their counterparts, who are 10, 11, 12 years old, who should be sleeping at night, who should be getting ready to go to their soccer games, who should be doing their homework, who should be enjoying time with their families. And the way we know that these slaughterhouses and factories knew that these kids were working there, of course, is because they were wearing kid-sized protective gear. And I didn't see the 60 Minutes special, but I've read about this in the past from other reporting and so I know about it, but how twisted do you have to be to get kid-sized protective gear for a 12-year-old who's working in a slaughterhouse? That's wild. A friend of mine who I met, because of my work in the Legislature actually, she reached out to me a couple of years ago and we had a lot of mutual friends in Omaha. But she just sent me a text a little bit ago saying that she's at a nail salon in Omaha right now in Regency, and they have the Legislature playing on the TVs in there, and she sent-- it's, like, a very-- it's like Regency, so no shade to Regency, but it's, like, very nice and, like, really clean and super, you know, bougie looking and looks beautiful. Looks like a beautiful new spot for nail services. But she sends me this photo and it's like--

**DORN:** One minute.

**HUNT:** --thank you, Senator or thank you, Mr. Speaker-- it's Senator Cavanaugh up on the big screen in the middle of this nail salon. So like, hi, everybody at the nail salon. I just wanted to thank my friend for giving me the heads up that-- you never thought you'd see the day, right, that people are so civically engaged and so invested in what we are doing that affects their lives, that they've got the Legislature up in the nail salon. And this is not, you know, this is in, like, a really nice part of town so this is apparently what they're interested in. And I think that speaks volumes about the

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damage that has been done to Nebraskans in this session. If we were minding our business, we would not have people in nail salons, you know, taking time out of their day to exercise the watchfulness of the citizen and keep their eyes on us. Thank you, Mr. President.

**DORN:** Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized to speak, and this is your third time.

**M. CAVANAUGH:** Thank you, Mr. President. Senator Hunt, that's my district. Regency is my district, so, hi. I wish I was there with you. But let me just tell you, if I were at a nail salon right now getting my nails done, the last thing I would be doing is watching the Legislature. But I appreciate the civic mindedness of everyone and maybe, maybe my voice reading the budget is soothing to people. Maybe they're, like, taking a nap while I read the budget to them. I, I did not see the 60 Minutes special. I just heard about it from a lot of people across the country were contacting me, asking what is going on in Nebraska? And I had to be honest, I said I know that this is something that was discovered a few months back and I have not done the follow-through to see if we have fully rectified the situation. I do know that we haven't become Iowa in that instead of rectifying it, that we've legislated it into statute that it's acceptable because it's not. Twelve-year-olds working overnight, first of all, how can a 12-year-old even consent to that? This is really an issue of forced labor and it's just so upsetting. So I hope nobody in this body decides to introduce the bill to legislate that it is OK for 12-year-olds to be working over in, in the slaughterhouse floor. I question the safety of having 12-year-olds working on a slaughterhouse floor to begin with. Anyways, I was looking up, while Senator Hunt was talking, and I was, like, I wonder if there's any new developments on that so I just opened up the Internets, the Interwebs. I didn't Google this time. I went ahead and went to Nebraska Examiner to see if they had any stories. But instead I found this first, this story: EPA reviewing new plan for restoring sand-choked Sandhills stream. More than 1.6 million tons of sand washed into spring-fed Snake River. And since we talked a lot about water last week with the budget and water is life, I thought, well, let's go back to the water conversation, shall we? So this is from the Nebraska Examiner: The Environmental Protection Agency is currently reviewing a new plan for restoring a Sandhills stream damaged by an unauthorized deluge of sand three years ago. Maybe we will find out as we read on, an unauthorized deluge of sand. Did somebody dump the sand or did the sand just happen? Because I have so many questions about that statement depending on the answer to that question. More than 1.6 million tons of sand and sediment, enough to cover a football field to a depth of 540 feet, was unleashed

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when a local rancher-- this is getting to my question-- when a local rancher, with the help of Cherry County, drained a flooded hay meadow into the Snake River, south of Merriman. After the county dug a drainage ditch along a county road, rancher Dick Minor extended the ditch an additional 2.5 miles to the spring-fed creek.

**DORN:** One minute.

**M. CAVANAUGH:** Thank you, Mr. President. The new flow and heavy rains eroded a mountain of sand into the stream, turning a narrow waterway into a flat, sandy plain, similar to the Platte River, for about three miles downstream. New sediment was noticed about 30 miles downstream, where the Snake empties into Merritt Reservoir. The Snake is one of the state's few trout streams, and it hosts a small number of canoe trips through a remote area of the Sandhills. Last month, Cherry County approved a contract with Mainelli Wagner and Associates of Lincoln to halt the flow of water into the Snake from the drainage ditch and then to provide a plan, and oversight, of the construction of detention--

**DORN:** Time.

**M. CAVANAUGH:** Thank you.

**DORN:** Thank you, Senator Cavanaugh. Senator Hunt, you're recognized to speak.

**HUNT:** Thank you, Mr. President. I wasn't able to make it-- I don't think I made it in time for the vote on LB683 this morning. I was in some important private meetings about state security and making sure that the Chinese don't steal all of our technology information and farmland. But I wanted to talk about broadband as a public utility. I really believe that ensuring access to high-quality broadband Internet is an issue that is one of the most important issues for Nebraska's future. And this is where we really can have, like, a bipartisan handshake on this issue and hopefully do work to expand access to broadband connectivity without making it a political gift or gift to our friends who are in Congress by passing bills that actually don't really do anything like LB683. But doing things that are substantive and real and actual ways to increase broadband connectivity is going to be essential for people because they need to have access to that information. They need to communicate with each other. They need the ability to participate in the digital economy. It blows my mind. I've been working online, I've had web-based jobs since, like, 2005. But then I got elected to the Legislature and I come here and I work with

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people here who don't even have Netflix because they don't have the connectivity at their own homes and they're state senators and they can't even watch Netflix. So it is such a divide when-- that has really opened my eyes since coming in the Legislature to see that. So in so many parts of the country, including Nebraska, there's a significant digital divide that prevents some people from being able to access the Internet. And according to the Federal Communications Commission, approximately 19 percent of Nebraskans lack access to broadband Internet. Maybe that number is a little bit higher, maybe it's a little bit lower. But even 2 percent, even 5 percent is way too many people in Nebraska in the year 2023 to not be able to have access to high-speed Internet. And this figure is even higher in rural areas where up to 35 percent or 40 percent of residents lack access to high-speed broadband. This lack of access has such serious implications for education, economic opportunity and social engagement, and it means that people in rural areas are unable to access the same types of job opportunities. They're unable to access online courses. Every time I go to UNMC, University of Nebraska Medical Center, and we talk about what kind of outreach they're doing to rural Nebraska, and they talk a lot about remote learning and remote courses, but none of that matters if people don't even have the connectivity and the access to broadband to take those courses and get that education. It takes away their ability to participate in video conferences, to connect with their families and friends and do the kind of work and socializing that happened so much online during the pandemic, as we all saw. And this is simply unacceptable in the 21st century and we have to take action. One way that I think we need to think seriously about closing the digital divide on the state level, but especially at the federal level, if anybody here knows Congressman Flood or is, like, carrying any bills for him as a favor helping him out, maybe this is the type of conversation you should be having with our federal delegation to treat broadband as a public utility. When we think about public utilities, we think about things like water, electricity--

**DORN:** One minute.

**HUNT:** --thank you, Mr. President-- we think about water and electricity. But in the digital age, broadband is just as important as a public utility because it's how we access information, it's how we get our education, it's how we communicate with each other. It's how we earn our money and run our businesses and participate in the economy. After the pandemic, during the pandemic, I-- so I live in, in midtown Omaha in, like, a really populated part of the state, a really population dense part with a lot of multifamily housing and a lot of

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apartments and, you know, we have five blocks one way Warren Buffett, and then five blocks the other way we have Section 8 housing. It's a very, very dense population part of the state. And during the pandemic, I started getting just about everything delivered, you know, couldn't go to the grocery store. There were a lot of people doing heroic work, delivering groceries and services and food to people--

**DORN:** Time.

**HUNT:** --to keep them safe. Thank you, Mr. President.

**DORN:** Thank you, Senator Hunt, and you are next in the queue so you are recognized to speak and this is your third time.

**HUNT:** Thank you. And the people who are doing those deliveries-- thank you, Cassy, for the Diet Coke-- for doing seriously heroic work and the risks that they took to their own health and their own well-being in order to get, you know, maybe a paltry paycheck from DoorDash or Instacart, maybe a tip, hopefully, but they work they did was not essential, they were not essential workers, but they were treated by our culture as essential workers. And because of their service, because of their, you know, willingness to do this work, although there was hardly anything else for, for so many people to do, it was like such a big risk that they had to take, other parts of our economy and other, other parts of our society were able to keep functioning. And now that we are not in such a big risk with COVID, these delivery platforms have persisted. You know, we're still getting groceries delivered. We're still getting stuff from Target and Walmart delivered, we're still getting Amazon deliveries and being able to participate in the economy that way isn't that accessible for people who live in less populated parts of the state. Not even, like, way out, you know, in a really, really sparsely populated part but even just some of our midsize city here in Nebraska. By treating broadband as a public utility, we can ensure that everybody in Nebraska has access to affordable and reliable, high-speed Internet, just like they have access to water, just like they have access to electricity. Just like we see those things as public utilities. And in Nebraska, we, of course, have a very proud history of our public power, of our public water, and we have seen the dividends of those utilities paying off to strengthen our economy in this state. There are so many advantages to treating broadband as a public utility. First, it would ensure that everybody in Nebraska has access to high-speed Internet service, regardless of where they live or what they can afford to pay. Currently, many people in rural areas can't access high-speed Internet because ISP, Internet Service Providers, ISPs, they don't consider it

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as profitable to provide a service to a sparsely populated area. And providing the service is expensive to these businesses as well. A lot of the ISPs we have in Nebraska are small businesses. They're not, you know, big conglomerates or anything like that. So we have to make sure that they're able to pay their bills too, of course. But by treating broadband as a public utility, we can ensure that ISPs are required to provide service to everyone in the state, including in rural areas. And we could also draw down federal funds to make sure that that's possible. Secondly, treating broadband as a public utility would ensure that prices are reasonable and fair. Currently, many people in Nebraska pay exorbitant prices for broadband service, particularly in rural areas where there's little competition. By regulating prices and requiring Internet Service Providers to provide service to everyone in the state, we can ensure that prices are fair and make sure that they stay reasonable. And thirdly, treating broadband as a public utility would allow for greater investment in infrastructure. Right now, Internet Service Providers are not required to invest in infrastructure in rural areas, which means that many people in those areas don't have, you know, the skeleton, the bones that we need in order to even get the high-speed Internet and the broadband to their house. If we invested in infrastructure in these underserved areas, it would benefit not just rural Nebraskans, you know, it's not just about being able to finally watch Netflix or take a remote class from UNMC,--

**DeBOER:** One minute.

**HUNT:** --thank you, Madam Chair-- it's really about equity of opportunity and equity of access. What do you say to, you know, a 16-, 17-, 18-year-old kid who has a good idea, who has an idea for a business or a service but doesn't have access to the Internet? That kid, even if they grow up and they move out and they, they get this kind of access later, they've already missed out on an opportunity that other people had at an earlier age. And this kind of divide, this kind of lack of equal access, I think it actually is much more damaging to our economy and to our efforts to attract and retain young people in our state. Well, I would just say retain young people, it has nothing to do with attracting anyone, but there are several steps that the Nebraska Legislature can take to make broadband a public utility. We can-- well, I'll get into this my next time.

**DeBOER:** Time, Senator.

**HUNT:** Thank you, Madam Chair.

**DeBOER:** Seeing no one else for the queue, Senator Machaela Cavanaugh, you're welcome to close on your motion-- your amendment.

**M. CAVANAUGH:** Thank you, Madam President. Yeah, I just, you know, never sure where to go next in talking. Sometimes things happen that get, get me distracted. Conversations happen that get me distracted. It's, like, where to go next? I was trying to catch up while Senator Hunt was speaking on, on some email and people in the salon are not the only ones, at the nail salon are not the only ones listening. I received a couple of emails about concrete, so thank you for those. Please don't give me concrete recipes the way people have been giving me salad recipes. I, I brought a comically large amount of bagged salads this week, and I was-- dropped my kid off at a birthday party and some of the parents were going to the coffee shop around the corner and I was, like, oh, I got to go to the store, I got to buy some food for the week. And I actually said, I said I need to go buy a bunch of bagged salad so that Senator Hunt can make fun of me. And I did and I brought a comical amount and I have a tiny refrigerator for my office. It's a refrigerator that I inherited. It's a hand-me-down. There's, there's furniture in this building that just, like, gets passed around from office to office over the years. Big blue, I got big blue from Senator Blood. Big blue is a reclining chair. Senator Blood got it from Senator Howard-- Sara Howard, and then I got it from Senator Blood and then when I moved out of my office temporarily for the mother's room, I moved it and it resided in Senator McKinney's office. And then it came back to my office, but now it is-- I believe it is in Senator Day's office now, But big blue has kind of seen better days for sure, for sure. So, yeah, anyways, my refrigerator, I got my refrigerator from Senator Howard and it is-- she had-- when she was Chair of HHS she had a full refrigerator so she gave me this little minifridge, and it is mini, minifridge, my freshman year, which was very kind of her to give me this minifridge that somehow still is operational. I needed it then because I was nursing and I was pumping and we didn't have a mother's room like we do now with a refrigerator and so I needed a place to store my milk. But actually, because I'm in the tower and going up and storing my milk up in the tower during the day, it was not super accessible. Some of the lovely ladies in the Clerk's office allowed me to utilize the Clerk's refrigerator to store my milk and so that was, gosh, that was five years ago but thank you to the Clerk's office for that. That was a very, very helpful time and I tried to bring, like, extra equipment stuff so that I could avoid having to wash my pumping equipment while I was here during the day. Partly it takes time, need to sanitize it, there was nowhere sanitary

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to wash any of it except for public restrooms. Even the restroom back there is public--

**DeBOER:** One minute.

**M. CAVANAUGH:** --is public, still a restroom, so I would oftentimes try to avoid-- I would try to have extra equipment so that I could just take it all home and wash it. But when we had late nights, sometimes I couldn't do that. And I do remember sitting, one late night, sitting at my desk pumping milk. It's, like, 11:00 at night and I had the machine going sitting at my desk so the joys of multitasking in this Legislature. All right, well, I think I'm about done so I would like a roll call vote for the call of the house. Thank you.

**DeBOER:** There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please call the roll.

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar. Senator Bostelman. Senator Brandt voting yes. Senator Brewer voting no. Senator Briese not voting. Senator John Cavanaugh. Senator Machaela Cavanaugh voting yes. Senator Clements. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson. Senator Halloran voting no. Senator Hansen not voting. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell. Senator McKinney voting yes. Senator Moser voting no. Senator Murman voting no. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting yes. Senator von Gillern voting no. Senator Walz voting yes. Senator Wayne. Senator Wishart. Vote is 15 ayes, 19 nays to place the house under call.

**DeBOER:** The house is not under call. The question is shall FA99 be adopted? There's been a request for a roll call vote. Mr. Clerk, call the roll.

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch. Senator Armendariz. Senator Ballard voting no. Senator Blood voting no. Senator Bosn voting no. Senator Bostar. Senator Bostelman.

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Senator Brandt not voting. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh. Senator Machaela Cavanaugh not voting. Senator Clements. Senator Conrad voting no. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell. Senator McKinney not voting. Senator Moser voting no. Senator Murman voting no. Senator Raybould. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne. Senator Wishart. Vote is 0 ayes, 32 nays, Madam President, on adoption of the amendment.

**DeBOER:** The amendment is not adopted. Mr. Clerk, for the next item.

**CLERK:** Madam President, concerning LB282, Senator Machaela Cavanaugh would move to amend with FA100.

**DeBOER:** Senator Machaela Cavanaugh, you're welcome to open on FA100.

**M. CAVANAUGH:** Thank you, Madam President. All right, well, I don't really know what to talk about. So normally, yeah, I got a lot going on in my head about what transcript-- happened. It's very telling about a lot of people. It's interesting. You could tell by that vote, like, who cares about decorum and the institution based on how they voted on the call of the house when there was a roll call vote. When every single person was forced to vote on the call of the house, you learn a lot about who cares about decorum and who doesn't. So there we go. Yeah, there's about an hour left on this bill and then we'll go to a vote, cloture vote. Hopefully-- I assume Senator Riepe will ask for call of the house for the cloture vote and hopefully people will abide by that because about four minutes before I closed, there was only 32 people checked in so going to need every very warm body here to vote for cloture. So just keep that spitefulness in mind when it comes to voting for cloture. Pay close attention to what you're voting against or for. OK, so page 189 of the Martian, Postsecondary Coord. Oh, I'll go to page 190 of the Martian, Increase in Travel Funds: The CCPA-- PE is requesting increases for travel costs due to inflationary factors, in-person commission meetings and in anticipation that the new Governor will appoint commissioners to three vacant positions. During the past three years, partly due to the pandemic, the CCPE held most

meetings either by Zoom or in the Lincoln area. The commission believes it is important for staff and commissioners to visit in person the campuses about which key decisions are being made. In addition to having meetings scheduled on campuses across the state, including western Nebraska, CCPE staff plan to travel to consortium conferences such as SHEEO and MHEC-- not to be confused with "meh"-- just the emoji "meh"-- conferences which were held virtually during the pandemic. Moreover, additional expenses will be incurred once the Governor appoints the new commissioners. Oh, that reminds me, we've got a bunch of gubernatorial appointments that we need to vote on. It's, like, a lot. A lot. Nebraska State Aid. Nebraska Opportunity Grant, NOG, Program Funding. Governor's budget includes an approximate 2 percent increase over the current total appropriation for NOG: FY '23 appropriation, \$7,593,430; Governor's FY '24 increase, \$150,000, new total \$7,743,430; Governor's FY '25 increase, \$155,000, new total \$7,898,430 [SIC--\$7,898,430]. A total of \$60 million was allocated to the CCPE to administer ARPA funding in the form of grants to the six community colleges. In LB1014, 2022, \$25 million was appropriated for FY '21-22, \$35 million for FY '22-23. Twenty-five million was reappropriated as per language in Section 4 of the ARPA bill, so it is not shown here as an actual expenditure for FY '21-22. CCPE still processing grant requests for the community colleges and projects to be able to expend most if not all allocated funds. Page 191 of the Martian. Agency 50, State Colleges/ Board. Adjunct Pay Increase: The request for \$423,515 for each year of the upcoming biennium carries forward the deficit amount that has been approved for FY '23. This amount reflects the increase in adjunct faculty pay from \$850 per credit, approximately \$15 an hour, to \$1,000 per credit, approximately \$18 an hour, bringing them closer to adjunct pay rates paid by peer campuses. The Governor's recommendation includes \$254,109 for FY '24, \$254,109 for FY '25, which represents 60 percent of the agency's total request. Post-Hearing Review Result: Committee approved full request. Page 192 of the Martian. ARPA Base Annualization: Committee approved annualization of the 2022 ARPA funds, removal from current year budget. ARPA Reappropriation: In LB1014, 2022, \$8 million in ARPA funds were granted to the NSCS for water and sewer projects. Individual projects for each of the three campuses have been approved with expenditures to begin once the interface between state accounting and NSCS's accounting system, SAP, has been fully set up. These projects will be finalized-- finally-- fully utilize the \$8 million. DAS Rate Changes: Rate changes are actual as per DAS instructions and were approved--

**DeBOER:** One minute.

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**M. CAVANAUGH:** --as requested. Insurance: Over the last two years, the agency has experienced steep, infographic shows 87 percent, increases in insurance premiums, \$715,747. The current provider, Midwest Higher Education Compact, has been a lower-cost provider than other options researched, but announced they would discontinue providing insurance coverage effective July 1, 2023. The State College System will go to market for new coverage later this spring with the expectation that costs will be higher. The Appropriations Committee--

**DeBOER:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**DeBOER:** Thank you, Senator Machaela Cavanaugh. Senator Erdman, you're next in the queue.

**ERDMAN:** Question.

**DeBOER:** The question has been called, do I see five hands? One, two, three-- I do see five hands. There's been a request to place the house under call. The, the question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. There's been a request for a roll call vote. Mr. Clerk, please call the roll.

**CLERK:** Senator Aguilar not voting. Senator Albrecht voting no. Senator Arch. Senator Armendariz. Senator Ballard not voting. Senator Blood voting yes. Senator Bosn. Senator Bostar. Senator Bostelman voting no. Senator Brandt voting yes. Senator Brewer voting no. Senator Briese. Senator John Cavanaugh. Senator Machaela Cavanaugh voting yes. Senator Clements. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson. Senator Halloran voting no. Senator Hansen. Senator Hardin voting no. Senator Holdcroft. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach. Senator Jacobson not voting. Senator Kauth voting no. Senator Linehan. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell. Senator McKinney voting yes. Senator Moser. Senator Murman voting no. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting yes. Senator von Gillern voting no. Senator Walz voting yes. Vote is 13 ayes, 13 nays to place the house under call.

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**DeBOER:** The house is not under call. The question is whether debate shall cease. There's been a request to place-- to have a roll call vote. Mr. Clerk, please call the roll.

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting yes. Senator Arch. Senator Armendariz. Senator Ballard voting yes. Senator Blood voting no. Senator Bosn. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese. Senator John Cavanaugh. Senator Machaela Cavanaugh not voting. Senator Clements. Senator Conrad voting no. Senator Day. Senator DeBoer voting no. Senator DeKay. Senator Dorn voting yes. Senator Dover. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson. Senator Halloran voting yes. Senator Hansen. Senator Hardin voting no. Senator Holdcroft. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell. Senator McKinney voting no. Senator Moser. Senator Murman voting yes. Senator Raybould. Senator Riepe not voting. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas not voting. Senator von Gillern voting yes. Senator Walz not voting. Senator Wayne. Senator Wishart. Vote is 17 ayes, 8 nays, Madam President, to cease debate.

**DeBOER:** Debate does cease-- does not cease. Returning to the queue. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Madam President. Yes, you need 25 for debate to cease. Not a simple majority like calling the question-- or call of the house so that is why debate does not cease. All right, so I-- I'll find it, find that later. I think I was reading something earlier, just go back to that. Oh, here, let's look at this, the worksheet. You have the worksheet on your desk, it's underneath the agenda so you got the agenda for the day and then underneath the agenda is the green sheet, which is just the fiscal whatever for now and then after that is the worksheet. You can also see the work-- find the worksheet online. So first we go down below the three lines. There's a, a dark-- it's white paper, black font, a thick, dark line with two thinner, dark black lines on top-- one on top, one below. Below those three lines are bills held by committee. So if you go all the way back and you keep-- everything is here from the start of session, so if you go all the way back to, let's see here, the 10th day, January 18, so I'm going to go to the 11th day, January-- oh, that was the 12th day. Well, still potato, potato. So the 12th day worksheet, there is nothing at the top except for a priority bill because Senator Brewer filed his priority, like, on the first day or something like that

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early on, I don't know. So there's a priority bill listed, but otherwise all of the bills are down below and it says bills held by committee. So it's all the bills that are introduced and then we have all the committees listed. So Agriculture had 12 bills referenced to them, Appropriations had 57, Banking, Commerce and insurance had 41, Business and Labor had 31, Education-- and so on and so forth. I'm actually going to check and see if this gets updated later, Judiciary had 110 on that day, but then on another had 100, and HHS had 132. I think some things got rereferenced. Well, I know we had some conversations about rereferencing on the floor at one point. So let's see here, 21st day, all right, so looking at the 21st day, it looks like maybe things had settled into where they're at, so Agriculture 16 bills, Appropriations 94, Banking 49, Business and Labor 38, Education 72, Exec Board 13, General Affairs 28, Government Military and Veterans Affairs 81, HHS 85, Judiciary 132, Natural Resources 29, Revised Statutes-- or, no, Retirement System-- Nebraska Retirement Systems 13, Revenue 101, Transportation and Telecommunications 48, Urban Affairs 30, then resolutions. So jumping forward to today, if you go to the top of the sheet-- well, you're still at the bottom of the--

**DeBOER:** One minute.

**M. CAVANAUGH:** --sheet-- thank you-- underneath those lines are the different committees. If you go to the top of the sheet, things move out of those-- as things move out of those committees, they move into one of the categories at the top of the sheet. So we've got A bills which are kind of created after the fact. All the priority bills, those don't move out of committee, it's just the priority bill listing regardless of what their status is on the sheet. General File, Enrollment and Review Initial, Select File, Enrollment and Review for engrossing, Final Reading, passed by the Legislature, approved by the Governor. So there's been five bills approved, signed into law this year on Day 70, whatever this is, 74. On Day 74, there's been five bills passed into law so we're just banging along here. Thanks.

**DeBOER:** That's time, Senator. Senator Hunt, you're recognized. Thank you, Senator Cavanaugh.

**HUNT:** Thank you, Madam Chair. Ladies and gentlemen, there's a new amendment in town. New amendment in town introduced by Ben Hansen on LB574, a bill to ban healthcare for trans kids. And what they'd like to do is a do over of LB626. You all had your chance to vote for Senator Merv Riepe's amendment for 12 weeks. If you had, you'd have your little abortion ban and you missed the window. The ship has

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sailed. This is not a compromise. If you want to talk about compromising, you can bring a compromise next year. LB626 is dead. Speaker Arch said that we're not going to have another abortion ban coming up this year several times in the press. Governing does not mean win at any expense, it means bring a bill, see it through the committee process, and get the votes. And if you don't have the votes, that's it. You don't come to us with this crowing about what a compromise this is, flabbergasted by how ungrateful we are that we're not willing to see this for the compromise that it is. If you did the actual work, you would have solved the problem. Nobody told all of you not to vote on Senator Riepe's amendment. You all made your own choice to do that and now here we are and you can't live with it. It's like if the World Series is best of seven, now you're making it best of nine. Now you're making it best of 11, really, with all the times you've, you've stopped the clock, you've changed the rules, you've put your thumbs on the scale, and you can't stand to lose fair and square. How about instead you elevate yourself, you inhabit the integrity of the democratic process, you bring a clean bill next year and you get the votes fair and square that you have a supermajority for anyway. You've got all the Republicans, you've got at least two or three Democrats, and you haven't been able to get it done. Take the "L," stop subverting the democratic process to try and get it done. This is where Senator Merv Riepe needs to have a John McCain moment on the, on the American Health Care Act, the ACA [SIC--AHCA], where he voted no on McConnell's nonsense and said we need to return to regular order. One of you, Arch, Linehan, Riepe, someone's got to stand up and say let's return to regular order. Enough shenanigans. McCain didn't even like the ACA. You had the votes for Senator Riepe's 12-week amendment if you actually took him seriously and didn't think you could railroad him and use him and call his bluff, but you screwed yourselves and here you are you're trying to put a 12-week ban, which is not Senator Riepe's amendment, this is much more stringent than what he brought. You're trying to put this on a bill to ban trans healthcare. The two most explosive nuclear bills of this session, you're putting them to-- and I see Erdman's in the queue to call the question. We're talking about stuff, you can, you can fall out of the queue and do it later. The two most explosive bills of this session, you are so unable to lose fair and square that you're seriously blowing up the entire rest of the session just for this. No consent calendar, no gubernatorial appointments.

**DeBOER:** One minute.

**HUNT:** We said we'd do the opportunity scholarships that Senator Linehan has been working on for seven-plus years. When she should have

followed the Kauth playbook, got appointed, rolled in here and passed her hateful little bill right off the gate. Now we know that can be done. We're going to talk about the substance of this amendment because Nebraskans need to know, they're watching us in the nail salon for "f-sake," because they don't like what you're doing. This will take up the rest of the day. Thank you, Madam Chair.

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

**ERDMAN:** Thank you, Madam President. I appreciate that. So Senator Hunt says we don't do this. We did this same thing, I don't know how many times on LB1107 a couple of years ago. It failed and I don't know how many times that they adjusted that and brought it back. So it's not like we've never done this before. We have. And, Senator Hunt, don't tell me what to do, get out the queue or whatever, I'll do whatever I want. You look up there on the board, you have one vote, I have one vote so don't try to tell me I should get out and come back in. All right? That's the way this works. Democratic process. So at the end of the day, we'll vote on whatever amendment you've seen dropped and we'll decide who wins and who doesn't by the vote. And I've called the question earlier and it failed. The best part of that was we didn't have to listen to somebody ramble on about nothing. So maybe now you have something to talk about and maybe it will be better to listen to than what we've been listening to all day. So we're now with a few days left, 15 or 16 days, whatever it is, and it'll be interesting to see how this plays out. But don't try to stand up and take the high ground like we've never done this before because we have. And if we have the votes, we'll do it again. Thank you.

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

**M. CAVANAUGH:** Thank you, Madam President. We have in the past struck the contents of a bill to use as a vehicle for a bill that's failed. It's a terrible practice and, yeah, it's happened. This isn't striking the terrible bill, this is adding to the terrible bill. And it's adding a new bill that really should have a hearing so I'm sure that the Chair of HHS is prepping for us to have a hearing. I assume it'll be published today that we're having a hearing in seven days from now because that's the appropriate thing to do. And as the Chair of the committee, I would expect that the Chair of the committee would hold himself to that standard. This is a brand new content and it needs to have a hearing, this amendment needs to have a hearing. I'm just standing over here doing math, how many Select File bills are left, how many A file bills-- A bills are left, how many Final Reading bills

are left, and how many hours are on each of those. There won't be gubernatorial appointments because we won't have time to do them. We'll pass the budget and some "f-ed up" regressive healthcare baloney Skittles, that's what we're going to do this year. We have an economic crisis and that's what we're going to do this year. We got kids working overnight on the kill floor, that's what we're going to do this year. That's what we're going to do this year. I'll talk about whatever I want to talk about, Senator Erdman. I'll talk about the budget. I'll talk about a movie. I'll talk about a TV show. I'll talk about carbon capture concrete. I don't care. I actually love how much it irritates you. Every time you get on the mike and talk about how you are irritated with me, I love it. I live for it. And every time you do something like call the question because you don't want to hear me talk anymore, I love that, too, because it's ridiculous. You look ridiculous when you do that. It's great. It is entertaining me and it gives me a break. It gives me a break and I love that, too. So thank you. Obviously, something had happened. Obviously, something had happened, everyone could tell. I could barely string words together. I was so visibly upset. I am so unbelievably disappointed in Senator Hansen, someone who I have worked with for such a long time to do such a destructive thing in such a petty, small way. It is unbecoming of the Chair of the HHS committee. This session is such a joke. We could be doing really important things. We could be doing really significant things. We could be doing transformational things for the lives of Nebraskans. But instead, we are just filling every minute of every hour of every day of every--

**DeBOER:** One minute.

**M. CAVANAUGH:** --week with vitriol. We are not doing our jobs. We were sent here to govern. We were not sent here to create human rights violations. We were not sent here to ensure the destruction of an entire population of people. We were not sent here to make sure that women die. We were not sent here to make sure that trans kids die. That's not what I was sent here for. And if you were sent here for that reason, you live in a very dystopian reality. That is not what people should be sending their elected officials to do is basically authorizing the death of people. We should be working together. We should be working on economic development and education, clean water, the future of our state.

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

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**CONRAD:** Thank you, Madam President, and good afternoon, colleagues. Just returning from a meeting off the floor, so trying to get up to speed with the developments in regards to measures that have been filed that are causing a, a great deal of engagement, both on the upcoming Education bill and then, of course, the hot button measure, LB574, and how it seeks to reinvigorate the body's discussion in regards to that measure and then also a, a ban on abortion rights in, in Nebraska. So that definitely has, I think, changed the tenor and the tone of our conversation this afternoon as would be anticipated. But I definitely wanted to also thank the stakeholders who've been providing me and other senators with additional information in regards to the substantive aspects of the state claims bill, LB282, which is on the board, and that we continue to deliberate today. I guess I want to just reaffirm kind of where I see things as they stand now and just offer a reflection to this very, very quiet Chamber that I find myself in this afternoon, which I think is, is a shame that we're not here in conversation with each other. We're not embracing and normalizing debate on key issues of the day and we continue to be mired in a divisiveness, a toxicity that has plagued our nation's capital for far too long in many of our sister states and for many, many years we've been somewhat insulated from due to the forward-thinking of Nebraska citizens who adopted a one-house, nonpartisan, Unicameral Legislature. That doesn't mean that we've failed to take up controversial issues over the years. It doesn't mean that we've found ourselves in challenging circumstances over the years. But we're at this point today when we, again, have our attention turned and the session derailed by divisive measures that do a disservice to our constituents, to our institution, and to our state and distract us from doing the important work of the people where we can find a lot of common ground in consensus. In a time of unprecedented economic prosperity, we've had some meaningful debate, but far too little meaningful debate in my perspective when it comes to figuring out how to address our state's number one challenge with it-- which is workforce issues and the solutions attendant thereto, whether it's childcare or housing or job training or education or updating our tax code or business development and infrastructure tools. And the body has decided to continue down the path of utilizing every tool in the toolbox and that's something that's available to any senator at any time to represent their constituents as they see fit. But let me be clear, if that is the agreed upon understanding in terms of how we use the--

**DeBOER:** One minute.

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**CONRAD:** --rules-- thank you, Madam President-- that we unanimously adopted together, we don't get to be upset at Senator Cavanaugh for launching a filibuster. She's utilizing the rules we unanimously adopted. We don't get to be upset at Senator Ben Hansen for utilizing the rules that we adopted to bring forward this measure. We just-- we, we have to be careful and thoughtful that we're not having some sort of, you know, moral selectivity in terms of our, our judgment. They're using the rules as they see fit, period. Now, let's go. We either can talk about the issues in regards to the filibuster Senator Cavanaugh is waging and we absolutely should talk about the measure that Senator Hansen introduced today and how that changes the tenor and tone of our debate today and for the remaining weeks. They're both utilizing the tools available to them that we agreed upon unanimously. So--

**DeBOER:** Time, Senator.

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

**DeBOER:** Thank you, Senator Conrad. Senator Day, you're recognized.

**DAY:** Thank you, Madam President. I tried to get my thoughts together, but I'm so angry and upset right now that I literally couldn't put a pen to a piece of paper to try to organize what I was thinking. Sure, Senator Erdman, we did this with LB1107 a few years ago. I wasn't here. But we're not talking about taxes, we're talking about people's lives, whether or not they live or die. We're not talking about another bite at the apple for a bill about taxes. We are talking about literally writing a bill to ban abortion care and gender-affirming care at the very same time. We're not talking about money or taxes, we're talking about whether or not women are going to die. We're talking about whether or not transgender kids are going to kill themselves. And you guys just can't get enough. It's disgusting. I've said this before and I keep having to repeat myself on the floor. I don't know how you people go home and sleep at night. I don't know how you do it. How do you go home, put your pillow under your head and fall asleep thinking you're doing the right thing? And, yes, Senator Erdman, maybe we will at the end of the day put the amendment up and see who wins or loses according to your words. But if the amendment passes, you know who loses? Nebraskans. That's who loses. But congrats. Look at the great work you're doing to take healthcare away from your own constituents and you think it's funny. You think it's funny because you think it's a game. Healthcare is not a game. Abortion care is not a game. It saves people's lives. It helps women get out of abusive situations. It keeps women and children from spending the rest of their lives suffering. Yes, Senator Albrecht, I'm

looking right at you. Yes, I see you. Out of my mind, she says, I'm out of my mind because I can literally look at other states and see that this stuff happens. You know who's out of their mind? The people who refuse to live in reality and continue to think that they get to have multiple bites at the apple for their bills that are going to cause people to die. You are the people that are out of your minds and you think it's a game. It's not about winning or losing, but to you it is. I literally have no idea how--

**DeBOER:** One minute.

**DAY:** --you people sleep at night. It's disgusting. I hope you start realizing what you're doing. People are going to die. Laugh, she's laughing. This is the thing, she's laughing. I'm like, I'm without words anymore. I don't know what to say. You people continue to embarrass yourselves and embarrass the constituents that you represent because you, you are trying to literally take the rights of your own constituents away. I yield the rest of my time. Thank you, Madam President.

**DeBOER:** Thank you, Senator Day. Senator Conrad, you're recognized.

**CONRAD:** Thank you, Madam President. Good afternoon, colleagues. I know that there's been a lot of words utilized by members of the body, members of the public, those in the Rotunda that have business before the Legislature about the best words to describe this legislative session. We've heard a lot of discussions about the various and sundry packages that are moving through the Legislature, whether it's tax or education or criminal justice or education. So that's definitely been, been one word that's, that's been top of mind for a lot of people in thinking about this session. Filibuster, of course, has been something that's been on the tip of everyone's tongue in terms of their observations of the Legislature this session. Unprecedented has been a word that we've heard a lot in terms of descriptions for this session. And hearing some of the passionate debate that has been before the body this year and even just this afternoon, I'm really, I'm forever an optimist. And that's why I'm here, because I believe in this institution and I believe in this work. And I know when it's the darkest and it seems the hardest and the most fractured, that's when we got to lean in harder with more love and more light and keep fighting and stand witness and try, and try to stay in conversation with each other and try and figure out how we can keep charting the course for a better tomorrow for our beloved Nebraska, which we all hold dear and all of our Nebraska neighbors, which we care deeply about. But I'll tell you, I'm deeply concerned about where we are just

in terms of general civility with each other. The same sort of venom directed against those who are opposed to these measures, it shouldn't go the other way. The venom should stop. And if we want it to stop on the outside or online, we have to start that. We have to start that in here together. We can and we should be passionate, absolutely. We, we do have different points of view. We do have authentically held different perspectives on a lot of really important issues, including tough issues like LGBTQ rights and abortion rights, economic justice, voting rights. The list goes on and on and on. But we do have to ask ourselves hard questions as we debate those, why are, why are we at this point here in Nebraska, our constituents aren't crying out for this kind of focus. It is clear, it is unequivocal, it has been printed widely in media reports that the reason these anti-trans measures are before the Nebraska Legislature and state legislatures writ large is because the architects of these measures were looking for something to rally the base after gay marriage passed and widespread acceptance came to bear in ensuring the freedom to marry for, for all Americans. And these--

**DeBOER:** One minute.

**CONRAD:** --the architects-- thank you, Madam President-- said very clearly, we started throwing things at the wall to see what would stick. And what they found was divisive measures targeting trans children. That's why we're here today. It's, it's widely written about, the architects of that strategy have bragged about it. And it's not just Senator Cavanaugh, myself, Senator Day, others who are concerned about these measures, it's hundreds of business leaders in Nebraska who've cried out and said, stop, please choose a different path for your time and attention and focus. And we can't, we can't hear them and we can't hear each other because we're mired in this divisive dysfunction. And that's a disservice to all of us, our constituents, and this institution. But I'm not going to stop trying and I'm not going to laugh at my colleagues who bring passion--

**DeBOER:** Time, Senator.

**CONRAD:** --to this floor. Thank you.

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

**HUNT:** I hope you all listen to Senator Conrad when she speaks. She brings such a measured and focused and kind view to the cruelty and unkindness as exemplified by Senator Albrecht just openly laughing at Senator Day while she's speaking, as exemplified earlier this session

by Senator Slama just openly laughing at people in the gallery who were emotional about passing the bill reducing gun restrictions. The nastiness is-- so we're taking another bite at the apple with the Preborn Child Protection Act brought by chiropractor Ben Hansen. Oh, don't be nasty, Megan. Well, let's say what it is. This amendment strikes the original sections and all amendments thereto and inserts the following new sections. So what this does is it hollows out the bigoted, hateful, anti-trans bill brought by Senator Kauth supported by most of you even though you know how deeply this affects me personally and thereby destroying the relationship that we have, thereby completely burning the bridge with me as a coworker and a colleague by choice. What this bill does is it hollows out that bill and it adds a 12-week ban with criminal penalties that has never had a hearing. That is a completely new bill that has never been heard before in this Legislature, needs to be heard in front of Judiciary since it has criminal penalties, and that it also has the anti-trans bill in here as well. So we're going to do, you know, knock them out both with one bill. We're going to hate the trans kids and hate the, the women and families of Nebraska. OK, I'm just reading part of this. It has a, it has a grandfather clause, which I know that proponents of LB574 have really been fighting for in these negotiations or listening session, as Senator Kauth calls them. But what a grandfather clause does is it's basically delayed implementation. You know, what does this mean when we have a family that's moving to Offutt Air Force Base and they have a child who's 16 or 17, who's been on hormone therapy for a few years perhaps, and they come move to Nebraska. Will they be able to continue hormone therapy? Well, that's not clear from this bill. Everything that Senator Conrad says has been so resonant with me and I'm so annoyed and frustrated that it hasn't been resonant with you. The venom, the hatred, the willful division of this institution in this body, the way it has fallen from dignity and the good work that we're called here to do. The, the vast, vast chasms that we have been willing to bridge on things like tax credits, support-- you know, public dollars for private schools that Senator Linehan has been working for, for seven years. There are so many trades that we gave you that we were willing to do to protect women and kids in Nebraska--

**KELLY:** One minute.

**HUNT:** --and none of it was acceptable to you. This is really a rubicon moment in the Nebraska Legislature, where we have crossed a point of no return to me. The amendment is AM1658 and I encourage Nebraskans to give it a read and reach out to your lawmakers, not just your own state senator but all of us with your thoughts. Thank you, Mr. President.

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

**VARGAS:** Thank you very much. I feel like we were just debating the abortion bill just last week. And, you know, probably the hardest thing about this is I, very similar to Senator Conrad, I believe, I try to be the eternal optimist. You know, I have been in this body for the last seven years, have what I believe really good working relationships with individuals. I try really hard to separate out the different relationships I have, especially on issues, because any given day we're going to be working on different pieces of legislation, on different issues. Even right now, I have bills in the Education package, I have bills on this E15 bill, and, and I want to make sure that we're, we're working on the right things. The hardest part about this is this bill failed to advance this last, in its first round. It failed cloture. And what's hard is history does repeat itself. We've had moments in the past where bills have died and sort of come back. And I think what we've seen is this has not been a positive impact in terms of the culture of the Legislature when that's happened. Now I still remain opposed to that legislation and based on everything I'm seeing, still opposed to this legislation, especially the marrying the two on two different, different subject matter. And I want that to be very, very fundamentally clear. But the hardest-- the heartache I have on this is this has not worked out well for our body. It hasn't worked out well in the past when this has happened and there's lessons to be learned about that. And it could continue to fracture our relationships even when some of us bounce back and say, well, let's work on the next thing together even though we've disagreed or we fought or we've had, we've had hard times. But this makes it, makes it harder. So hearing Senator Hunt talk about this rubicon moment, I, I, I said here to Senator Conrad, it's a great moment, it's a great way of communicating this, because it's sort of this point of no return where we feel it. It feels extremely heavy in this room. It's-- even when it just got filed, people were-- I just hope we really understand what that, what that looks like and what that means. You know, we had a really productive, at least I felt like very productive conversations on the budget even when I disagreed or we had different disagreements on different items. Some things I supported and didn't support. But what I felt like as we were trying to move forward and the hardest part I have with this is I feel like we're not moving forward, but we're trying to sort of recreate and try to do everything we can for this issue. And we've said, at least for the majority of the body or for what it required for cloture, that we're going to move forward. And it's not that it's being

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reprioritized or being brought next session or, you know, subject matter in this even would require a new hearing, we're saying, no, we're going to attach it to something else. And everything we do in this body, if we don't realize, it does have repercussions on the relationships or how we-- the hope that we have on trying to actually move things forward, it absolutely does. And so I say that to my colleagues that have sort of the whispers of I want to work, I want these last, you know, less than 20 days now, way less than that, to focus on getting some more things done, even if we disagree or agree on--

**KELLY:** One minute.

**VARGAS:** --the legislation, but to actually figure out how we can provide the tax relief, provide the economic development, make the, make the improvements in education. Some things that I don't even agree with or support, also passing those because there's a prioritization list and what is most important for the majority of the body. So I just say this because what I found in the last six, seven years is that this hasn't panned out well when it's happened for other issues. But I also hope that each member takes it very seriously on what we are doing in regards to this and we'll have the debate when we get to the bill. But I will express this, still trying to be very hopeful, still going to work with my colleagues on a lot of different things, but still frustrated that we're at this juncture. Thank you very much.

**KELLY:** Thank you, Senator Vargas. Mr. Clerk, you have a motion on the desk.

**CLERK:** I do, Mr. President. Senator Riepe would move to invoke cloture on LB282 pursuant to Rule 7, Section 10.

**KELLY:** There's been a request to place the house under call. The question is, shall the house go under call? All those in favor-- oh, roll call. OK. Roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar. Senator Bostelman. Senator Brandt voting yes. Senator Brewer. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover

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voting yes. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson voting yes. Senator Halloran voting no. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting no. Senator McDonnell. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne. Senator Wishart. Vote is 38 ayes, 3 nays to place the house under call.

**KELLY:** Thank you, Mr. Clerk. The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Raybould, please return to the Chamber and record your presence. The house is under call. Senator Wishart, please return to the Chamber and record your presence. The house is under call. Senator Riepe, we are missing Senator Raybould. Would you like to proceed or wait?

**RIEPE:** I would like to proceed, please.

**KELLY:** Thank you, Senator. Members, the first vote is on the motion to invoke cloture. All those in favor say aye. All-- request for a roll call. Mr. Clerk.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell. Senator McKinney voting yes. Senator Moser voting yes.

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Senator Murman voting yes. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne. Senator Wishart voting yes. Vote is 43 ayes, 0 nays, Mr. President, on the adoption of the cloture motion.

**KELLY:** The motion to invoke cloture is adopted. Members, the next vote is on the adoption of FA100. Roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting no. Senator Bosn voting no. Senator Bostar. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting no. Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting no. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell. Senator McKinney voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne. Senator Wishart voting no. Vote is 0 ayes, 45 nays, Mr. President, on the adoption of FA100.

**KELLY:** FA100 is not adopted. The next, the next question is the adoption of AM1354. Request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes.

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Senator Hunt voting yes. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne. Senator Wishart voting yes. Vote is 45 ayes, 0 nays on adoption of the amendment, Mr. President.

**KELLY:** AM1354 is adopted. Senator Ballard, do you have a motion?

**BALLARD:** Mr. President, I move that LB282 be advanced to E&R for engrossing.

**KELLY:** The question is the advancement of LB282 for E&R Engrossment. There's been a request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne. Senator Wishart voting yes. Vote is 44 ayes, 0 nays, Mr. President, on advancement to E&R for engrossing.

**KELLY:** LB282 is advanced for E&R Engrossing. I raise the call. Mr. Clerk, for items.

**CLERK:** Mr. President, amendment to be printed, Senator Hansen to LB574.

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**KELLY:** Speaker Arch, you're recognized for an announcement.

**ARCH:** Thank you, Mr. President. I would request that we pass over LB562, proceed to LB705. My intention is to stay this evening until a vote is taken on LB705. Thank you.

**M. CAVANAUGH:** Point of order.

**KELLY:** Senator Cavanaugh, please state the point of order and then--

**M. CAVANAUGH:** I would like us to not pass over the next bill.

**KELLY:** Thank you, Senator. Please come up front, if you would, and Speaker Arch as well. It's the ruling of the Chair that the Speaker has the inherent right to set the agenda and pass over items. Senator Machaela Cavanaugh, you have a motion.

**M. CAVANAUGH:** I would like to make a motion to overrule the Chair.

**KELLY:** There's been a motion to overrule the Chair. All members may speak one time. No members may yield time or ask questions. Senator Cavanaugh, you're recognized to open on your motion to overrule the Chair.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I know that I can't overrule the agenda, but I can take time, and I can find creative ways to take time and that's what I'm going to do. I'm going to take it here. I'm going to take it there. I'm going to take it everywhere I can. I'm going to take time. So I'm going to do a point of order. I'm going to do a motion overrule the Chair. I'm going to do a roll call vote on everything on cloture, because that all takes time. We went to cloture at 4:38 and it is 4:57. So that is 20 minutes, 20 extra minutes that I just took on purpose. And from this moment forward, I am taking all of the time available to me to take every day. So whenever we're done with this, we've got four hours on LB705. So that'll be five plus four, 9:30-ish. If we go to that LB705 now, we'll be done with it at 9:30. So every minute that we take after that is a minute later on LB705. And I'm not going to do what I've done and just sit down because it's the last thing on the agenda. I'm not going to do that. We're going to be in this together. Colleagues, we're going to be in this together. We are in the trenches. We have made choices. They have been bad choices, but we have made them and we are in this together. And I am here for all of it. I'm so serious, I put my hair up in a scrunchie. Had a joke with Senator Sara Howard that my first year that you could tell when several of us were getting tired or frustrated as the day would go on because our hair would get

pulled up. And, yeah, I got my hair up and I'm ready. So here we are. I've been thinking the last 30 minutes or so, why am I so upset about this amendment on LB574? And there's a lot of reasons, there's a lot of technical reasons to be upset about it, but what it really comes down to is that it appears to be a way to entice people who might not otherwise vote for [RECORDER MALFUNCTION] --to vote for it. And that is part of what really upsets me, is this-- just really trying to strong-arm people into voting for your Skittles. And they don't want to. They're allergic to yellow number five or whatever. They don't want to vote for your Skittles. They don't like Skittles. They don't want Skittles, but you're trying to force them to vote for it. You're literally trying to shove Skittles down your colleagues throats and they don't like them and they don't want them. They might even be allergic to them. They might cause them death and harm. But here we are, shoving Skittles down the throats of each other to get our way. Not working on it, that used to be what we would do. We would work on it. It's not even Senator Riepe's amendment that's being attached to LB574. It's, it's some weird Frankenstein of LB626 and Senator Riepe's amendment and the current statute. It's got the worst of all worlds, something for everyone to be disgusted by. Trying to force people, who have stated over and over again that they support a 12-week ban but not a 6-week ban, into voting for another bill that-- maybe they don't support that bill. Maybe that's why this is happening, not because we want to get an abortion ban in Nebraska, but maybe this is the only way that we can get anti-trans healthcare ban passed, is if we add abortion to it. Maybe that's what's happening here. Maybe we're trying to force people who have come to realize, who have educated themselves on the terribleness that is LB574. And they have come to realize that this is horrible policy, horrible policy that is hurtful and detrimental to not only children, which should be the first and foremost reason, but also the economy. We are hearing from businesses repeatedly, about how bad just the introduction of LB574 has been for our economy. And so now, we have to go further. We have to force our colleagues to eat those Skittles. And so, we are going to add some version of 5-- LB626 to LB2574 to force our colleagues to vote for these two atrocities of bills at once. I guess if you're going to get a root canal, have all your teeth torn out at once. Makes sense. Do all the painful things, all the horrible things, make all the bad choices all at once. And we're going to have the conversation over germaneness. Oh, we're going to have that conversation. It's going to be a rich conversation. It is going to be a long conversation, because I want to set up the court case on this. I want to set the groundwork for the lawsuit. So we're going to have the germaneness conversation. And God willing, that germaneness conversation will trick over--

trickle over to all the other bills that have become these Frankensteins this session, all the other massive packages that have no germaneness, whatsoever. Hopefully, the conversation germaneness on LB574 and LB626 is going to lead to the public saying, hey, wait a minute, you passed a lot of things that really-- that wasn't up to snuff. That's not how it should be. I'm going to file a lawsuit. I'm going to file a lawsuit because you've got these monsters coming through, with 20, 25, 30 bills packaged together. No actual public debate, because you have so many bills packaged together that nobody even knows what they're voting on, so there's no conversation on them. I hope that LB574 results in people waking up in this state, paying attention to how poorly this session has gone and start to fight back in the courts. You don't have to just fight on LB574. There's a lot to fight on because we have done a terrible job. We have ramrodded all kinds of things together into the package. Respect the package. It's the package. We have done the worst of the worst that we can possibly do. And it's going to come to fruition, because people are going to see what happens with LB574 and they're going to be like, wait a second, that's just two bills. What about those packages that were 20 bills? What about those packages that were 25 bills? We should take a deeper look at the germaneness of those. And guess what you're going to find? They're not germane. And they're not going to be found germane because the presumption of germaneness-- they're not all in committee. They're not all committee amendments. They're things that were amended on the floor. They were-- an amendment that had 20 amend-- bills in it that weren't a committee amendment. They're not germane. They're not. So it's going to be a cluster, a cluster. And that really, succinctly defines this session-- just a cluster of Skittles, just a cluster of Skittles. Nebraska, I'd say you deserve better, but I guess you elected us, so I don't know. Maybe, this is what we deserve. Maybe we are getting exactly what we deserve, which is a cluster of Skittles. Because elections do matter and this body was elected. So, yeah. I see stuff is being passed out. I don't know what is being passed out. God-- hoping it's some other cluster of procedure or whatever.

**KELLY:** One minute.

**M. CAVANAUGH:** Thank you, Mr. President. It's just a state statute, probably for something in LB705. So please feel free, join the conversation because it's not ending anytime soon. We are all in this sinking Titanic ship together. Let's organize the Chairs on the deck, shall we? Because that's what's really important here, organizing the Chairs on the deck while the Titanic is sinking. Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. Good evening. Yes, it is past 5:00. Good evening, colleagues. Just, before I embark on my debate commentary in regards to the motion to overrule the Chair, could you just help me refresh my recollection so I can organize my thoughts? Is it a standard 5 minutes or is it a longer speaking period?

**KELLY:** One time, 5:00.

**CONRAD:** OK. Very good. I knew the one time and you couldn't yield, but I couldn't remember exactly the length. Thank you, Mr. President. Thank you, Mr. Clerk. Colleagues, I'm going to keep an open mind here, but I anticipate that I'll probably vote against overruling the Chair. I think he was probably correct in terms of his ruling, in regards to the Speaker's prerogative in setting the agenda. I think as per our typical practice, when an individual member wants to reorder the agenda or has a disagreement with how the Speaker has set our agenda, that as per usual, it throws the decision to the collective. If we wanted to file a motion to reset the agenda, I think that's probably the, the most prudent course of action, procedurally, to effectuate the same goal that Senator Cavanaugh has brought forward. You might remember, I attempted to utilize that procedural move very early in the session when we kind of first started to hit roadblocks, in regards to, I think it was then, LB147 and some other mem-- items that were on early agendas, more technical in nature. Senator Blood brought forward a motion in that regard. I think-- gosh, the time runs together in a strange way, maybe, just in the last couple of weeks. But I think in terms of our precedent and call me old-fashioned, I think it does still matter. And in regards to our rules, I'm, I'm going to, to probably not move to overrule the Chair, but to sustain the Chair's ruling and then would suggest that those who are interested in keeping the ethanol bill on the agenda and not moving directly to the Education Committee measure, would simply, instead, file a motion to reorder the agenda instead of overruling the Chair, for precedence purposes. Just to add a, a few additional points in terms of where we find ourselves today. Definitely not what I anticipated when I woke up this morning. I think we were all grateful to have a somewhat less contentious agenda before us this week, in terms of the claims bill and our budgetary obligations and some revenue measures perhaps. And, you know, I think it really took our breath away when we received wind that not only would we see, you know, kind of a, a re-- maybe a, a doubling down in regards to utilizing procedural moves to bring forward an abortion ban in

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Nebraska and then to move forward with an anti-trans measure that is now coupled together and that we're all digesting in this new amendment that was made public. So I'm disappointed we are where we are. I am grateful, however, that we will have time to signal these concerns to the broader public, to the second house, to key stakeholders. I still haven't finished responding to thank you notes in my inbox and in my correspondence yet, from women and doctors all across Nebraska, who were crying tears of relief--

**KELLY:** One minute.

**CONRAD:** --who were sighing, feared, who were, were still in the emotional throes in the aftermath of defeating LB626 by not being able to break a filibuster. And they were finally able to breathe a sigh of relief. They were finally able to carry out their work with their patients, in regards to starting or planning or expanding their family. And then, here we are today. None of this expected that we'd wake up again, with a radical abortion bill back before the Nebraska Legislature in the final few weeks of the session, paired with an anti-trans measure. And it's a lot to take in. And I'm grateful that we have hopefully as much time as possible to sound a warning again and to ask Nebraskans to, again, to lean in, to contact their senators, to speak out and help us regain a focus on--

**KELLY:** That's your time, Senator.

**CONRAD:** --things that mattered to Nebraskans instead of a divisive social agenda. Thank you, Mr. President.

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

**J. CAVANAUGH:** Thank you, Mr. President. Well, I don't know how I'm gonna vote on the overrule the Chair, either. I appreciate Senator Conrad's comments about that, but I do think there is a-- maybe it's illustrative of how things have worked around here so far this year. And I remember sitting here thinking about-- one of my first floor speeches of the year was about the process of the Committee on Committees and how, when you have the ability to do something doesn't mean that you should do that and that, you know, I guess a version of might doesn't always equal right. And so, we are, again, rearranging the agenda because the majority doesn't have the votes here, I guess, for a bill that's important to them or something along those lines. I guess I don't know why we're reordering the agenda at this moment or passing over a bill that we've all been told is very important and I

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think had pretty unanimous support in the last round of debate. So I'm not sure what's going on there, but there has been-- and I haven't spoken a lot in the last couple of weeks, last many weeks, really. And part of that has been in deference to working in good faith towards some progress and compromise about the broader issues that have been hanging up this Legislature for this session. I've been attempting to, maybe, be a little bit more removed from the passions of the day-to-day floor debate. And we've come today to see that there is an amendment that was dropped without-- I think we were given about a 15-minute head start, told that it was going to be dropped, weren't showed the amendment before that. And it is-- now we're seeing, integrating a, a bill that was defeated a, a week, two weeks ago, to another-- so a controversial bill integrated into another controversial bill that has been one of the biggest problems and hurdles through this session. And rather than focus on the important economic issues that the state of Nebraska-- the people in the state of Nebraska are interested in and asking us to focus on, we're, again, going back, taking another attempt at a part of the what people call the culture war, issues that inflame passions and get people to, you know-- campaign issues people can run on and pound on their desk and talk about, rather than the things that matter to everyday Nebraskans, matter to most people. We're here, we're inserting ourselves in-- the only consistency in this amendment is that the two separate bills are implicated in invasions of privacy, telling people how to interact with their doctors. So I haven't had as thorough a chance to read it at this point, as I'd like to, to be able to comment on it. But I think it's important that we recognize that this body functions best when it functions in the-- uses the processes that have been established, uses the precedents and uses its deliberation. And that's not what we're seeing happening at the moment. And so, I would hope that where we're at right now, whenever this comes up, that people will take a step back and not just go along with what they're told by whoever, outside of this Chamber, but to listen, to deliberate, to think about what the actual, actual implications of this are and to make sure that we're not rushing--

**KELLY:** One minute.

**J. CAVANAUGH:** --thank you, Mr. President-- we're not rushing into something just because of political pressure from those outside. And so, I'm going to sit and listen. There's-- looks like quite a few people in the queue. I'll listen to the debate about the overruling the Chair and make my decision when we get to that point. Thank you, Mr. President.

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

**DUNGAN:** Thank you, Mr. President. Colleagues, I also rise today, unsure necessarily about how I'm going to vote on this motion to overrule the Chair. I've spent quite a bit of time reading the rule book, trying to get familiar with that. For those who are also freshmen, you know that when you first come into the body, that's one of the things that you're told, is read the rule book. Try to absorb that and it-- for as much as you read it, it doesn't really start to make sense until you're actually in here. So I appreciate some of the, the comments made by my colleagues, with regards to this motion to overrule the Chair versus a motion to reorder the agenda and things such as that. So I, I genuinely don't really know if I'm supportive of this motion to overrule the Chair, just given the fact that I think it might have been the correct ruling. However, when we-- the reason I punched in is because this got me thinking about rules. And obviously, when we came into this body early this session, we had a number of conversations about rules. We had a number of conversations about the process and the procedure. And I think one of the first things that I said on the microphone was something with regards to how interesting it is when you get in here and you realize that the rule book, sometimes, is treated more like a suggestion. And coming from a background where generally, the rules are the rules in the courtroom or things like that, it's a little bit difficult to accept that the rules are, are sometimes, merely just suggestions. And I think that having an understanding of the rules and having the ability to utilize the rules is a tool that we all should have and we should all benefit from. But with the discovery that we have of this new amendment that's been filed on LB574 and with the conversation that's been surrounding that, it felt to me like a vast circumvention of those rules. And what I mean by that is throughout this entire legislative session, we have talked about the process and the procedure that we tend to follow. And that process and procedure starts with a bill being introduced. It allows that bill to go through the committee hearing process upon which that committee hearing-- you allow the testimony to come in and talk about that. And then ultimately, if it's voted out of that committee, it then goes through the three rounds of debate that we have on the floor. The notion of introducing a completely new version of a ban on abortion, on top of a ban on youth receiving gender-affirming care, when you're at the Final Reading stage of that bill, strikes me as incredibly alarming. And I think that Senator Cavanaugh hit the nail on the head, when he said that just because you can, doesn't mean you should. And just because you have the might

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doesn't, in fact, make it right. And so, this entire process, I'm learning as I go, we all are. But I find it incredibly concerning that something that is potentially not germane to the underlying bill could ultimately be tacked on here, at the last minute. I also find it incredibly concerning that the, the language of that particular amendment with regards to this proposed 12-week ban, is not something we've seen before. For those who are going to say that it's the same as what Senator Riepe introduced during our last discussion, it's not. I also have not had a chance to review the entirety of the amendment in great detail, but I can assure you that it differs from what Senator Riepe had proposed in the amendments that were being considered, that ultimately, was refused to be considered by this body. And it differs in a number of ways. My understanding is and, and I'll get more details about this as I read more of it, but it doesn't have an exception for fetal anomalies. It does not have a specific provision repealing criminal penalties for doctors. And so, the fact that it doesn't actually take into consideration some of those prior considerations is concerning to me. And then, in addition to that, LB574, the amendments that are being proposed for that fail to, at least in my understanding, take into consideration a number of the things that were being considered or at least asked to be considered by folks who had previously opposed it. And at the end of the day, both LB574 and LB626 or whatever were going to call this new iteration, absolutely--

**KELLY:** One minute.

**DUNGAN:** --thank you, Mr. President-- absolutely get between a doctor and their patients. They get between a parent and their kid. They get between those who are making these decisions and those who they're most affecting. And I find that incredibly problematic. So, colleagues, I would absolutely, as we continue down this path over the next week, two weeks, however long this is, urge you to think about the rules, think about the process and procedure. I absolutely have remained off the mike, I think, during a number of these discussions, again, out of respect to try to respect this process. But I can only imagine that if we see great disrespect for the process on one end, you're going to likely see it on the other. So with that, I yield the remainder of my time. Thank you, Mr. President.

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

**ERDMAN:** Thank you, Mr. President. I appreciate the time. So as we work through the process of overruling the Chair, it is my understanding

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that each member gets to speak one time. Rule 1, Section 12 says no member may speak more than once unless by leave of the Legislature. So I believe one time is, is all you get to speak. There's no such thing as an opening and a close on overruling the Chair. Having said that, I will let you know that I am not going to vote to overrule the Chair. I think the Speaker has every right to reschedule the agenda if he so chooses. And so, I will be voting to sustain the Chair's decision. I believe he made the correct decision. And I encourage the rest of you to vote the same way. Thank you.

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

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I actually stand opposed to the overruling of the Chair. But I do have a keen understanding of why this motion has been made. I am consistently puzzled by some of the maneuvers that have been done this year. And I hope, at the very least, that the freshman senators have been paying close attention. I have never seen so many people looking at the rule book, ever, in the seven years that I've been here. I think that that's a huge benefit. And as you look at that rule book, I hope you not only look at different ways that you yourself can maneuver things sometimes to your benefit, but also look at what is germane and what is not germane and the way that we usually do omnibus bills. I don't like to say Christmas tree bills. I like to say omnibus bills, because I think Christmas tree bills sounds very high school. But I want you to be sure that you learn more than one or two lessons this year. Whether you are for or against this bill, this amendment that people are concerned about, just remember that there's also a process that you need to learn about. And the fact that we have passed through several readings, bills that were indeed definitely not germane this year, please understand that that is not our usual practice and that when we choose to do these things, we are literally spitting in the face of our predecessors and those who came before us, who set these rules in this beautiful nonpartisan body, so that we could all go along to get along. And so I, again, stand against overruling the Chair. I actually would like to get to LB705, because I actually have an amendment in it that's very important to our military spouses and the DOD. But I respect the process and I respect the reason that this is being done. With that, I would yield back any time to the Chair.

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

**DeBOER:** Thank you, Mr. President. Colleagues, I stand against the overrule the Chair motion and for sustaining the rule of the Chair, because our rules dictate that the Speaker has the ability to change the order of what we debate. I stand against the motion to overrule the Chair and for the ability of the Speaker to change the agenda, because that is what our rules say. I am curious why we are going past this bill. The Speaker didn't say. Perhaps he'll tell me if I ask him over the dinner hour why we are skipping past it. But the level of trust in here right now, as you might imagine, is not super great. And so we see everything, all of us, every single one of us in here starts to see everything as some-- something more than what it actually is. So I would like to know why we're passing it up. If it's just not ready, that's usually the reason in the past that we have passed things. But then, I have a deeper concern. We have worked ourselves into a corner. All of us in this room are a part of it. I'm part of it. Everyone in this room is part of it. With the possible exception of the short session-- special session on redistricting, I have never been lied to so much in this room. I have never been gaslit so much in this building as I have during this session. And I keep trying and thinking, yes, a bunch of people just lied to my face about this vote, but we just keep trying and trying and trying. Yes, many of them were my friends, but we keep trying and I wonder if this is the way we ought to govern. I wonder if the people of the state of Nebraska want us to govern this way, if they want us to lie to each other, make backroom deals, basically do all the things that those jokes you heard as a kid about politicians, say politicians do. I don't want us to become like that. And it's not just one thing and it-- and frankly, it's-- I am just as much-- I'm sure-- I can't think of anything at this exact moment, but as soon as I get off the microphone, I'll think of something I did, too. Because we've gotten ourselves into a very toxic culture here. And there's not a person in this room that I don't look at and think, you know, here's a person who's really trying hard, who's given up probably a much more lucrative opportunity in their life to come here and do this work. And I think, why did we all come here? Did we come here to just--

**KELLY:** One minute.

**DeBOER:** --try to get whatever we could get done for our side? Doesn't matter about anybody else. The people that are no longer in this body that I have served with in the past, there's not a single person of that group that I can't imagine seeing five or ten years from now and running up and hugging them because when we work together in this place, there is a bond that forms. But it's not forming this year, because we don't see each other as people, I guess. I don't know

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what's going on. I understand that people don't like the filibuster. I understand that people don't like specific rules. Someone once said, a house divided against itself cannot stand. And this house is very divided against itself. Thank you, Mr. President.

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

**VARGAS:** There's a lot of parts of what Senator DeBoer-- thank you very, very much, Mr. President-- a lot of parts of what Senator DeBoer said. Look, I actually am against the overrule the Chair, largely because I think this is part of the Speaker's ability and authority to change the agenda. I think that-- look, I'd love to talk about adopting the E15, Access Standard Act. I have a bill that I'm trying to amend on that and I know there's going to be continued debate on that. I'm not-- I guess we're pushing it over because we're not ready or there's not enough consensus on that bill. But I do know that there's the-- moving on to the next bill, there's also things that I, that I care about on that. But I do want to make sure that we are at least protecting the Speaker's ability to continue to change the agenda as they so see, even when I disagree, because it is something that is the power of the Speaker. But when we get to it, you know, my hope is that we can continue to support the-- not overruling the Chair, so that the Speaker's ability to do this is kept intact. But at the same time, I'm, I'm hopeful we'll have a conversation about germaneness on other bills or whether or not new legislation would warrant a new hearing for some of the other bills we talked about. I care about the rules, I care about the procedure and I want to make sure that we're continuing empowering those. So with that, I yield the remainder of my time back to the Chair.

**KELLY:** Thank you, Senator Vargas. Senator Briese, you're recognized for an announcement.

**BRIESE:** Thank you, Mr. President. A brief announcement. Pursuant to Rule 4, Section 3(b), interim study resolutions may be introduced up to and including the 80th legislative day. The 80th legislative day will be Thursday, May 18. So interim study resolutions must be introduced by noon on that day, in order to allow the Clerk's Office time to process them prior to adjournment. Standing committees may also introduce one additional interim study resolution prior to adjournment sine die. Interim study requests submitted to the bill drafting staff by noon, on Tuesday, May 16, will be guaranteed to be ready for introduction on the 80th legislative day. Requests received after that time will be drafted if time permits. Should you have any

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questions, please feel free to contact my office. Thank you, Mr. President.

**KELLY:** Thank you, Senator Briese. Members, we will stand at ease until 6:05.

[EASE]

**KELLY:** Senator Day, you're recognized to speak.

**DAY:** Thank you, Mr. President. Picking up where we left off earlier, I'm not sure where I stand on the motion to overrule the Chair. I'm still foggy in my own brain, based on what has transpired over the last hour or so. But Senator DeBoer had asked a question, is this how Nebraskans want us to govern? And I think we can all answer that question in saying absolutely not. Of course, that's not how Nebraskans want us to govern. Do they want a handful of people in the Legislature controlling the decisions of an entire state, based on fear, based on manipulation? No. I saw a friend of mine at the grocery store yesterday, who is a Republican and has been involved in Republican politics for a long time. And he came up to me and he said, keep fighting because these people do not speak for us. Keep doing what you're doing. And we had a conversation about how the Republican Party in Nebraska has been taken over by a small group of the most radical people in the state. And we have senators in this body who are listening to them, based on fear, based on threats and based on manipulation. Is that how Nebraskans want us to govern? No. You know what happens to our bills when they die in committee or they die on the floor? We pull ourselves up. We put, we put on our big girl or big boy pants and we start over again the next session. That's what happens. We don't create some, like Senator Cavanaugh said, some Frankenstein version of a couple of different bills and then try to attach it to something. Every time I've had a bill that people in this body don't agree with, do you know who I have to discuss it with in order to get it moving? The people that opposed the bill. I don't go to my colleagues that agree with me, that are on my side and say, OK, how are we willing to compromise here and then throw it at the faces of the opposition and say, well, look at what we did. Look at this incredible compromise we have. I said this exact same thing about the tax bill last year, because it was a great compromise. But the only people that were involved in the negotiations were the people that supported the bill in the first place. That's not compromise. Sometimes this place is so bizarre. And we all know that these are not issues that Nebraskans care about. This is not what they want us to be spending our time on. There have been-- there has been poll after poll

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after poll, telling us that they don't want further restrictions on abortion. There has been poll after poll after poll, telling us what voters care most about. And it's definitely not transgender care and it's not abortion. There was an article that came out, a poll that was done-- that was reported on by NPR a little over a month ago. And it--

**KELLY:** One minute.

**DAY:** --says-- thank you, Mr. President-- the economy continues to dominate as the most important issue facing the country, followed by preserving democracy, according to the latest NPR PBS NewsHour Marist poll. So they polled Democrats, Republicans and Independents and asked them, from this list, which of the following issues do you feel the most-- feel is the most important facing our country? Republicans, 48 percent of them said the economy. Five percent of them said abortion. This is not what people want us to be working on. But here we are, again, taking two terrible bills, wrapping it up into one and saying, take it or leave it, trying to shove it down people's throats. It's not what people want. Just because some of you refuse to listen--

**KELLY:** That's your time, Senator.

**DAY:** --thank you, Mr. President.

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

**FREDRICKSON:** Thank you, Mr. President. Good evening, colleagues. Good evening, Nebraskans. I've been listening to this discussion. I am not going to support overruling the Chair. Similar to what some of our colleagues have said on the mike, earlier, I-- you know, I agree. I think this is the Speaker's discretion to order the agenda in whatever way the Speaker sees fit and I want to support that. You know, I-- you know, I'm glad I'm speaking after dinner. I think a little break and a little food always helps reregulate in different ways. But I-- I'm still having a bit of a difficult time, you know, wrapping my mind around the earlier meeting and, and learning of the amendment that so many of us are, are speaking about. And, and I mean, I was, I was actually a part of the listening sessions, as they've been called, for LB574. And I, I found out about this amendment in this meeting, so that was the first I had, I had heard of it and didn't see the amendment until it was, it was publicly posted. So-- and I guess, for me, what I'm trying to-- and I know, I-- like the-- it's a really strange year to be a freshman senator because this, this has been a very unusual year. And I know that there has been-- you know, one

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thing that was said or I've heard said is how so much emotion has been inject-- injected into, into this debate. And I, I, I agree with that. And I think that a lot of that emotion has really driven where this has all gone on, on, on both sides of the issue, on supporters and, and, and opposition of that. And I, I still just can't figure out how-- I mean, and maybe if I sat along with this long enough, I could, but I, I can't figure out how LB574 has, has become the number one priority of this legislative body. And I'm still trying to process something else that I keep hearing, which is that it's, it's all about the numbers. It's all about the numbers. It's all about the 33. Get the 33, get the 33. And that's been really difficult for me to wrap my mind around, as well, because I always saw that it's about the policy. Worry about the policy first, the numbers come later. So, I'm still processing and wrapping my mind around what's going on today, what's happening. And I will just say, this is, this is-- I mean, it's-- this has just felt-- it-- it's felt like a really eye opening day for me, for sure, in this Legislature. I'm going to leave it at that for now. Thank you, Mr. President.

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

**HUNT:** Thank you, Mr. President. Good evening, colleagues. I feel really sad for the freshmen this year, because you've never had the chance to know and you're probably never going to know if you do four or eight or 12 or whatever years here, how productive we can be, how collegial it can be here, honestly, how fun it can be, how much relationships across ideological lines can enrich your life. This body has thrown all of that away this year, as well as the health and safety of the people who've trusted us to care for them. This session will determine for generations of Nebraskans to come if Nebraska is a safe place to live. It's that simple. The votes we take in this legislative session will determine, for generations to come, whether Nebraska is a safe place for them to live. My son has already decided it's not a safe place for him to live, to Senator Kathleen Kauth's delight, because she doesn't want people like my son to live in Nebraska. She said this openly, many, many times. And I see from your votes that you don't either. My child can't wait to leave and the more time I spend here, the more I think I'll probably join him. I'm not a nihilist. I don't-- you know, I-- I'm able to find meaning in life. And I think that there's meaning in the absurdity of the work that we're doing here. But I also have, like, a healthy sense of detachment, I think, about-- the stuff we do in here is so fake. It's so made up. It's so arbitrary, based on a set of morals that you've made up that have nothing to do with people's lived experiences. These

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are laws passed by people who have no idea what folks go through, who have no idea what it's like to, to be in someone else's shoes. And they think that their way of living is the only way of living, so we've got to put it into law and legislate it. And it's a joke. It's no way to govern and it's no way to live. And normal people know that. That's why normal people don't run for office. And that's why, increasingly, normal people don't see Nebraska as a place where they can have a good future. I love living in Omaha and I'm proud to be from Nebraska. It's a place with wide open spaces, with hard workers, with people who have a lot of humility, very little superficiality, which I love. It's people who respect and understand our natural resources, which I love. I'm a nature lover. But while I love where I live, I also understand people who don't. And I see a lot of people who don't like it here. And I feel like I have a responsibility to understand why the people who leave us, why the people who want to leave us, did not feel like Nebraska was a place they could be proud to call home. And if all of you are here in the Legislature, you have a responsibility, too, to hold our state to a higher standard and work to support the people who are trying to improve it, work to support the people who are trying to bring the future into being, so that this will be a safe place for Nebraskans, for generations to come. All the work I do, from my full-time job to the activist work I do and the advocacy work I do in my own time, to my work as a state senator, it's to try to keep Omaha and Nebraska a safe place for everybody who wants to live here. So this is what really worries me most.

**KELLY:** One minute.

**HUNT:** Thank you, Mr. President. All of you here, in the Legislature, should be thinking your lucky stars that there are people like Senator McKinney, Senator Day, Senator Cavanaugh, Senator Wishart, Senator Fredrickson, Senator Vargas, Senator Dungan, people who are sticking around here working to undo the harm that you are causing, because a normal person would get up and leave. Thank you, Mr. President.

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

**McKINNEY:** Thank you, Mr. President. I'm not necessarily sure where I'm at where-- overruling the Chair. It's just this session-- going into this session, I thought it was going to be very interesting to see where things played out on a lot of different issues and topics. And thus far, this session has been short of-- I don't even know what to say. It's kind of unexplainable, just on many different topics and the priorities that we say we have as a state and as a body. I came here

hoping that we could get some things done around economics, criminal justice reform, education and those type of things. But it doesn't seem as though those type of things are a real priority necessarily, which is tough. And it's, it's tough because you come here and you run for office trying to be as optimistic as possible that, hopefully, a word or two or, or testimony you say could, you know, do a lot of good and, you know, change for the better for the state. And especially, when you come from a, a, you know, a minority background, you-- you're hopeful that, you know, you're not unrealistic, thinking that you could come here and change the world, but you're hoping that, you know, you could do some things that move things forward. And that's what's been tough for me, especially last week and going into this and just thinking about it over the weekend, how not only are we not closing the Nebraska State Penitentiary, we're going to build another prison. Also, on top of that, any efforts to really move the ball forward, as far as our criminal justice system, has been slow-walked for another year, going on three. I'm not sure if we're, we're actually going to get anything substantive passed. And that's the problem. I feel-- like, I look at it as one side wants you to be comfortable with everything they want to do. But the little things-- not even little. Like, when you're-- when you want them to be comfortable with what you're pushing for, there is no budging. There is always a no, but they call it a negotiation or a compromise. And that's not a compromise. A compromise can't be you get all of everything you want and the other side gets nothing. That's not a compromise. That's not even close to a compromise. A compromise is going into something saying, I want this and you want that. Maybe you can't get all of that and maybe I can't get all of this, but we're going to agree to agree. That is a compromise. A compromise isn't basically taking your foot and just stuffing somebody out. That's what we shouldn't be doing. This is supposed to be a nonpartisan body. A Unicameral is supposed to be the best institution in the country, if we do things the right way. But it seems like this body, for better or worse, is turning to what we see in D.C. and in other states. Sometimes you lose and sometimes you got to move on. But this is setting a bad example, the way this session has been going, for the future. I don't have a lot of optimism that it will get better. I only view it as getting worse from this year going forward, especially if we do pass things that one, make us less attractive than we--

**KELLY:** One minute.

**McKINNEY:** --already are, as a state, to individuals that want to stay or want to come. Nebraska is truly going to be for no one that probably, honestly, just doesn't want to be discriminated against. And

that's what we're up against when we're talking about retaining people and attracting people to this state. I think we have to reevaluate our priorities and get things back in order, because if this is our priorities and this is how we're going to operate, it's a lot of people that's going to leave and I think we should really think about that as a state. Thank you.

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

**M. CAVANAUGH:** Thank you, Mr. President. So a reminder, this was-- I made a point of order to not pass over LB626, and the Chair ruled. And this is a motion to overrule the Chair. That's what you will be voting on. I'm sure it's well within the right of the Speaker to pass over a bill and the Chair probably ruled correctly. So I certainly am not going to vote to overrule the Chair. But this body seems to like to get 25 together to make bad decisions, so go for it. Anyways. Why, why do I care? I don't care about LB562. I don't like LB562. It's a government mandate. Yada, yada, yada. All the things-- I don't care if we debate it today, debate it tomorrow, or don't debate it at all. Makes no difference to me. I am just taking time. And a couple of weeks ago, I got really frustrated with myself because I was, I was being collegial, I was working with people, I was letting things get attached, etcetera, etcetera. And, you know, people just took for granted that everything was going to be OK. And everything is not going to be OK. I had not been using every tool available to me to take time, but I'm going to now. And everything is not going to be OK. It's not. It's going to get a lot worse from here, before we come close to be OK. Maybe we'll pass the budget by the 80th day, maybe we won't. I honestly-- I don't know. I don't know. We've got five days to pass the budget until the day that we're supposed to. I, for one, am excited to find out what happens on day 81 when we haven't passed the budget. Does something magically happen? This was like the conversation when we were doing redistricting. We had to do it. We had to do it within a certain period. Why? What would have happened if we hadn't? Nobody could answer that question. So maybe we'll find out. Maybe we won't. I don't know. I don't care. All I know is it's going to hurt. It's going to hurt. And it's going to collectively hurt. It's going to be painful. It's going to be slow. I'm going to talk about getting a puppy and salad and what I'm planting this summer. I don't know what I'm planting. I'm actually waiting for my starter seeds from my brother. Haven't seen those yet. I'm going to complain about that, probably. No, I won't, because it's actually really, really nice of him to do that. He's super awesome. I'm not going to complain about that. He's a solid guy who I can count on. So never mind. Not going to

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complain about the seed starters. Also, he usually gives them to me Mother's Day weekend, so that hasn't happened yet either. Anyhow, who knows, who knows? The world is my oyster. What other random Netflix TV shows can I talk about? Ones I haven't even seen. I saw there's a new Bridgerton. Has anybody else seen that? It's about the queen. It's the backstory about the queen. Well, how interesting. She is-- and they play up the racial side of things. She's the first black queen in England. It's not historically accurate, but still. They do, they do this whole backstory on her and her family--

**KELLY:** One minute.

**M. CAVANAUGH:** --and how the ton, which is like the royal court, comes to be. Maybe I'll talk about that. Lord only knows what will pop into my mind for this remaining 15 days, but I'll tell you what. I can guarantee, I'm going to use every opportunity I have to take more time, more time. So we are where we are. And it's going to be a horrible, godforsaken ride. So glad you're all on it with me. Thank you. Mr. President, I would like a roll call vote.

**KELLY:** Members, the question is to overrule the Chair. The Chair previously ruled that it is an inherent right of the Speaker to change the agenda. The question is shall the Chair be overruled? And there's been a request for a call of the house. The question is, shall the house go under call. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 15 ayes, 8 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 to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused senators are present. There's been a request for a roll call vote. This will take a vote of 24 members to overrule the Chair and there are 4 excused members. Mr. Clerk.

**CLERK:** Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting no. Senator Bosn. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting no. Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover

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voting no. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting no. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell. Senator McKinney voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne. Senator Wishart voting no. Vote is 0 ayes, 45 nays, Mr. President, to overrule the Chair.

**KELLY:** The Chair is not overruled. I raise the call. Mr. Clerk, for items.

**CLERK:** Mr. President, your committee on Enrollment and Review reports LB818 and LB813 to Select File, both having E&R amendments. Concerning the agenda, Mr. President, LB705, your Committee on-- excuse me.

**KELLY:** Senator Cavanaugh, what's your point of order? Please-- would, would you like to come up front, please?

**M. CAVANAUGH:** I, I can state it and come up.

**KELLY:** Please state it and then come on up.

**M. CAVANAUGH:** OK. I filed a motion to reconsider or to reorder the agenda. And I think it should be taken up before we take up the next bill.

**KELLY:** Thank you. Senator-- Speaker Arch, would you come up, as well? The Chair rules that the motion to overrule the Speaker's agenda is not a priority motion and will not be taken up. Senator Cavanaugh, what purpose do you rise for?

**M. CAVANAUGH:** Motion to overrule the Chair.

**KELLY:** Senator, please open on your motion.

**M. CAVANAUGH:** Thank you, Mr. President. If everyone wants to speak on this, they have to get in the queue. You can only speak on this once. And I believe I only get an open and a close. I don't get to speak in the regular course, so I will not be in the queue to speak on it. You cannot yield your time. You cannot ask questions, all those things. It's hard to know what even to talk about at this point. It's really

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hard to know. That wasn't a great experience just now, up at the President's desk. And thank you to Senator Day, for coming with me. I stated this previously-- I stated it on the microphone previously, so I guess I'll just state it again, for the record. When I'm asked to go up to the President's desk, I will no longer go by myself. I, I want to have somebody there with me to hear the conversation. I've had really, really bad experiences in those conversations up there and I don't want to be the only one bearing witness to those conversations. So, so, yeah. I'm going to ask somebody to come with me. And if whoever else is up there wants to ask somebody to come with them, your prerogative. I don't care. I just don't want to be there by myself. I just like, honestly, feel like this is a careening train that has already gone off the tracks and is going into a geyser. Like, I just feel shook. I feel shook. I feel shook by this whole experience. I thought-- I really did. I really, truly thought that Nebraska was better than this. I honestly thought that we were better than the terrible things that we're seeing happen in democracy across this country. I really did think we were better than this. And I am genuinely-- I genuinely am concerned about the heart of this state right now. It just-- people in this building, people in this body are just so callous and treat this all like a game. Winners and losers. It's-- I'm shaking. I'm so upset, I am shaking. And some rando keeps texting me their thoughts. Again, I don't know who's giving out my cell phone number to total strangers, but I keep getting text messages from random people. I'm like, it's-- hey, guess what? I've got an email. You can use that. I get enough phone calls that are harassing. I get enough emails that are harassing. I get, I get enough of it. If you want to give me your critiques, please don't use my data, data plan for it. Like, just send an email. I'm sure I'll read it. They're all just delightfully Christian. Colleagues, clearly, it was decided today that attacking vulnerable populations was the most important thing of this Legislature. And you all got so used to my methods that you became complacent about it all. You all got so used to me just filibustering and spending time on the bill. And then we go through the motions and we get to cloture. We do the 33 dance, etcetera, etcetera, etcetera, that you just decided that you could do whatever the F you wanted. And you can. That's the horrible thing. You can. You can do whatever you want. You've got a super majority, because you got Mike McDonnell on your side. So you can do whatever you want. You can do whatever you want. It's like, when you're finally out of the house and you can get that tattoo that you've wanted. So what are you going to do? Are you going to go out and get a full body tat? Because you can. You can get a full body-- you can get a face tat. You can get a neck tat, You can get the other side face tat. you can get a forehead

tat. You can get an ass tat. All of it, you can do all of it because nobody's stopping you anymore, so you should totally do that. That's what this is like. Yeah, you can do that. Sounds like a great idea. Making good choices. That's what this body is. We can do things, so we're going to. We don't have to make good choices. We can make really bad choices, because there are enough of us to do it, that we feel comfortable making really bad choices. So that's where we're at. That's where we're at. If you don't take into account the last day, which, I mean, not really, anything can happen on the last day, I guess, Final reading for a bill that you hope isn't going to be vetoed by the Governor, because it's the last day. We can't override it. So hopefully that. But other than that, you can-- we have 161 days after-- hours after today, that is going from 9 a.m. to midnight. We have 161 hours. And you better believe I am going to maximize every minute of that, every single minute of it. And if I get a dilatory motion in the process, I'm going to make every single minute of that. I'm going to make every single minute of every single hour of every single day remaining. So if we go till midnight tonight, then starting tomorrow morning, 161 hours. And I'm going to use them and not in a good way. I am going to continue to be an obstructionist. And the thing is, is that people had to have known, had to have known, because some people were told about this amendment. Not myself and Senator Day, who sit on the committee. No, we weren't told. The two people who wrote a minority report on both LB574 and LB626, we weren't told. No. We had the joy of hearing it read across, when it was posted online. A million people texting me, that's how I found out. No one had the common courtesy to tell me. I guess you bought yourself an extra hour or two of me not being irate. I don't know what you bought, really, But you knew-- the fact-- by the very fact that you didn't bother to tell me, you knew this was going to be bad. You knew it. You knew exactly what you were doing. You knew you were going to blow up the rest of this session. You knew the final days were in jeopardy. The moment you did this, that was done. The moment you all colluded together, to put together this amendment, with criminal penalties and all the great bells and whistles of horribleness onto another bill that's horrible, to try and ramrod it through and make people vote for both of them, you knew, you knew--

**KELLY:** One minute.

**M. CAVANAUGH:** --you knew I was going to go off the rails and take you all with me. No one in here thought anything other than this was going to happen. You might not have known what it was going to look like, but you knew it was going to happen. I so foolishly hoped today that, like, somebody would come up to me and say, I'm not voting for LB574.

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Let's get this thing scheduled, Let's move on with the session. Let's get some work done. I foolishly, honestly-- I honestly thought that was going to happen today. I genuinely thought, I genuinely thought it. I genuinely thought that, after all the stuff in the news, that people were going to realize how bad this was and say, I just want to work on this state. Let's move on. But no. I think I'm about out of time. Thank you, Mr. President.

**KELLY:** Senator Day, you're recognized to speak.

**DAY:** Thank you, Mr. President. I think that people did know how bad LB574 was. I think it was getting to the point where people knew that the bill was not going to be successful. I think people knew that the introducer of the bill was unwilling to compromise, based on her comments to the press and the way she presented herself at what she called listening sessions, which were meant to be opportunities to find a compromise between the two groups. I think people did know. And what they did to try to drum up support for the transgender care bill was they attached a 12-week abortion ban to it, because they knew by attaching it they could pull a few voters or excuse me, a few senators along onto the bill. That's what they're doing. And for anybody that's watching at home, I just-- I want people to know what's been going on the last several weeks in here. So there have been conversations that some senators viewed as attempts to compromise. Other senators viewed them as listening sessions. During that process, those of us that opposed the bill and were very vocally opposed to it, were encouraged to try to keep the temperature down in the Chamber, during debate. We were asked to like, don't be too inflammatory, don't directly call people out, don't make it personal, when there were dozens of opportunities to do so. And we kept our mouths shut, because we knew how important it was. We knew how fragile things were in here. We were asked to try to keep the temperature down. And we did. We allowed the people who were doing the negotiations to do their work, in good faith. And then today, the proponents of the bill came in, threw a bunch of gasoline on the carpet and threw a match in the Chamber and lit the building on fire. So much for keeping the temperature down. Right. They have taken a bill that has not had a hearing, this 12-week ban, that includes criminal penalties does not include an exception for fetal anomaly, does not include an exception for suicidal ideation and attached it into the gender-affirming care bill and thought that that was a compromise. And the thing is, again, as I said before, if you had talked to literally any of us who vocally opposed the bill and the abortion ban, you would know that's not anywhere near a compromise. You have taken the temperature in the Chamber that we have very strategically kept low and you have turned--

**KELLY:** One minute.

**DAY:** -- the heat up to max. And now, you guys are like, why are they taking up all this time? What's going on? What's-- what are we doing? What do you think we're doing? We're trying to save people's lives, once again. Because instead of doing your job, which is genuine compromise with people who oppose a piece of legislation and keeping the temperature low, you have lit the Chamber on fire. You have brought back a bill that essentially, has already died, has not had a committee hearing and amended it into another bill that you--.

**KELLY:** That's your time, Senator.

**DAY:** --know we all oppose. Thank you, Mr. President.

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

**J. CAVANAUGH:** Thank you, Mr. President. Again, I don't know where I'm at on the motion to overrule the Chair on the order of priority for motion to reorder the agenda. I guess it does seem like a motion to reorder the agenda should be taken up before the item it's trying to reorder gets taken up. But I don't know. That just seems logical. But I guess we don't need to constrain ourselves to logic sometimes. So I was thinking, actually, what Senator Machaela Cavanaugh was talking about. She's disappointed in the Legislature. And I was thinking while she was saying that, to myself that, you know, we're not the worst thing that we've ever done. That's something-- I visited the State Penitentiary and visited with the circle of concerned lifers. And I remember one of the gentlemen there said that that's how they want to be viewed. They don't want to be viewed as the worst thing they've ever done. They want to be viewed as a person with the opportunity to do the right thing. And you know, I think about that, that, you know, we're all redeemable. We are not the worst thing we've ever done. We all have the opportunity to do the right thing every time. Whenever it's in front of us, you have the opportunity to make a different decision than the one you've made before. You have the opportunity to do something different. You have the opportunity to do the right thing. And you know, some people have changed their votes on things. And maybe that's one of the reasons we're in this current situation, because one of our colleagues took a brave and principled stand and voted against something they'd previously supported. And now, we're in a position where we are trying to shoehorn a bill into another bill on Final Reading. And both bills are a mistake, honestly. I mean, I'm always going to disagree with LB626. It's a poorly written bill, poorly constructed. But that's-- you know, nobody listened to me when

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I said all of the problems that were with it. And people just see the topline number. The amendment that's been offered today on LB574, I know you're not going to listen, but I'll tell you, it's poorly written, has a lot of issues. And when the time comes, we can talk some more about the actual conversations we had and what maybe would address the issues that were raised by those of us in the room, in response to concerns that were raised by the others in the room and that the-- how the things that are suggested in this bill, this amendment, do not address those things. But right now, I guess we're talking about process. And I would say that, you know, process serves a purpose. It's slow and deliberative. But it's also an opportunity to have a conversation, spot mistakes and errors that you didn't see were there, because, you know, we're all kind of have our blinders on when it's our thing and we look at it and we say, you know, I wrote this. It's perfect. It does exactly what I wanted it to. But you have a conversation and somebody points out and says, well, did you think about this? And you say, well, no, I didn't think about it. And that gives you an opportunity to make a correction and make a change, perhaps make it stronger or to address a weakness. And that's the reason we have hearings. It's the reason we have amendments. That's the reason we have committees that are comprised of multiple people with differing viewpoints, so that we can get to the core of an issue and try to make them better and try to solve those problems. When you write a whole new scheme on Final Reading, it doesn't have the benefit of that process, where it's--

**KELLY:** One minute.

**J. CAVANAUGH:** --thank you, Mr. President-- subject to criticism, subject to a minority statement that a lot of effort and thought went into, to point out criticisms in the bill. It doesn't have the benefit of having all of those other changes or mis-- things that are in it, subjected to criticism and, and correction. And so, it's always going to be flawed if you write the first draft of something. First draft is always flawed. And so if the first draft is the last draft, that's going to be a mistake. So that's what we're staring at right now, as we have a whole new amendment dropped, without really any notice to a large group in this body. Though, it doesn't sound like a lot of people got told about it ahead of time? I wasn't one of them, I guess. Thank you, Mr. President.

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

**DUNGAN:** Thank you, Mr. President. I also rise. Not entirely sure how I'm going to vote on this motion to overrule the Chair. I'm probably opposed to it. But I can take this time to talk about some things that I, I do know about this amendment. I was not a part of the conversation that happened, where there were these whether they're negotiations or listening sessions, whatever you want to call them, I was not a part of those conversations. But that being said, I can tell you what I do know, about how we got to where we are today. I was sitting in this room when Senator Kauth made the comments on the microphone that she would withdraw that amendment with the promise moving forward to Final Reading, that she would operate or negotiate in good faith. And those words, I think, have echoed loud and clear through the entire conversation surrounding LB574, prior to where we got to today. And it was this idea that she would continue to operate in good faith to try to reach some compromise or try to reach some agreement, if there is even an agreement to reach on bills like this. And, you know, reasonable minds can, can disagree about whether or not there is common ground that can be reached on legislation like this. But from what I can tell in reading, in this very short period of time, this amendment that's been offered or that's been dropped here today, the AM1658, it does not feel to me as though an actual good faith effort has been made to compromise on this. Nor does it seem that there's been any actual ongoing conversation about what this amendment would look like. I mean, again, I wasn't in the room, but as Senator Cavanaugh and others have said, we didn't see this amendment until today. This was not an amendment that was discussed with anybody who was in adamant opposition to LB574. This amendment was not discussed with anybody, anybody who was in adamant opposition to LB626. But there were conversations that I've had, with professionals, mental health professionals, medical professionals and others about what best practices would look like, surrounding any and all legislation that might or might not pertain to LB574. I've had personal one-on-one conversations in professional and personal settings with people who do this for a living, who do gender-affirming care. And they told me a couple of things. And I hope colleagues are listening, because I'm not just saying this to waste time. Right. I've always told my colleagues that if I get up on the mike to talk, it's because I actually have something I really think is important to say. And I, I think these are important points. First of all, the people who do this care have told me that kids are already experiencing additional risk because of the conversations we've been having. Right. People I've talked to have been interviewing children or, or providing therapy for, for trans youth, have said that since we've been having these conversations, suicidal ideation and suicidal thoughts has

already skyrocketed. That's real. We're not making that up. That's not hypothetical. That's not, oh, if we pass this legislation, it might, maybe harm kids. We know for a fact from talking to the people who are in the rooms having these conversations, that that's already happening. I also know that there are certain criteria that medical professionals and mental health professionals who provide gender-affirming care currently follow. I also know that the people who provide that care talked to other colleagues of mine, who are in favor of LB574, about what that legislation would look like. There have been conversations with people about what processes and procedures need to be followed in order to properly follow gender-affirming care best practices. And none of those are contained in this legislation. Colleagues, I want to make very, very, very, very clear that the amendment we have on LB574 does not codify best practices at all. It does not, in any way, shape or form--

**KELLY:** One minute.

**DUNGAN:** --thank you, Mr. President. It does not, in any way, shape or form require that best practices are followed or adhered to, prior to receiving gender-affirming care. What it does is it orders an individual, who is not an expert in this field, to make a set of rules that have to be followed in order to get gender-affirming, non-surgical care. It does not say at all that they have to be best practices. And in fact, the four things that it says you have to follow, it says that's just the floor. You can add additional requirements. You could say, I want every child who wants gender-affirming care to go talk to a different therapist every day for a month and a half and only then, can they receive the care. Nothing is stopping that. So anybody who tells you that this codifies best practices is either lying to you or is incorrect. And my hope is it's the latter. So we need to continue to pore over this amendment. We just got it today. But, colleagues, look at it and please understand, I don't think this does what some of you think it does. Thank you, Mr. President.

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

**DeBOER:** Thank you, Mr. President. Good evening, colleagues. Earlier this year, I said, we're acting like we're in an arms race. And arms races never end well. And I feel like today, we're in another episode of that arms race. Everything, everything that's been done, I would say, with the exception of the time that we changed the rules in a manner that is not according to our rules, but other than that,

everything we have done this year has been according to our rules. This amendment today, arguably within our rules. There's some question about a hearing. It is a little weird to do it on Final Reading. People gave an example of LB1107, but I don't think we put all that into the shell bill in Final Reading. I think what probably happened is that there were folks who were starting to lean against LB574, so they married it with another bill to ensure they had enough votes. And that's within the real-- rules. It's probably even strategic, if you want those bills to pass. The hearing part, it may not be, but other than that-- may also not be the same topic. In best practices, these kinds of big issues would get discussed as separate topics, since they're very different things. But we keep, we keep raising the ante. And I ask myself and I'll ask all of you, what is our way out? Because things are just going to continue to go like this, I guess, until what? What is the logical extension of all of this? I don't think it's done in 16 days. It doesn't seem like it's going to be done in 16 days. Seems like it'll carry over into next year, so where does it end? What, at this point, procedurally, does "right" look like now? Because people will get their way. Somebody will. One side or the other will get their way. But does that make it right? I mean, is winning enough? Maybe. I don't know. I know that people's whole hearts are wrapped up in these issues. And I guess both sides feel like the majority and history are on their side. Can you imagine that for a moment, colleagues? Folks on the other side of these issues are just as certain that they have the moral imperative on their side, just as certain. Can we still do that--

**KELLY:** One minute.

**DeBOER:** --anymore? Can we still look at our colleagues and try to understand where they're coming from or are we just building up the walls, higher and higher and higher? Can we still put ourselves in our neighbor's shoes? And if you're asking me, it's getting harder. And what does that mean for us? It's not just in here, although clearly, it's in here. In our whole country, it's getting harder for us to see the people who disagree with us as people. But they, they are people. How do we end this arms race, colleagues? Thank you, Mr. President.

**KELLY:** That's your time, Senator. Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. I'll probably be against the motion to overrule the Chair. But it's just-- why not before? You know, at the rate this, this, this session has been going, it's tough to be collegial or believe in an institution and believe that things

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are supposed to go right and we're going to do things by the book or by the rules and those type of things. But if this session has told us anything, it's that a lot of the institutional norms don't really matter. They were thrown out the window a long time ago. So I don't know. It's just weird, especially because I don't think it--some things that we vote on in this body, I don't think we should ever touch. Because a lot of things shouldn't be legislated through the Legislature or by individuals in our positions. I think some things should be left to Nebraskans to figure out on their own. And we shouldn't be trying to pass legislation to tell individuals what and what not to do with their bodies. It's not-- I don't know. It's, it's just something I don't feel comfortable doing, especially as a man. I shouldn't be in a position to say whether or not a woman should or shouldn't seek care for whatever she wants. That's-- that shouldn't be my position. I don't think we should be even thinking about it. I also don't think we should be building prisons. I just-- morally, I just think prisons are wrong. I'm never going to be in support of building any prison, because I know what prisons come from. I know what the roots are. I know the origins. And to me, prisons are just nothing but modern-day plantations. And that's what they are. And it's a fact, because if it wasn't, our 13th Amendment wouldn't allow for slavery to be legal. The way we look at individuals in the criminal justice system tells me that a lot of people don't view those individuals as humans, no matter the, the mistake. And that's what makes it-- this job tough, is that you walk in with optimism and trying to be as hopeful as possible that the things we're talking about or the things we're working on are going to be understood with logic. And you hope that the votes we take in here are done with thought, logic, reasoning. But a lot of times, we all know when we get to the floor where most of these votes are going to go. And that's a shame. It's like we, we have all these hours of debate, but we know, going into the debate, no matter if it's 8 hours, 4 hours or 2 hours, how most of these debates are going to end. So it's not necessarily debating. We're just here saying how we feel about something. But the debate, you-- honestly, happens on a lot of bills in committee hearings and hearings and in committees. Because when we get to the floor, although it's masked as debate and we're going back and forth and talking about the issues, I don't know if, if it's really debate. It's just us talking over each other. No one's really listening. We're in and out. No one cares about logic. Even if you-- you could present the most evidence you want why something should or shouldn't be passed.

**KELLY:** One minute.

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**McKINNEY:** And based on politics, that thing could either pass or not pass. And that's what's going on here. We're throwing logic out the window. We're throwing reasoning out the window and we're just going with what people tell us to do in a lot of cases. And that's a shame, because I don't think people sent any of us down here to be told what to do just because or fear this or fear that. We shouldn't be fearful of doing the right thing, especially if not doing the right thing is going to harm a huge population of our, our state and our society. And then we wonder why people don't want to be here. They don't want to stay here. Our kids are looking to leave at the first chance they get.

**KELLY:** That's your time, Senator.

**McKINNEY:** Thank you.

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

**HUNT:** Thank you, Mr. President. We're to the point in this session where people aren't even getting in the queue to talk about, you know, anything else. Are there any people here still who are freshmen who haven't spoken yet? I don't think so. But I look around the room and I literally don't know why some of you are here. You're not in the mix. You're not talking. You're not sharing your views or opinions about bills or about motions or about any items that come up on the board. You're annoyed, clearly. You're voting against calls of the house. You're voting, you know, in uncollegial ways. But you're still sitting here, waiting for what, I don't know. We're probably going to be here until midnight tonight if there isn't another motion to adjourn or something like that, because Senator Arch said that he wants to get through. Well, we passed over LB562, which I, I disagree with that. I don't think that we should have done that. I think we should have taken it up. He said that we'll get through LB5-- LB705 before we leave. And that's on Select File, so that's 4 hours of debate. So it'll probably be at least around midnight until we get done here. So if any of you have stuff to do, either support a motion to adjourn or take off until midnight when you need to come back and vote or whatever. But I feel like in past years, it would be normal for people, for conservatives, I mean, I'll put it that way, to get in the queue and say something. Show some leadership. Just because Speaker Arch hasn't been showing leadership this session doesn't mean that you can't. It doesn't mean that you can't stand up and share your view about something or say how you think things should go. Senator DeBoer was asking, what's the way out? What's the way out of this? I think after now, almost eight weeks, maybe more, of this filibuster, if

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there was a way out, we would have found it by now. And the way out now is just for the session to end. You know, I'm not, I'm not introducing a sine die motion or supporting one or anything, but I think that's the only way that we get out of here at this point. It's an unstoppable force and an immovable object. And we are just, you know, scraping the ground toward day 90. And until we get to day 90, there's no way out, unless Senator Hughes or Senator Brandt or Senator Riepe or Senator Linehan or anyone of you whose kids have been begging you not to support these anti-LGBTQ laws, can grow a pair and just say, enough is enough. Let's move on with the session. If we kill LB574, we're not filibustering anything else. Everything else is getting up or down 25 votes, basically, unless one of you wants to take it to 33. You get gubernatorial appointments, you get consent calendar, you get, you know, 13, 14, 15, 16 days of normalcy. You get collegiality. And the more time passes, we just don't have an opportunity for that. And I mean, like you don't, you don't want it. You don't want it. One of the questions I get most commonly, when I talk to groups of kids-- school groups and they request me a lot. I'm not popular with you all, but the kids like me. They say, what do you say to people who want to move out of Nebraska? Or like, What do you say to people who, you know, don't think that they're going to be able to live here? And I always want to say something hopeful and optimistic-- hang in there, it gets better, that type of message. And I--

**KELLY:** One minute.

**HUNT:** --thank you, Mr. President. And it is a really privileged thing to say, because not everybody has the means to leave. Right. A lot of people apply for colleges out of state so they can get somewhere where they feel safer. But if they don't have the opportunity to do that or can't afford it, can't move, whatever reason, they have to stay here. And they have to live in the hell that you're putting them through, taking rights away, taking access to healthcare away, taking dignity and respectability away from them. The violence that we see happening throughout this country against LGBTQ people, spurred on by you, they have to live with that. And I'm to the point where I say fight as long as you can, but you have to take care of yourself and your health first and foremost. And if you're not well here, get out.

**KELLY:** That's your time, Senator.

**HUNT:** Thanks, Mr. President.

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

**VARGAS:** Thank you very much. I rise in opposition to overruling the Chair, for the same reasons as previously before. I think that this is an important and arrested set of powers within the Speaker. For the underlying issue and I've, and I've said this before, you know, I've made my position pretty clear on the underlying bill. And I hope we-- well, I believe we debated it and it ended where it ended. And I know it's now taking into a different form, which I don't support. I know that our rules govern and allow us to do certain things. I've tried to be as consistent as possible with-- if it's within our rules and we're able to do it, even though I may disagree with it on the-- on, maybe, not liking a policy or a law or somebody trying to enact a law, I still want to support the ability to be able to make that happen. Now, the concern I have with this has been on the impact it's going to have on our culture at large. And it's a responsibility of us all on how we move forward and also, how I would feel if the shoe was on the other foot. And that's the piece that I just really want to make sure that everybody leaves with, which is if we were put in this situation where you disagree with a bill but it's coming up in a different form and being added to a different bill, how it would make you feel and what that also says about the priorities that we're elevating. You know, my hope is still that we get to a significant number of other bills here, on the floor. And I do trust-- you know, I had a couple of sort of off-the-mike conversations, people not necessarily saying that they would trust that the filibuster would actually stop. I have faith and believe the senators that have said that they would stop filibustering, based on that one bill. One of the things I want to make sure that we do is we can actually get to doing more of the work that is necessary for this body and take them for their word, because that's what we have right now. That's honestly, all we have right now. And as somebody that has been here for the last six going on seven years, our word is all we have. And my hope is that we take that into account as we are, well, eventually getting to that bill, but also, more importantly, being really mindful about the kind of debate we have on whether or not this is right to do, just because we can do it. That kind of argument can be very-- I'm trying to find the right words, but demoralizing, for those that disagree with it. And that demoralization has an impact, an impact on Nebraskans that some that might support this and some that are against it and trying to ground that as much back into the policy of I believe we had that debate. We're about to have it again. Colleagues, I am worried about the precipice and where we're headed here, especially in the last 16 days.

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And I hope we're all taking our responsibility and how we're going to continue to work on the other pieces of legislation and also make sure that this bill, at the end of the day, isn't the only bill that defines us and we actually take people at their word in what they say they're going to do. It's the best benefit that we have right now, because I believe that we can be better as a state. I believe we can be better. And I still want to believe that we're listening to the experts on these issues and I don't believe we're doing enough of that. Thank you very much.

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

**RAYBOULD:** Thank you, Mr. President. As a freshman senator, it's, it's really awful being here. It really is. There's no easy way to mince words about that. Jon Meacham wrote a great book, *The Soul of America: The Battle for Our Better Angels*. And his book takes us back in history and the lessons that we've learned in trying to understand this moment in American politics, by looking back in our history when hope overcame division and fear. When I came to this body, I was so hopeful and optimistic and full of great ideas and eagerness to roll up my sleeves and get busy and do a lot of the things that the Nebraska Chamber of Commerce suggested that we do: focus on workforce, focus on affordable housing, focus on child care, to make us a more welcoming state. But I feel that we're doing everything we can to unravel the great things about our state by going down this deep, dark rabbit hole of divisiveness, pushing forward hateful and hurtful bills that don't serve our state well. You've heard from little kids who say in fifth graders, they say they're scared about going to school because of all the gun violence. And they're frightened. You hear it from high school students who say the same, that they're frightened about going to school because they fear that gun violence might break out. You hear from their parents that talk about that same issue, that they're frightened for sending their children to school. We had one amazing mother speak at our last rally. And she was saying that every time they talk about gun violence and trauma going on in schools, she's traumatized yet again, thinking, have I made the right decision about sending my child to school? We don't even listen to families who have trans children and the hardships that they're going through, to make sure that their child is OK and is welcomed and accepted and grows up to be the child that they were meant to be and the adult, the wonderful person they're meant to be. We don't even listen to the medical professionals. We don't listen to science anymore. And that is what is so-- it's such a- it's, it's heartbreaking to see that happen, in a state that I think we all love. We don't listen to physicians

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when they, they tell us and advise us on what is best policies for families, families who so desperately want to have babies. They give us guidance on reproductive health, yet we, we feel it's important not to listen to them. And, you know, I'm a business woman and we don't even want to listen to our business leaders after they sign petitions, telling us very clearly, don't deal with these divisive issues. You're driving potential companies away. The reality is, we are. If you look on some of the statistics, we're down 3.7 percent in the number of new corporation filings in our state. Don't believe me. Look up the data.

**KELLY:** One minute.

**RAYBOULD:** Thank you, Mr. President. Look up the facts. When I was on-- a county commissioner, I was the lone Democrat with four Republicans. But the point is, we worked together. Some days, we were really mad at each other, but we worked together. And we came up with reasonable policies, not every day, not all the time, but we did what we thought was best for our county. The same thing on the city council. We can't always agree, but we came together on a lot of things that made our city of Lincoln amazing. Here we are in the Legislature and we want to go down these divisive, hateful, hurtful policies instead of focusing on workforce, affordable housing. Let's deal with the budget. What is the off ramp? The off ramp is we focus on those issues and we table all these hurtful, hateful policies that are tearing this institution apart. There is--

**KELLY:** That's your time, Senator.

**RAYBOULD:** Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. Good evening, colleagues. I have to adjust the mike quick, for my tall rowmate here, who was on previously. But I support-- I think I'm, think I'm just trying to get my procedural pieces here, in order. But I, I believe that we should overrule the Chair. Because the motion to reorder the agenda, while, yes, it is unequivocal that it's not a priority motion, the practice of this Legislature in past sessions and this very session, has been to take it up immediately. We saw that when I tried to reorder the agenda early in the session to provide a pathway to move forward on noncontroversial bills whence the legislative filibuster sparked. It was not adopted by the body, but it was taken up immediately and it was offered as an offramp in good faith, to try and help us move

through that point in the agenda. Additionally, when Senator Blood filed a similar motion, I think it was just in the last week or two, it was also taken up immediately. I think it was right around our dinner break, in regards to a measure that, that she was trying to bring to the top of the agenda. So just this session and generally, as a matter of practice, the practice is to take up the motion. So we should take up the motion if it's filed. And as I stated in the previous time on the mike, I was moving to support the, the Chair's ruling in the last one, because the appropriate way to deal with the issue was to reorder the agenda. And that is where we are and that's why I'm supporting that effort, because the practice is to take it up. We've done it this session. We've done it in the past. That's what we should be doing at this point in time. The last few moments that I have on the mike here this evening, I just want to reiterate what's at stake here and why this time bomb that is a new, last-minute amendment to ban abortion in Nebraska and to deny access to essential healthcare for trans youth is before us, is it's really clear. The architects of these measures have been crystal clear. In the wake of losing the general public's opinion in regards to gay marriage after the Obergefell decision, they had to find an issue to rally the base. They, quote unquote, threw things against the wall until they saw what would stick and that was the attacks on trans youth. And that's why you've seen a rash of legislation introduced in Nebraska and across the country on this very topic, in just the last year or two, maybe three years tops. It's a deliberate political strategy. And know what? That's unequivocal. It's in print by the architects of said strategy. So let's leave that there. Of course, the abortion issue, which now is married to LB574, is a long-standing point of debate and passionate debate in our country and is now ratcheted up to new heights in the weight of-- wake of the Dobbs decision. But because opponents of abortion put forward a measure that was a bridge too far, even for many pro-life Nebraskans, including Senator Riepe at the time. They overreached and they were unsuccessful. So they've married this ban with the anti-trans ban because they can. And it's their right, as it is any senators, to use the rules as they see fit. It definitely raises a host of procedural and legal questions that were not there, otherwise. But let me also be clear.

**KELLY:** One minute.

**CONRAD:** Thank you, Mr. President. The filibuster will increase in ferocity, in additional voices will joins this chorus and work will be even harder to get done. We've been able to figure out a way to manage the filibuster and allow important work to get done in good faith, recognizing the deeply held interests of each side. That's harder and

harder to do, when these measures and these procedures are brought forward. And each and every one of you who is supporting this effort risks what hangs in the balance. Those are the issues on Final Reading, Select File and that you have prioritized. Critical issues for public health, for transportation, for broadband, for public water, for dyslexia, for racial justice, for behavioral health, for transportation, your budget bills, your opportunity scholarships, your judicial organization, your housing, your workers' comp, your banking, your insurance, your motor vehicles, all these--

**KELLY:** That's your time, Senator.

**CONRAD:** --are at risk because of your--

**KELLY:** Thank you, Senator Conrad.

**CONRAD:** --actions. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. Yeah, I kind of thought that this was like, odd. I've asked this question several times, too, throughout the session about reordering the agenda. And it's not a priority motion. So if you want it taken up, up right away and it's not scheduled right away, you have to make a point of order, then the Chair rules. The Chair ruled it's not a priority motion. But overruling the Chair in this particular instance would be then saying, we know it's not a priority motion, but we want to take it up anyways. I don't-- I'm not arguing for people to do that. I don't expect anybody to do that, whatever. But the reality is that I am trying to go back to the original agenda because why should we pass over a bill on the original agenda? I don't know. Does somebody have pilates that they've got to get to? I, I don't know. I've been told how important this bill is. I've had people talk to me about-- it's like the only bill people have ever talked to me about this year is LB562, the only bill that the lobbyists have talked to me about. Obviously, the ag advocacy lobbyists have talked to me about a lot of bills because there's a lot of terrible things happening. But the lobbyists, the paid lobbyists, corporate lobbyists have only talked to me about this bill and even then, barely, but mostly because they need me to do something for that bill. So I find it very bizarre that we would just pass over it, like with no warning. Hey, friends, it's like 5 p.m.. We're going to just pass over the bill that we were just about to do. That makes no sense. So let's go back to it. So that's, that's what we're doing here. We're making a motion to go back to the original

order of the agenda. So that's what overruling-- in this particular instance, if you were to vote to overrule the Chair, we would then go to the motion to reorder the agenda. And the motion itself is to reorder the agenda, so that LB705 is ordered after LB562, which would essentially, automatically put us back to the original agenda. So that's all I'm trying to do, go back to the original agenda. And for all you ethanol-loving people out there, I don't know why you wouldn't want to go back to the original agenda. So if you vote to overrule the Chair, then we get to vote on my motion to reorder the agenda. And then, we get to go back to the original agenda. I'm not trying, I'm not trying to slip something in here. I'm just trying to go back to where we were to start. Before we broke for dinner, right before we ended on LB282, I was just trying to get back to there, where two-- LB282 is wrapping up and we're just rolling right in. We're rolling right into the next, LB562. Oh, wait. No, we're not. So now I'm trying to get us back to there. That's where I'm trying to go back to. LB282 is over. Let's go into LB562. That's what's on the agenda. Let's go back to the agenda. Of course, the Speaker has the flexibility to pass things over. Of course, the Speaker has the flexibility to not schedule my motion. And of course, it's well within the purview of the Chair to say that it is not a priority motion. But it is also within the purview of me, as a senator, to make a motion to overrule the Chair, because I am trying to get to a specific outcome. And this body has done a motion to overrule the Chair several times this year that have been successful for similar reasons. That the Chair ruled in a specific way that you did not like and 25 or more people came together and said, nope, we're going to do it this way, anyways. So that's all I'm trying to do, colleagues, is just go back to LB562--

**KELLY:** One minute.

**M. CAVANAUGH:** -- as originally ordered in the agenda. So that's what we're debating right now, is whether or not we, as a body, want to take a-- go back and take up the motion to reorder the agenda back to the original order of the agenda. If you vote for overruling the Chair, then you still have to vote for or against the motion to reorder the agenda. So we're in process here. This is part of the process. And if you vote to overrule the Chair, you have not automatically voted to reorder the agenda. You have just voted that we should take up the motion to reorder the agenda. So there you have it. Mr. President, I would like a call of the house and-- yeah, just a call of the house.

**KELLY:** Thank you, Senator Cavanaugh. There's been a request to place the house under call. The question is shall the house go under call.

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

**CLERK:** 13 ayes, 5 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 to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators DeBoer, Clements, Ibach, Hughes, please return to the Chamber and record your presence. The house is under call. Senator DeBoer, please return to the Chamber and record your presence. The house is under call. Members, the question is to overrule the Chair. The Chair previously, the, the Chair previously ruled that a motion to overrule the Speaker's agenda is not a priority motion. There's been a request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting no. Senator Bosn voting no. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting no. Senator Erdman voting no. Senator Frederickson voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell. Senator McKinney not voting. Senator Moser voting no. Senator Murman voting no. Senator Raybould not voting. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz not voting. Senator Wayne. Senator Wishart voting no. Vote is 5 ayes, 38 nays on the motion to overrule the Chair, Mr. President.

**KELLY:** Motion fails, Mr. Clerk, for items.

**CLERK:** Mr. President, amendment to be printed for Senator McKinney to LB814. Additionally, priority motions. Senator Machaela Cavanaugh would move to adjourn the body until May 9, 2023, at 9:00 a.m.

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**KELLY:** Speaker Arch, you're, you're recognized to address that matter.

**ARCH:** I would ask you not-- that you vote no on the motion to adjourn. We have a lot of work to do between here and day 90 and it will take a lot of hours to do it. So we need to stay tonight; finish LB5-- LB705 on Select. Please vote no.

**KELLY:** Senators, you've heard the motion. Request for a roll call vote on the motion to adjourn.

**CLERK:** Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting no. Senator Bosn voting no. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad. Senator Conrad voting no. Senator Day not voting. Senator DeBoer not voting. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson not voting. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell. Senator McKinney voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne. Senator Wishart voting no. Vote is 0 ayes, 41 nays, Mr. President, on the motion to adjourn.

**KELLY:** The motion to adjourn fails. Mr. Clerk for items.

**CLERK:** Mr. President, next item on the agenda--

**KELLY:** Raise the call. Raise the call.

**CLERK:** --LB705. There are E&R amendments, Mr. President. Senator Conrad would move to bracket the bill until June 2, 2023.

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

**CONRAD:** Thank you, Mr. President. And good evening, colleagues. As is always been a part of our work together, after the toughest of debates and the toughest of votes, we have to keep working together. And I've

always found that to be an unexpected and constructive feature of the Unicameral, that you never know where you're going to find-- well, it used to be 25 votes. Now everything's becoming more like 33. As we move closer and closer to the votes-- vote threshold is required to enact legislation. And it used to be a simple majority at 25. But now, in many instances, unfortunately, we have to, to count to cloture, much like they do on the federal level and in the US Senate. But I always thought one of the most important, distinguishing and constructive features of the Unicameral was no matter how tough the debate, no matter how tough the vote, you had to stay in relationship, because you never knew where you were going to find 25 or you're going to find, I guess, now, 33, on the next issue before us or perhaps, on the issues that we need to work on together next week or the issues not yet presented on the horizon. So the feature that kept our work going and kept us in relationship is perhaps more welcome in the present moment than I've ever experienced or anticipated before. So we've worked through, I think, some very unexpected, disappointing, yet unsurprising developments in our legislative day together. And that, of course, to no surprise to anybody, has changed the tenor and the tone of our debate, has amped up the ferocity of the filibuster, yet requires that we debate the important measures that are contained in LB705, which is the education package for this session. So you may remember, there are a host of component parts that the Education Committee looked at together and put forward on General File. I understand that there will be a Chair's amendment to clean up some of the work that was done on General File and to address other members' concerns, that I anticipate we'll spend a great deal of time debating today. And I know that other senators are working very hard to file their measures that were pending before the Education Committee, as they're looking for opportunities to bring those issues forward and find vehicles to bring those measures over the finish line with compressed bills before the Legislature and compressed time left in our session. So I anticipate that we will have a, a host of very thoughtful debate about these measures. And I'll look forward to it today. Thank you, Mr. President.

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

**ERDMAN:** Thank you, Mr. President. So earlier in the debate this evening, we've had overrule the Chair several times. I was going to rise, rise to a point of order that we're doing this exactly wrong. I'm going to read Rule 1, Section 12. I'll read it real slow so you'll be able to understand it. OK. The President may speak to a point of order in preference to members and shall decide the question or order subject to the challenge to the Legislature by the member. Once the

challenge, no member may speak more than once, more than once, unless leave by the Legislature. Doesn't say anything about opening, doesn't say anything about a close. Speak once. So, turn over to Rule 2, Section 10. This is the rule that some think applies. Let me read it to you. The introducer of the matter pending may speak for 10 minutes when he or she first presents the matter to the Legislature. Each member shall then be allowed to speak up to three times for not more than five minutes on each occasion. That rule does not apply to overruling the Chair. Does not apply. If it did, you would get three times to speak, you could yield time, you could ask questions, you could do all those things that are described in Rule 2, Section 10. It is a stretch, even if you're a lawyer, it's a stretch to say that Rule 2, Section 10 applies to overruling the Chair. No way on God's green earth do those two things fit together. I don't have to tell you this. You guys know I'm not a lawyer, but I can read some and I do have some common sense. And when I see those seven little words that say no member shall speak more than once, I don't need a law degree to understand what that means. Once. But we talk about precedence here. All right. So a question I have to ask is, what was the precedence before that became the precedence? And how does one thing become a precedence over another? You change it. So just because we've been doing it wrong for-- since 1937 or whenever Chuck Norris [SIC] invented the Unicameral, doesn't mean that we should continue to do it wrong. The rules were written to be followed. So I think next year, when we do the rule amendments, we need to have a rule in the front that says, obey the rules. How about that one? Follow the rules. That would be a great rule to start with. It's kind of like when you're in business, you've got two rules of business and here's how they work. The customer's always right. That's rule number one. Rule number two, if the customer's not right, revert back to rule number one. So maybe, that's what we need to do in the Rules Book: follow the rules. We've chosen not to do that tonight, on a couple of occasions. And the reason that I didn't challenge the ruling was because we would have went past 8:00 when we started and we wouldn't have been able to get this bill completed by midnight. So I didn't challenge them. But I'm here to tell you right now, that's not going to be happening anymore. The rules are meant to be followed and we're going to follow the rules.

**KELLY:** One minute.

**ERDMAN:** Precedence. That's what we hear all the time. That's precedence. That's what we've always done. We don't clear the queue when we do a call of the house. That's precedence. Since when? So when we do the rules, we're not going to amend a few rules. We're going to

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start at the front and we're going to rewrite this sucker from beginning to end. And we're going to write it in language that anybody can read it and understand it. It's going to be very clear, very succinct, what we intend to mean and what we mean. Long overdue, writing the rules again. And we are going to do that, believe me. Thank you.

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

**MURMAN:** Thank you, Mr. President. I rise today in support of LB705. LB705 includes the Education Committee's work on the lottery funds, a comprehensive attempt to attract and retain teachers, several proposals on school safety and classroom management, improved access to extracurricular activities and a few other miscellaneous items regarding our colleges. I think it's no surprise that when we have large bills like this, there are going to be some mistakes made in drafting or otherwise. We're going to continue to improve this bill with the next vote we take, which is a cleanup amendment for several different sections and adds an e-clause. As I stated during my open on LB705 during General File, the committee worked to find broad consensus on many issues across our educational system. I have several bills in the Education Committee that I wanted to get to the floor this year, but that time and circumstance did not allow for that. I'm sure many of my colleagues on the Education Committee feel the same way, but that, that did not deter us, deter, deter, deter us from getting things that we must do on the floor. Things like retooling our FAFSA language so students could continue to receive these benefits in accordance with federal statute. We're adding a new branch of the U.S. military to our list of veterans able to receive education benefits. These are things that we need to get done, so we're going to continue to have discussion on this bill. There are small pieces where there is uncomfortableness and we're going to work on these issues, also. Until then, I look forward to supporting this bill in its current form and we'll have more to say on amendments yet to come. Thank you, Mr. President. I yield my time back.

**KELLY:** Thank you, Senator Murman. Senator Macheala Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, well, this is going to be our latest night yet. I think this goes to 11:50 or so, before we get to cloture, which raises several questions, but I'll reserve those for later in the evening. We got time. We got almost 4 hours of time. All right. So LB705, motion to bracket. I mean, I

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probably would support this motion to bracket because, why not? Let's take it up in June. We're still in session. That will be day-- June 2 will be day 89. It is Select File, but I don't think we can get it passed on Final. So-- I mean, see now, what, what-- in, in other days, pre the rule changes, realizing oh my gosh, this is June 2. That's too late to get it over the finish line. And if we bracket until June 2, oh, no, we can't do that. We need it to be more like May 30 and still be able to pass it. Well, that's fine. Just withdraw the bracket motion and put up a new one that says May 30. Oh, wait, in the middle of session. We made a rules change, so we can't do that. Right. Remember that? I think was day 50 or so. Yeah. So we can't. So I guess we're stuck with voting on June 2. Hopefully, it doesn't have the votes. That's going to be a problem. So, we are on LB705 and it has been a long day. Did everybody enjoy their two days off? It went fast. I don't know about you, but for me it went like super fast, super, super fast. And now it's like, oh, I'm here with you all. I was trying to figure out what the order of amendments are on here, because there's a lot filed on this bill. A lot. A lot. But I think we're taking up-- the first thing we're taking up is Senator Murman's amendment, though he has two amendments filed. We've got-- Senator Vargas has a couple of amendments, Senator Erdman has an amendment, Senator Blood has an amendment, Senator Murman has two amendments. Unclear to me, but it's probably clear to somebody, I'm sure it's clear to the Clerk's-- the order of this. Then they've got the Journal, but some of these aren't in the Journal. They're only in the Journal if they were filed, maybe earlier, I'm not even sure. Let's see here. Vargas' AM was filed on May 8. That's today, May 8, so that's got a Journal entry and let's see. I don't see-- yeah, interesting. So I see the Vargas-- oh, maybe the other things haven't been read across yet. That makes sense. OK. That makes sense. So, Senator Vargas' amendment is the one that was read across. The others have not been read across. So we are-- yeah.

**KELLY:** One minute.

**M. CAVANAUGH:** Thanks. And I think one of these Senator Murman amendments is a cleanup, so there, we got that. That's cool, love a good cleanup. Wonder what we're cleaning up. I don't know. I feel like this bill has a lot in it. Let's look at the committee statement. LB705: change provisions for the distribution of lottery funds used for education; transfer powers and duties; create new acts and funds; and change education provisions. Came out unanimous. It's got some opponents. Boy, excuse me. Oh. Oh, I think this was a bill that we debated last week, that had like, well, I don't remember. So, testifiers on LB153, great--

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**KELLY:** That's your time, Senator.

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

**KELLY:** And you're next in the queue.

**M. CAVANAUGH:** Thank you, Mr. President. So it's a 10-page committee statement, so I'm just trying to figure out what all is in here. I'm also trying to realize-- this morning, I was freezing in the Chamber. Like, I was ice cold. My hands hurt, it was so cold in here. And now, I'm really, really warm and I-- [RECORDER MALFUNCTION] --blowing, so that does make me think that maybe it's not just me. I'm constantly like, am I just hot? Is everybody hot? So. So yeah, maybe it's not just me, because there's a fan blowing. The regulation of the temperature in this building is a little difficult. There was one late night last year-- Gosh, I wonder what month it was, but there was a late night and I think the furnace was like on overkill or something. So somebody opened a window and I think it was probably a window up there, up there. I'm not talking about the night that the bird got in. There was a night, a late night, where there was a bird flying around in here. But that was a couple of years ago. This was last year. There was a late night and the window was open because it was so hot in here that everybody was sweating. So then they opened a window, but it was like snowing or something outside. So it was really cold outside. So then it was so cold in here that people literally had their coats on and blankets. So the regulation of the temperature has certainly improved this year. I think with the HVAC moving along, or maybe not, maybe it's mind over matter, and I just think that it's improved. Who knows? But it was cold this morning. It is warm now. And I am grateful to whoever turned that fan on because it periodically does-- I do get a small, small whiff of, of cool air in this direction. So, yeah. Anywho, I was reading the committee statement-- testifiers on LB520. Proponents. Senator Walz, Mike Cassling, Stephanie Howell, Lashonna Dorsey, Jason Buckingham, Jack Moles. Kyle McGowan. No opponents. That's great. LB603 as amended by AM392 would incentivize the recruitment of public school teachers by allowing persons who possess a bachelor's degree and have been certified to teach through alternative organizations to become certified to teach in Nebraska after participating in a school district clinical experience for 1 semester in such individuals' first semester of employment. Great. LB603. Proponents. Senator Linehan, Melanie Olmstead, Andy Schmidt, Jeremy Ekeler, Nicole Fox. Opponents. Sarah Skretta from the Nebraska Association of Colleges for Teacher Education, Tim Royers from NSEA, Jim Walter, self, Delores (DE) Tonack, self. LB632. As amended by AM1208, LB632 would prohibit a school from suspending a student in

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pre-K through second grade. Exceptions are granted if such student brings a deadly weapon on school grounds or to a school sponsored activity, or athletic event, or any vehicle being used for a school purpose, or by a school employee. Motion to include LB632 as amended by AM1208 as part of the-- of AM1468. Vote results, 7-1. So all right. LB632 proponents.

**KELLY:** One minute.

**M. CAVANAUGH:** Thank you, Senator McKinney. Elizabeth Eynon-Kokrda, Education Rights Council. Connie Edmund, Commission on African American Affairs. Anahi Salazar, Voices for Children. Rose Gooding-- Goddins-- Godinez. Sorry. Very tired. American Civil Liberties Union of Nebraska. Opponents, none. Neutral, Lisa Schoenberger, self. LB467 [SIC] [LB647] changes provisions relating to the purchase and loan of textbooks for children enrolled in kindergarten to grade 12 for a private school. Motion to include LB647 as part of AM1468. Vote results, 8-0. Senators Albrecht, Briese-- how everybody voted for it. OK, LB647 proponents. Mike McDonnell--

**KELLY:** That's your time, Senator.

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

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

**HUNT:** Thank you, Mr. President. This is a bill, LB705, that we've put many bills into, including some that I really support. And I'm taking a look at the amendment that Senator Murman would like to get to that we'll, we'll get to shortly here. And what the amendment does is it strikes section 24, 41, 42, 51, 60, and 91, and inserts the following new sections. Looks like we're striking a little bit of language. It says, the Excellence in Teaching Cash fund is created. The fund shall consist of transfers by the Legislature, transfers pursuant to section 1 of this act, and loan repayments, penalties, and interest payments received in the course of administering the Attracting Excellence to Teaching Program and the Enhancing Excellence in Teaching Program. 2(a) For all fiscal years beginning on and after July 1, 2024, the commission shall allocate on an annual basis up to \$250,000 of the funds transferred pursuant to section 1 of this act for grants to teachers pursuant to the Career-Readiness and Dual Credit Education Grant Program. Sub (b) For all fiscal years beginning on and after July 1, 2024, the commission shall allocate on an annual basis up to \$500,000 of the funds transferred pursuant to section 1 of this Act

for grants and loans to students enrolled in a teacher education program for student teaching semesters. Sub (c) Of the funds remaining in the Excellence in Teaching Cash Fund after the distributions pursuant to Subdivisions (a) and (b) of this subsection for all fiscal years, the commission shall allocate on an annual basis up to \$400,000 in the aggregate of the funds to be distributed for the Attracting Excellence to Teaching Program to all eligible institutions, according to the distribution formula as determined by rule and regulation. The eligible institutions shall act as agents of the commission in the distribution of the funds for the Attracting Excellence to Teaching Program to eligible students. The commission shall allocate on an annual basis up to \$800,000 of the remaining available funds to be distributed to eligible students for the Enhancing Excellence in Teaching Program. Funding amounts granted in excess of \$1.2 million shall be evenly divided for distribution between the 2 programs. Any money in the Excellence in Teaching Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act in the Nebraska State Funds Investment Act. Reading these amendments and going through the normal course of legislation, hearing bills in committee, reading drafts of bills when they get introduced in the first 10 days, and then seeing the course of relationships and political outcomes and votes and blowback over the days after these bills are introduced. It's so remarkable how a bill starts and it has a number in it, like \$1.2 million, or \$400,000, or the aggregate of the funds, or \$500,000. You know, why not \$1.2 million you know, \$2,500, or \$1.003 million, or-- it's the way these budgets get settled out. And--

**KELLY:** One minute.

**HUNT:** Thank you, Mr. President. And whittled down, or what gets taken away and put back, that then the people of Nebraska have to live by. And, you know, this type of money in these kinds of grants can make or break a career for a young educator in Nebraska are subject to the whims of who's mad at who, of who thinks that someone's a liar, of who broke someone's trust. And it's awesome, in the real sense of the word it fills you with awe, at how flippant and how petty we are about these types of things, whether it's regarding funding for education or for human rights, for deciding when kids can get expelled from school, at what age they're allowed to do that, versus what kind of health care they're allowed to get with their parents consent. Thank you, Mr. President.

**KELLY:** That's your t-- Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized to speak, and this your last time on the bracket motion.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, as I was previously saying, I was trying to figure out-- there's a lot of stuff filed on this bill, and so it's hard to figure out what the order is. And I don't see anything proactively handed out from the committee itself. So-- and I don't see that the pages are jumping up to hand out 50 copies of something on any pending amendments. So it is a little hard to know what exactly we are going to be debating on this bill. And I, for one, get anxious when we're debating something like right now, and I don't know what it is, and nobody's sharing any information about it. So my little antenna goes up thinking something's not right here, so I'm going to try and figure out what's going on, and why there are amendments filed, but no information from the committee about what we're about to be debating. And nobody from the committee getting on the mike and explaining what we're about to be debating. So I am a little apprehensive. So this first amendment that I'm looking at is AM1669, and it changes appropriations to transfer, OK, fiscal year, blah, blah, blah funds. This looks like a technical bill. OK. Department shall make payment to each applicant school district on before-- the department shall make a payment to each qualifying applicant school district-- now, this doesn't seem-- Education Future Fund pursuant. This is much more tech, so not clean up. Individual may apply for participation in the program if the individual is an employee. OK. I don't understand what this is, but I'm just trying to quickly skim down because I'm on page 4 of 9. Ah, except as provided in subtitle-- I have page 4. This is, I believe, Senator McKinney's bill on page 4 of AM1669. It looks like it is section 60, line 23 of page 4, except as provided in subsection (2) of this section, an elementary school shall not suspend a student in pre-kindergarten through second grade. A student in pre-kindergarten through second grade may be subject to an emergency exclusion as provided in section-- OK, so except as provided in subsection (2) of this section. So I'm going to go back up to subsection (2) of that section-- of section 60-- Wait, that was my mistake. I went up and I should have gone down. Subsection two. OK. An elementary school may suspend a student in prekindergarten through second grade if such a student brings a deadly weapon as defined in section 28-109 onto school grounds, into a vehicle owned, leased, or contracted by a school being used for a school purpose or a vehicle being driven for a school purpose by a school employee or his or her designee, or to a school sponsored activity or athletic event. I'm curious how that's different

from Senator McKinney's original bill. So I'm going to have to go and look at that bill to cross-reference what changes we're making. And I know that'll probably take me back to the committee statement to begin with. Was this in the original committee bill, or did it-- was it amended in? It was in the original committee package. So it should be part of the committee statement. All right. Well, I will try and get to that committee statement then to figure out what exactly is in this bill. And I don't have any more times on this time, but I'll have more. I'll have more times. Don't you worry whether I want to or not, I'm here till the bitter end, so I may as well talk about what's in the bill. Right? Right. That should make people happy. Thank you, Mr. President. I think that's about my time, so I will wait for the next go round. Thank you.

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

**McKINNEY:** Thank you, Mr. President. I rise in support of LB705, but I will say there are some amendments that are pending that I oppose, primarily because I was clear on General File that I oppose school suspending 5 year olds. So we're just going to leave it there. There's an amendment allowing for emergency exclusions, but emergency exclusions is, translation, a loophole to, to still suspend 5 year olds based on a premise that a, a school offici-- official can make up any story and say we need to emergency exclude this kid just to suspend them. So that's why I oppose it, because there's a gray area that is still going to allow for the school to prison pipeline to continue in the state of Nebraska. These school officials, especially the one from my community, didn't show up and testify in opposition of this bill. They haven't really came out directly. It's kind of just been sneakily-- I don't know if that's the word, but they've been around here trying to get anybody who, whoever they could find to try to oppose the bill. I've talked to them and I told them how I feel about emergency exclusions. And you would think that a district that educates many kids, not only just minority or black, but kids who live in poverty, kids that deal with disabilities and things like this, would be a lot more thoughtful about how they operate, and the things they advocate for. And in my opinion, they're basically advocating to suspend 5 year olds, and 6 year olds, and 7 year olds, now under the guise of, oh, we need to emergency exclude these kids because we need to figure things out. They could find alternatives. It's just is there a willingness to find those alternatives? And in my opinion, that's no. It's trying to take the easy way out and not necessarily do what's right for the kids. In what world does suspending a 5 year old help that 5 year old? In what world do we have schools-- a school systems

that can't set up alternative to suspending kids? I don't think it's that difficult. I honestly don't. And if it's such a chronic issue, that should tell you that suspending the kid is not going to solve it. Let's figure out what is the underlying issues. A lot of times kids are dealing with things outside of their control and really looking for help. But the de-- default can't be this kid is bad, let's suspend him. Oh this kid is bad, we don't want to figure out the alternatives, we just want to emergency exclude them. That's, that's horrible. It's horrible, horrible policy for a lot of reasons. And we don't say the school to prison pipeline for no reason. It starts in elementary, and it gradually goes upstream, and upstream, and upstream, till the kid is involved in a child welfare system, juvenile justice system, then an adult system for the prison that a lot of individuals in here are going to vote the bill. And that's what I'm trying to prevent is another kid that schools don't want to look out for being deemed as a bad kid,--

**KELLY:** One minute.

**McKINNEY:** --then having a butterfly effect of that kid ending up in a prison. That's what I'm trying to avoid with that bill, and that's why I introduced the bill, and to all the school officials or administrators, if you really cared, you would have showed up in opposition. And, again, trying to emergency exclude, it's just a loophole to still suspend kids disproportionately, especially black kids, because when you look at the numbers in the district that I represent, over 50 plus of the kids that are suspended around this age group are black. So OPS, just come out and say, we want to suspend five year old black kids. Thank you.

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

**J. CAVANAUGH:** Thank you, Mr. President. Well, colleagues, I was just sitting here reading the committee statement and trying to figure out where I'm at on this bill. And I know there's some amendments coming up later that maybe will change people's positions on certain parts of it. But I just was looking through the original committee statement and I saw, as some folks were talking about, it would be helpful to those of us who are not on the committee trying to understand certain parts. And so I was looking at, let's see, it's page 2 of the committee statement explanation of amendment and it's AM1468 incorporates provisions of multiple education bills and then it goes down, committee voted 8-0 to adopt AM1468. And then it says AM1371 to LB705 directs funds for 2024 to the Nebraska Education Improvement

Fund by percentage. And so I was looking at that. I don't really know specifically what, what all of these are, but there was Community College Gap Assistance Program Fund, so I just picked 1 at random and looked it up. And the Community College Gap Assistance Program Fund aims to address the looming shortage by offering financial aid-- this looming shortage by offering financial aid to Community College students enrolled in credit or noncredit programs that are not eligible for Pell Grants that could lead to jobs in high need areas-- fields. These are low income students who would not be eligible for federal financial aid because, although they're enrolled in college, they're not enrolled in programs for credit that lead directly to a degree. So I thought that was interesting. This is-- seems like a good program. So I looked up, could see graduation rates by family income. And then there-- this is from the Midwest Higher Education Compact, which has some really good higher education data on their website, which is [www.mhec.org](http://www.mhec.org), and then dashboard, slash dashboard. So percentage of first time-- full time degree/certificate seeking students who graduate within 4 years at, first, public 2 year institutions at-- and within 6 years at first 4 year institutions by Pell Grant recipient status. So public 2 year institution, Pell Grant recipients. And in Nebraska it is just about 50 percent graduate within 4 years at a 2 year institution if they're receiving Pell Grants. And then there's non Pell recipients that-- that in Nebraska are graduating about 60 percent within 4 years. And so this group we're talking about providing aid to would be kids who are not receiving a Pell, but would otherwise be Pell eligible. So they're in that lower graduation rate, but they're going to be even lower than that because they don't have-- they're not receiving the funds to help them pay for it, so presumably they're going to have to be working on other things at the same time. So this other you can search by state, you can search by national, you can search by top 5 median. So this breaks down for those Pell recipients. The top 5 median are about 60 percent, and the national average is just below Nebraska, at about 45. And then for the non Pell recipients, they're at 66 percent for the top 5 median, and 55 percent for the national. So Nebraska over performs graduation rate in both categories, but underperforms-- or the national rate. But they underperform-- we underperform kind of the highest-- 5 highest performers. But-- so that's just 1 of these things. I could read you some more of that program if you like, but it's just a good program to help ensure in those high need areas, which is a great service our community colleges provide, which is, you know, particularly at least in Omaha, we have Metro Community College, which is dynamic, responds to our big companies' needs for training

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for specific jobs, gets people interested in high need fields. I always have--

**DeBOER:** One minute.

**J. CAVANAUGH:** Thank you. Thank you, Madam President. I didn't see you up there. So I just always remember that Metro has a great program for welding, which is a very high need field we have in the city of Omaha right now. And we, of course, have the Culinary Institute at Metro that has really helped the Omaha food culture grow by leaps and bounds. So that's just 1 line in 1 section of 1 of the bills that we're talking about here. And there's just-- this is-- the committee statement was 10 pages long, so I'll keep looking, and I'll try and look up what Senator McKinney was talking about. And maybe you can engage in a-- I can engage intelligently in that conversation as well. Thank you, Madam President.

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

**CONRAD:** Thank you, Madam President, and good evening, colleagues. I wanted to rise to share just a little bit of information in regards to committee deliberations, and then in regards to kind of what we're looking at on the, I think, Senator Murman's amendment, that would normally be kind of a, I guess, akin to a committee amendment that's been filed today in our amendments and I think is listed in the system as AM1669. So a couple of things. In regards to Senator McKinney's measure that he brought forward to the committee in trying to address a policy that has been adopted in other states to ensure that our youngest students, it's generally called too young to suspend, too young to expel, that we have a clear prohibition in place, because we know a lot of things about what's going on in in that regard. So when a very, very young child in preschool or early elementary grades has a behavioral issue that is so intense or acute that it would trigger a disciplinary action like suspension or expulsion, there's usually something very serious going on with that kid. They have an undiagnosed learning disability, or behavioral health issue, or they're being hurt someplace. And so what we know from the research is that when you have that kind of clear prohibition in place, then what-- the all-- the response to those behaviors, while serious in nature, is to ensure appropriate identification of the underlying cause of those behaviors instead of a reflexive suspension or expulsion. We also know from right here in Nebraska and in our sister states that there is an undeniable disparate impact when it comes to racial injustice in how those school discipline measures are carried

out. And also for our youngest, our youngest students in preschool and early elementary. We also know that the earlier those interventions of school discipline, like suspension and expulsion come into play that hinders the student's ability to be successful in their educational career. And that means they're more likely to drop out. They're more likely to face serious student discipline issues later in the course of their academic career. And then we see a greater likelihood for system engagement in the juvenile justice system or the criminal justice system later in life. So the earlier that we can identify appropriate interventions instead of setting off this kind of chain of, of problematic issues for the individual and for society, the better. When we were talking about this at the committee level, the committee found a great deal of consensus in saying if this is good policy for OPS and other metro schools that Senator McKinney has brought forward, it's good policy for everybody. So that's how this measure came out of committee with a broader application than was originally proposed. We've seen attempts since General File when this was introduced for the first round of broader debate to kind of peel or poke back, or peel back, or kind of--.

**DeBOER:** One minute.

**CONRAD:** --poke at-- Thank you, Madam President. The substance of Senator McKinney's measure, we've heard a lot of talk about well, let's just have it apply to Metro schools or let's have these exceptions or that exceptions. And I just wanted to provide that insight from the committee level about why we wanted to see a broader application and some of the concerns I might have about whether or not that strong, clear prohibition would be gutted by this committee or Murman amendment that's been brought forward. Additionally, there were a host of issues identified on General File, some technical in nature, some substantive, that we identified as needing a cleanup or additional amendments for the Select File debate. Due to some absences and constrained amount of time, we weren't able to really come back together as an Education Committee to exec on some of those more substantive issues--.

**DeBOER:** Time, Senator.

**CONRAD:** --that are now-- thank you, Mr. President.

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

**McKINNEY:** Thank you, Madam President. Again, I rise in support of LB705. But I will tell you that I only support LB705 as it was originally introduced on General File. If a amendment gets attached that further takes away from the original intent of my bill, LB632. I'm not going to support this bill, and I will promise the education lobby that's sitting out there that I will bring other bills in future legislation-- future sessions to further hold you guys accountable, especially those that think it's ok to suspend five year olds. And in the case of OPS, that means more than likely 50 plus of it-- 50 plus percent of the kids that will be suspended will be black. So I will hold that district accountable to this attempt. I will be very vocal about it. I will introduce legislation and I will keep going and going and going. That's what I need you guys to understand. You're trying to add in an--1 exception was already added for deadly weapons, which was understandable. But this emergency exclusion exception is b.s. to be frank. It's going to allow for a loophole for schools and school officials to just blanketly say, oh, we need to emergency exclude this kid for any reason. And that's what's going to happen. And then who's going to track the data of the kids that were not suspended, not expelled, emergency excluded? Because according to everything I've seen as far as tracking of data, and things like that, emergency exclusions isn't on the list. So you're going to have this data point that nobody sees but the district and are going to overwhelmingly suspend black kids. So if, if OPS wants to go down that route, we're going to have fun while I'm here in the Legislature, and I promise you that. Because it's unacceptable. They could find alternatives now. But it's about doing your job, stepping up and being leaders. That's what it takes. The district currently is not being leaders. They're not looking at preventative measures to prevent kids from being suspended and expelled. They just want to suspend kids, and now emergency exclude them, which is going to be a data point that they probably won't track. So we're not going to know the real numbers. But when you look at the current numbers of the kids that they currently suspend and expel, 50 plus percent of those kids will be black. And that is a fact and they know it. And then when you look at the numbers even further, most of those kids are all free and reduced lunch. So not only are they black, but they're also kids that are probably growing up in, in, in probably not the greatest situations. And I-- and and, and that's the problem that-- I know-- and I know it's not the school's job to do everything, but schools should be safe havens for our kids and our schools should be looking after our students. But when I see 50 plus percent of the kids that are being expelled, they look like me, which is probably been a thing for forever because it was probably a reality when I was--

**DeBOER:** One minute.

**McKINNEY:** --in elementary. So hopefully that amendment doesn't get attached because if it does, it's going to be a huge problem, and I'm going to try to pull it off on Final, and I'm going to keep trying to pull it off. And if the bill passes with that exception, I am promising there will be issues going forward with me and the district I represent, because they are basically down here advocating to suspend 5 year old black kids. And I'm going to make it loud and clear as much as I can. So if you're listening, and I know you're out in the lobby listening, it is going to be a problem, and I promise you that. Thank you.

**DeBOER:** Thank you, Senator McKinney. Senator Fredrickson, you're next in the queue.

**FREDRICKSON:** Thank you, Madam President. Good evening, colleagues. I rise in support of LB705 as we voted from General. I've really enjoyed and appreciated the conversation that we're having, specifically related to this upcoming amendment, and I'm looking forward to learning more about the amendment as we get into the discussion more and more about this. I'm also appreciative of Senator Conrad. I think she always does a nice job of kind of describing the various stakeholders and the consensus that is there. And I think that she did nice job of sort of summarizing the committee process with this. So that was helpful for me to kind of get a little bit of background on that. So one thing that I'm kind of thinking a little bit about-- so a little interesting fact about myself that some may or may not know in here. When I was in graduate school, I briefly worked at a federal prison. One of my professors and mentors at the time had a research grant with the Federal Bureau of Prisons, and we were doing a-- we were, we were studying whether or not a specific intervention would be effective with pretrial detainees who had had either a history of suicidal or homicidal behavior. And part of that process, when we were screening for folks that would be in the group, is that we were taking all sorts of history and a, and an assessment history of the folks that we were-- were experiencing incarceration that we were working with. And that was when I really kind of first learned about the kind of school to prison pipeline. And so I bring that story up a little bit more because that has me certainly supportive of Senator McKinney's amendment. I, I, I've seen firsthand kind of ways that folks can become involved with the justice system early on through their education system-- educational experience. And so I am concerned with what I'm hearing, especially if there's any attempts to potentially weaken Senator McKinney's amendment. So I'm actually

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curious if Senator McKinney might yield to some questions. I know he's kind of engaged in a conversation real quick, but if I may ask me a couple questions, that would be appreciated.

**DeBOER:** Senator McKinney, will you yield?

**McKINNEY:** Yes.

**FREDRICKSON:** Senator McKinney, I'm curious, so, as I'm kind of listening to this, this shift to the possible language to your amendment, were you, were you aware that this was happening, or this was going to happen? Did anyone speak to you about this?

**McKINNEY:** So I had a couple conversations about a possible amendment. I didn't know for sure that it was going to get attached, but the nature of that conversation was pretty much every time I've talked to anybody, it was about the bill being expanded from metropolitan class schools only to the rest of the state. I never had a conversation about the emergency exclusion exception because I would have told anybody, just like I told OPS, I don't like it. I just said, if, if you don't want your schools included, that's up to you to talk to the committee about, but that was the conversation.

**FREDRICKSON:** OK. Thank you, Senator McKinney. So, tha-- that's also kind of helpful for me to understand as well, just given the fact that this is Senator McKinney's original bill. I think that it's important to sort of engage him as he would be obviously a key, a key stakeholder in that legislation, and, and what that bill looks like as it progresses through debate, and as it progresses through this. So I'm going to continue to listen in on this conversation. Again, I, I'm looking forward to maybe hearing more from some of the Education Committee members about their thoughts on this, and this bill as it is their omnibus package. And at that I will continue to listen. Thank you, Madam President.

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

**HUNT:** Thank you, Miss-- Madam President. One moment here. I rise in strong support of Senator McKinney's part of this bill that prevents really young kids, as young as 5, from being expelled from schools. We know that suspension or expulsion in the early stages of childhood education can introduce a range of negative effects that kids feel sometimes for the rest of their lives, you know, for the rest of their academic lives, which affects the rest of their adult lives. And that

could include disruption of critical early learning and increased family stress. And these policies have come under scrutiny by educators and medical professionals all over the country who are saying these kids who are so young. The right thing to do when they're having behavioral issues is not to expel them at this young age. In addition, distinct gender and racial disparities exist related to these disciplinary decisions with higher rates of boys and higher rates of children of color being forced to go home from school. Arkansas, Colorado, Connecticut, Maine, Ohio, Washington, and the cities of Chicago and New York City all have introduced legislation to limit the use of suspension and expulsion of younger school children. This is one of the first policies that I worked on when I was first elected. In 2019. I introduced LB165, which was the too young to suspend act. And we highlighted, and we learned through our work on that with Voices for Children, with the public school union, with Elizabeth Eynon-Kokrda, who's a fabulous, you know, expert in education, who who was kind enough to give me her time to help draft that legislation as well as an amendment. We learned that Nebraska students with disabilities are 2 and a half times more likely to be suspended, and that black children are five times more likely to be suspended than their white peers. And this puts Nebraska second highest in the nation, number 2, in terms of disparity in suspensions of students by race. Suspending a child who is in pre-kindergarten or kindergarten is a sign that all of the adults, the principals, the teachers, the parents, the community have failed. But the least powerful and the least responsible are being labeled and punished and held accountable, the 5 year olds, the little kids. Pre-kindergarten's original purpose, preschool, was to help children who need extra help with socialization and cognitive skills. And kindergarten started as just a half day for a good reason. It was intended to be a needed transition to a full day of school for these kids. Changes have been made to this based on the needs of adults who are working parents. And it's not based on research that states what's best for the child. Once again, the most vulnerable suffer the most. Instead of pre-kindergarten being reserved for, or expanded to, those who need it the most, educators, parents and politicians now promote preschool for all as they punish and suspend the very same children the program was originally intended to serve. In addition, Nebraska is not immune to a nationwide problem. Minority students at all grade levels, including pre-kindergarten--

**DeBOER:** One minute.

**HUNT:** Thank you, Madam Chair. --are being suspended disproportionately. Neither poverty nor type of infraction can explain

the higher number of suspensions for these students. There are effective alternatives to suspensions, and they are utilized all the time in schools where pre-K and kindergarten students are not being suspended. And Senator McKinney's bill will help ensure that all of Nebraska's children are being treated fairly. It'll start to make a dent in the school to prison pipeline problem that we see in this state. And it's just good legislation. So any amendment that would take that part of the bill out, such as AM1699 [SIC] [AM1669] from Senator Merman, will cause the bill to lose significant support. Thank you, Madam Chair.

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

**J. CAVANAUGH:** Thank you, Madam President. So while I-- again, I rise in support of the section of the bill we're talking about, which is what Senator McKinney's bill about not suspending kindergartners. So the section in this amendment that we're all talking about is section 60 of that AM1669, as Senator Conrad, I appreciate giving the same number because that was-- made it easier for me to find what we're talking about. And it says, as-- except as provided by subsection (2) of this section, an elementary school shall not suspend a student in pre-K through second grade. A student pre-K through second grade may be subject to emergency exclusion as provided in section 79-246 [SIC] for the purpose of giv-- of giving the school in consultation of the parents or guardians of such student adequate time to drafting and implementing a plan to support such student. Each student-- school district shall develop a policy to implement this section which shall include disciplinary measures inside the school and an alternative to suspension. So in that section, if you look at 246, or 264, 79-264 allows for up to 5 days under certain circumstances. I'm trying to find it, I lost it here. No, that's not it either, 264, there we go. Student may be excluded from school in the following circumstances, subject to procedures. And if longer than 5 days, subject to pro-- procedures under Section 3. But so this section is allowing for kindergartners and pre-kindergartners to be excluded from school for up to 5 days while the school develops a plan on how to deal with them, implement a plan to support such students. So figure out how to support kindergartners. And then there's a second section that says, an elementary school may suspend a student in pre-kindergarten through second grade if such student brings a deadly weapon as defined under 28-109 onto school grounds, into a vehicle owned, leased, or contracted by the school being used by the school with purposes of a vehicle being driven for school purposes. So essentially saying school bus. Or to a school sponsored athletic activity or athletic event.

Again, we're talking about pre-K to second graders. So obviously, we have examples of weapons being brought to school by young kids very recently, which is a scary event, to be sure. But we're talking about preventing kids from coming to school, treating them like they've done something wrong, when clearly they are so young that they don't appreciate some of the conduct that they're undertaking. And as others have talked about, some kids, if they fall into this category as excluded in this section, it's because they have-- you know, they're experiencing some kind of trauma or mental health issue, and it's manifesting itself in a way that they're acting out in class. And the easiest thing to do would be to exclude them from class, to calm down the situation in the classroom for others, but it's to the detriment of that child. And then, you know, once somebody has been in-- suspended or disciplined once it's, of course, then more likely to be disciplined and suspended again the next time. You know, these things always escalate. And so it's not-- we should not be making it easy to suspend little, little kids from school for either acting like little kids, which, you know, you all know that I have 4 little kids that actually all of them but 1 meet the definitions of the ages in this group. And I would tell you from personal experience that they are--

**DeBOER:** One minute.

**J. CAVANAUGH:** Thank, thank you, Madam President. They're well behaved sometimes, and they are very poorly behaved other times. And that doesn't make them bad kids. And it doesn't mean that they should be kicked out of school. Sometimes you got to figure-- you have to know how to deal with them in their particular situation. But I think Senator McKinney's bill, as is and as integrated into the bill currently, improves the state of how schools are going to be dealing with kids going forward. They're going to have to figure out how to make sure that these young kids can stay in their school. So I would be opposed to stripping out that section of this bill. Thank you, Madam President.

**KELLY:** Senator Conrad, you're recognized to speak, and this is your last opportunity before your close.

**CONRAD:** Good after-- Good evening, colleagues. I was immersed in a thoughtful conversation with my colleagues on the Education Committee and committee staff who works really, really hard to support the committee's efforts. And I think that we were talking together about maybe some communication missteps. I'm not going to say breakdowns, but maybe just missteps in terms of how we, we got to the Murman Amendment, and kind of plans to address that to ensure the fidelity to

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the proposal that Senator McKinney brought forward to address educational equity and racial justice in regards to our school discipline policies. So I know that people are working with bill drafters, or perhaps even waiting to get amendments back that perhaps is a clearer or better reflection of what the committee felt comfortable with, and that we will have a chance perhaps later down the filed amendments in the-- on the bill today, to, to have a straight up or down debate and vote on whether or not we should provide exemptions or other modifications to Senator McKinney's bill. So I think people are doing their due diligence, recognizing that that may have been problematic in terms of the Murman/committee amendment that's been filed. And I think that that will be remedied, which is good news. And I really appreciate the committee staff and the committee leadership for hearing those concerns and working to address and remedy them with a better process to structure the debate. So that's a little bit about what is going on in regards to that matter. The other thing that I wanted to just mention in terms of this time on the mike was how many important and thoughtful components are in the Education Committee package in LB705 that we constructed together on General File. One of the North Star key issues that the committee took up this year was recognizing that we have a teacher shortage, pretty much at crisis levels, and so we needed to explore teacher recruitment and retention strategies really across the board to figure out any solutions that worked in other states to help recruit and retain top talent to be that front line teacher in our schools who makes all the difference in the world to inspiring children to learn and to succeed. And we have really important pieces in there from Senator DeBoer in terms of invigorating or establishing an apprenticeship program, to help leverage federal funds, and provide more pathways to the classroom. We have some alternatives to certification that Senator Linehan has identified that have worked in other states, and that may complement our existing alternatives in Nebraska. And then, of course, we have really, I think, the essential kind of nexus of the teacher recruitment and retention piece that Senator Linehan brought forward and that the committee felt very strongly about, and that was ensuring additional financial compensation, whether I, I can't remember exactly if it's called a bonus or a stipend in the measure before us, but to really provide recognition to the fact that teachers really need some extra help in meeting their families' bottom line, in juggling student loans in, keeping up, keeping pace with inflation.

**KELLY:** One minute.

**CONRAD:** And-- Thank you, Mr. President. And the more that we can do to provide that actual compensation to our hard working teachers across

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the state, the better. And so that's really a big piece of what's in LB705. And then there's just a host of other education related policies that are in there as well. But I w-- just wanted to redirect the body's and the public at large's attention to some of the key components in LB705, why it's received such broad support ,and why it's important to our state in making sure that our public education system, which has been a generational point of pride, remains strong now and into the future. Thank you, Mr. President.

**KELLY:** Thank you, Senator Conrad. Senator Day, you are recognized to speak.

**DAY:** Thank you, Mr. President. I rise in support of the portion of LB705 that would include Senator McKinney's bill. Like Senator Hunt, I also introduced this very same bill in a previous session. I believe I introduced it in 2021, in my first session as a new senator. I was surprised to find out that this was even a thing that we were doing, suspending kindergart-- kindergartners and preschoolers, and thought that it would be one of those bills-- again, I was a brand new senator. I would introduce it and everybody would be like, well, of course, we don't-- we don't want to suspend or expel kindergartners. These kids are 4 or 5, 6 years old. And here we are several years later, still not able to pass a bill to remove the possibility of suspending these really, really young kids. And I think it's-- to me, I see it as part of a larger issue of the continuing position of being, quote unquote-- It's sort of like the Polly Pocket or the mini version of being tough on crime, right? Like, we have this idea that instead of addressing root causes of these problems, we just want to implement punitive measures. And we think that that's somehow going to solve the problem. Kids who are 4, 5, 6 years old, who are behaving in ways that would cause them to get suspended or expelled, likely have other issues that could be addressed, like living in poverty, problems at home, food insecurity, mental behavioral health issues, undiagnosed disabilities. But we continue to ignore the policy solutions to address those problems in favor of implementing punitive measures like suspension or expulsion for very young children, despite the fact that we know it is not effective. I found this really great article from NBC News from a couple of years ago, and it's titled Kicking kids out of preschool is damaging, experts say. So why is it still happening? Despite laws cracking down on preschool expulsions, thousands of young children a year are put out of school. Preschoolers are 3 times more likely than older children to be re-- removed from school and to face social, emotional and academic consequences. In Houston, Emma Tsai's rambunctious 3-year-old son was kicked out of 4 preschools near his home - including one that expelled him after just a few hours for

jumping around and ignoring safety precautions. In New York City, Debra Sinclair said she felt lost and alone when a few incidents of kicking and biting got her son forced out of a preschool in Queens. And in Chicago, Mina Marien said her 3-year-old son was distressed when one preschool, then another, pushed him out for biting, shoving and in one case, hitting another child with a rolling pin. He was telling me he was bad, Marien said. He couldn't control his impulses and felt bad about himself afterwards. There's nothing new about tiny troublemakers being pushed out of preschools. A 2016 federal study found that an estimated 50,000 preschoolers had been suspended in the previous year and 17,000 were expelled. But Tsai, Sinclair and Marien all live in cities or states that have taken steps to reduce suspensions or expulsions in response to research showing that young children who are--

**KELLY:** One minute.

**DAY:** Thank you, Mr. President. --research showing that young children who are booted from preschool face a slew of social, emotional and academic consequences. It goes on to tell a little bit more about the story here. Preschoolers are 3 times more likely than older children to be kicked out of school, a 2005 study found. The crisis is even more extreme for children of color and those with disabilities who are much more likely than their peers to suffer the potentially devastating consequences that come from the disruption. Research shows that young children who are expelled or suspended are as much as 10 times more likely to drop out of high school, to hold negative attitudes about school, and to end up in jail. And expulsion can also throw parents' lives into turmoil, forcing them to miss work as they search for resources to support a struggling child. I think I'm about out of time, so I will yield the rest of my time to the Chair.

**KELLY:** That's your time, Senator. Thank you, Senator Day. Senator Hunt, you're recognized, and this is your third time on the bracket motion.

**HUNT:** Thank you, Mr. President. This is from a story from NPR. And it opens like this. First, a story. Late one night, a man searches for something in a parking lot. On his hands and knees, he crawls around a bright circle of light created by a streetlamp overhead. A woman passes, stops, takes in the scene. What are you looking for? Can I help? My car keys. Any chance you've seen them? You dropped them right around here? Oh, no. I dropped them way over there, he says, gesturing vaguely to some faraway spot on the other side of the lot. Then why are you looking here? The man pauses to consider the question. Because

this is where the light is. New research from the Yale Child Studies Center suggests that many preschool teachers look for disruptive behavior in much the same way in just one place, waiting for it to appear. The problem with this strategy (besides it being inefficient), is that because of implicit bias, teachers are spending too much time watching black boys and expecting the worst. Lead researcher Walter Gilliam knew that to get an accurate measure of implicit bias among preschool teachers, he couldn't be fully transparent with his subjects about what exactly he was trying to study. Implicit biases are just that - subtle, often subconscious stereotypes that guide our expectations in interactions with people. We all have them, Gilliam says. Implicit biases are a natural process by which we take information and we judge people on the basis of generalizations regarding that information. We all do it. Even the most well-meaning teacher can harbor deep seated biases, whether she knows it or not. So Gilliam and his team does-- devised a remarkable - and remarkably deceptive - experiment. At a big annual conference for pre-K teachers, Gilliam and his team recruited 135 educators to watch a few short videos. Here's what they told them. We are interested in learning about how teachers detect challenging behavior in the classroom. Sometimes this involves seeing behavior before it becomes problematic. The video segments you are about to view are of preschoolers engaging in various activities. Some clips may or may not contain challenging behaviors. Your job is to press the enter key on the external keypad every time you see a behavior that could become a potential challenge. Each video included 4 children: a black boy and girl, and a white boy and girl. Here's the deception. There was no challenging behavior. While the teachers watched, eye-scan technology measured the trajectory of their gaze. Gilliam wanted to know: When teachers expected bad behavior, who did they watch? What we found was exactly what we expected based on the rates at which children are expelled from preschool, Gilliam says. Teachers looked more at the black children than the white children, and they looked specifically more at the African-American boy. Indeed, according to most recent data from the U.S. Department of Education, black children are 3.6 times more likely to be suspended from preschool than white children. And don't forget, in Nebraska, that rate is 5 times more likely. So the national average is 3.6 times more likely for black children to be expelled. In Nebraska, that's 5 times more likely making us the state--

**KELLY:** One minute.

**HUNT:** Thank you. --the state with the second highest disparity in racial biases and discrimination and expulsion in the country. The article continues. Put another way, Black children account for roughly

19 percent of all preschoolers, but nearly half of preschoolers who get suspended. One reason that number is so high, Gilliam suggests, is that teachers spend more time focused on their black students, expecting bad behavior. If you look for something in one place, that's typically the only place you can find it, he said. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator McKinney, you're recognized to speak, and this is your third opportunity on the bracket motion.

**McKINNEY:** Thank you, Mr. President. I rise again because I do support LB705, but I don't support the efforts by the public school administrators out in the Rotunda tonight. And this is why. Suspending black kids in kindergarten through second grade is horrible for several reasons. First, it creates a school to prison pipeline where young children of color are punished unfairly and disproportionately, which is reflected in the numbers in the suspensions at, for example, OPS, which can lead to long term ne-- negative impacts on their academic success and future opportunities. Second, young children are still developing their social and emotional skills, and suspending them instead of providing support and intervention could exacerbate behavior issues rather than addressing them. Third, suspensions in early childhood are often used for minor infractions, such as talking back or not following directions which can be addressed more effectively through positive reinforcement and other behavioral interventions. Therefore, it is important for schools to work towards implementing alternative forms of discipline. And, you know, if the school officials would have showed up to the hearing, they would have heard my testimony about alternatives. There's a system known as school wide positive behavior support, which makes schools more effective by enhancing the capacity of schools to educate our children, especially those dealing with challenging social behaviors, by establishing clearly defined outcomes that relate to ac-- to academic and social behaviors, systems that support staff efforts, practices that support student success, and data utilization that guide decision making. This multi-tiered framework works because it's not a curriculum, discipline package, or a product, but a process for individualized and sustained decision making, planning, and problem solving. Implementation of this, of this is associated with lower discipline referrals and positive influence on academic achievement. There's also a graduated approach to discipline in which primary interventions are used to teach all students pro-social behavior. Secondary interventions deliver special programs for students-- student groups at risk of creating problems, and other interventions provided individualized support for students with chronic behavioral

issues. I was a kid with chronic behavioral issues, and just suspending me didn't solve it. It didn't even help. Because the problem is, a lot of times when these kids are suspended, nobody's asking why is the kid acting out? It's just, let's put this kid out, we can't deal with this issue. And, you know what was funny, when we were talking about this bill, I forget, a couple weeks ago, somebody in the lobby handing me-- handed me this. And it's from a song from Run the Jewels. I don't know the song exactly, but I think this is good to say. The way I see it, you're probably freest from the ages 1 to 4. Around the age of 5, you're shipped away for your body to be stored. They promise education, but really they give you-- but really they give you tests and scores. And they predict in prison populations by who scoring the lowest, and usually the lowest scores the poorest. And they look-- and they look like me. And every day on evening news, they feed you fear for free.

**KELLY:** One minute.

**McKINNEY:** We know, and a data shows that when you start suspending kids this young, statistically speaking, a lot of these kids are going to end up in the system, and it's not going to be positive. And it's a shame that we have to stand up at 9:14 at night and argue with school officials who claim they care about kids, and that is the problem. Our schools aren't stepping up to find alternatives to better understand our kids and improve their educational outcomes. They just want to throw them to the streets. And that is the issue I have. Thank you.

**KELLY:** Thank you, Senator McKinney. Senator John Cavanaugh, you're recognized to speak, and this is your third time on the motion.

**J. CAVANAUGH:** Thank you, Mr. President. Well, I again echo the comments of folks who spoke before me, including Senator McKinney most recently, but I wanted to talk a little bit more about one of the parts that I like in the bill, which is the Community College Gap Assistance Program. Talk about how much I like the community college, particularly in my community, which is Metro Community College, and how great of a partner they've been in our community, and how much they have-- how much they do. So one of the things that this, you know, the grants that we're applying I think was 9 percent to-- does-- is offers assistance to those who don't qualify for Pell Grants to help them pay for community college. And that's because of the programming they're in. And so this lists legislative, specific, in-demand occupations to include: financial services; transportation warehousing and distribution logistics; so I would think CDLs, maybe, which I know there was a bill about CDL training this year, and how

that's such an in-demand job. We had in the last couple of years coming out of the pandemic, we had a real issue with transportation of goods and, and that included getting things trucked across the country out of the ports, You know we had a backlog in the ports, and putting things on trucks, and then getting them different places. So that's an important one. Precision metal manufacturing; bioscience; renewable energy; agriculture and food processing, which we know a lot about here in Nebraska, and how important those jobs can be. We had Senator-- I think it was Senator Brandt's bill last year, about smaller meat lockers and things like that. And again, that was another thing we learned in the pandemic was how a backlog in our food processing can lead to losses for our producers, increase food costs and all of those things, and so making sure we're adequately training folks to work in those industries. Business management and administrative services, software and computer services. Of course, that's a future looking industry. Research and development and engineering services, health services, hospitality and tourism, construction, which we, again to point out, UNO has a great construction program, where I think they build a house like inside of a shed and it's pretty cool. And education and we've talked about that a lot, about the need and demand for teachers and all other education associated professionals, because, you know, we're talking about not suspending pre-K up to second graders for the last while. And one of the arguments for why we may need to do that is lack of resources, that schools don't have enough staff to deal appropriately with kids who may be having, you know, experiencing an issue. And so if we make sure we have enough staff to actually run our schools the way we need to run them, the way that it would be appropriate to make sure that every kid gets a high quality education, make sure that every kid gets an opportunity to learn regardless of what their home life may be like or regardless of what, you know, personal issue they may be dealing with, whether that's, you know, physical health issue or a mental health issue or, you know, some trauma or things like that. And of course, hunger and other things ,outside pressures. But one of the things that helps deal with all that is adequate staffing and having enough people in our education fields. So this is one line item in, in one section of the bill, again, that is directing, I think, 9 percent to this Community College Gap Assistance Program that finds a way to direct--

**KELLY:** One minute.

**J. CAVANAUGH:** --funds. Thank you, Mr. President. Finds a way to direct funds to students who are in high need fields, but who do not qualify for federal financial aid because of how they're enrolled or what

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particular credentialed program they're enrolled in, or something that the federal government hasn't really caught up with. So this is filling a need to help make sure that we're getting the, you know, staff, the jobs, the high need jobs we have in the state. But also, you know, fill in the gaps where the federal financial aid isn't helping, isn't meeting the needs of our students. So this is a good program. And one of the reasons that, you know, as it is right now, LB705 is a good bill. Thank you, Mr. President.

**KELLY:** Thank you, Senator Conr-- thank you, Senator Cavanaugh. Senator DeBoer, you're recognized to speak.

**DeBOER:** Thank you, Mr. President. I, too, wanted to talk about some of the good things in this bill. There are two things that I have that are in this bill that I think are, are worth noting and talking about as we're talking about what's what's in this bill that's good. I will note that there is an amendment somewhere, if you've seen the amendments that are in line on this particular bill. It's a little convoluted, so at some point, perhaps we will get to the amendment. That contains the amendment on my paraprofessional apprenticeship program. But what that does is it provides a pathway to becoming a teacher for those who are currently employed or under a contract with a school district that helps them to become teachers. A few years ago, before the pandemic, I was at a-- one of these legislative conferences talking to some other folks on a education committee. So it was the topic of the-- I represent us on this education committee, I think there's a few others. And the topic was the teacher shortage. And this is before we'd really felt that very strongly in Nebraska. And I remember being very smug and thinking, oh, well, they all have a teacher shortage, but we're doing fine. And it didn't take long for, for that to catch up with us here in Nebraska. I don't know what we think we're going to do if we don't have enough teachers. Right, like if you think about the costs of childcare, just, just childcare. Not even talking about education. Talk about the costs of child care. If suddenly our schools just weren't there, couldn't operate, think about what that does to our economy just in terms of people who are working. Teachers 100 percent make our economy run. Then they also, which is their chief. goal, teach our future generations. So if we don't have teachers, I mean, if we do not have people to teach the next generation-- and the shortages aren't just in public schools, it's public schools, private schools, it doesn't matter. We do not have enough teachers. We do not have enough students going into education. So this portion of the bill about teacher apprenticeships would say that we know that it's very difficult for students, particularly, maybe, nontraditional students, or people who are already working in a

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school district to be able to afford to go back to school and not get a salary. That's especially troublesome when they have to student teach, because that's when they would normally be working. This helps them by an apprenticeship program where they would take a year long, sort of like student teaching, but they would get a salary the way an apprentice would. This program was developed in Tennessee. It's called the Grow Your Own Program. And what it does is it helps you grow your own teachers by getting more students into teaching, by making sure that some of those folks who might otherwise have a difficult time have a pathway. This develops a pathway. There are federal Department of Labor dollars that, once we have a program developed, we can leverage to help pay for this. Right now, it costs us money, we got to get this going. But if we do not have teachers, I don't even know what we're going to do. I mean, I don't mean to say the sky is falling, but if we don't have teachers, the sky is falling. And the number of students who are going into--.

**KELLY:** One minute.

**DeBOER:** -education is so far down compared to what we need to supply our future teacher needs, that this is-- I mean, we're going to have to get real creative. There are a number of bills in this bill that work towards that goal. I hope it's enough. I'm not entirely sure if it will be. But I think that we need to just keep putting one foot in front of the other and keep trying new ideas and new solutions to try to get more kids into education. Nebraskans, everyone out there, encourage your kids that may be interested in teaching to go into this very noble profession. I know there's a lot of reasons why teachers are feeling underappreciated these days. I think as Nebraskans, we probably need to work on that as well. And try to make sure that they all know, we appreciate you, teachers.

**KELLY:** That's your time, Senator.

**DeBOER:** Thank you, Mr. President.

**KELLY:** Thank you, Senator de Boer. Senator Day, you're recognized to speak.

**DAY:** Thank you, Mr. President. So now we are getting into the fun stuff, having substantive debate at 9:30 at night. This is the exciting part of this job. Everybody, or sometimes I say "everytootie". If you ever hear me say everytootie, it's become a habit. My-brother-in-law, who, speaking of teachers, is a teacher. Shout out to Mr. Diehl, who has been teaching at Millard North for

almost 20 years now. He always makes a joke and says everytootie, hey everytootie, because his two daughters, who are still very young, think it's really hilarious to hear their dad say the word "tootie." I think of it like the Italian word for everybody or everything is tutti. So-- I don't know. I say everytootie. You're welcome for that if you'd like to take it. So going back to, yes, I agree with Senator DeBoer, there's a lot of really important things in this bill. However, I do not support the amendment to essentially gut Senator McKinney's portion of the bill that would remove the opportunity to suspend preschoolers and kindergartners. And again, I think it goes back to the idea that instead of-- instead of as lawmakers looking to-- seeking to solve problems from the root cause, we seek to be reactionary and punitive when it comes to these types of things. Again, many children who behave in ways that would allow for suspension at such a young age have other underlying issues that we could work on addressing as policymakers. But most of the time we don't. And when we do attempt to address those issues as policymakers, those measures are often rejected by the body. So going back to the stories that I was mentioning earlier from the NBC News article, this says, when, Tsai, Sinclair and Marien's children were expelled, they were attending schools that were outside the reach of city and state expulsion bans, or schools that were still figuring out how to comply with new regulations. The result was that all 3 found themselves scrambling for other options when the preschools they depended on suddenly banished their sons. So I think it's important to note here, I certainly don't want to get into a discussion about scholarship tax credits. But even if we were to implement Senator McKinney's bill, it would only, I believe, apply to public schools, and would not apply to private schools, which is one of the things that those of us who oppose scholarship tax credits have said all along is that often private schools are the worst offenders when it comes to treating already marginalized groups of students, the worst in terms of suspension and expulsion. And this would not apply to them. But reading further, I don't understand what parents are supposed to do, Sinclair said, noting that her son, who is now almost 6, had sensory processing issues and post-traumatic stress disorder--

**KELLY:** One minute.

**DAY:** --from witnessing violence in his home. I'll say that again. Her son, who is 6, who was suspended and expelled, had sensory processing issues and post-traumatic stress disorder from witnessing violence in his home. The private program her son attended when he was 3 wasn't subject to New York City's preschool expulsion ban because it didn't take city money. When the school kicked him out, Sinclair said she o--

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was offered no alternatives. I just wanted to get him the help he needs, she said. But it's very hard to do that. Preschoolers are 3 times more likely than older children to be kicked out of school, a 2005 study found. The crisis is even more extreme for children of color and those with disabilities who are much more likely than their peers to suffer the potentially devastating consequences that come from the disruption.

**KELLY:** That's your time, Senator Day. Senator Murman, you're recognized to speak.

**MURMAN:** Thank you, Mr. President. My staff and I have engaged in numerous conversations with several of my colleagues here on the floor. I'm going to be dropping a different cleanup amendment, which will not be touching Senator McKinney's bill as it was passed on General File. We will take up that issue a bit later on Select. The ER-- E&R amendment is a standing amendment, and there will be senators who attempt to add their bills to the package. Senator Vargas is attempting to add to his FAFSA bill and the superintendent pay cap. Senator Erdman is attempting to add his "In God We Trust" bill, a bill he has brought for the last 7 years. And Senator Blood is trying to add the interstate teaching mobility compact. I want to again reiterate some of the things Senator Conrad mentioned earlier. This bill includes a lot of good that I and the committee support. I look forward to working with all of my colleagues on it. Thank you, Mr. President.

**KELLY:** Thank you, Senator Murman. Senator Day, you're recognized to speak, and this is your third time on the bracket motion.

**DAY:** Thank you, Mr. President. And thank you, Senator Murman. It is good to hear that an alternative clean up amendment is going to be provided that would not touch Senator McKinney's portion of this education package. I did want to continue reading about this just a little bit more because I think it's an issue that we continue to hear about, and we'll likely continue to hear about beyond, because this article specifically talks about private schools. And I just wanted to finish reading a little bit more. Most of the new laws banning or restricting suspension or expulsion apply only to preschools that are publicly funded. That's despite research showing that privately funded programs such as those in churches or office buildings where staff members tend to have less training, are much more likely to expel hard to manage students than more highly regulated public programs. Even in Illinois, where one of the nation's most far reaching laws aimed at curtailing preschool expulsion applies to both government funded

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programs and to those that are merely licensed by the state, the law has been slow to have the impact advocates anticipated. The law went into effect in early 2018, but the agencies that will enforce it are still writing the rules. A recent study found that more than 1 in 3 Illinois preschools contacted by researchers had expelled at least one child since the law took effect. Some schools said they didn't know about the law, while others seemed confused by it, said Kate Zinsser, assistant professor of psychology at the University of Illinois at Chicago, who led the study. The law requires schools to work with a child to improve his behavior before kicking him out. If that doesn't work, schools are required to help the child's parents find a more suitable program. Many schools are still trying to figure out what that means in practice, Zinsser said. They thought they were doing-- they thought what they were doing was in compliance. Or they said they're just going to write everything down now to create documentation. Advocates hope that the law's implementation will be clarified during the rulemaking process and that the problems identified in Zinsser's study will lead to schools getting more support from the state. After passing a law, some might dust off their hands and say, we did it. We're good, Zinsser said. But in reality, that was one step of a 100-step process. Emma Tsai's son, who turned 4 this week, is a happy and affectionate boy who likes to run and dance, she said, but a speech delay and hyperactivity have contributed to challenging behaviors. It's hard for him to sit and focus, she said. As it would be for really any 4 year old, in my opinion, but-- When his energy level got him into trouble, he was attending schools, 3 of them affiliated with churches and a fourth on the campus of a local college that weren't subject to Texas laws banning the suspension or expulsion of young children. It's sad and frustrating because it felt like he was being targeted for his personality, Tsai said. I understand that not every kid is the right fit, but the fact that they can kick you out after an hour? They don't have-- they don't have to have a conference. They don't have to give you any kind of notice. They can just do anything they want. Two of her son's schools did not respond to requests for comment. The two that did said they do what they can to support their students. He needed more than we could give him. Becky Goolsby, who directs the Holy Trinity United Methodist daycare, said of Tsai's son, We're not doctors. We can't diagnose. We're not trained in that field. Many early childhood educators have little more than a high school education. This is a whole other issue that we can get into when it comes to early childhood and encouraging day care--

**KELLY:** One minute.

**DAY:** --and early childhood centers to support and hire more qualified workers. But again, another issue for another day. Many early childhood educators have little more than a high school education. Few have specialized training in how to support the social and emotional needs of children, or in working with children who have experienced trauma. They might have overcrowded classrooms, which can lead to teacher job stress that research has found is a significant factor in expulsion decisions. In Chicago, Marien's son, now 4, could have been protected by the Illinois law. But she didn't know that at the time, and she thinks the schools her son attended last year relied on language in the law that allows schools to transition a child out of a classroom. I'll yield the rest of my time, Mr. President.

**KELLY:** Thank you, Senator Day. No one else in the queue. Senator Conrad, you're recognized to close on the bracket motion.

**CONRAD:** Thank you, Mr. President. Again, good evening, colleagues. Just as a point of clarification, because I want to make sure that my understanding of where we are in the process aligns with the presiding officers and the clerks. And I know that some members have expressed maybe a similar desire for some clarity just in terms of process, if possible, Mr.-- Mr. President. But after my motion, I believe I have another priority motion filed. And then after that, there are E&R amendments, an amendment from Senator Murman, which I think has been replaced, which has replaced 1669 with 1672, striking Section 60, which touched upon Senator McKinney's measure on too young to suspend. I do understand that there is a floor amendment filed that-- by Senator Murman, that Senator Hughes will be utilizing that placement to discuss her ideas for amending the too young to spend-- suspend provision. Next up, I believe, is a measure by Senator Vargas to address FAFSA as a graduation requirement. Next, a measure from Senator Erdman to require in God we trust be placed in all schools. And then lastly, if I understand, an amendment by Senator Blood to adopt a, a teacher compact. Did I get that close to right? Like maybe get a nod, and we can sort it out later if need be. But I just-- I know there is-- everybody's tired and I know there's a lot of moving parts here. So I just kind of wanted to telegraph my understanding of where we were in the process and how that might be helpful to, to organizing debate in our remaining hours together this evening. Can I just get clarification? Do I have the next motion up after this?

**CLERK:** Senator, there's a pending priority motion of higher priority than your next priority motion.

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**CONRAD:** OK. Well, with that, Mr. President, I will go ahead and take-- I'll go ahead and remove my bracket motion. Thank you, Mr. President.

**KELLY:** The motion is withdrawn. Mr. Clerk, for items.

**CLERK:** In that case, Senator Conrad, you do have the next recommit motion. Senator Conrad would move to recommit LB705 to committee.

**KELLY:** Senator Conrad, you're recognized to open.

**CONRAD:** OK. Thank you so much, Mr. President. Thank you, Mr. Clerk. I'm sorry about the procedural confusion there. I thought that I had the next priority motion filed, but it was just a little bit unclear. So, again, colleagues, you might remember that in the wake of the rule change to try and stymie the filibuster that has befallen our proud institution, this session together, there were a variety of concerns brought by myself and others that enacting that rule change in regards to how we file and utilize priority motions without public hearing in cont-- in contravention of how we typically take up rule changes, senator Hunt, Senator Cavanaugh, and myself filed a series of protective motions to organize and structure debate on key measures pending on General, Select, and Final Reading at that point in time. So it is perhaps fortuitous that my motion is up on the education priority bill as a proud member of that committee, and I think that it will help us to structure the debate for the remaining hours this evening. So with that, that's just a little bit of a refresher on how the motions got filed and what is pending before you. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. Good evening, colleagues. So, I'm just waiting for something to get on the board, so--. Yeah, I have a lot of concerns about the amendments that have been pending, and I appreciate Senator Conrad attempting to explain to us what exactly is going on. I suppose she is a member of the Education Committee. It would be nice if the Education Committee Chair would explain what's going on to the body, but I guess I'll take what I can get at this point. So, motion to recommit to committee, and a priority motion on a motion to recommit to committee, or the last motion would be a motion to reconsider the vote just taken. So that was what the priority motion pending was on the last bill. OK, so LB705. I was looking at the committee statement. So I tho-- I always think it's interesting, the energy out in the Rotunda. Like you can tell, I kind of feel like

people out on the Rotunda right now that are supporting cutting Senator McKinney's bill out of the amendment. It's like they know they're doing something wrong because every time I walk out there, none of them will look at me. And it's normally people that would chat me up. And I'm like, yeah, that feels about right. You are averting your eyes. You don't want to catch my eye because you know that what you're doing is not a good thing. So that's always interesting. Another thing I noticed today, all day, the energy, you know, you can feel, you can feel the energy in a place-- the energy in here all day felt, and this was before the amendment on LB574 dropped. But the energy before that felt really smug for some reason, I couldn't put my finger on it. And it was like for several hours I was just like, everybody in here is just like, just kind of peacocking around me, like, yeah, we got your number, Cavanaugh and Cavanaugh, we got your number. We're going to take you down a few pegs. You just wait and see. We got your number. I mean, good on you, you did. You had my number, LB574, LB626. You had them. You had all 6 of those numbers. So all 6 of my numbers, you got them. You got me good. And you were really telepathing that in your attitudes today. And, and the attitude of many people in this body towards me has shifted dramatically as well. Like people just are afraid to come near me, which I appreciate. I've been trying to cultivate that energy for like 11 weeks now. Senator Hunt, earlier you said that this has been going on for 8 weeks. Actually, it's 11. This is week 11. Yeah. So for 11 weeks I've been trying to cultivate the, the, the attitude, the aura of just don't don't come with me, don't come to me, don't talk to me. And it just it happens one minute, really, because, you know, I have a hard time being sort of just like cold towards people. It's not my go to. I'm a warm person. I'm actually a hugger. I'm not going to hug any of you. Don't hug me. But I am a hugger. I love to hug. And I, of course, try very hard to ensure that I have consent. Like I sometimes I will go in for hugging to be like, oh my God, I'm so sorry. Would you like a hug? But I am a hugger. And, and so general, my general go to is I'm a warm person, and I'm going to give out hugs when people need hugs or want a hug. I like a good hug when I see somebody I haven't seen in a while or even if I just saw you yesterday, I might want to give you a hug. I don't know. I'm a hugger, but I don't want to hug any of you. Well, there's a handful of you that I, I still would hug, but you all definitely know who you are. And you--

**KELLY:** That's your time. Senator.

**M. CAVANAUGH:** --know who you are. Thank you, Mr. President.

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

**HUNT:** Thank you, Mr. President. I want to return to my remarks about Senator McKinney's too young to suspend act, which is part of this bill, and prevents kids as young as 5 from being suspended or expelled from school. And this report from NPR that I was reading, I want to continue. It's about an experiment that some scientists did showing-- well, I'll read his quote. What we found was exactly what we expected based on the rates at which children are expelled from preschool programs, Gilliam said. Teachers look more at black children than the white children, and they looked specifically more at the African-American boy. This is talking about looking for misbehavior. And they did an experiment where they showed a video of a black and white girl, and a black and white boy playing together, and asked the participants who are educators to look for troubling behavior or misbehavior. And the catch was, the trick was, the video had no misbehavior. But the experiment found that educators expected the black children to misbehave more. And this is exactly what's reflected in the suspension and expulsion rates in our schools based on race. Nebraska actually has the second highest in the nation disparity between black students and white students on race based expulsion. And in Nebraska, we suspended and expelled black boys at 5 times the rate as every other kid. The article continues, indeed, according to recent data from the U.S. Department of Education, black children are 3.6 times more likely to be suspended from preschool than white children. We know that in Nebraska it's 5 times. One reason that number is so high, Gilliam suggests, is that teachers spend more time focused on their black students expecting bad behavior. If you look for something in one place, that's the only place you can typically find it. The Yale team also asked subjects to identify the child they felt required the most attention. 42 percent identified the black boy, 34 percent identified the white boy, while 13 percent and 10 percent identified the white and black girls, respectively. The Yale study had 2 parts. And as compelling as the eye scan results were, Gilliam's most surprising take away came away-- came later. He gave teachers a one paragraph vignette to read, describing a child disrupting a class. There's hitting, scratching, even toy throwing. The child in the vignette was randomly assigned what researchers considered a stereotypical name. Deshawn, Latoya, Jake and Emily. And subjects were asked to rate the severity of the behavior on a scale of 1 to 5. White teachers consistently held black students to a lower standard rating, their behavior as less severe than the same behavior of white students. Gilliam says this tracks with previous research around how

many people shift standards and expectations of others based on stereotypes and implicit bias. In other words, if white teachers believe that black boys are more likely to behave badly, they may be less surprised by that behavior and rate it less severely. Black teachers, on the other hand, did the opposite. Holding the black students to a higher standard and rating their behavior as consistently more severe than that of white students. Here's another key finding: Some teachers were also given information about the disruptive child's home life to see if it made them more empathetic. Child lives with his or her mother, his or her 8 and 6 year old sisters and his or her 10 month old baby brother. His/her home life is turbulent, between having a father who's never been a constant figure in his or her life and a mother who struggles with depression but doesn't have the resources available to seek help. During the rare times when his or her parents are--

**KELLY:** One minute.

**HUNT:** --together, loud and sometimes violent disputes occur between them. In order to make ends meet, child's mother has taken on 3 different jobs and is in a constant state of exhaustion. Child and his or her siblings are left in the care of available relatives and neighbors while their mother is at work. Guess what happened. Teachers who received this background did react more empathetically, lowering their rating of a behavior severity - but only if the teacher and student were of the same race. As for white teachers rating black students or black teachers rating white students? If the race of the teacher and the child were different and the teacher received this black-- background information severity rates skyrocketed, Gilliam says. And the teachers ended up feeling that the behavioral problems--

**KELLY:** That's your time, Senator.

**HUNT:** -were hopeless and very little could be done. Thank you, Mr. President.

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

**J. CAVANAUGH:** Thank you, Mr. President. So I wanted to talk a little bit more about the allocation of funds in this, and so the next one-- well, I looked at just-- looked for the biggest one. It was 62 percent, which is the Nebraska Opportunity Grant or NOG. And so, then, I just went and found on the Coordinating Commission for Post-Secondary Education, had a little info sheet overview. The Nebraska Opportunity Grant program provides financial aid to students

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who are residents in Nebraska who have not earned a bachelor's, graduate or professional degree, have high financial need, and who are attending eligible Nebraska colleges and universities to earn degrees or credential. NOG is the state of Nebraska's only need based financial aid program for post-secondary students. By the numbers. Amount awarded: \$22,691,497 for the years 2021-2022. Recipients: 13,181. Recipients by Sector: 43 percent - University Nebraska; 10 percent - State Colleges; 27 percent - Community Colleges; 18 percent - Independents; 2 percent - Private Career Schools. Average Grant: \$1,721. NOG recipients by income level: 32 percent are below \$20,000, or \$20,000 or less. 27 percent are \$20,000 to \$40,000. 23.9 percent are \$40,000 to \$60,000. 15 percent are \$60,000 plus. Funding. NOG is funded through the state General Fund appropriation and lottery funds. So lottery funds, if you remember, we had this conversation about the environmental trust in the constitution, 44.5 percent go to the Environmental Trust, 10 percent go to the State Fair, 44.5 percent go to educational funds, which include things like the NOG, Nebraska Opportunity Grant. And then there's a smaller portion that goes to Gamblers-- the Gamblers Anonymous or gambler-- people with gambling problems. It's for assistance. So that's this funding. 22 point-- \$22,691,497 comes from lottery funds and General Funds to pay for these very important programs for financial aid based on need for our state colleges. Uh, let's see. As indicated on the chart to the left, increases in NOG funding over the past decade have come primarily from lottery funds. Student need far exceeds available funds. So it's a little hard to read, but-- so of that \$22 million, \$15.4 million has come from lottery funds, \$7.6 million has come from General Funds, and that is in '21-22. Back in 20-- 2011-2012, it was \$8.3 million came from lottery funds and \$6.4 million came from state General Funds. So lottery funds are basically doubled and the state General Funds have gone up by about \$1 million, \$1.2 million. So, able to help probably a lot more kids through this program of the state lottery funds. And again, I would just point out when we were talking about the Environmental Trust and going against the constitution to shift funds out of the Environmental Trust, that that's the same section of the constitution that provides that \$14 -- \$15.4 million that goes in this NOG grant that we would not want to see this Legislature raiding for some other program within, you know, another agency program. Unmet financial need. Over 13,000 students received NOG grants in '21-22, but over 15,000 students qualified. So it means 2,000 students didn't get a grant that qualified, and did not receive them due to lack of NOG funds. The chart to the right illustrates the unmet financial need of students who are qualified-- who qualify for Pell grants. A lack of state sponsored financial aid is contributing factor to this. Nebraska

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ranks 35th in the country for 2019-2020 in the amount of state provided need based on financial aid.

**KELLY:** One minute.

**J. CAVANAUGH:** Thank you, Mr. President. --on a per student basis. So 35th in state aid. But we have this is a good program and it's been growing. And so it would be a shame if we diverted those funds for some other program. Even if we like the other program, it would be a shame to violate the constitution and shift those funds. So I like this program. I'll keep looking at the bill and see what other stuff jumps out at me. Thank you, Mr. President.

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

**DAY:** Thank you, Mr. President. Going back to the issue of, excuse me, kicking kids out of preschool and kindergarten. I'm going to keep reading from this article. First I have to find where I was. Let's see. Schools make you feel like you're a bad person because your child is making bad decisions, Marien said, noting that her son was born prematurely and shows early signs of attention deficit hyperactivity disorder, or ADHD. They never really tried an intervention that shows they cared about my child. One of Marien son's schools declined to-- declined to comment; the other did not respond to requests for comment. Katherine Conklin, who runs a Chicago organization called Tuesday's Child that helps families address behavioral issues, trains teachers and operates a preschool, said her organization has seen a steady flow of Chicago parents, parents like Marien, coming in with reports of their preschoolers being suspended or expelled. What's new is that expulsions are taking longer since the law passed, she said. There are preschool programs that are trying to take more action steps before they get to the point where they can ask a child to leave, but by the time they get to that point, the behavior is so out of control, she said. They're taking action steps, but the decision still remains the same. In a different era, a child getting expelled from preschool might not have attracted much concern. Unlike elementary school, preschool attendance isn't mandatory. The activities of preschool - playing with toys or singing songs - might not seem as essential as the curriculum taught to older children. And in many preschools, teachers and parents might be relieved when the child who is running around or hitting his classmates is no longer at circle time. But early childhood development experts say that pushing these children out of classrooms comes at a cost. Children who are asked to leave are often those who have undiagnosed special needs or who most need help

developing social and emotional skills. Many are children of color who might have been singled out because of teacher's racial biases. The most shameful part of this practice is that we're missing the opportunity to really help out a child in a family, said Myra Jones-Taylor, the chief policy officer at Zero To Three, an organization that promotes early childhood well-being. You can't do that if they're not in school anymore, if you've washed your hands of them. Children who have been expelled may also struggle in their next school. Sinclair said her son Makhari, has abandonment issues that have been exacerbated by being told without warning that he'd have to change schools. It takes him a while to trust somebody, she said. In Erie, Colorado. April Tardy said her son, Zachary, 5, was traumatized when he was pushed out of a preschool near his home for shoving and tackling other children. Tardy said she told the school about her efforts to treat Zachary's sensory processing disorder. But a week before Zachary was scheduled to start occupational therapy, she got the word that he was out. Now, months later, attending a small summer camp, he is terrified of getting into trouble again, she said. He says, I'm a bad kid. Colorado recently passed a law restricting expulsions for young children, but it doesn't go into effect until next summer. With the passage of new state and local laws, it's possible that the rate of preschool suspension and expulsion has begun to fall. But changes to federal data collection since President Donald Trump came into office make it difficult to know. The National Survey of Children's Health, a federal study, last asked parents about preschool discipline in 2016 but no longer--

**KELLY:** One minute.

**DAY:** Thank you, Mr. President, --but no longer includes the question. A spokesman for the Administration for Children and Families, the federal agency that advocated for the question to be added, said it was dropped due to, quote, methodological concerns. Other data that could shed light on the problem from the Education Department's Office of Civil Rights has been collected from school districts but has not been published as it was in the past, under Obama, said Walter Gilliam, a Yale University professor of child psychiatry and psychology who published the first major study on preschool expulsion in 2005. Still, Gilliam said he's optimistic about what he's seeing across the country. A handful of states, including California, Connecticut and Ohio, have begun providing effective support to preschools, such as mental health consultants who can train teachers to work with challenging students. In Arkansas, schools are required to seek state intervention before expelling a child. In states without these resources, though, Gilliam is concerned that schools could find

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their way around bans to continue removing students, based on anecdotes he's heard--

**KELLY:** Your time. Senator.

**DAY:** --from parents.Thank you, Mr. President.

**KELLY:** Thanks, Senator Day. Senator McKinney is recognized to speak.

**McKINNEY:** Thank you, Mr. President. I want to continue talking about why you shouldn't suspend kids from pre-K to second grade. Suspending young children in pre-kindergarten through second grade can have detrimental effects on their development and well-being. While disciplining children for inappropriate behavior is important, using suspension as a punishment can lead to negative outcomes for children that are difficult to undo. Let's discuss the various ways that suspending young children can have negative impacts on their education, mental health and overall growth and development. First and foremost, suspending young children from school can negatively impact their education. When a child is suspended, they are removed from the classroom and thus missing out on valuable learning opportunities. Young children in pre-kindergarten through second grade are still developing essential cognitive, social and emotional skills that are necessary for their success in school and beyond. While they are not in a classroom, they are missing out on important instruction that could delay their education progress. Furthermore, being removed from the classroom can create anxiety and fear in children, which can make them feel less confident and less engaged in their learning when they do return back to school. Secondly, suspending young children can also have negative impacts on their mental health. At a young age, children are still developing their sense of self and their understanding of the world around them. When they are-- when they are suspended from school, they may feel as though they have not done something wrong, which can lead to feelings of shame and guilt. Additionally, being labeled as a problem child or troublemaker can lead to a negative self-image or low self-esteem, which can have long lasting effects on a child's mental health. Lastly, suspending young children can hinder their overall growth and development. Children of prekindergarten through second grade are still learning how to interact with others, how to regulate their emotions, and how to solve problems. When they are suspended from school, they are missing out on opportunities to practice these skills. Additionally, parents may struggle to find alternative care arrangements for their children when they are suspended, which can disrupt their routines and cause unnecessary stress. The effects of suspending young children pre-K to second grade

can be far reaching and detrimental. While discipline is important, schools should consider, consider alternative methods of punishment that do not result in missing out on valuable educational opportunities, or damage to a child's mental health and development. By working together with parents and educators, we can ensure that children receive the support and guidance they need to succeed in school and beyond. And as something to pay attention to and to point out, I know a lot of people will say, oh, but you know, what if the kid is acting out. The bill doesn't say we can't take kids out of the classroom setting. It's just saying you can't suspend them. And it is 2023. If we cannot modernize our practices around kids' behaviors in schools, then what are we doing? There's so many things we could do, do and use as alternatives to sending a kid home and label them, labeling them as a bad kid. Some kids just need a time out. I know it was times I was suspended from school that I probably just needed to sit in timeout for a little bit and just refresh and decompress. Especially kids that are dealing with issues that are--

**KELLY:** One minute.

**McKINNEY:** --not necessarily within the schools. You have schools in areas of high poverty. A lot of these kids aren't acting out just to act out. They maybe didn't get some sleep last night. They might be dealing with having, you know, dirty clothes and not feeling comfortable. They might just be tired, honestly, might not had the best meal at night. Trouble at home, violence in a community. There's a bunch of factors that we have to consider and just opting out to say let's suspend kids is not the best decision we can make as policymakers or leaders in this community. Because that just leads to the school to prison pipeline and the fall back of, oh, we don't want to deal with the problem, just suspend them. Then when they become adults, just lock them up. Because where we are in the busi-- business of building prisons and detention centers--

**KELLY:** That's your time.

--in the state of Nebraska. Thank you.

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

**M. CAVANAUGH:** Thank you, Mr. President. I echo a lot of the sentiments that Senator McKinney just shared. We have an issue where we have children living in crisis situations and we're not working to address and solve those. We are allowing ourselves to be distracted by

divisive policy and hyperbolic rhetoric instead of addressing the essential needs and crises that exist for many children in Nebraska. Now, not all kids that get in trouble in school get in trouble because they are surrounded by violence or in poverty. But there is a significant number of children who go home to not sure where their home is, who don't have access to clean clothes, don't have access to a shower, don't have food. Not having food can be very disruptive. People use that term hangry, hungry, angry and-- Kids can get hangry. And when they are hungry, they can be extremely disruptive. We haven't done anything with school meals this session. We've seen other states make that a priority issue. We had several opportunities through three different bills this year to do something around school meals and it doesn't appear to be happening. And I don't hear the schools advocating for feeding kids. But I do hear them out in the rotunda, advocating for us to allow them to suspend preschoolers. We've got some really misguided, misplaced priorities. And I think it's unfortunate that there are attempts to undo the work of Senator McKinney with LB705, at this stage in the game. But here we are. And those attempts are going to cause repercussions for other things that are pending on LB705. But here we are. And we're in a time crunch, because we have continually decided that legislating hate against a targeted minority population of children and committing a civil rights and a human rights violation is more important than addressing the problems that children in our state are actually facing, like working on the kill floor of a slaughterhouse overnight. So here we are. This is a sad place to be, where we are, a place where we have joined the chaos of the national rhetoric and no longer hold ourselves to that standard that we always have held ourselves to, to being a thoughtful and deliberative body. It's hard to have a front row seat to this undoing of our own democracy. It's hard to stand in this Chamber and watch--

**KELLY:** One minute.

**M. CAVANAUGH:** --so many of my colleagues just not care. That's probably an unkind thing for me to say, that I think that you don't care. But I do think that you don't care. I do feel like so many of you do not care about our democracy any longer. And that's a horrible feeling to have. But it's how I feel. And I feel that way because of how you behave, how you conduct yourselves, how you engage in this work or how you don't engage, how you follow or how you just disappear because it's a late night and you don't think you need to be here, that this work is beneath you, that putting the time in isn't a worthy endeavor. There's several people missing right now. I'll talk about that later. I think I'm--

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**KELLY:** That's your time, Senator.

**M. CAVANAUGH:** --about out of time. Thank you.

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

**J. CAVANAUGH:** Thank you, Mr. President. Well, I'll just keep going on what I was talking about, which was, was reading the committee statement and kind of just looking up all the different places all the money is going. So I talked about the Nebraska Opportunity Grant Fund or NOG, talked about the Community College Gap Assistance Fund program. So that's the-- NOG is 62 percent, Community College Gap Assistance program is 9 percent of the funds. There's the Innovation Grant Fund, which I thought there was some description on here. Let's see, let's see. Distance education-- no, that's not it. Well, I was looking for it. I couldn't find it, but I was-- OK. So then you get down to this next part and there's the College Pathway Program and the College Pathway Program Cash Fund are created to serve low-income and underrepresented students by providing grants to service providers who help qualified applicants in a variety of services, such as completing applications for college, completing the FAFSA, choosing the correct coursework in pursuing particular field of study. Distance education initiatives is another initiative-- separate-- shall be funded through 2023-2024 for the Nebraska Education Improvement Fund. So that's more of the fund that we were talking about up above. So those-- all those grants at the top that I talked about, the Expanded Learning Opportunity Grant Fund, the Innovation Grant Fund, the Community College Gap Assistance Fund, the Excellence in Teaching Cash Fund, the Nebraska Opportunity Grant Fund, and the distance education initiative, all funded through the Nebraska Education Improvement Fund. So the distance education is 3 percent of that fund. And that fund-- so the distance education initiative shall be funded through 2023-2024 from the Nebraska Education Improvement Fund. Such initiatives shall be funded from 2024-2029, from transfers pursuant to section 1 of this act, lottery revenue allocations. So we talked about lottery revenue earlier. Again, in the constitution, 44.5 percent of the revenue from the state lottery goes to education services, so things like this distance education initiative. And then, there's the credit-- Career Readiness Dual Credit Education Grant is established and shall be administered by the Coordinating Commission for Post-Secondary Education. Grants shall be provided to teachers enrolling in education pathways, leading to qualify-- qualification for teach-- to teach dual-credit courses and career aid, technology education courses. So the-- just to point out, for-- as an aside, the

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Coordinating Commission on Post-Secondary Education is where I've been getting most of my information. I just sort of Googled, originally. I'd heard of the-- I'm familiar with their work before, but haven't gone to their website before. So they have this great website. And it is Nebraska Coordinating Commission for Post-Secondary Education, [ccpe.nebraska.gov](http://ccpe.nebraska.gov). And they have this great section called Fact Sheets, that has a whole bunch of, believe it or not, fact sheets on things like NOG, Nebraska Opportunity Grants and Community College Grant Assistance Program. They have Access to College Early, ACE, Scholarship Program, Adult Learners in Nebraska. So they have a bunch of these. That's on the reports and data/fact sheets section, but they also have this financial aid section, which is where I found-- well, this is about financial aid, but about the Nebraska Opportunity Grant, where I found their description of that and the Community College Gap Assistance Program. But they also have about financial aid, Access to College Early scholarship program, again, that fact sheet I just talked about. So that's another tool to find some of this information that we're talking about here. And then, they have a thing called dashboards, which is-- got some dashboards on college continuation rate, degrees and other awards, degrees and other awards by CIP code. And then, you have enrollment and then, of course, FAFSA completion. So they have a, a lot of--

**KELLY:** One minute.

**J. CAVANAUGH:** --thank you, Mr. President-- a lot of information that is useful if you want to look it up yourself. I'm talking to the folks at home or anybody in here. But, you know, this is-- I'm somebody, like I said at the beginning, not on the Education Committee, so I'm just going through this. And any of the things that kind of jump out at me, I'm Googling or trying to find more information on, so I can have a better understanding of what the particular program is that we are spending 62 percent of our lottery funds on and understand what we're going to vote on when we-- whenever we get to the vote. Thank you, Mr. President.

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

**DAY:** Thank you, Mr. President. Further discussing the issue of suspension and expulsion of young students and I'll come back to the idea that I think that solutions like this are often based in antiquated ideas that we have, about discipline and children and a lack of understanding of development of the child. Sometimes, I feel like lawmakers in this body will often perpetuate those antiquated

ideas about children and discipline and what is the appropriate way to handle those situations. And I came across, again, some really great information. This is from EdSource. Old school discipline doesn't work anymore and it shouldn't. When I went to school, corporal punishment was still a thing. California banned it in 1986. Did we miss it, really? No, we didn't. Last September, new discipline guidelines for California schools were announced that limited suspensions. Did we miss the old policy? Really? No, we didn't. This week, I decided to look back at what EdSource wrote about the changes six months ago and I reread the letters in response. Oh, my. They were furiously apocalyptic. I will quote only one mild one. This is absolutely absurd. No discipline, no accountability. Were these letter writers right? Have we gotten rid of discipline or accountability? Have things gotten worse in our schools since the policy changed? Not really. I can only see the view from where I teach in Los Angeles-- in a Los Angeles Public High School, but I think things have improved. Sure, there are still some difficult students who would be much better off in a non-public school and there have been a few fights, but the police are gone and there are barely any suspensions. The mood of the school seems positive. The reforms have worked. The culture of discipline and punishment we have lived with offers a choice that every school makes, just as cities like Los Angeles have had to decide whether to make sweeping criminal justice reforms. Schools that buck the trend and continue to dole out punishment for minor infractions end up producing the very thing they wanted to attack: more bad behavior. The happiest schools are those where they know when to turn a blind eye. This is why I believe the absolute worst job in education today is being responsible for discipline. There are ways to do this job without being overzealous, without resorting to harassing students or teachers, but this job changes people for the worse. After a time, when every nail they see needs to be hammered, they become consumed by it. I see this in other administrators and teachers, too. What would I prefer to see? I believe that schools need to apply least restrictive environment, a concept important in special education, which I teach, to school discipline. I know many teachers who would be very uncomfortable adopting this approach, but if least restrictive environment is central to the mental health of special ed students who are generally our most challenged, why can it not be applied to all students? This approach should be formalized in state law and discussed in district-sponsored workshops and professional development sessions. When State Senator Anthony Portantino wants to require mental health training for teachers and staff, he is addressing the problem from the wrong end. It serves no point to drum into teachers that--

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**KELLY:** One minute.

**DAY:** --the pandemic has led to student depression and disaffection, because teachers know this already. The individualized solution, spotting the distressed student and making referrals to our new wellness specialists and psychiatric social workers, doesn't address what's wrong at school. A better goal would be to identify and implement the least restrictive environment approach at a whole school level and allow students to indulge in their natural urge to laugh and have fun. Lunchtime music and events in the central quad of my school are but one example. Why else would we do this? First, the relationship between teachers and students has changed over the years, just as society has changed. And we need to accept this, not fight against it, nor blame parents. Authoritarian and hierarchical teaching styles and discipline simply don't work anymore. I'm always surprised when conservatives insist that they do. They should visit a classroom. Respect and civility still matter, but teachers and students need to earn it from each other by working collaboratively, collaboratively on shared goals.

**KELLY:** That's your time, Senator.

**DAY:** Thank you, Mr. President.

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

**DUNGAN:** Thank you, Mr. President. Colleagues, I've been listening to the conversation a little bit with regard to suspending students. And it got me thinking about some of the instances that I've seen, working with youth who have been suspended. And I just want to rise to continue that conversation. You know, one thing that I think we should all be working towards as a Legislature, and I'm pretty sure we all agree about this, is reducing recidivism and reducing the amount of youth who find themselves involved in the-- both the juvenile justice system and then subsequently, the, the adult criminal system. You know, one thing we know is that being involved in the juvenile justice system is problematic for our society as a whole and it absolutely increases recidivism. But I wanted to go and do a little bit more research, with regards to how suspension affects that. Senator McKinney, Senator Day and a number of others have talked at great length about the issues with suspending students and how that can oftentimes add to the school-to-prison pipeline. But, in a very quick Google search, was able to find academic studies that actually back that up. And the reason I say that is oftentimes in this body, we hear

about needing numbers, needing data. And I just want to emphasize to my colleagues that when we talk about the punishment that we are doling out to students, we are absolutely talking about a very small facet of a larger picture that contributes to this school-to-prison pipeline and the juvenile justice system. And so, I found this article from the 2018 Youth and Society Academic Journal. So this is a peer-reviewed study, I believe. It's an academic study. And I just wanted to take a little bit of time to read that into the record here. So please listen a little bit to some of these comments and I'll start with the abstract for that article. A third of U.S. students are suspended over a K-12 school career. Suspended youth have worse adult outcomes than non-suspended students, but these outcomes could be due to selection bias, that is suspended youth may have had worse outcomes even without suspension. This study compares the educational and criminal justice outcomes of 480 youth suspended for the first time, with those of 1,193 matched non-suspended youth from a nationally representative sample. Prior to suspension, the suspended and non-suspended youth did not differ on 60 pre-suspension variables, including students' self-reported delinquency and risk behaviors, parents' reports of socioeconomic status and administrators' reports of school disciplinary policies. To put that in a non-journal language, what that means is they're attempting to kind of compare students who, prior to suspension, were on the same plane. Right. So they looked at 60 different variables to determine whether or not these students had similar backgrounds, similar histories and similar involvement with the juvenile justice system. And so, the students they're looking at did not differ in those pre-suspension variables. The abstract goes on to say that 12 years after suspension, which ranges between ages 25 and 32, suspended youth were less likely than matched non-suspended youth to have earned a bachelor's degree or a high school diploma. And they were more likely to have been arrested and on probation, suggesting that suspension rather than selection bias explains negative outcomes. So to put that, again, a little bit more simply, what the studies they've looked at, 12 years after suspension, over a very large subject sample, shows is that there was a much higher likelihood that these youth did not earn a degree, either a bachelor's degree or a high school degree and a much higher likelihood that, in fact, they were arrested and on probation, so adding to that recidivism.

**KELLY:** One minute.

**DUNGAN:** Thank you, Mr. President. And so, again, the connection there is the suspension likely had some form of a causal effect on what happened later, given the fact there were 66 zero pre-suspension

variables between the students that were compared and the main thing that deviated them from one population to another was the suspension. I think it's clear from that and I'm going to read more of this as I get another chance on the mike, most likely. It's clear the suspension had some effect on that. And colleagues, we don't need to dig too deep into that to know that that's true. When you are taken out of the classroom, when you fall behind, when you're not given the same kind of opportunities that other students are given, your success is going to be diminished. And we need to be making sure that every student has the opportunity not just to stay in the classroom, but to succeed moving forward. And when you take students out of the classroom, especially at a young age, you have a negative impact on their ability to succeed and a negative impact on their ability--

**KELLY:** That's your time.

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

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

**HUNT:** Thank you, Mr. President. I got to get to my right tab. I'm reading the new-- I've said this many times. I'm reading the news about what we did today. And 90 percent of the time, I literally have no idea what's going on and I don't get it. I'm confused about the bill until I read the news and then it snaps into focus and it's like, oh, that's what that meant. That makes sense. So reading the news about us as we continue to debate bills here, probably until about midnight. You know, before we convened this session, this is my third session with a new cohort, because when I came in, I was the new one and then two years later and two years later. And we lost a lot of old timers and I really wanted to have a chance to meet everybody and get to know people personally. And I was able to sit down and have coffee in my district or your district with almost all of you, but some of you I didn't get to and we made a promise to do it once we start session and once we get going. And there are still some of you who I haven't had the chance to do that and we are just not going to have the chance. Because before you could get to know me, you made the decision to discriminate against my family. And so we no longer have a bridge that we're going to be able to have to connect us. But one thing that stands out in my mind, most of all, is I met with Speaker Arch and I told him, you deserve to be Speaker. I'm happy for you. I'm excited. I think you're the right, right one for the job. And I was really impressed that he told me he wanted to keep the session to kitchen table issues, to-- you know, voter ID, to the things that we

had to do this session and potentially, even end early. I think a lot of people heard that rumor, that we might not even go the full 90 days if we can get the people's work done and that he didn't want this session, his first session as Speaker, to be about contentious issues, to be dominated by culture war issues and, and really, really controversial things. And I think that when we were talking, we understood that to be the abortion ban and that we've now put behind us. The abortion ban had its day and it's now behind us. But really, the thing that's taken up all the oxygen this session is the ban on trans health care, which is now also an abortion bill, potentially, with this amendment that was introduced by Senator Hansen. And you know, what, what can you say? It's politics, right? You-- even in the Nebraska Legislature, you think you know somebody and they turn out to be a political, opportunistic, politically selfish person, just like you see in D.C., just like you see on TV, in a movie or something. That no matter how much we can know each other, no matter how much we can personally care for each other and invest in each other personally and spend time together, at the end of the day, all of you would throw one of your own on the railroad tracks if it would hurt gay people. And that, you know, has, has become evident-- you know, similar conversations with Senator Dover, Senator Jacobson. And at the end of the day when I need to see how you vote, that's made evident every single time. In this NPR article about biases and, and empathy for racial, racial biases that cause black boys in Nebraska to be expelled and suspended at five times the rate of other kids. And this is what Senator Murman is trying to take out of, of this bill with his amendment. It sounds like there's maybe another amendment that's going--

**KELLY:** One minute.

**HUNT:** --to change that. I'm happy to be corrected on the record. Sounds like Senator Hughes, maybe, has an amendment that says this isn't going to apply to smaller schools. I'm not sure why that would be. And she is welcome, of course, to speak to that, but won't. But what this article says, is if implicit bias can play a role on our preschool reading rugs in our classrooms' cozy corners, it no doubt haunts every corner of our society. Biases are natural, but they must also be reckoned with. The good news is, if there's such a thing from work as this, is that Gilliam and his team were ethically obligated to follow up with all of them, to come clean about the deception. Gilliam even gave them an out, letting them withdraw their data, for many of them, the lasting proof of their bias. Only one chose to do that. Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. Good evening, colleagues. I wanted to add a little bit of additional information into the dialogue this evening and for the record. I had a chance to touch base with some educational leaders who are here in the Rotunda, providing additional information to complement our debate, to challenge some of the ideas that they've heard in the course of debate, thus far. And I do want to make clear my understanding of how many in education deal with these very challenging student discipline issues for our youngest students. And to be clear, I, I think that we probably have a sincere and respectful, yet fundamental disagreement about the measure that Senator McKinney brought forward, that the Education Committee adopted and moved forward in this body, gave a affirmative vote to on General File. I do think that our teachers, our school counselors, our support professionals, our principals, all of the dedicated and loving people who have a passion for education and who are called to that vocation-- I, I, I don't think I'm suggesting nor anyone is suggesting that the, the first reflexive action in regards to intense student behaviors that may, at some point, trigger a suspension or an expulsion. I don't mean to suggest that the, the reflexive response to those intense student behaviors for our youngest students is automatically suspension and expulsion in every case. I, I think-- just wanted to make sure the record was clear in that regard. But I do think that we have a, again, respectful yet fundamental disagreement about how to address these situations, when our youngest students would be subject to the most severe forms of student discipline, which, of course, triggers due process rights and, and a host of other legal issues. But I, I just simply believe that our youngest students, we're talking about preschoolers, kindergartners, they shouldn't be suspended and expelled from school. That's, that's where I come down on it, having talked to a lot of different stakeholders in this debate. But it's not meant to in any way suggest that it's a reflexive punishment. It's not in any way meant to cast any dispersions upon the hard work and the talent that fill our school buildings, whether it's front lines, in front of a classroom for those teachers, whether it's paras, whether it's school counselors or, or school leadership. And I, I just want to be very clear about that issue. But what we do know, is that even though we can have very similar goals in terms of educational equity, academic success, how that fits into our overall vision for our state, we still also do have different roles, different agendas and checks and balances between the school boards, between the state Legislature,

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the State Board, the executive, etcetera. And so, when this issue of setting a consistent statewide policy is brought forward--

**KELLY:** One minute.

**CONRAD:** --thank you, Mr. President-- I do think that Senator McKinney and the Education Committee got it right. And if it's good policy for our largest school district in the state, it's good policy for all school districts in the state, when it comes to the utilization of the most extreme forms of punishment, student discipline for suspension and expulsion. Thank you, Mr. President.

**KELLY:** Thank you, Senator Conrad. Senator Machaela Cavanaugh, you're recognized to speak and this is your last time on the motion.

**M. CAVANAUGH:** Thank you, Mr. President. Well, Senator Hunt, you reading up on the news of what happened here today led me to read up on the news of what happened here today. And-- so thank you for that. I, I otherwise might have missed that Senator Deb Fischer, U.S. Senator Deb Fischer is doing something around the Huawei Technology, as well. She said Monday she's co-sponsoring legislation that would allocate \$3.08 billion of unobligated COVID-19 relief funds to rip and replace Chinese-made communications technology that is located near critical U.S. military assets, including Offutt Air Force Base and nuclear missile silos in Nebraska. So she's taking a different approach than we are taking, that-- which is to fund getting rid of the very problematic Huawei Technology and to incentivize it happening quickly. So I guess we'll see which method works. It's kind of strange. It's like we're punishing and she's giving-- we're taking money away and she's giving money. But anyhoo, that's what I saw on there. I was talking about-- before, on my last time on the mike, about the economic factors playing into pretty much educational success. And a lot of the kids that are dealing with a difficult time at school have things happening at-- in their home life, as well. And we have spent a great deal of time in this session not addressing those things. We have gone above and beyond in all of our efforts to do anything other than address the critical needs of children in Nebraska. We have ensured that we are not giving them access to better healthcare. We have ensured that we are not giving them access to more food. We have done nothing to help stabilize their home life or economic situation. We are batting a thousand on doing nothing for children who are experiencing economic crisis and that economic crisis is translating into poor behavior in the classroom, because they have a very unstable life. We could be doing a lot of things, starting with TANF and putting direct cash assistance into the hands of those

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families. We could be doing more around rental assistance, to ensure that these families are not getting evicted from their homes. We could be doing more to ensure good paying jobs for adults, not slaughterhouse floor overnight for children. We could be protecting children from having jobs on the slaughterhouse floor overnight. Like, everything about that situation is just bad. Children on the slaughter floor. Children working at night on the slaughter floor. Children working overnight on the slaughter floor. I bet those kids are really excelling academically when they show up to school, if they show up to school, if anybody is even paying attention to where those kids are. So we could be doing TANF. We could be, you know, looking into labor issues that we clearly know about, that the whole country now knows about. We could be increasing SNAP eligibility.

**KELLY:** One minute.

**M. CAVANAUGH:** We could reinstate those child care tax credits that we allowed to lapse last year, that really help the child care workforce. It gives them a tax credit-- the workers a tax credit. We could expand income eligibility for childcare subsidies. We could expand childcare subsidies, the reimbursement rate. We could do enrollment versus attendance to help stabilize the child care industry. Gosh, I don't think I can go through all the things we could be doing in a minute that we're not doing. But instead, we remain singularly focused on taking away people's rights, doing nothing about the economy, but taking away people's right-- rights, taking away parents' rights and medical, medical decision-making. That's what we are deciding to do.

**KELLY:** That's your time, Senator.

**M. CAVANAUGH:** Thank you. Mr. President.

**KELLY:** Thank you. Thank you, Senator Cav-- Cavanaugh. Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. Well, so I was just-- figured I'd go through some of the other bills that are in here that we haven't been talking about. We spent a lot of time on-- I just discovered it in here. It is-- motion to include LB632 as amended, AM1208, as part of AM1468. And that is-- this is LB632 is-- would prohibit schools from suspending students pre-K through second grade. So that's the bill we've been talking about a lot. But there are a whole bunch of other bills in here, that, just reading through, taking the opportunity and coming back to-- let's see, where's the first one? LB520 would change provisions relating to high school graduation

requirements and academic content standards and the commute-- Computer and Science Technology Act, so I assume something to do with computer science technology requirements. And then there's LB603, that has-- would incentivize the recruitment of public school teachers by allowing persons who possess a bachelor's degree and have been certified to teach through alternative organizations, to become certified to teach in Nebraska, after participating in school district clinical experience for one semester in such individual's semest-- in such individual's first semester of employment. So, looks like an opportunity for individuals who already have a bachelor's degree and maybe some other certificate to fast track getting into being able to be a teacher in Nebraska, which maybe would be in the interest of decreasing teacher shortages. We had one that was, let's see-- oh, this is an interesting one. Yeah. LB414 would prohib-- provide standards and practices for public schools' option enrollment program in which-- to ensure that children with special needs are not disqualified due to their special needs. AM689 offers clarifying language to address standards by which a school district may determine the manner in which they manage option students' application. Actually, I remember Senator Linehan talking about this one. I think it was Senator Linehan, talked about this one. Maybe I'm-- I'm looking to see whose bill it is. Testifiers-- LB414, it was Senator Conrad's bill. I guess option enrollment makes me think of Senator Linehan, but let's see. And then-- oh, LB516 appropriate-- it appropriates \$870,000 to the General Fund for fiscal year-- to carry out School Safety and Security Reporting Act in order to continue serving Nebraska citizens via Safe2Help Nebraska hotline. I do remember discussing that one on, on General File. There was one I was trying to find, but there was one about allowing students who are homeschooled to participate in after-school activities in the public school in which they are in. And that was one that stuck out at me because it was one of the few ones that had a dissenting vote from the committee, because most of these came out 8-0. And then it had an additional allowance for kids to take up to 5 hours in-- of credits. So I thought that was interesting that we needed to pass a bill to allow kids who would otherwise go to the school, to go to the school for credit, when they're deciding not to go there. But these are things-- questions I don't really fully understand because I'm not on the committee. And the committee statement just-- does help give some instruction as to what we're talking about, but it does, without further context, makes it a little bit difficult. And I do appreciate-- I know folks talked about some of these on the first round of debate, but as long as we're talking here, I thought we'd talk about them a little bit more. But I'll try and find that part that I was looking at and maybe I ought to push my

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button and get back on if we have some more time. I know we're getting late in the evening. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Senator Day, you're recognized. And this is-- to speak and this is your third time on the recommit.

**DAY:** Thank you, Lieutenant Governor. So, related to the things that we've been discussing tonight, about suspensions and expulsions of young children-- for me, one of the reasons that I ran for office and education was one of the things that I spent so much time focusing on and I wanted to be on the Education Committee, was because I genuinely believe that education desperately needs some reforms. And our kids spend so many hours a day at school that our schools are one of the best ways that we can start to work on providing a safety net, so that kids can be more successful in their lives. And I think one of the most important things that we tend to lose in the conversation about education and discipline is that it is the job of the education system to treat every single child like they are a whole, entire human being and understanding what that means from the perspective of-- that child has a whole life outside of that school, that affects everything about them. I remember a few years ago, I used to meditate regularly, which is not a practice that I do anymore, but I probably should, considering this job. But one of the topics of one of the, the meditations that I was doing was a, a concept called Sonder. And Sonder is, is basically the realization that each random passerby is living a life as vivid and complex as your own. And that was such a simple way of explaining walking in somebody else's shoes, that, for me, I think about that all the time. I use that when I think about my kids, when I'm angry at them for something that they're doing or they-- they're not doing. These are individual people with their own thoughts, their own dreams, their own friends, their own likes, their own dislikes, their own goals. And I believe that it's imperative on our education system to recognize that. And that would include policies that relate to discipline. When we don't treat students from a holistic perspective, we make really critical mistakes in exacerbating the problems that we're trying to address. And I remember seeing the intersection of this concept with education. I went to a luncheon, I think it was last year, maybe the year before, for the Nebraska Children and Families Foundation. And the keynote speaker was Liz Dozier, and she is the founder and CEO of a group called Chicago Beyond. And she was a previous principal, principal in Chicago Public Schools at a high school called Fenger. And she basically took this school that had all of these struggling students and one of the highest dropout rates in the area to this very successful place, where kids were being treated as whole, entire human beings. She took the

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dropout rate from 19 percent to 2 percent, by treating kids like they were whole, entire human beings--

**KELLY:** One minute.

**DAY:** --and addressing some of the root causes of the problems, the behavior problems, that they were having in school. I, I remember she, she brought in washers and dryers into the school and allowed kids to wash their clothes, because some kids would show up at school in dirty, smelly clothes. And as adults, we often don't understand the impact that that has on a child's life and how something simple, like having clean clothes to wear at school, will completely change the trajectory of a child's life. Chicago Beyond is the group. And, and I would like to talk more about this, but if you're watching, please look her up. She's incredible. Liz Dozier, Fenger High School was the school that she was at. And I will talk more about that later. Thank you, Mr. President.

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

**DUNGAN:** Thank you, Mr. President. Colleagues, I, I rise again. I was going to continue my conversation with regards to the study that I found that links, in a causal way, suspension and future involvement in the criminal justice system. But before I do that, I was listening to my colleagues also speak about some of the things that are contained in this bill and it kind of triggered in me some thoughts about what's not contained in this bill. And obviously, you know, these, these Christmas trees or these packages that we see come up here have a number of things that weren't able to get fit in. But one of the things that I think we've talked about before, that is crucial for us to discuss when we talk about education, is the way that truancy is currently talked about in our juvenile justice system. And I know I've talked about this on the mike, previously and people who watch on a regular basis might think I'm repeating myself. But I think it does bear repeating here tonight, that we have a problem in Nebraska with the way that our truancy system is currently being operated and the way that juveniles are currently being taken into the juvenile justice system for truancy. And so, I want to take a moment to talk about that. I know that-- I think at least one of my colleagues is doing an interim study this year, to look at the truancy system, that I've signed on to. Because I think it's crucial that we assess how this process works. Currently, if you are a juvenile who misses 20 days of school, then you are referred to the County Attorney's Office and that county attorney can file juvenile charges

against you for being truant and by you I mean the kid, not the parent. And the way the law is written, it does not matter if your parent calls you in and says that you are to be excused that day. They will have documentation saying that you've been excused. That still counts as a day towards your 20 days of truancy. So parents watching at home, if your kid gets strep throat or the flu or something and you don't have the means to go to the doctor and actually get a doctor's note, because that's what you need is a doctor's note and you just call in and say, you know, little Johnny can't come to school today, that is a day that counts towards the 20 days for truancy. And when you hit five days, at least in Lancaster County or in Lincoln, when you hit five days, you get a letter and then ten days, you get a letter. And then, I think, 15 days you get a letter and then at 20 days, you're referred. Now where that comes into-- to be a real problem is when you are a family that has a lot of circumstances going on, where maybe that kid has to wake up at four in the morning to take three busses to school, because they have to make sure that their siblings get to another school or let's say you have a child who has chronic medical issues and you can't afford to have that kid go to the doctor every single time that medical issue flares up, to get a doctor's note. But you know what it is, because you're a parent, you're that kid's mom, you're that kid's dad, and you know exactly what's wrong with them. So you call in and say, yet again, little Johnny can't make it to school today. That goes towards their days of truancy. And when they hit 20 days of truancy, they are referred and can and usually are charged or filed under the truancy laws. Now, where that becomes an issue is there's not really a defense to why that happened. And so, what you end up with, a lot of times, are juveniles who plead essentially guilty. They admit. It's not guilty in juvenile court, but that's a whole other conversation. They admit to being truant. And upon admitting to being truant, they are then placed on juvenile probation. Once they're placed on juvenile probation, there are a number of rules and things they have to follow, such as but not limited to a curfew, not missing school and maybe following through with some of the things that other kids are not expected to do.

**KELLY:** One minute.

**DUNGAN:** Thank you, Mr. President. And if that juvenile violates a small portion of their probation, they can have that probation revoked. And then once that probation is revoked, the probation is maybe reworked. And ultimately, what you end up with is a juvenile who's under the microscope, who-- for doing things that I'm guessing a lot of people in this body did. Kids in this body skipped school,

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Right. People who were kids in this body might have done things that were against the rules, but for doing those things, you then have your probation revoked. And I'm not kidding, colleagues, I have seen people taken out of their homes for those things. And it snowballs and it compounds and it exponentially becomes more and more problematic on itself. And so, we need to, as a body, address this issue. We need to take a hard look at our truancy laws here in Nebraska and make sure that we are, yes, giving kids the help and support they need if they are actually struggling because they're choosing not to go to school. But if kids have chronic medical issues, if they have serious mental health issues, we should be supporting them--

**KELLY:** That's your time.

**DUNGAN:** --and not placing them in punishment. Thank you, Mr. President.

**KELLY:** Thank you, Senator Dungan. Senator Hunt, you're recognized to speak. This is your last time on the recommit.

**HUNT:** Thank you, Mr. President. Preschool and kindergarten classrooms are where children first develop a love for education and learn foundational academic and social skills. Unfortunately, as we've seen, academic expectations push social learning and play aside. Schools have increasingly relied on punitive disciplinary action to address behavioral issues, instead of modeling problem solving processes for students and teaching them desired social behaviors. This means that children are losing valuable time in the learning environment and are being alienated from their peers. The students who would be affected by Senator McKinney's bill, which is amended into LB705, to prevent kids from being expelled or suspended, are around five-years-old. At this very young age, children have not yet had the chance to develop a sense of morality, so their misbehavior is not really about being bad. It's about not understanding social norms and how they're supposed to behave. Oftentimes, in these cases, students are simply expressing a need for help in the very limited ways that they know how. I was, I was at this talk that Senator Day was talking about, where the school principal talked about how the most transformative thing she did in her school was just get a washer/dryer for the school. And that was such a light bulb moment for me, because I grew up with a washer and dryer in my house. I grew up in a home with a stay-at-home mom who ran that washer and dryer every single day and folded the clothes and put them on my bed for me, folded so that I had clean clothes everyday to wear so that my favorite clothes would be ready for me to wear on the most important days. And I grew up having no idea that there were some

kids who didn't have that same resource and opportunity. And just a principal making that available to their kids, it probably did more for academic achieve-- and she talked about this. How much just know-- kids knowing that their clothes were going to be clean did so much for their academic achievement that, you know, spending all kinds of money on all kinds of programs hadn't been able to solve. And we should be using these moments and these experiences as opportunities to recognize gaps in our social knowledge and figure out how we're going to teach our kids better and not just punish them. And instead, we're pulling them out of class. We're giving them huge disadvantages. We're introducing bills to allow adults to hit them. These young students don't always understand what they're being punished for. And they're not learning anything from being suspended or expelled and excluded from class, except that they don't belong in that classroom, that they don't belong among their fellow students, that they aren't able to learn like other kids. And this is a message that is so detrimental to the emotional and intellectual development of young kids. This is older data, but in the 2017-18 school year, in Nebraska, about 34,000 elementary students were suspended, 34,000, with disabled students and students of color disproportionately experiencing the negative impacts of this reality. According to a state by state study conducted by the Department of Education, students with disabilities in Nebraska are 2.5 times more likely to be suspended and black students are five times more likely to be suspended than their white peers.

**KELLY:** One minute.

**HUNT:** Thank you, Mr. President. This puts Nebraska second highest in the nation, in terms of disparity in suspensions of students by race. I want to make this clear. Expulsion and suspension of kids doesn't correct their behavior and it doesn't improve their academic performance. Research actually shows the contrary, that exclusionary disciplinary practices increase the likelihood that students will continue to misbehave, that they'll misbehave in the future, that they're more likely to become truant, to fail to graduate, to develop substance abuse issues, to encounter the juvenile justice system, to struggle to find a job in adulthood. That means that uplifting and empowering historically disadvantaged populations, that punishment-driven policies are stifling their academic achievement and setting them on an unfavorable trajectory. It's putting them right on the school-to-prison pipeline. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt.

**HUNT:** Was that my third opportunity? Thank you.

**KELLY:** Senator Murman, you're recognized to speak.

**MURMAN:** Thank you, Mr. President. I just want to make it clear about exactly what happened in the Education Committee with Senator McKinney's bill. The original bill that Senator McKinney brought, LB632, would disallow suspensions for students pre-K through second grade in schools of the Metropolitan-- in a metropolitan class city. So it would only affect OPS. Well, the committee actually-- all of the committee thought that was such a great bill that the committee voted 8-0 to expand that bill to affect all the schools in the state. Well, after that happened, we did get some resistance from schools-- some schools in greater Nebraska, because they don't have the, the funding or the personnel to address the students that-- and those high-need students as they-- in the way they would really like to. So the amendment that was brought to Senator Hughes and myself was to allow suspensions, extremely short suspensions like one-day suspensions, only under certain extreme circumstances. And the intent of that amendment was so that the school district could actually work with whoever was at home, whatever the home was for those students, which, you know, would be a parent or parents or guardian and determine what was the best supports that the student needs to keep them in school. So it actually had a mandate for the school to work with the, the parent or parents or guardian to determine what is best for the student, to keep them in school. So we thought that was a great thing, so we brought that amendment. Well, the amendment did have unintended results, that we didn't realize at the time, that affected Senator McKinney's bill. So we have brought amendments to the E&R amendment to correct that and to make the bill, again, only-- well, to take out the exceptions for very temporary suspension and working with the families to, to take that out and to make the bill only effective for Class 4 and Class 5 schools, as the original intent of Senator McKinney's bill was. So I just want to make that clear, that the committee totally agrees that suspensions of pre-K through second graders is not a good thing and it is actually a good thing for the schools and the caregivers, the families of the students to work together to determine what is best for the student. And I think I can speak for everyone on the committee that we agree with that 100 percent. And that was our intent. Thank you, Mr. President.

**KELLY:** Thank you, Senator Murman. Senator Walz, you're recognized to speak.

**WALZ:** Thank you, Mr. President. And good evening, everybody. We've heard a lot of colleagues stand up and talk about how students are not learning anything from being expelled or excluded from class. And I

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agree. I've heard Senator Hunt, Senator Day, Senator Cavanaugh, I know Senator Linehan would say the same thing, Senator McKinney, a lot of people have said they're not learning anything from being expelled. And again, I agree with that. And I believe the conversation that we should be having is a conversation about what happens prior to any decision being made regarding expulsion. Most kids are not being bad just because they want to be bad. Most kids are, especially that age, experiencing some type of trauma or are in a crisis situation. So for me, the conversation that we're having tonight really should be about how do we address that. Whether you suspend a student or not, the most important piece is missing. And it's the plan, the plan moving forward and what steps should be taken to prevent that behavior from happening again in the classroom, whether it was warranted or not. There should be a plan in place. And that plan should be created by parents, by the student, by the educators, by counselors. Because without a plan, you're setting a child up to repeat the behavior, because they don't have the tools that they need to change. They don't have the tools that they need to figure out how they deal with the trauma or who they can talk to, before they have a blow up. Taking a child out of the classroom and sending them to a cool-down place or the principal's office should not and is not the silver bullet answer. Because if we think that way, chances are that student's going to return to the classroom and return to the same behavior without learning anything. So I just wanted to stand up and give my perspective on this. And I think a more productive conversation really should be a conversation about the process and creating a plan that can really change a student's life and make it more productive for, for them in school. So I hope that we can have a little bit more conversation on the piece that's missing and that is the process and the plan, prior to expulsion or taking a kid out of, out of the classroom. Thank you, Mr. President.

**KELLY:** Thank you, Senator Walz. Seeing no one else in the queue, Senator Conrad, you're welcome-- you're recognized to close.

**CONRAD:** Thank you, Mr. President. Just as a point of clarification, do I have 5 or 10 minutes for my close?

**KELLY:** Five minutes.

**CONRAD:** Five minutes. Thank you so much. Sorry, I-- as a seasoned veteran, you'd think I'd have all the-- think I would have all of these things embedded. But alas, it is late at night and I appreciate the, the clarification so I can organize my remarks. Colleagues, good evening and thank you for what has been, I think, a very robust debate

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on a lot of key issues that are contained in LB705, as was advanced from the Education Committee and was amended on General File, to include a host of important educational policy components really focused on, of course, teacher shortage and retention and recruitment strategies and then, other key aspects related to educational equity, as well. You can see, if you look through the lengthy committee statement, that there, I think, are good ideas brought forward by members of the committee, members outside of the committee, all across the state and all across the political spectrum. And I think that's a really sound body of work that the committee has put forward, under even the most challenging circumstances that we're facing together in this legislative session. And that's because we've agreed, across the state and across the political spectrum, that educational policy should be paramount in our state. That even though we have significant and sincere disagreements about some aspects of educational policy, there's still a lot that we can find common ground and consensus on and we should, at the very least, move those forward. And I think that's the, the byproduct that you have in this committee package that, that is before you today. So I know that there are a host of additional motions and amendments filed on Select File, that senators are very eager to turn our time and attention to at this late hour and as our time together concludes this evening and then may wrap up on this measure in the morning. So with that, I would thank again, the opportunity, I would thank again, the committee staff, who worked incredibly hard to put these measures together. I appreciate the opportunity to serve with my colleagues on the Education Committee. And as a new member of that committee, I've really learned a lot in a very short period of time about the nuances of educational policy. I don't pretend to be an expert yet. Haven't quite risen to the level of, of Senator Linehan, but I am an enthusiastic student and, and I really have enjoyed serving with her, Senator Wayne, Senator Walz, Senator Murman, Senator Briese, Senator Albrecht, Senator Sanders. Please let me know if I forgot somebody. But we've had a very-- I think I said Senator Murman, didn't I? OK. But double, double shout out to Senator Murman, our Chair. And with that, I would like to take this measure to a vote and would ask for a call of the house and a roll call vote. Thank you, Mr. President.

**KELLY:** There has been a request to place the house under call. The question is, shall the house go under call. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 16 ayes, 4 nays to place the house under call.

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**KELLY:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Hunt, please return to the Chamber and record your presence. The house is under call. There's been a request for a roll call vote. The question is the recommit to committee. Mr. Clerk.

**CLERK:** Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting no. Senator Bosn voting no. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting no. Senator Erdman voting no. Senator Frederickson voting no. Senator Halloran voting no. Senator Hansen. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no, Senator McDonnell. Senator McKinney voting no. Senator Moser. Senator Murman voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting no. Senator Slama. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne. Senator Wishart voting no. Vote is 0 ayes, 41 nays, Mr. President, on the motion to recommit.

**KELLY:** The motion to recommit to committee fails. Mr. Clerk, for items.

**CLERK:** Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote on motion 789.

**KELLY:** I raise the call. Senator Ma-- Machaela Cavanaugh, you're recognized to open on the motion.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, just going to get back in the queue there. So, we-- I don't even know how much time we have left or-- honestly, I don't know what's going on. I don't know if we go into a vote in 5 minutes or 50 minutes or going home or getting taquitos. I don't actually like taquitos. I don't know why I said that. Just a fun word to say. Taquitos. Yeah. This is our first like, late, late night. This is like after hours late night. This is-- we're

in it. We thought it was late when we were going to like 8:45; 9:15 felt late, didn't it? But no, no, no. It's 11:15-- 17, not 15. Be precise, Cavanaugh. It is 11:17. And it is interesting in here. It's such a pretty room. And I know, I know we've heard some complaints and I don't disagree, it is dark in here and it is sometimes hard to read. And our desk lamps are bright, if you-- like, mine is not high enough. But they are bright, if you, you know, are able to utilize them appropriately. So you can just slide something underneath your desk lamp to read and I do that. But, but it's just-- it has a very romantic feeling in here at night. It's just a beautiful space. And I encourage, if you're sitting in your chair, to look up at the ceiling. It's just-- it's a very, very lovely space. You used to be able to smoke in the Chamber and apparently, they had to do some cleaning of the ceilings, because of the tobacco staining of the artwork. I-- maybe, I made that up. To be honest, I don't know. I feel like somebody in here told me that, my first year. And for some reason, I feel like it was Senator Chambers that told me that. And that the same woman that led the charge to get a women's, women's senators' restroom led the charge to ban smoking in the Chambers. So thank you. I can't remember her name right now. But, but yeah. So-- oh, my gosh, I'm not going to tell the story tonight because I won't do it justice because I'll leave out really important pieces of information. But the story about how the women in the Legislature got a women's restroom is kind of epic. So we have, behind the, the Clerk's area, the President's desk, behind there on these doors is what's called the cloak room-- I assume, because it's where you would hang your coat. And so, back there is a, a coffee maker and iced tea, water and hot water and an ice machine. And it has always puzzled me why we have iced tea. Coffee, I get, because coffee is like, a standard. But why is iced tea the second beverage? And for the longest time, I thought it was Coke. I thought-- or some kind of soda. I thought people were all drinking like, Coke. There was just a-- but only one-- like, you could get Coke, Coca-Cola. Maybe it was diet. I don't know. I don't drink Coke. But you could get Coca-Cola or you could get hot coffee. It does-- it's not any less strange to me that you can get iced tea or hot coffee. I know that the other Senator Cavanaugh drinks both, to a degree that I think is unhealthy. But that's just a little sister nag, there. Oh, yeah. So the-- so back there, there is a women's restroom. And they had to utilize I don't know if it was an actual-- if it was actually like, the coat closet or what, to create the women's restroom. But we do have a women's restroom right off of the Chamber, just like there's a gentlemen's restroom, that is actually part of the Senator's Lounge, which is a much nicer, larger space. But in the women's restroom, this is another thing that has always just-- I've

always thought was very funny-- there is a fainting couch. It is so uncomfortable. It's like, on a like, just wood slab, but it has an incline and it's not somewhere that you would want to faint, but I suppose it's better than the floor. And so, there's a fainting couch, there's locker cubbies that we can put stuff in and then two stalls. And the women of the Legislature had to fight to make that happen. I would love to know the inside scoop on the fainting couch. It's probably made from Walnut. It probably costs like \$20,000, because it had to be Capitol original, whatever that means. As far as fainting couches go, I don't think that there's a lot of Capitol original fainting couches. But this particular fainting couch is extremely uncomfortable and probably made out of very expensive walnut, because we like to do things in a very impractical way in this building. Yeah. So, OK. So we're on the motion to reconsider the vote on the amendment-- the motion to reconsider the vote on the motion to recommit to committee. It's a late night. I apologize. It's 11:23. I realize now I've only been talking for, like, 6 minutes maybe, so I've probably got, like, 4ish minutes left. Cool. Yeah. I don't know. I got lots of things I could say, but, but why. OK, so another thing in this room are the pillars. So we've got these, like, dark green marble pillars, sort of a-- I don't know what-- would you call that a salmon, a mauve color? I'm not really sure what I would call the, the pinkish, pinkish, maybe, mauve and then, cream. And I feel like there must be some symbolism in these colors. But I've never got-- I've never really investigated it. But there are-- what? You're going to have to write it down. Now, I'm looking on this side and I'm wondering if they are the same. They're not. They aren't a mirror image. Interesting. Is there some alliteration happening here? What do the colors of the pillars mean? OK. So there's the circular pillars that are out front here and then recessed back at the wall, are pillars that are the same color. They're not actually pillars. They're-- but they're flat, which is another interesting feature. So I'm also curious about the style there. And then at the top of the pillars, I can't remember what that's called, but it's kind of like the foot or the prong or something. There's the different designs. Now, I used to give tours of the U.S. Capitol. And I knew-- like, you could look at the different-- the tops of pillars and they had different things. So it was like they were trying to design it to be like in the Roman architecture style, but they wanted to Americanize it. So there was wheat or corn husks in-- at the tops of the pillars, for the decoration. And so, that was one of the things that I would point out. I also had a story that I would tell schools, that I-- someone told me, when I was getting a tour and so I incorporated it in when I was giving tours to school groups. And--

**KELLY:** One minute.

**M. CAVANAUGH:** --thank you. And I legitimately never knew if it was real or not. It seemed like it was fake. It was about the Civil War and the use of the Capitol and circus tents. And I cannot unpack that in less than a minute. So at some point in time, I will have to come back to, to it. Yeah. So, there we go. There we go. I guess-- and I'm about out of time. Thank you, Mr. President.

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

**DAY:** Thank you, Mr. President. I think that Senator Walz made a really fantastic point earlier, when she mentioned the most important conversation we can be having relative to behavioral problems with students or academic problems with students, is what are we doing as policymakers to keep it from happening again? What are the solutions that we're providing to help that student from ending up in that same situation at a different school or again, at the same school? And I'm going to go back to talking about Liz Dozier from Chicago Beyond and her experience when she was the principal at Fenger High School in Chicago. This says, when Liz Dozier arrived at Fenger High School, it felt like someone had dimmed the lights. At the time, it was known as one of the most violent and underperforming schools in Chicago. During Dozier's first year as principal, 300 arrests happened in the building. The school's dropout rate was 20 percent and the graduation rate was just 40 percent. Each of my students was an infinite microcosm of possibility, she shared, comparing their potential to stars in the night sky. But so many barriers were impacting students' abilities to be free, dimming the lights on their futures. Dozier started her time as principal focused on structure and discipline, prioritizing policies and procedures. After a year, though, she realized the school wasn't seeing the changes it needed. I think that's an important highlight. Dozier started her time as principal focused on structure and discipline, prioritizing policies and procedures. After a year, she realized the school wasn't seeing the changes it needed. Day after day, our students' ecosystems were subjecting them to repeated trauma, Dozier explained. A one-size-fits-all approach and tough-on-behavior tactics weren't helping the students. So she made a shift. After Dozier's six years at Fenger High School, the 300 annual arrests became fewer than 10. The dropout rate fell to 2 percent and the graduation rate doubled to 80 percent. As one of the opening keynote speakers at the 2022 Cradle to Career Network Convening, Dozier, now founder and CEO of Chicago Beyond, shared what changed to turn the school into a bright spot.

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Here are a few of the insights she offered to the more than 500, 500 changemakers gathered at the event in Chicago. It says, stop to ask what the data is telling you. In her first year, Dozier tracked a lot of data on her students. Across the Strive Together Cradle to Career Network, data is a key component to building stronger communities, but it's critical to pause and reflect on what the data really means, Dozier shared. And to her, that meant truly seeing each of her students. What was really in that data? How often has each of us really failed to see someone? At Fenger, we were missing some of our kids, widening the inequities and creating more issues, she said. Using data effectively meant not just looking at the numbers, but seeking the story behind the numbers, the lived reality of each of the students at the high school. We changed the question from what's wrong with you to what happened to you, Dozier shared. From there, she and her team could better understand the students and their needs and better create strategies to address them. Truly understanding your data and the root causes of the challenges of your community can lead to shifting the way you look at your work. For Dozier, the shift had a profound impact. We were operating under the assumption that our--

**KELLY:** One minute.

**DAY:** --thank you. We were operating under the assumption that our students needed to be controlled, she said. The reality is that we as adults were the barriers to their freedom. As a collective of adults, we are the system that was standing in their way. When they let go of their assumptions, Dozier and her team began to see her students through a more nuanced and complex lens. This expansion allowed them to see the larger, underlying issues behind the students' challenges at school, the overall ecosystem in which young people in the community existed. Our children are not problems to be solved. They are individuals who are in need of healing, in need of adults to step up and make different and better decisions in their best interests, Dozier shared. Her work shifted from its focus on policies and strict discipline. The school adopted restorative practices and implemented mental health and wellness resources, including group counseling and individual counseling for students. And these changes led to results.

**KELLY:** That's your time, Senator.

**DAY:** Thank you, Mr. President.

**KELLY:** Thank you, Senator Day. Mr. Clerk, for items.

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**CLERK:** Mr. President, a series of motions and amendments to be printed: Senator Machaela Cavanaugh to LB705; Senator Murman to LB705; Senator Murman, LB705; Senator Vargas, LB705; Senator Blood, LB705. Finally, Mr. President-- excuse me. Senator Dorn to LB562. Finally, Mr. President, a priority motion. Senator von Gillern would move to adjourn the body until Tuesday, May 9, 2023, at 9:00 a.m.

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