

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eightieth day of the One Hundred Eighth Legislature, First Session. Our chaplain for today is Dr. Nathan Wakefield, Southview Baptist Church in Lincoln, a guest of Senator Brewer. Please, please rise.

DR. NATHAN WAKEFIELD: Let's pray. Father, we thank you for both the right and the responsibility to govern that comes from you. We pray that you would give wisdom to our leaders as they seek your will. We pray that your will would be done. We pray that you would bless those who would take the responsibility and take up that mantle to serve us, to serve our state, to serve our country by leading us. And we pray that you would give them wisdom, that you would give them discretion. I pray that you would protect our leaders, that you would protect them physically as they go about the day to day service, that you would protect them spiritually as they put a lot on the line, that you would protect them relationally as they interact with each other and with others in our state. I pray that you would show yourself, that you would show yourself as God, the God of the creator of the universe, the God who saves. And I pray, today, that your will would be done, that your wisdom would dictate, that you would reveal yourself as the great unifier, the great savior, the one on whom we depend. We turn over today to you and ask your guidance. In the name of Jesus. Amen.

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

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

KELLY: Thank you. I call to order the eightieth 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, Mr. Clerk. Are there any corrections for the Journal?

CLERK: Mr. President, on page 150, line 31, replace Albrecht with M. Cavanaugh. That's all I have at this time.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

CLERK: There are, Mr. President. Bills presented to the Governor, LB815e and LB816e were presented May 18, 2023, at 8:24. And additionally, new LR, LR208, LR208-- LR208 from Senator Dorn. That will be referred to the Executive Board. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Briese, you're recognized for an announcement.

BRIESE: Thank you, Mr. President. Just a reminder that the deadline for introducing interim study resolutions is the eightieth legislative day, which is today, no later than noon today. Standing committees may also introduce one additional interim study resolution prior to adjournment sine die. If your office has not yet received a three-part for an interim study or if you have not yet requested a three-part for an interim study that you would like to introduce, please contact the Revisor of Statutes Office. Thank you, Mr. President.

KELLY: Thank you, Senator Briese. Speaker Arch, you're recognized for an announcement.

ARCH: Thank you, Mr. President. After today, we will have 10 days remaining in the session. With the passage of the budget bills today, all bills ready to be read on Final Reading may be read, including bills with a General Fund impact. LB574 will be up for its second round Final Reading tomorrow at 2 p.m. We will be working through the noon hour tomorrow. Next week is a Monday through Thursday work week with the first three days being late nights. On Monday, we will take up LB50, the Judiciary Committee priority bill, which addresses justice reform. We have a two-day weekend in front of us. Please enjoy it when it arrives. Thank you, Mr. President.

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

CLERK: Mr. President, Final Reading, LB814e.

KELLY: Senators, please find your seat. We are on Final Reading.

CLERK: Mr. President, Final Reading, LB814e. First of all, Senator or Mr. President, we've got a recommit. Senator Clements would move to recommit LB814 to the Appropriations Committee.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

CLEMENTS: Thank you, Mr. President. This motion is-- I'm using it so I can do an opening on the bill today. But I definitely don't want to have this bill coming back to the Appropriations Committee. We've worked four and a half months on it. But I just want to let the body know about the process. We start with a big notebook like this. And we-- the-- all the agencies send the Governor their budget requests and then the Fiscal Office puts all those requests into a binder and we start going through them in January and into February. Then we made our recommendations as to what we think each agency should have. And the agencies come back and we go through the book again, with those agencies that had requests for more items. And that's-- then we start on the bills. We had 87 bills in Appropriations and we had our last hearing for those, March 24. So January, February and March was pretty much every day in hearings and meetings and hearings. And I want to thank the director of the Legislative Fiscal Office, Keisha Patent, Patent and their excellent help from all the other fiscal analysts, providing the necessary information needed for the committee to make informed decisions on the budget, budget proposal. And for the committee, I appreciate your late nights and your hard work helping the committee get this budget put together. This is the mainline budget. LB814 is the main-- mainly the General Fund appropriations bill for the coming two years, starting July 1, 2023, ending June 30 of 2025. And it will become operative on July 1 of 2023, with the e clause. This also-- we combined the Capitol construction bill in-- that was LB817, and we put it in with LB814 on General File. And you all have received the green budget book. And the budget book now has some adjustments. The main, the main thing you'll-- from LB814, is now the daily green sheet that you receive. And going down a little bit of the green sheet today, line 8 starts with the Forecasting Board projected revenues. It's called net receipts. And we talked about how the Forecasting Board lowered this fiscal year \$80 million, but they increased fiscal year '24 and '25 back up \$80 million. So you'll see \$6.5 billion in 20-- year '24, \$6.6 billion, fiscal year '25. Then if, if you'll look at-- that's the-- what we call our budgeting cap income, that we budget to the Forecasting Board. Then we've taken money out of the General Fund, a lot of it. In LB814, if you look at line 9, it says General Fund transfers-out. The second column, \$1.399 billion, \$1 billion of that is the Education Future Fund for the school funding bill. And the third column, \$699 million, \$250 million of that is also Education Future Fund. And the-- another part of that transfer-out would be transferred to the Cash Reserve, that we transferred from General Funds to Cash Reserve funds. Down on line 6-- 16, says in LB814, mainline budget bill and the second column, it would-- the second and third columns are the spending in this bill:

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

\$5.31 billion in fiscal year '24, \$5.327 billion in fiscal year '25. And let's see here. Then we go down to line 31. It says difference, variance from minimum reserve. That's-- you'll see \$891 million there. That is the number that we talk about being to the floor. That's a bigger number than I've ever seen in my seventh year here. But then, you'll find that there are uses-- places to spend that \$891 million. We'll get to that in a minute. Then on line-- let's see-- line 34, two-year average growth in spending, shows 2.2 percent. The Governor had wondered about 1.5 percent increase. We-- we're pretty frugal, but I think 2.2 percent increase is still doing well and that's with controlling spending. That's why there's that much money left to the floor for other uses. And we'll, we'll get to those. And so, the-- then the other thing is the last two columns are called the out years, fiscal years '26 and '27. And if all the projections go as projected, we're projecting 3 percent increase in revenues, 2 percent increase in spending. And with-- that's not-- Forecasting Board, that's just our estimate of increases. And that would leave \$2.1 billion, if nothing changes from what's-- what bills are in bold right now. But-- and then at the bottom of the green sheet is the Cash Reserve Fund. And if you look at column 3, the end of the biennium, projected ending balance: \$780 million. The back side of the green sheet, then, is all the bills that we have not quite-- have not yet passed and some on Final Reading, some on Select File. The, the first fiscal year, 21.6-- on Final Reading, we have 21.6 plus 64.8, \$85 billion. And then, on Select File, 90.9 in the first year, \$545,000 the second year. And that's spending that we're going to have to decide how much of those are going to be approved. Then the lower section is not spending, but it is changes in revenues if tax bills pass-- tax relief bills. And if you'll look under Final Reading, Revenue, Revenue bill Final Reading total, the second column, \$94.9 million reduction in revenue. And the third column, \$503.7 million reduction in revenue. And then on Select File, LB531 and LB727, and it would be an additional \$35 million the first year and \$52 million the second year. So those are the numbers. If you added all those up, the-- use up all of the \$891 million to the floor. And I believe that--

DORN: One minute.

CLEMENTS: --thank you-- the Governor is wanting to have, well, more than that to carry forward to the next year, to keep especially, our tax relief bills sustainable. So the-- within here, the University of Nebraska does have a 2.5 percent increase in their funding. The Education Future Fund is funded. And I think I'll leave it at that. And just want to, again, thank my committee and thank the Fiscal

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

Office for all their help in getting us to this point and would appreciate your green vote. And I would withdraw my motion.

KELLY: It's withdrawn. Thank you, Senator Clements. Mr. Clerk.

CLERK: Mr. President, Senator Machaela Cavanaugh would return-- move to return LB814 to Select File for a specific amendment, that being AM1740.

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

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. So I'm just sit-- sitting here doing math, one of my favorite pastimes. I-- a while ago, I made a little day-by-day how many hours are left. If we go the maximum amount of hours, that would be to-- I mean, I gave us a 15-minute window, 11:45 every day. After today, we would have 101 hours and 15 minutes. We have 15 bills that have a priority on Final, so that right there is 30 hours. And at least, on the agenda right now, we have eight A bills. So that's a minimum of 4 hours. So we're talking 34 hours of that hundred-- 101.25, so that leaves us with 67.25 hours to accomplish anything that isn't currently on Final, assuming I don't get creative. And I think we all know that I'm pretty creative. And one of my favorite pastimes is finding ways to take time outside of the time. And I, I was given an enormous gift by this body, by the Speaker and by the President on Tuesday of this week. I was taught how to take hours of time outside of the clock. So, again, start your lobbying. LB574, it's getting its day to shine numerous times in the sun. Has your priority? Or is that your priority? Maybe everybody is totally cool with the turd sandwich that has become LB574 getting a fourth time at, at, at prime time. Maybe you all are just-- can't wait for those criminal penalties to take effect on Saturday, for medical professionals, because it's got an e clause. Thank God. I would hate to think that we aren't incarcerating our physicians soon enough. Whoo. I mean, there was a concern that we might wait until next week to start incarcerating doctors for giving healthcare. Ladies, birthing folk, go get tested right now. Find out if you're pregnant. I don't care if you've missed your period or not. Get tested. I don't care if you're perimenopausal. Get tested. And find out, if you are pregnant, are you going to die from that pregnancy? And get it taken care of between now and tomorrow afternoon, because you are effed, royally. Royally. Because as soon as tomorrow comes, you-- if you are pregnant, you've got maybe a handful of weeks to get the medical care that you need, if you are pregnant right now. Maybe. Tops. Or if you are nine weeks pregnant right now and you find out that you have an ectopic pregnancy or that your baby's brain is

floating outside of its body and you're going to be forced to carry that baby to term if you don't get that resolved by tomorrow afternoon. So please, start calling your doctors' offices right now. And doctors, get everyone in the office standing by to make appointments. Please keep your offices open late. We are in a crisis. We are in a crisis, Nebraska. Call your doctors. Go to your pharmacy. Get a test. Do it right now. Don't wait. Don't wait till I'm done talking. Go right now. Every minute is precious to saving lives in this state. 67.25 hours remain. And your Nebraska Legislature has made it crystal clear that discrimination is their priority. Members of this body have stood up here and whined, yes, whined about being called anti-gay. You are. You are anti-gay. You are transphobic. You are homophobic. You vote for LB574, that's what you are. You're homophobic. You're transphobic. You're LGBTQ phobic. You're phobic, phobic, phobic. You vote for LB574 and you open up the possibility for undoing decades of progress in civil rights. You open up the possibility for people to come for your marriages, but you're transphobic and homophobic enough that that's fine. It's fine, because people stood in these Chambers and chambers across the country and fought for your right to be married to who you're married to, so that your children could exist. But you are too weak to stand up for other people's children. Your life is built on the shoulders of other people's work and advocacy for civil rights. And you are too weak to stand up for other people. When others did it for you, you won't do it for others. That is pathetic, absolutely pathetic. I started out this morning, before the Speaker's announcement and because of the reaction to comments I made about funding around parochial schools, I thought, why don't we revisit this delightful topic? Let's revisit the topic of the Omaha Archdiocese attempts to enact massive discriminatory policies against the LGBTQ community last fall. And the outcry of it all led them to walk it back and do something much less drastic, but still horrible. Maybe the Nebraska Legislature should take a cue from the Omaha Archdiocese. If you want to be horrible, do it incrementally. Be incremental in your terribleness, be incremental in your bigotry, be incremental in your phobia. Let's take a note from them, because they still haven't enacted a horrible transphobic policy. But at least they didn't do it in the first round. They realized, oh my goodness, people really hate this. Guess what? Yeah. We do. You know why? Because we love gay people. We love trans people. We love LGBTQAI-plus people. Why? Because they are us. They are our family. They are our friends. They are us. And they deserve life and dignity. So, yeah, when the Catholic Church in Omaha tried to enact hugely discriminatory policies against children and their families, people got pissed, just like the people out there and the people up

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

there are pissed. Get pissed. I had some people this morning ask me what could they possibly do? And I said, I don't know anymore. I don't know. Do anything. Do everything. If you have a paid lobbyist, call your paid lobbyist. Because if there are criminal penalties against your profession, your paid lobbyist isn't worth poop. They're not worth it. Fire them. If you get criminal penalties in this session, fire your lobbyist, because they clearly did not do their job.

KELLY: One minute.

M. CAVANAUGH: Criminal penalties against a well-established, respected profession. Yeah. I would fire them. For sure, I would fire them. We have two hospital administrators in here who are voting for this. Fire your lobbyist if they can't convince hospital administrators to not enact criminal penalties against doctors. Because that, that is the ultimate in bananas. I can't even imagine a hospital administrator right now, somebody who's working in a hospital being like, oh, you know what? I'm totally cool with you all having criminal penalties against you. That's not going to make my job harder. Not at all. It's going to be a fun day. I'm out of recipes. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Moser would like to recognize the physician of the day, Dr. Dan Rosenquist of Columbus. Please stand and be recognized by your Nebraska Legislature. Senator McKinney, you're recognized to speak.

McKINNEY: Thank you. Mr. President. I rise because today, we have two budget bills that deal with the construction of the new prison. And I just want the body to be aware that once you vote to support LB814 and the next, I think it's LB818, you're voting for one of the most-- one of the largest construction projects in our state's history. You're voting to not replace the Nebraska State Penitentiary. Because remember, two weeks ago it was said to us that, you know, the state would like to keep its options open and they don't want to close the prison. So you're not replacing the Nebraska State Penitentiary. You're going to vote to build a new prison, that if we don't pass LB50 forward next week, it is going to be overcrowded, day one. And that means you will potentially have to build another prison, which is going to be close to within the next 10 years, if you vote to support this. And then if we don't do no policy changes and we have to-- well, I probably wouldn't be here, but yeah, definitely. I don't think I'll be here. But you'll also have to vote to build another prison, which would mean in the next-- in really, less than a decade, you'll be spending \$1 billion on prisons to house people, when we could find alternative ways to address our criminal justice system in a more

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

efficient and fiscally responsible manner, invest in communities and those type of things. So I just wanted to put it on everybody's mind that you're going to vote to build a new prison, not a replacement prison. The Nebraska State Penitentiary is not closing. It is staying open. You're not replacing it. Contrary to comments made over a 2-3 year period, that's not happening. Nebraska State Penitentiary is staying open. You're going to vote to build another prison. And if we don't move LB50 forward next week, it, it, it is for sure going to be overcrowded, which means you're going to have to add on an addition to that, which means you're going to be voting to build another prison in less than 10 years, which means that will be close, that will be close to \$1 billion spent on prisons, just in construction. We're not even talking about operational costs and staffing costs and programmatic costs and any of those things. So just be aware, you're voting to build a new prison, not a replacement prison. The Nebraska State Penitentiary is not closing. Just remember that next week, when LB50 comes up and we're talking about policy changes needed to cut down the potential forecast of the prisons being overcrowded and the need for policy changes to address that issue. That's all I wanted to say. Just to let you know, once you vote this forward, you're building a new prison. A new prison, not a replacement prison and we still need policy changes to address our criminal justice system. Thank you.

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

M. CAVANAUGH: Thank you, Mr. President. We definitely, Senator McKinney, are going to need to build a new prison because we're going to be incarcerating all of our medical professionals, unless they leave the state, of course. So, I don't know. Maybe LB574 has completely shifted my thinking on this. Will the doctors work for \$1.35 a day, \$1.38, whatever it is? Do they get a higher pay? Oh, wait, They won't have a license. Right. That's what comes with the criminal penalties. You lose your license. I see Senator Riepe is over there talking to a doctor who he is going to vote to have criminal penalties for his profession. And the "I don't know what" mentality of this body, where you all are inflicting trauma on people and then you come and talk to us like we're friends. It's very mentally unhealthy. And it's not cool. It's not cool. It's also not cool to check out during Final Reading and go get intoxicated and then come back and be a joke on the floor of the Nebraska Legislature. That also is not cool. And before anybody in the media starts asking me, just look at who's checked out for hours at a time on Final Reading and you can figure that list out yourself. I mean, it happens every night during late nights, where people leave and go get drunk. But during Final

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

Reading, they have to actually check out. If you're going to go get drunk, just leave. We don't need you here. You're not a serious person. Just leave. Actually, that's not true. We do need you here, because we have to have 33 people to vote for LB814 because it's a budget bill and the bills yesterday. But people couldn't be bothered to remain sober for it. This place has descended into utter chaos. And yes, I know the recipe for chaos. And yes, I am a masterful chef. But apparently, a whole bunch of you do, too. Your chaos just looks more messy and less purposeful. I have chaos for a purpose. I don't know what chaos getting drunk in the middle of Final Reading is, except for just wildly inappropriate and disrespectful to the people in this Chamber and the people of this state. Thank goodness we're thanking the staff for being here while members of the body are getting drunk. Why, why is she talking about this? Why not? Why would I keep your secrets? Why would I protect you? You don't deserve my protection. You don't deserve my silence on your poor behavior. I saw that the HR manual was voted on or whatever, by the Executive Board. I haven't had a chance to read over it. I'm curious, what are the steps for--

KELLY: One minute.

M. CAVANAUGH: --sexual assault and harassment in the workplace by senators to staff or senators to senators. Yesterday, Senator Wayne was talking about knowing when you have to keep quiet because, because of the power dynamic, basically. And I know that all too well. I have been in this Chamber. I have been physically touched and restrained by members of the Legislature. And I kept my mouth shut because they were in positions of power and I didn't want my stuff to get messed up. Now, obviously, that didn't happen this year, because I don't care anymore. I learned to use my voice. I learned to stand up for myself. And it is hard. But I would never let a male senator touch me again the way that they did my first year and my second year.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

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

WISHART: Thank you. Mr. President, I-- colleagues, I do want to talk about the budget we have before us. But in light of the announcement of LB574 coming up tomorrow, you know, I agree with Senator Cavanaugh in the sense that when people ask me what can be done, it's-- it feels like everyone has made up their minds. But I do encourage those of you

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

who are listening in and have and share the significant concerns that I have with this legislation that we'll be debating tomorrow for the final time, to please reach out to your elected officials and talk to us. It does matter. Your emails, your phone calls, they, they do matter. We listen. And so, please, if you're listening, take that moment to reach out and perhaps it will change a person's mind. When-- this is, this is my last biennial budget and I will leave my comments where I started them, as we started this budget process. It's been an absolute honor to serve on the Appropriations Committee for over six years now. And I want to thank the entire committee and Chairman Clements for his work and leadership. I knew pretty early on, as a freshman senator, with budgets, that there are parts of the budget that you absolutely champion and love and there are parts of the budget that you end up having concerns with, but recognize that we're 49 unique individuals representing an incredibly diverse set of districts and constituencies across the state. And, and we have different needs. And so the reality is that it's-- you, you get some of the things you'd like to see and, and others have the investments that they'd like to see. And, and that is the process of, of creating a budget. So today, I want to talk about some of the items before us. And I'm merging LB814 and the following piece of legislation and, and talking more holistically about what we've done. First and foremost, from the time that I have started on the budget process, I have prioritized provider rates. These-- this is funding that goes out to support organizations and individuals that do the most incredible work to support some of our most vulnerable community members. That's child welfare agencies. That's people who support people with disabilities and behavioral health issues and mental health issues and senior citizens. And I'm proud of our Appropriations Committee, from voting and pushing to increase provider rates this year. Is it the increase in size that I would have liked to see? No. I would consider it a modest increase, but it is an increase and it is an area that we have prioritized in, in this budget this year. Secondly, when I was asked by the media in January what we were going to fund this year, I said this was going to be the year of-- I anticipated it would be the year of water. And it has been. We are making significant investments in, in water across the state. Most notably, as a Lincoln Senator, we're putting close to \$180 million of ARPA funds into supporting Lincoln and the southeast Nebraska's ability to build a second water source, which needs to be completed by 2048 in order for us to meet the growing needs of our city.

KELLY: One minute.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

WISHART: This is a, a big deal for us. And I'll talk a little bit more about some of the other projects that we're working on and in particular, with the, with the canal on my next time.

KELLY: Thank you, Senator Wishart. Senator Linehan, you're recognized to speak.

LINEHAN: Good morning, Mr. President, and good morning, colleagues. I rise in rebuttal of several remarks that have already been stated this morning. First of all, the Legislature, for those watching at home, those of us here know we are not in utter chaos. This Legislature has accomplished many, many things, good things. We're not in utter chaos. Everything's going to be fine. Just out of nowhere, there's a claim that people were drunk last night. I have talked to people. Nobody seems to know what that's even about. I did check out early last night. It might have been the second time this Legislature that I have done so. I was very tired. My grandson graduated from kindergarten yesterday and I didn't even know about it until I got home last night and watched it on a video. Senator Aguilar has been coming here every day, when his family, I'm sure, thinks he should be home, because as he's dedicated to the Legislature and getting things done for Nebraska. Senator Albrecht, who is here giving culture to a bill that she doesn't like, but she's willing to compromise to get something done. And this talk that 12 weeks is somehow, just horrible, are we kidding ourselves? Twelve weeks is when parents have gender parties, when they start looking at names. I've got a daughter who's pregnant, not the daughter-- I've got three daughters, actually. Not the daughter that some of your-- I don't know who they are-- write ugly letters about. Not that daughter. And besides, that daughter is not-- she didn't even agree with me on these issues. So, she agrees on some. Anyway, I've got another daughter who's pregnant. And every week, I get a picture of a baby. And Senator Brewer, he shouldn't be here. He's been sick, I don't know, for a month, six weeks. I'm not going to at this turn at the mike, ask Senator Cavanaugh some questions, but I will the next time. I'm sick and tired of the Catholic Church getting beat up, especially by Catholics. Nobody forces you to be Catholic or go to a parochial school or to be Lutheran. We are a country that was founded on freedom of religion. And everybody gets up and talks about freedom of speech and-- but, but we are allowed freedom of religion in this country. And not just-- we're not-- and everybody only reads the first part of the First Amendment, where it says there will be no state religion. That is true. And there shouldn't be. There was centuries of wars over religions on what countries and America was founded to avoid that. But it also says we all have the right and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

there should be no law that keeps us from practicing the religion we want to practice.

KELLY: One minute.

LINEHAN: This Legislature, when we're done-- and we will get done. And Senator Aguilar and Senator Brewer and Senator Albrecht will stick with us and we'll get to the end. And it will be transformational. Thank you, Mr. President.

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

CLERK: Mr. President, your Committee on Enrollment and Review reports LB243 as correctly engrossed and placed on Final Reading. LB535, your Committee on Government, Military and Veterans Affairs reports LB535--

KELLY: Senator Slama, what's your point of order?

SLAMA: I am stating that LB535 was advanced by the Government Committee in violation of Rule 3, Section 16, in that an unauthorized person was permitted to attend and participate in the executive session in which the bill was advanced.

KELLY: Senator Slama, could you approach? Senator Brewer, as well, and Speaker Arch. Mr.-- or Senator Slama-- Mr. Clerk, it's my understanding that this bill will not be read over at this time. Is that correct?

CLERK: Yes, Mr. President. LB534 will not be read across. LB535, excuse me.

KELLY: And Senator Slama, back to your point of order.

SLAMA: Yes. I intend to withdraw my point of order, given the fact that LB535 has been rightfully retracted. But I objected to this under the knowledge that a high-ranking member of the executive branch was present, answering questions and actively participating in the Government Committee's executive session yesterday, on my bill, LB535. And I objected for the sake of preventing a precedent in which a member of the executive branch, be it the Governor, the Deputy Secretary of State of Elections or anyone else in another branch of government could come into an executive session of a committee hearing and be providing information, misinformation, orders or otherwise, to our legislative branch when we're doing our business. It's my understanding the Government, Military and Veterans Affairs Committee will be having an executive session later today without the presence

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

of the Deputy Secretary of State of Elections. And that satisfies me. And I will withdraw my motion.

KELLY: Thank you, Senator Slama. It's withdrawn. Senator Machaela Cavanaugh, what is your point of order?

M. CAVANAUGH: Point of inquiry, actually. But I would like to know if the clock stopped during this point of order discussion and if so, for how long?

KELLY: Mr. Clerk.

CLERK: Senator Cavanaugh, because we were in the middle of reading items, it's a-- generally, a-- an administrative process, we did not stop the clock for, for this discussion. Mr. President, continuing with items. LR209, from Senator McKinney. That will be referred to the Executive Board. LR210, from Senator McKinney. That will be referred to the Executive Board. LR211, from Senator Ballard, LR212 from Senator Halloran, those will both be referred to the Executive Board, as well. Amendment to LB514 from Senator Brewer, amendment to be printed. Motions to be printed from Senator Slama, all to LB514. Senator Slama, amendment to be printed to LB535-- excuse me. Series of amendments to be printed to LB535. That's all I have at this time, Mr. President.

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

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I do rise today with questions mostly, about LB814. So I know we're talking about the budget again. And I think that Senator McKinney set us off on a pretty good path, outlining a number of the concerns, the frustrations and I think the, the questions that a lot of us have, with regards to some of the things that are contained in this budget. As Senator Wishart indicated, obviously, there's rarely going to be a budget that is perfect. And I understand that oftentimes, we, you know, have to put things through that aren't entirely perfect. We don't want the perfect to get in the way of the good. I know people say that oftentimes. But that doesn't mean that we have to wholeheartedly support or just kind of close our eyes and, and move forward with things that do have problematic procedures. With regard to the building of the new prison, that is something that I do have a lot of questions and concerns about. What we know is that here in Nebraska, we have a prison overcrowding problem. That's something that I think we can all agree upon. And it's not a partisan issue. It's not

opinion, it's fact. We know that Nebraska has, I think, one of the most overcrowded prison systems right now in the country. And I think that if you look at the statistics for a short period of time, we have the most acute prison overcrowding problem in the entire country. And so, yes, I understand when people look at that, they sometimes say, well, doesn't that mean we have to build a new facility? The problem that I have with that is when you create the conditions within which a problem then presents itself and then, you act as though your hands are tied and it's inevitable that you then have to do something to fix that problem, like build a new prison, it ignores how we got here in the first place. I was not a part of the conversations previously that have happened in this body, with regards to a new prison. But it is my understanding from talking to a number of people, that the costs that are associated with keeping up the Nebraska State Penitentiary, NSP, would have been less than building a new prison. And in my conversations with Senator McKinney, who has followed up on this topic extensively, it sounds as though there were repairs and maintenance costs and things that had to be done for NSP that simply weren't done for a number of years. And that, ultimately, there was still money in the coffers for NSP to be kept up and fixed and instead of utilizing that, that was not done. And now, we find ourselves in a situation where NSP does have some pretty bad conditions for incarcerated folks. And I do think we have a responsibility to the people of Nebraska and to our incarcerated people to make sure those conditions are livable. But I think it would be more fiscally responsible and financially responsible of us to invest in keeping up what we currently have, rather than simply building a new prison and inviting more usage of those beds, while simultaneously not agreeing to close down NSP, which currently exists. What we know is that nearly half of the inmates in prison are within three years of release. So we know that nearly half of the people that are in prison are going to be released relatively soon, but there's not proper programming or staffing for them that relea-- to allow them to be released back into the population in a way that makes the community safer or benefits them. We know the prison population, as of the 2022 master plan from DCS, was 5,517 people. The projected prison population in 2025 was 6,445 people. And the prison population projected in 2030 was 7,327 people. That is exponential growth between now and 2030 if we don't do anything. We also know that in the last decade, Nebraska's prison population has increased by 21 percent. That's three times the increase in our state's population. So we're seeing a disproportionate increase in the prison population as opposed to the actual growth of people in Nebraska. We also know that in the last decade, recidivism has not decreased. Thirty percent of prison inmates returned to prison. And that 30 percent--

KELLY: One minute.

DUNGAN: --is low-- thank you, Mr. President-- as it doesn't capture former prison inmates who re-offended but don't go back to prison. So if we do nothing on criminal justice reform, our prison population is going to increase by 25 percent. And the reason I say that is I think it's important when we're having this conversation here today, to ensure that it's a holistic conversation, that we don't act as though building a new prison is an inevitability. It's not. We have the power to control that. And I think we need to be good stewards of our money. And I think we need to be good stewards of our financial resources in such a way that we're doing a benefit to both incarcerated people and the people of Nebraska. There's a number of things in this budget I think that a lot of folks have questions about. I hope that we continue to have a conversation about it today. But I do think we need to focus very carefully on these individual big ticket items and make sure that we're being fiscally responsible with the dollars for Nebraskans. Thank you, Mr. President.

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

BRIESE: Thank, thank you, Mr. President. And good morning, colleagues. I rise in support of LB814. And I really want to thank Chairman Clements and members of the Appropriations Committee for their hard work on the budget this year. And I do want to speak about a couple of issues. First of all, I want to speak briefly about an issue that's on the minds of many members and that is legislative staff pay. Like many of you, I believe the Legislature needs to increase staff salaries in order to be more competitive and help recruit and retain good legislative staff. And I support the increase in staff salaries represented in LB814. And I thank the committee for doing that. I, I believe this represents a good start, but I think we need to do more here. We need to see how our current-- how our salaries compare with those offered in the private sector of-- and the Legislature's current staff classification of pay plan is based on a study conducted for the Legislature by the National Conference of State Legislatures in 2001, more than 20 years ago. And the Executive Board has been engaged in discussions with NCSL about conducting a new pay study. And I appreciate the Appropriations Committee including this item in the budget, as well. Even with the salary increases, increases included in the budget, I think the time is right for us to look how our current salaries compare and the job descriptions compare in today's market. And I also want to speak about another area in the budget. And I, I-- at this time, want to thank the Appropriations Committee for including

in the budget an appropriation of \$2.5 million for an efficiency review of state government. And that's found on page 116 and 117 in the budget and is based on LB684. I introduced LB684 to require the Department of Administrative Services to conduct-- to contract for an efficiency review of all state agencies, in an effort to reduce costs while improving quality. In other words, to ensure that state programs and services are providing our taxpayers with the most bang for their buck, to ensure that state operations are conducted in the most efficient manner possible. And I really want to thank Senator Armendariz for prioritizing this bill. And I would note that other states have done similar reviews and the return on investment really has been off the charts. You know, for example, Wyoming did a similar review. They spent \$2 million and the review identified \$200-250 million in biannual savings. Kansas did it in 2015, at a cost of about \$3 million. They identified potential savings over \$2 billion. And their 2017 budget assumes savings of \$47 million, flowing from the ideas found in the study and nearly \$90 million in 2019. And I can give other examples, but someone in the industry has suggested the identified savings from such an audit will generally average about 4-6 percent of a state's budget. And for Nebraska, that could be in the \$250-350 million range. And I have copies of several of these efficiency reviews done for several other states in my office. And they're generally 150-200-page documents and feel free to stop by and take a look at one sometime if you'd like. And again, these reviews lay out suggestions that may or may not be adopted by the executive branch or us, the Legislature. This provision really is not about reducing or eliminating government services. It's simply trying to ensure that we're operating in the most efficient way possible. It's about being good stewards of taxpayer dollars and doing everything possible to ensure that government programs are run in the most efficient, responsible way possible, with as little waste, duplication of cost or untapped potential as possible. It's, again, it's about being good stewards of taxpayer dollars. And we really have a solemn obligation to do our best in that regard.

KELLY: One minute.

BRIESE: Thank you, Mr. President. And reviews like this can help us meet that responsibility. I really believe that provision is about good governance. And I really want to thank Senator Armendariz for prioritizing this idea and Chairman Clements and the rest of the committee for seeing this through. Thank you, Mr. President.

KELLY: Thank you, Senator Briese. Senator Bosn, you're recognized to speak.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

BOSN: Thank you, Mr. President. Good morning, colleagues. I do rise for a couple of reasons, one of which is to support LB814 and the work that Senator Clements and his team did on the budget bills. I also think it's important, because people do watch these proceedings, to know what is fact and what is absolute disinformation. To stand and to continue saying that there are criminal penalties in LB574, its amendment or any format of it is a lie. It is not a criminal penalty bill. Having gone to law school, having practiced criminal law and also being fortunate enough to know how to read, I have gone through this amendment several times. I've also stood here and said this. This will be my third time. Maybe it will be the charm. On page 5, line 22, it discusses an administrative penalty. That's a disciplinary measure, meaning if you fail to pay an administrative penalty, you could be subject to discipline, not a crime. Also, on page 9, line 10, it says civil penalty. This section allows the director to dismiss the action or impose a civil penalty. Also, not a crime. Can't go to jail for that. The word criminal appears one time in this amendment. It is on page 6, line 26. It refers to a criminal abortion. This is an example of unprofessional conduct. That does include criminal abortions. It is not a criminal penalty, it is not new language to the statute and it is not new language in this amendment or the bill. For someone to stand here and en-- encourage panic porn with these medical providers, nursing staff and hospitals, with no obligation for their accountability on this disinformation is-- it's, it's pathetic. When we talk-- and, and to follow up on that, if you look at the Nebraska Revised Statutes, which I'd encourage everyone to do, Chapter 28, Section 104 does describe what a criminal penalty includes. It's the imposition of a fine, imprisonment or death. And that is following a conviction beyond reasonable doubt. You will not hear any of that language, see any of that language, or know what that refers to when you look at this amendment, because it's not in there. Stop saying otherwise. And I also want to address the fact that a number of us who checked out, myself included, yesterday, were getting intoxicated and, and just the absurdity of that. Several of the people in this body are post-surgery. They're getting medical treatment or like myself, they're putting their children to bed. So I think that that was inappropriate and offensive. And for someone to tell us things we shouldn't be doing on Final Reading, like checking out, perhaps that's because we're spending Final Reading talking about recipes, commas and spewing false information to incite panic. Thank you, Mr. President.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

ERDMAN: Thank you, Mr. President. That is a hard act to follow. Senator Bosn said it better than anyone that has spoken about what the issues really are. She described it correctly. But when you speak on the floor of the Legislature, if the truth isn't on your side, then you pound on something else and hysteria and fear or whatever else that you can think of, you try to use. And so, we should be talking about LB814. And many of you have said the Appropriations Committee should be recognized for all their hard work. It was our job. OK. And one day, I was whining about going to Appropriations for the fourth time and my rowmate, Senator Halloran, said, remember, you signed up for this. I never spoke to him about that again. I signed up for it. We, the Appropriations Committee, signed up for it. So whatever time it took, what our effort we put in to get the LB814 and the other budget bills here, was our job. And I do appreciate the fact that you recognized that we did do our job and we got it in a form that you can understand. But I do want to recognize one member of the Appropriations Committee and that is our Chairman. Chairman Clements went above and beyond the duty of a Chairman to understand each one of the requests from all the agencies. Each one of the bills, he researched those. He had the information to answer the questions that we asked. He led us away-- he led us in a way that was open and transparent, like nothing I have ever experienced before from a Chairman. So if you want to give kudos to somebody, Senator Clements is the one. So we'll continue to talk about hysteria of all the people are going to die from passing LB574 and the 12-week abortion limit, which is not true. And Senator Bosn described that as well as anybody I've ever heard say it. So don't get up on the mike your next time up and tell all the people in Nebraska that if you're pregnant, make sure you get a test, test soon because you won't get healthcare. That's not a true statement. Let's move on to talk about what's on the board, LB814, remove the return to Select and let's make a decision that's best for all the Nebraskans that sent us here to do the job. Thank you.

KELLY: Thank you, Senator Erdman. Senator Moser has some guests in the north balcony, 50 fourth graders from Emerson Elementary in Columbus. Please stand and be recognized by your Nebraska Legislature. Senator Raybould, you're recognized to speak.

RAYBOULD: Thank you, Mr. President. Good morning, colleagues. Good morning, fellow Nebraskans watching us debate. Lots of issues this morning. I just want to address Senator Erdman's comments and Senator Bosn's concerns. There is a real cause for concern among our physicians, in particular our OB-GYNs, our neonatologists, our psychiatrists, on dealing with LB574 and the mashup version that

includes LB626. I want to direct my colleagues' attention to the actual bill itself. And I shall read it for you if you're listening. On page 9, line 1, it says, if the director determines upon completion of a hearing under Section 38-183 or 38-186 that the licensee has performed or induced an unlawful abortion in violation of Section 4 of this act, the director shall enter an order imposing a sanction authorized under subsection (2) of the Section 38-196. A sanction. If you go further down on that very same page, on page 9, line 20, it starts out, if the director finds such a violation, the director shall enter an order revoking the licensee's credential to practice pursuant to the Uniform Credentials Act in the State of Nebraska in accordance with subsection (2) of the Section 38-196 and Section 38-1,100. Revocation of your license. Revocation of your medical license to practice at that institution, that is what has caused an uproar among our physicians and rightly so. Many of these physicians would be losing their license and their livelihood for a profession that they have spent an extraordinary number of years and incurring an extraordinary amount of debt, to care for their patients in the generally recognized practices of appropriate patient healthcare. But not only does it say it in that section, it talks about sanctions, it talks about revocations. But keep going down. On page 10-- I can tell you from having negotiated contracts a good chunk of my life, whenever, in a body of a lease or a contract, they repeat a directive twice, they do it so that there is no ambiguity. They do it for full and clear clarity on the subject matter, that the only course of action and I said this before, plan A, revocation, plan B, revocation, plan C, revocation, that directly impacts the livelihood of our credentialed physicians. On page 10, it gives you a bunch of procedures that you go through. But on page 10, line 6, it reenforces the only action that a director may take is that revocation. Upon completion of any hearing regarding discipline of a credential for performing or inducing an unlawful abortion in violation of Section 4 of this act, if the director determines that such violation occurred, the director shall impose a sanction of revocation in accordance with Section 38-1,100. So again--

KELLY: One minute.

RAYBOULD: --thank you, Mr. President. In the very first section on page 9, it talks about sanctions. And then, in two other components of this piece of bill, it talks about what is that sanction. The sanction that they're saying is revocation, revocation. And, and for full clarity, I am not an attorney, but I have read more contracts and law than, I think, a lot of attorneys in this room. When you have that clear language and direction, that is what it means. The clear

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

language is-- that's what it means. For all of our physicians, they are not fear-mongering. I don't know-- I have gotten hundreds of emails from physicians who are also very good readers. And they interpret it exactly the same way I have: a revocation of your license is taking away your ability and your livelihood. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, thank you, Mr. President. Just to clarify, I did not say who was intoxicated last night. I said that individuals who were checked out and came back were intoxicated. There's that old saying, I'm just a hat maker. If the hat fits, that's on you, not me. That is not to imply at all that Senator Bosn or Senator Linehan were intoxicated. I have no idea. I was not speaking about them at all. But there were people, who were very clearly intoxicated, on the floor last night, both by their attitude, demeanor and smell. So I don't know what you want me to do with that information, other than I can talk about whatever I want to talk about. I'm making an observation. I observed it. I think it's not appropriate. You don't have to care at all what I think. You really, truly don't. It is-- really what I say and think should be so much less relevant to all of you. You all keep getting up and commenting on things that I say, like they have some sort of sway over you. And the only thing I can think is that, no, you clearly don't care what I think. You don't care about my views. You don't care what I think. That is very, very clear. But Nebraska does. Nebraska cares what I think. And Nebraska cares about what I am talking about. And Nebraska cares about what I am saying. So when I say things that do not shine a favorable light on people in this body, you must stand up to "rebut" it. Because you might not take me seriously, but Nebraska does take me seriously. And every time you get up and rebuttal me, it just shows me how true that statement is. So I get it. But there were definitely people who were intoxicated on the floor last night. And I never said who they were. I just said that they checked out, because you had to check out to leave the floor. People check out for all kinds of reasons. And even the people who were intoxicated, maybe they didn't check out to be-- to go and drink. That just happened to happen at the same time. Also, when people talk about the fact that they're drinking when they're not in here, that's another indicator that they're drinking. So if you want to get mad at me for talking about people drinking, that's fine because you don't think it's an appropriate dirty laundry to air. OK. But to insinuate that I'm lying, that's not the case. People smell and reek of alcohol. They're walking around here, tipsy as can be and they're talking about

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

drinking. That's the reality. So do whatever you want with that. It's neither here nor there for me. But I do think that when you're making a big stand about how you're thanking the staff for being here late, it's very disingenuous when people are, are down in their offices getting drunk. But I myself, I enjoy a cocktail. I enjoy wine. I even enjoy beer. And I, last night, really, just wanted a glass of like a cold, crisp glass of rosé. Instead, I had a lovely glass of ice water, but that was my choice. I own that. I could have, I could have checked out and gone and gotten a glass of rosé. I just didn't. So.

KELLY: One minute.

M. CAVANAUGH: Thank you, Mr. President. Also, I can be whatever religion I want. And I don't have to let an institution tell me anything. And I can talk about any religion I want. I can have my opinions. I can have my critiques. I can have my observations. That's my prerogative. If I don't like what my own religion is doing to trans kids and LGBTQ kids, I can talk about that, both inside the church, free will and inside the Legislature, freedom of speech. And I will, because I don't. And I think that what the Catholic Church in Omaha, Nebraska, is doing is horrible. And I'm going to talk about it, because I think it's horrible and because--

KELLY: That's your time, Senator.

M. CAVANAUGH: --I don't want it to happen anymore.

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

HANSEN: Thank you, Mr. President. Thanks for the guy clapping for me out there. I appreciate that. I never get a standing ovation before I even start talking. I'd like a clarify-- just to clarify, in a comment that Senator Cavanaugh said, if she would yield to a question, please.

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

M. CAVANAUGH: No.

HANSEN: OK. All right. Well, that sums it up right there. I had a lot of grave concern about a comment that she said earlier, when she said opponents should do anything and everything to stop this bill. And she was pertaining to LB574. I actually would like some clarification on what she meant by that. Does that mean, you know, being in the rotunda like last time, which is fine. Does, does that-- OK. So she will yield to a question. Will Senator Cavanaugh yield to a question, please?

KELLY: Senator Cavanaugh, will you yield to a question?

M. CAVANAUGH: Yes.

HANSEN: So can you clarify that comment for me, please?

M. CAVANAUGH: Yes, I can. And I said no, because I'm tired of you and Senator Linehan asking me ridiculous questions on the mike. This is actually a serious question. So, I did not mean physical violence. Anything within legal reason, so come and exercise your First Amendment right of free speech. Talk to your senators.

HANSEN: I figured that, I figured that, I figured that's what you meant. I just wanted to make sure I clarified it before we start getting texts and emails and stuff. So.

M. CAVANAUGH: Thank-- no, I appreciate that. Thank you.

HANSEN: OK. Thank you. One of my other concerns is not so-- I, I, I figured that's what she meant. She didn't mean to, like to incite violence or any of that kind of stuff. I just wanted to make sure we clarified it on the mike, for the record. What I do have some concern is, how do opponents of LB574, how they could interpret a comment like that. I know she doesn't mean it to mean something, but again, like I mentioned the other day, words have meaning. And so, we need to make sure that we're precise with what we say and we need to clarify things sometimes. Because there are sometimes, people can hear something like that, who are adamant opponents of LB574 and take it to not what Senator Cavanaugh means. And there is a difference between caring what you think and disagreeing with you. So we do care what you think, but we just disagree with what you say. It doesn't mean we don't care what you think. And a little concern that I had with Senator Raybould talking about license revocation. That is not the same as criminal penalty. I think one of the-- what Senator Bosn was up standing and talking about was the criminal intent that Senator Cavanaugh was talking about with LB574. [INAUDIBLE] I'm clarifying that in her mind. I mean, it had nothing to do with licenser. And so, I just wanted to make sure we clarify what Senator Cavanaugh said on the microphone for the record. So thank you, Mr. President.

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

WISHART: Thank you, Mr. President. I wanted to pick back up with the conversation regarding LB814. And I had run out of time before I could talk about the canal. I think that Senator John Cavanaugh has

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

expressed some important points about the canal. And I do think that this level of investment from the state needs to go through significant rigor, which is why, as an Appropriations Committee, we have set that money aside, colleagues. And we have not appropriated the entire amount of money for this canal. And I just-- I want to be very clear with that. That was a very intentional decision by the Appropriations Committee. Instead, we have moved enough money to be able to build a canal, should the future Legislature decide this is absolutely a must for our water security. And I am one of the senators that agrees that we should be doing everything as a body to make sure that our constituents have access to water, not only for drinking, but for our economy to thrive. But we have not appropriated the entire amount of money. Instead, we are allowing for a portion, approximately, I believe, \$60 million annually, to be funded to the Department of Natural Resources for them to move forward on this project. There is plenty of time for this Legislature, colleagues, to continue to scrutinize this effort and to bring legislation to address any of the concerns that they have. So I just-- I want to be very clear on that. Because sometimes, it, it gets caught up in, in the fact that we have set aside money, as opposed to appropriating the entire amount. The other big infrastructure priority that we, as a committee, and then, hopefully, this body is going to move forward on is an investment in roads funding. So we are investing over \$100 million in, in roads funding. And that funding is to be matched with a significant tranche of federal funds that are coming in due to the passage of the bipartisan infrastructure bill in 2021. There is more needs, as I believe my friend and colleague, Senator Bostelman, can express, for roads and bridges infrastructure across our state, that can even be met with the amount that we're investing this year. But this is a good opportunity for us as a state to leverage one-time state funding to draw down additional federal funds, so that we can improve our roads and bridges across the state. Finally, one of the areas that I am most proud of is the commitment that we are making in the budget, through Cash Reserve funds and some General Funds, to the East Omaha Economic Recovery Project that has been led by Senator McKinney, Senator Wayne, Senator Vargas and Senator McDonnell. This, colleagues, for those of you who were not there last year, started as a vision, last session, that senators-- those four senators brought to us as a Legislature, regarding what we could do to invest in a historically underinvested area of the state, recognizing that these types of investments will help build wealth and assets for community members for generations to come. I, I can't express how transformational this funding opportunity will be. And I hope that--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

and I know Senator Wayne, in particular, has talked about this, that this becomes a model for how we support--

KELLY: One minute.

WISHART: --and strategically support economic development across the state, looking at what has worked and, and what doesn't work, as these senators lead on this project. And I do want to do a shout out for Senator McKinney's bill. I hope some of you were able to attend the briefing this morning. That is coming up later this afternoon. That is part two to this investment that we are making. And I encourage all of you to support that. Because, again, we can be something that is-- we can be part of something really transformative in this state and it's long past due. Thank you.

KELLY: Thank you, Senator Wishart. Senator Dorn, you're recognized to speak.

DORN: Thank you, Mr. President. Thank you, Senator Wishart, Senator Clements, for some of the comments, Senator Erdman, too, about the budget. These are, I believe, the last two budget bills that we have today on Final Reading. And once we get through the budget bills on Final Reading, we had a little issue last night, where, then, all of the bills that you see, I call it requests for funding, requests-- or, or that will be part of the revenue packages that you see on the green sheet. Then they will be started the process of, I call it being counted on the green sheet. The Fiscal Office updates this every day. And if you noticed, Senator Clements said we are still on general funds. We're at \$891 million for this year yet. That hasn't changed, that hasn't changed since these budget bills were brought to the floor. These will start moving once we start acting on either of the bills on the back or appropriation bills or-- on the back, when you look at the revenue part. Part of what we do in Appropriations is we and I always like to talk about this every year is we like to look at, I call it a longer term view. Yes, we have last year's what we reappropriate or some funds that they need for last year's adjustments, but then we do the next two-year budget. But much of our time also is spent on, I call it the two future years after that, '25 and '26 and even farther than that. And how does our state fiscally remain viable and strong, out in those future years? When I came to Appropriations four years ago or-- well, five years ago now, our rainy day fund was under \$300 million. Technically, on the books, they had it at \$300 million, but it was under \$300 million. I took some criticism for a vote I made on one thing in that budget, but I wanted to try to get it up to \$350 million that first year. That was our

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

goal. We ended up at \$345 million. The next year we ended up at \$458 million, roughly. Two years ago, we ended up at \$990 million. And then this year, if we wouldn't spend any funds and the revenue would all be there, we're at \$2.3 billion. So that's what's happened in the rainy day fund. We ended last year, technically, we were going to end at \$1.245 billion rainy day fund, which, to put all these rainy day funds in context, the highest, until three years ago, the highest we'd ever been was \$775 million in the rainy day fund. And now we have, because of various reasons, we have just had tremendous amount of revenue and we have gone on past that a ways. But to put that in long-term context again, when you look at, Senator Clements mentioned this, when you look at the rainy day fund and what we will end up with at the end of the two-year session, is \$780 million. In an overall longer-term picture, looking back 30 to 40 years, that is a tremendous number, if you don't count the last three or four years. Where will that number be in the future? And it, it predicts here, also, the following two years out, at, at \$729 million and \$679 million. Part of why I bring this up is I think as a body, we are doing a lot of major projects this year. We are, I call it, doing some things that long term will have economic benefit for the state of Nebraska. But we all-- what we also need to be remembering as a body is--

KELLY: One minute.

DORN: --long term-- thank you-- long term, what does our fiscal shape looks like? Are we going to have the revenues? Will we hold expenditures down, so that four years from now-- and I made this comment last year. Four years from now, if we have a budget deficit, everybody will be blaming that body. But they really need to go back and look at three or four years before, because many of these things we put in place. I am very, very much in support of the budget. I am very glad and thankful we have put together the budget we have this year. And with that, thank you, Mr. President.

KELLY: Thank you, Senator Dorn. Senator Wishart announces a guest under the south balcony, Crista Eggers of Omaha/Gretna, Please stand and be recognized by your Nebraska Legislature. Senator Hunt, you're recognized to speak.

HUNT: Thank you, Mr. President, I, I just have a short comment. I put on my light and rose to speak after hearing Senator Linehan speak on her last turn. I've never heard Senator Aguilar or Albrecht or Brewer or any other senator talk about their health issues this session or if they have any health issues or-- you know, I know everybody is, is struggling with something different. But Senator Linehan talking about

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

missing her grandchild's graduation, I hate that for you. I'm so sorry. Seriously, I, I would hate to have that happen to me. And I'm happy you're listening because I'm only asking you-- we are only here doing this because of LB574, period. I am not asking you to sit here through late nights to vote on these bills that we're dragging out. I'm asking you to love your family more than you hate mine. I'm asking you to love your family more than you hate mine. If your family wants you home to recover from surgery, maybe you should do that. If you want to go see your grandson graduate from preschool, you should do that. Instead, you are here to drag out this session because you won't come off this bill that hurts my son. You hate him more than you love your own family and that's why you're here. And so, you know, go to the graduation. Go recover from your surgery. We don't need you here. We need you to vote no or present not voting on LB574, because, you know, there's nothing else in this body that's affecting your family that way. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. I'm going to be fairly brief here, but I'd like to just speak a little bit to the Perkins County Canal. I know Senator Wishart raised the issue of the Perkins County Canal. I can't begin to stress how vitally important that is, not only to western Nebraska, but the entire state. The Perkins County Canal, many of us have had the opportunity to go on the tour. I've been on it twice. If you haven't been on it and you have questions, I strongly encourage you to do it. I know Senator Fredrickson has been on it. I know that Senator John Cavanaugh has been on it. Many senators have been on this tour. And this is a game changer for Nebraska. We have an opportunity to once and for all claim the water that we're entitled to, from the South Platte River. I want to make it clear that I'm looking at the original work that was done by the company that was contracted with to do this work, highly world renowned company. I know the research office has done their own review and I'm not throwing the research office under the bus, but I have seen some fairly significant errors in the report that they've submitted. One of them, as an example, on page 1, uses the assumption that if we would get 500 cfs water flow in that-- in the canal, if it were built, during the entire nonirrigated season, that they-- and then they go on from there and make their projections. Well, the canal is going to be 1,000 cfs capacity. And oh, by the way, it's because it's going to be dug deeper, so it's not going to take more land space. So there won't be an issue with being able to go to 1,000 cfs. That's what the dollar amount is there for. Right now, today, today, because of the rains

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

that have occurred clear out west, there's 2,000 cfs flowing down the South Platte River. There are no dams along the South Platte River. It runs-- it, it merges with the North Platte at North Platte. The North Platte River, of course, has McConaughy. There's no dam on the South Platte. That water that's flowing now is going to run out the back end of the state of Nebraska and it's going to go unused. If that Perkins County Canal were in place today, we would be gathering 2,000 cfs, not 500, not even 1,000. Because the 500 is a minimum amount that we're due in the non-irrigated season and anything above that we get to capture, as well, if we have the, the infrastructure in place to capture it. This is critically important. Just ask Lincoln. They're trying to get drinking water here. Tell me how important water is. Tell me the value of that water to Colorado. What would Colorado be willing to pay for having some portion of that allocation back? It's critically important. Anybody that's reading the other study, I want you to read it with a jaded eye and understand the credentials of the two authors of the two different reports. With that, I know Senator Moser would like some time. I'm willing to yield the remainder of my time to Senator Moser.

DORN: Senator Moser, you're yielded 130.

MOSER: Thank you, Mr. President. There was a comment made a few speakers back about dashing out to get an abortion before the abortion bill reaches the final vote. And the alarm and the tone of the delivery was political theater. I mean, we all care--

DORN: One minute.

JACOBSON: --about our fellow senators, but that doesn't mean we agree with them. Looking at the Department of Health and Human Services report on abortion statistics, 90 percent of the abortions happen before week 12. Ninety percent. And this isn't a number by some fly-by-night website, it's on the Nebraska Department of Health and Human Services Statistical Report, page 10. Take a look at it. Ninety percent of them happen before week 12. So this bill is not going to affect 90 percent of those abortions. And if the deadline moves forward, they have the option to, to consider an abortion before 12 weeks. So maybe there will be less than 10 percent of the abortions affected. Thank you, Mr. President.

DORN: Thank you, Senator Moser and Senator Jacobson. Senator Linehan, you're recognized to speak.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

LINEHAN: Thank you, Mr. President. I would rather ignore things that are said on the floor that are ridiculous, but I've read the paper for the last two days. And if we don't get up and push back on them, they end up as quotes in the paper and then it becomes like that's what really happened. And I'm tired of reading the papers. And, and it's not the press's fault. Actually, two mornings ago, I called a reporter and complained. And then I realized, when I read this story again, oh, that is what happened. Nobody pushed back, so it's in the paper. So I don't-- I didn't enjoy this. I'd rather be talking about the bill. Actually, I would rather do this the normal way. So for those of you watching this, what we usually do on bills that-- when they get to Final Reading, we sit here. I remember times when we'd come in on the last day of the week or a day like today and there'd be 15, 20 final bill readings and we'd read it, punch our lights, read it, punch our lights. We'd be done before noon. But we've decided that's not the way we're going to do it this year. I was, I think I remember now, that I was accused of asking ridiculous question yesterday. Ridiculous. Well, when you stand up on the floor and you make an announcement that someone who is a significant contributor is going to pull all their funding from all the parochial schools and that will show you, it's a legitimate question to say, what are you talking about? I'm sorry. It's a legitimate question. And then, one of the rebuttals was it's not our, it's not our place to announce it. Exactly. Not your place to announce it, but you did. I don't hate anybody. I really don't. Do I get mad at people? Yes. Mostly, mad at people I love the most but I don't hate anybody. My mother, who was Catholic, the old-fashioned kind, that went to church on holy days and Good Friday, she used to put my kids and all her other grandkids in time out whenever they used the word hate. That was a no-no. You would spend time in time out. I, I can't imagine that anybody ran to work-- to be in the Legislature and they're motivated by hate. It's, it's not why we're here. And because we have a difference, strongly held differences, in whether we are pro-life or choice or when we think life begins, there's-- they are firmly and strongly held, folks. They're-- this is-- it's not going to be over this year. It's not going to be over-- maybe never. I, I don't know how to calm us down. But I, I can't and I don't think it's wise for people to get up and say, and say things that aren't true, have no backing, there's no evidence. And then, you know, we can't-- we don't respond. I would like not to respond. So I'm going to do one more thing. Again, this morning, in the paper, yesterday, people said we were all scared--

DORN: One minute.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

LINEHAN: --we scared-- we ran out the back door because we were scared. No, we didn't. We weren't scared. I wasn't scared. I've spent two years in a war zone. I am not scared. But I am smart enough, that when the police and the red coats ask us to do something, they're protecting us. And for us to ignore them, they're the ones that will get hurt. Police are here to protect us. If we're dumb enough to go against their wishes, walk into a very intense situation and somebody grabs us, then who's going to come get us and save us? It's them. So we walked out the back door, because that's what security told us to do. That was most safe for them. And to avoid-- and to ignore their request puts them in danger. Thank you, Mr. President.

DORN: Thank you, Senator Linehan. Senator Armendariz would like to announce, as most of them are leaving the north balcony, 80 fourth grade students from Pine Creek Elementary in Bennington, Nebraska. And hopefully, they can hear us out in the rotunda. Senator Vargas, you're recognized to speak.

VARGAS: Thank you very much, Senator Dorn, fellow Appropriations Committee member. I'm going to talk about the bill for a little bit and give a little bit of recognition. You know, I appreciate Senator Erdman, earlier. I mean, I agree with him. Look, we're just doing our job and that's the point. But I do think that there is-- I think there's an importance behind recognizing when you do the job that you're supposed to do. We all do our jobs in the committees, but we're also being asked to navigate many, many different types of issues, come to consensus on issues. I think there's a recognition of a collective amount of work, in addition to leadership from the Chair. I think that is absolutely true. So we showed up. We have to, we have to do our job. But I think we found balance in ways that we normally don't. We also have not had 9-0 bills like this. This is not a-- it's not standard, quite honestly. And sometimes we disagree to a point where there are dissenting votes. Sometimes we disagree to the point where we can't all get on board with the budget. So it is a recognition, also, to Chairman Clements, because whenever there's been an issue in regards to the, the budget, a bill, an agency issue, he has been open and willing to listen, willing to learn, willing to give thoughts and advice, and also willing to make the changes that are necessary, in, in accordance with our precedent within the budget and also on what's going to make sure that we reach our bottom line. What is helpful is when we talk about how we're trying to really get towards some of the targets that, you know, both the administration have shared, but also the targets that we're trying to do to get to not only a balanced budget, but having a certain amount in Cash Reserve. Now, some of this is what's out of the control of members of

the Appropriations Committee, because it's going to be dependent on what everybody decides to do here on the floor, in terms of their spending. That is completely up to everybody here. And we're going to see where it all lands. But in terms of what we put out, we are trying to make sure that we are balancing a lot of priorities. So for those that-- just remember, on page 22, in the green, in the green book, this is the significant General Fund increases and reductions. I think Senator Clements or Chairman Clements mentioned this, that there are-- you know, we're around the 2.2% growth, which reminds you when we're looking at the significant increases, these aren't superfluous things. These aren't new programs. These are increases to existing programs that are things that we really need to do. You know, we, we talk about, look, we're spending more on education. I agree. But we're also doing that because we have to spend more on education to fund our schools. We're also talking about finally fulfilling more special education, not only because it's a priority of the Governor, but when we're competing interests on all the things we have to do, we should be funding our education system. We should be funding providers when we talk about healthcare access. We should be funding our workforce, in the form of higher education through the University of Nebraska or state colleges or community colleges and our private colleges. We should be funding competitive scholarships like we-- what we're doing. We should equally be funding need-based grant aid, like the Nebraska Opportunity Grant program. These are things that we should be funding. And then we have these big one-time spends, some of which I agree with, some of which I don't. But in, in the spirit of getting, getting something forward that I can live with, sort of the 70, 70 or 80/20 rule, that's what gets us to this. And I appreciate the committee for that work. But I also want to make sure that the body and the public--

KELLY: One minute.

VARGAS: --knows that the funds that we are putting forward in this are largely to programs and agencies that exist and putting more money towards them because of need or because of thinking a little bit forward. In the future, if we're creating new programs, in the future if we're creating new programs, it's either from the Governor or for senators. That is going to increase the base budget. We can assume that most of these things are going to increase just because of salary, because of inflation, and our budget needs are just going to increase on its own, that there may not be room for new spending in the future, unless something changes in terms of fiscal forecasts. But in this instance, I just want to make sure it's clear. There's really good things in here in terms of provider rates, in terms of, you know, the rural, you know, you know, housing, rural development, making sure

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

we're investing in water infrastructure that Senator Wishart talked about, making sure we're investing in east Omaha, on the [INAUDIBLE] recovery funds that we put in here, making sure we're really investing in the--

KELLY: That's your time, Senator.

VARGAS: --small and big business. Thank you.

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

DUNGAN: Thank you, Mr. President. Colleagues, returning to the issue that we began talking about earlier with regards to the building of a new prison, I direct your attention to anybody who is paying attention or anybody at home who's looking, to page 90 of the Final Reading copy of the budgets. From 90 and 91 are what take us through the appropriation for the construction of the new facility. We did some work previously, between General and Select File, with Senator McKinney's amendment to add in some additional language on page 91, I believe, is where you can find it, which requires that concurrent with that funding, there be three additional things that have to be done. One of those is that classification study has to be followed through with, in an effort to actually determine essentially the, the needs of this facility. The other one is going to be a custody staffing analysis and an analysis of behavioral health staff for the facility. And then three is an evaluation of the programs as contracted pursuant to LB896 with a report submitted electronically to the Clerk of the Legislature. I think that those three things are fantastic steps forward, with regards to what needs to be done in terms of determining if we're going to build this prison, are we doing it in the correct way? But that being said, I don't think they go far enough. And what's, I think, disappointing, is that this body has a report, which is the CJI report, I believe Senator Raybould talked about it earlier, maybe is going to talk about it in a little bit. But it's a, it's a third-party entity that came in and I'm sure people who pay attention to the Legislature are sick of hearing about it at this point, who looked at our criminal justice system here in Nebraska, looked into our overcrowding problem and recommended, based on data and based on information they'd gleaned, a host of suggestions, things that we can do as a state to further reduce our prison population. And so, one of my major concerns with LB814 and with allocating this money for the prisons is that we are not doing enough to address the underlying problem, if we're just going to be throwing money at building this, this prison. And so, I do think that the budget has gone a little bit

further with the adoption of this McKinney amendment, Senator McKinney amendment, trying to require those analyses be done. But it doesn't, I think, go far enough and that-- therein lies my issue. One of the specific things that I think needs to be explored that is talked about in the CJI study and I'm going to talk about this probably, again, on the mike, because I think this is a really vital thing that we focus on as a state, is recommendation number 4, which was expand alternatives to incarceration. So what we know and this is, again, not an opinion, we hear a lot about facts versus opinion. What we know, based on data and studies that have been done over decades, is that incarceration is no more effective at reducing recidivism than alternatives to incarceration like probation. So if we can all get together and agree that one of our major goals here is ensuring that people don't recidivate or commit additional crimes and come back into the custody of the state, if we can all agree that's a good thing, we want to reduce recidivism, incarcerating people does not help us reach that goal. And what we need to be exploring, as a state, is finding ways to fund and better support alternatives to incarceration. There's two major things that I think we can focus on as alternatives to incarceration. I mean, there's many, but there's two that I'd like to specifically talk about. And it's something that I've talked about on the mike previously. And it's various programs and I-- to sort of bifurcate it, you have diversion programs that we should be focusing on and then you have problem-solving courts. So one of the biggest issues that we have, I think, when we talk about justice issues as a state and as a Legislature, is we don't understand the difference between those things. Problem-solving courts are different than diversion. And one of the things that I think we should be doing, as a state, is looking at ways to better support statewide diversion programs. So currently, for those who aren't familiar, diversion is a program where, if you are charged with something and you meet certain criteria, you may be accepted into a diversion program, where, if you then, ultimately complete the listed requirements of that diversion program, your case will be-- your charges will be dismissed. So it's done before you enter a plea of guilty, before you have a trial--

KELLY: One minute.

DUNGAN: --thank you, Mr. President-- or anything like that. The issue is that we don't have any kind of statewide structure or statewide support for a comprehensive diversionary kind of program. What I mean by that is currently, all of the diversion that exists in Nebraska is conducted at a county level and generally, is administrated solely by the county attorney's office. And so, where you run into issues and where I've personally seen issues, is diversion programs that don't

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

have consistent criteria or that have, to put it simply, too much discretion where people who I think could and should have been accepted into those diversionary programs who would benefit from those diversionary programs are denied. And so, when we have this piecemeal approach to diversionary programs--

KELLY: That's your time, Senator.

DUNGAN: Thank you, Mr. President.

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

BOSTELMAN: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I want to thank Senator Wishart for comments earlier on the Perkins Canal and also Senator Jacobson. I think they're both spot on. I would just want to put some things on the record here, so we all understand the basics of where the-- where we're at with Perkins Canal, especially the feasibility study that was done and their work. Colleagues, we have provided funds for the Department of Natural Resources to evaluate the South Platte River, beginning in 2019. They have used their own expertise as well as seeking out high-- highly qualified consultants specializing in water supply analysis and the economics of water supply projects. I might also remind you that the director of the department is required by statute to have a, a set of unique set qualifications and work experience that allows them to provide the necessary expertise in addressing Nebraska's and the west's complex water supply and legal frameworks. I would note that the department has sought out outside assistance on water supply and economics of the canal from two firms. The first, ERA Economics, is a nationally and internationally recognized group. According to their website, I'll quote, it says, we develop rigorous, data-driven economic insights to support decision making in the agriculture and water industries. At ERA Economics, we improve the agriculture's economy's resilience to drought and water scarcity, new environmental and water regulations and uncertainties from a changing climate. Our primary areas of expertise include agriculture economics, water resources economics, agri-environmental policy regulations, economic impact analysis and forecasting, mathematical modeling, water risk and water supply evaluation and water market development. The ERA Economics report is on the department's website and corroborates the benefit costs of the Perkins Canal. Several of the authors I want to talk about right now. One is a Dr. Howitt. He's a founding partner, a senior principal economist. He is a leading expert on economics of irrigated agriculture and resource

policy evaluation. He is from California-- the depart-- and he previously served on the advisory boards for the California Department of Water Resources and U.S. Academy of Sciences. The next is a Dr. Hatchett, who is a senior principal economist. His primary focus is on assisting clients with integrated analysis in which economics is integrated in hydro--hy-- hydrologic and engineering analysis. He has more than 30 years of experience in project evaluation, including financial analysis, rulemaking support, benefit-cost analysis, cost allocation and so forth. The next is a Dr. Mann. He's a senior principal economist. He has provided high-level research and process design for a variety of public, private and NGO clients in California and other western states. The next is a Dr. MacEwan, who is a major partner, principal economist, who is economist, economist specializing in agriculture and water resources. The independent study, performed by Zen-- Zenjero, that this body asked DNR to perform last year, also included national experts. The primary author of the study has testified to the Appropriations Committee this past December. Their bios are-- the information is attached. Mr. Tooley [PHONETIC] is, is a attorney from California, with over 25 years of experience in surface and subsurface hydrology law and policy. Next one is a, a Mr. Pressler [PHONETIC]. He has a, has a PE and a water master-- professional engineer and a water master with over 30 long years of proven track record in advisory to complex water resource projects, technical aspects of major water right projects, including hydrology, groundwater stream-- streamflow and watershed simulating modeling. I would note that the expert from the RFP for the study the Legislature required DNR to conclude and complete in December 2022, included these consultant requirements.

KELLY: One minute.

BOSTELMAN: By the [INAUDIBLE] found that the RFP on DNR'S website, in my read, LRO'S report author would not have been able to meet the RFP requirements for expertise to conduct the study. The evaluation criteria for Nebraska DNR will evaluate the proposals based on the following evaluation criteria listed in order of importance: proposed approach of the scope of work, meeting the needs of a project and delivered timeframes, expertise and technical understanding of current design standards and cost estimate-- estimation techniques, demonstrated understanding of the Platte River Basin water usage, return flows and water supply interconnections, demonstrated expertise and technical understanding of similar projects, project team experience in conducting each such evaluations, the NDR [SIC] will plan to conduct interviews of up to three firms. The Nebraska DNR will

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

use the above evaluation criteria in its selections of the firms.
Interviews will be held--

KELLY: That's your time, Senator.

BOSTELMAN: Thank you, Mr. Pres--

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

BRIESE: Thank you, Mr. President. I, I rise to comment on another aspect of LB814. In particular, I want to thank Chairman Clements and members of the Appropriation Committee for including in LB814, a transfer of \$20 million to the Rural Workforce Housing Investment Fund. I introduced LB249 this year, to tweak various aspects of the Rural Workforce Housing Program and Senator Ibach prioritized this bill. And I thank her for doing that. The bill asked for \$20 million for the program. In the amendment, we dropped the \$20 million, with the understanding the Appropriation Committee would include those dollars in the budget. And again, I thank them for doing that. And I also want to thank Senator Vargas for his work in this arena. The Rural Workforce Housing Program is a proven tool used by the state to develop workforce housing in rural areas, which are defined as those areas in count-- in counties of less than 100,000 inhabitants. Since his creation in 2017, the program has produced more than 800 uses-- units of housing in nearly two dozen communities across the state. Where I come from, the average person is going to tell you the three top issues are property taxes, housing and child care. And I think it's fair to say that the lack of housing in rural Nebraska is choking off economic growth in our state. And the Rural Workforce Housing Program is one tool we can use to help address this issue. And again, I want to-- it's an important tool. And again, I want to thank the Appropriations, Appropriations Committee for recognizing that and including those dollars in the budget. Thank you, Mr. President.

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

MOSER: Thank you, Mr. President. The Appropriations Committee goes to a tremendous amount of work. They only serve on Appropriations, no other committee. They have meetings outside of the session to put the budget together. And so, if they stand to defend their work and they sound authoritative, I think they've earned that right to stick up for their work. If we're going to dispute it, we should have legitimate reasons to, to challenge that. I do appreciate their work and I'm, I'm

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

glad that they're willing to sacrifice themselves to bring that together. Also, I wanted to talk again about the change from 20 weeks to 12 weeks in the abortion bill. I know that was brought up this morning. According to the DHHS website, 90 percent of abortions currently happen before 12 weeks, so there are 10 percent of the abortions happen between week 12 and week 20. So that's the change in the abortion bill primarily, is that shortening of that window from 20 weeks to 12 weeks. And since people are allowed to have abortions in the first 12 weeks and under the bill, not after that up to week 20. A lot of people who are considering an abortion are going to move it forward, so they can get it done within the 12 weeks. So that 90 percent could go up to 97. Ninety-five percent of the abortions would happen before the bill has any effect on it. So the idea that this is an abortion ban or that doctors are going to go to jail, that's all political rhetoric, political rhetoric. And we're all free to say whatever we want to say in the Legislature. We have freedom of speech. We all have things we support. But to say that people should do anything and everything to fight a bill, I think it's dangerous. I think that's political rhetoric that you see in Congress now. I think it's political rhetoric that-- like that, that caused the January 6 riots. The other night, somebody got assaulted. Well, they got assaulted with a piece of paper, depending on how the paper was applied to them or where. You know, it could, could be a cut, could be serious, but it could have been a lot worse. We should encourage people who support or don't support the work we do, to lobby in a responsible manner and not, not get out of control and make sure nobody gets hurt. Thank you, Mr. President.

KELLY: Thank you, Senator Moser. Mr. Clerk, you have a motion on your desk.

CLERK: I do. Mr. President. Speaker Arch would move to invoke cloture on LB814 pursuant to Rule 7, Section 10.

KELLY: Speaker Arch, for what purpose do you rise?

ARCH: Roll call vote.

KELLY: Members, we are on Final Reading. Please find your seats. The question is the motion to invoke cloture. 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.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan not voting. 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 voting no. 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 not voting. Senator Wishart voting yes. Vote is 41 ayes, 2 nays, Mr. President, to invoke cloture.

KELLY: Cloture is invoked. Members, the next vote is on the motion to return to Select File to amend with AM1740. There's been a request for a 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 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 yes. Senator Clements voting no. Senator Conrad. Senator Day not voting. 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 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 voting no. 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 voting no. Senator Wayne not voting. Senator Wishart voting no. Vote is 2 ayes, 43 nays on the motion to return to Select File, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

KELLY: The motion to return to Select File fails. The next vote is the vote to dispense with the at-large reading. All those in favor-- 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 voting yes. 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. 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 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 voting yes. Senator McKinney voting no. 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 voting yes. Senator Wayne not voting. Senator Wishart voting yes. Vote is 45 ayes, 1 nay, Mr. President, on the motion to dispense with the at-large reading.

KELLY: The at-large reading is dispensed with. Mr. Clerk, please read the title of the bill.

CLERK: [Read title of LB814.]

KELLY: All provisions of law relative to, to procedure having been complied with, the question is shall LB814 pass with the emergency clause? There is 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 voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh voting no. Senior 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

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

Dungan not voting. 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 voting no. 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 no. 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 voting yes. Senator Wayne not voting. Senator Wishart voting yes.

KELLY: Record, Mr. Clerk.

CLERK: 42 ayes, 3 nays, 4 present not voting, Mr. President, on the advancement of LB814e.

KELLY: LB814 passes with the emergency clause. Mr. Clerk, for items.

CLERK: Items, Mr. President. New LR, LR213 from Senator Ibach, LR214 from Senator Ibach, both referred to the Executive Board. New LR from Senator Dungan, LR215-- LR215, LR216, LR217, LR218. Excuse me, just LR215 and LR216 from Senator Dungan, both referred to the Executive Board. New LR from Senator Bosn, LR217, referred to the Executive Board. LR218 from Senator Blood, referred to the Executive Board. New LR from Senator Holleran, LR219, also referred to the Executive Board. New LR, LR220, LR221, LR222, LR223, LR224 from Senator Brewer. New LR, LR225, from Senator Riepe. New LR, LR226 from Senator Aguilar, as well as LR227; LR228 from Senator Brandt; LR229 from Senator Sanders; LR230 from Wayne, LR231 from Wayne; LR232 from Senator Blood; LR233 from Senator Blood; LR234 from Senator Hansen; LR235 from Senator Linehan, as well as LR236; LR237 from Senator Kauth; LR238 from Senator McDonnell, as well as LR239; LR240 from Senator Murman. That-- those will all be referred to the Executive Board, as well as LR241, from Senator Wishart, also referred to the Executive Board. New Amendment, AM-- amendment to be printed from Senator Slama, AM1767 to LB92. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Briese, I rec-- is recognized for an announcement.

BRIESE: Thank you, Mr. President. My office has received word from the Revisor of Statutes Office that all three-part requests for interim studies that were submitted prior to the drafting deadline have been

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

received or are currently en route to your offices. If your office has not yet received a three-part for an interim study that you requested previously, please contact the Revisor of Statutes Office as soon as possible. If your office submitter-- submitted an interim study request after the drafting deadline, those requests are currently being processed and should be completed by approximately 11:30. For those requests, three-parts will be promptly delivered to your office upon completion. Thank you, Mr. President.

KELLY: Thank you, Senator Briese. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB814 with the emergency clause. Members, please return to your seats for a Final Reading.

CLERK: Next item on the agenda, Mr. President, Final Reading, LB818e from Senator Arch. First of all, Senator Clements, would move to recommit the bill to the Appropriations Committee.

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

CLEMENTS: Thank you, Mr. President. Again, I don't intend this to go back to the Appropriations Committee. I can breathe easy, Appropriations Committee members, after four and a half months of work. I'm using this motion so they-- I can start and discuss what's in this bill briefly and then I welcome other people to get in and make comments. This is a Cash Reserve Fund bill mainly, it's called. LB818 was actually for transferring funds between general funds and cash funds and cash reserve funds. LB819 was the Cash Reserve Fund bill. We've combined those two into this one, LB818. In your budget book, the green budget book, it has a Cash Reserve Fund table on page 3. But the green sheet that you have today will-- you know, that was-- when this book came out. Now, there have been some changes since then, on the green sheet. The lower section shows the Cash Reserve Fund and it shows the items that have come out of it and adjustments, a couple of items into it. But on-- in the budget book, in pages 4, 5 and 6, have details of some of the major items that were in it. There's the Road Operations Cash Fund, the \$100 million we've discussed before, for the federal match. And I think I talked about a 20 percent match. This-- I think that was an error-- 25 percent match. So it's going to provide us \$300 million of federal funds and \$100 million of our funds to-- for a tot-- \$400 million of road funding. There's a Capital Construction Fund and that shows the \$95.8 million toward the new corrections facility. Then on page 5 and page 6, you'll find some more-- other items in there. The Perkins County Canal is on page 6. There's a discussion on that, where the original proposal was for \$449

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

million, but we found it advantageous that would-- for 500 cubic feet per second, we found it advantageous to increase to 1,000 cubic feet per second, which was a 28 percent more expense for 100 percent more capacity. And that's why \$574.5 million you will, you will find on-- they don't have line numbers, but it's about one, two, three-- about five or six lines down, under fiscal, fiscal year '23-24, you'll see Perkins Canal on the green sheet. There's Rural Workforce Housing, I see \$20 million; Middle Income Housing, \$20 million; Economic Recovery Contingency, that's the economic recovery project is east Omaha and the-- involved in that, they had \$180 million of ARPA funds that's now going to be reduced from that project and switched over to the new water supply for Lincoln. And then, that 180 is re-- is going to be replaced with general funds for a east Omaha project. And let's see. Those were, those were the main items that you'll see. Oh, there is a Shovel-Ready Recovery-- Capital Recovery Fund, \$90 million there. And the third column on the green sheet, under fiscal year 2024-25, is showing \$780 million would be the ending balance in the Cash Reserve, if this bill is adopted today. And I was-- appreciated Senator Dorn earlier, talking about the history of the Cash Reserve, that it's been many years that it's been much lower than \$780 million. And working with the Governor's Office, they feel that would be adequate at this point. And I've been very appreciative, again, of working with the Legislative Fiscal Office and the analysts, who help us with each agency and their, their needs and their details and appreciate. I wanted to thank all of the Appropriations Committee members for their long hours and their hard work and buying lunch for the group when it was their turn and appreciated that we had no, we had no conflicts. We-- they occasionally disagreed, but very minor times. And we passed this bill out of committee, 9-0. And I am very pleased to offer this cash reserve and transfer fund bill to you. And I-- thank you. Mr. President. I withdraw my motion.

KELLY: It is withdrawn. Senator-- Mr. Clerk, for items.

CLERK: Mr. President, LB813, Senator Hansen would move to return for Select File. Senator Cavanaugh, excuse me, would move to return to Select File for a specific amendment, that being FA134.

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

M. CAVANAUGH: Thank you, Mr. President. I realize that I never actually discussed what my amendment was on the last bill, LB814. And it was a serious amendment, but it's something that I had introduced on other rounds of debate. And since we really can't pull something

back, we can't pull the budget back on Final today, I didn't-- I genuinely wasn't going to lobby for it because we need to pass, pass the budget today, because today is day 80. And so, pulling something back from Final to Select to attach an amendment would-- I don't know what it would do. Would it cause a constitutional crisis? It's in our rules? Unclear. Anyhoo, I, I am an agent of chaos, but not that chaos. But the amendment that I had put up, on LB814, was for TANF. It was to take the funds that we appropriated for the child advocacy centers out, out of TANF and put it into general funds. So it just occurred to me when everybody was voting and voting no, which, normally I would be like, yeah, vote no on whatever I got up there. That, under other circumstances, I would have been encouraging people to vote for. But we passed LB814. So fund-sies for the child advocacy centers. That's going to be a real journey. Hopefully, it doesn't cost us \$85 million penalty for being out of compliance with the federal regulations on TANF. But we're very spendy in this body, so we probably don't care that much. I care. But, yeah. I find that I care about things that a lot of people in this body don't care about. I, I did find it a little bit interesting that of all the topics that I covered this morning on the microphone and all the topics that people felt very much compelled to respond to, rebuttal, lift-up, whatever no one felt compelled to respond to or lift up when I talked about being physically assaulted by male members of the body. That one just slipped on by, slipped on by. But that's cool. Make sense. On brand. I don't even know what this is. It's to strike Section 1 or something, probably. So I guess we can see what striking Section 1 is. Da da da da. So I switched desks this year. I used to be in the desk that Senator Day is in, switched desks to here. And I don't know at what point in time I lost track of my tracker, because I had a piece of paper where I kept track of all the times that inappropriate touching happened on the floor of the Legislature: dates, times, individuals, that kind of thing. So. But that doesn't elevate or rise to the occasion of conversation for my colleagues, but talking about their drinking habits does. Your Nebraska Legislature. Our priorities are clear all of the time. All of the time. So. All right. LB818. I'm sure, however, there will be criticism of the fact that I don't know what the amendment does. We've, we've spent a lot of, a lot of brain power this morning, getting on the mike and verbally tearing me down and ignoring. Ignoring. All right. So striking Section 1: the State Treasurer shall transfer funds-- transfer, not funds, just reading words that aren't there. The State Treasurer shall transfer an amount as directed by the Budget Administrator of the Budget Division of the Department of Administrative Services, pursuant to subsections (2) and (3) of Section 82-331, not to exceed \$1 million, from the General Fund to the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

Nebraska Cultural Preservation Endowment Fund on December 31, 2023, or as soon thereafter as administratively possible. There you go. That's what it strikes. So, I don't know. I mean, again, it's the Cultural Endowment Preservation Fund [SIC], so I don't want to strike that. Also, don't vote for the motion to return to Select because that would be chaos. But maybe you like chaos. And we are in chaos. Chaos is in the eye of the beholder and the eye of this beholder is that we are in chaos. Other beholders don't think that. We are, Nebraska, according to me. The world, according to me, we are in chaos. You can take that or leave that, but we are. People are drinking. People are disappearing. There's like not even low-grade shade happening. There's all kinds of retribution happening legislatively, all kinds. There's all kinds of shenanigans, where you're leaders in this body are doing things, subversive things, to people who oppose LB574 in this body. Yeah. And I plan on unpacking those. I'm not just going to vague-book it. I will unpack it, but I'm going to unpack it as we get to those bills. And right now, we're not on that. Well, maybe we are. I have no idea. This is a cash transfers bill, so probably not. But there are going to be bills. And let me just telegraph for you, they're mostly going to be revenue bills that have a-- are riddled with retribution, riddled with retribution. So when we get to those bills, I look forward to unpacking that. We are in chaos. We are in pettiness. We are in policies. Political theater? Yes, political theater. Of course it's political theater. What I said this morning, panic porn, I think it was called-- OK. It's not political theater, it is the reality. And I want the people in the state who are going to be impacted by the vote tomorrow, to know what the reality is and to know the urgency of it. And it's not a 12-week ban, it's a 10-week ban. So stop lying to people. It is a 10-week ban. And it is serious. And it is a crisis. And yes, 90 percent of abortions are before 12 weeks. We're talking about a 10-week ban, 90 percent are before that. The ones that are after that, 99 percent of those are for saving the life of the mother. They are medically necessary. You're banning healthcare. You're banning healthcare. So. I don't know. Yesterday-- I said that yesterday was Festivus. Apparently, I lied. Today is Festivus. Yesterday, I only aired grievances for a short while. But the grievances have grown, grown, so today is like bonus Festivus. Although, we did have discussion of feats of strength. Senator Moser did talk about lifting half of a 500-pound piano. So we did have that piece of Festivus yesterday. Hopefully, we can have some feats of strength conversation today. Not actual feats of strength, please. That would-- I, I don't even know what that would look like, but probably not appropriate inside the Chamber. Because, well, first of all, everything is bolted down. So any feats of strength on that end

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

would be probably somebody throwing their back out, trying to lift up a desk or a chair. I guess not everything is bolted down. The furniture off to the side is not bolted down. But still, let's not, let's not with the feats of strength, please. There was concern expressed over my telling the public to do whatever it is they wanted to do to try and advocate for the policy in opposition to LB574 tomorrow. And so, I will be crystal clear that I never would advocate for violence in any way, shape or form.

KELLY: One minute.

M. CAVANAUGH: And I would very much admonish anyone who would incite violence or who would enact violence. It is not-- well, first of all, it's illegal. It's a crime. And second of all, it's not helpful. And there's nothing productive to come out of it. What I mean by do anything and everything is within the confines of the law. And mostly, what I mean is exercising your free-- your right to free speech. Show up. Even if your senators refuse repeatedly to come out and talk to you, show up anyways. Don't let them erase you. Show up, not violently, peacefully. But use your voice and show up. That's what I mean. So just to be clear: peaceful, organizing, freedom of speech.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

KELLY: Thank you, Senator Cavanaugh. Senator Raybould, you're next in the queue.

RAYBOULD: Thank you, Mr. President. Thank you, Mr. President. I, I feel remiss that I did not thank Senator Clements and the entire Appropriations Committee for their hard work this year. And I do appreciate all the work they've done, and I'm thankful for moving forward on many important issues. But I did want to get back to something that Senator Moser had said, about the, the language that we use. And I, I agree with that. I think language, particularly language that we use in our legislative bills, is vital. And it's, it's not fear-mongering, but it's, it's the actual language that we put in LB574 that has raised all kinds of red flags and alarms for families, for their children, for physicians, and all, all those that are involved in the medical practice of, of helping reproductive health and gender-affirming care. And so I'm going to have you go look with me on the, the mashup of LB574 and LB626. On page 15, line 7, it says, the intentional and knowing performance of gender-altering procedures by a healthcare practitioner for an individual younger than 19 years

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

of age in violation of subsection (1) of this section shall be considered unprofessional conduct as defined in Section 38-179. You heard me talk about the sanctions earlier, talking about physicians who perform an unlawful abortion. These healthcare practitioners for gender-affirming care are also subject to those same strict guidelines. Going further down on page 15, in line 18, it talks about the chief medical officer as designated in section-- shall have-- shall adopt and promulgate such rules and regulations as are necessary to provide for nonsurgical gender-altering procedures for individuals. But such rules and regulations shall be consistent with Let Them Grow Act. And so-- and it goes on with listing minimums. But I think that language in itself, we're ceding our authority as a legislative body to come up with rules and regulations that are appropriate. And is this chief medical officer going to even have a scope of practice? And that is of concern to us. So I just-- and then going further down on page 16, if you look at line 28-- Senator McKinney, will you be available for questions? You're up next. I'll be brief. I'm going to wrap this up. On, on page 16, line 28, it also talks about family members that will be subject to civil penalties, including their children. And so for that reason, I think we, we need to be concerned about that, not only financial issues, but they will be subject to, to other penalties and to other rules and regulations as determined by our chief medical officer. So I wanted to get back to something that I know Senator McKinney is an expert on. And, you know, it comes to something that he handed out to each and every one of us on the Nebraska criminal justice system. And I know that they list a lot of policies and priorities that would be not only cost effective, but help reduce our overcrowding. And so, Senator McKinney, would you yield to a couple of questions?

KELLY: Senator McKinney. Would you yield to some questions?

McKINNEY: Yes.

RAYBOULD: So, Senator McKinney, I know you have been involved in this and there were some policy recommendations that specifically say they can save more than 300 prison beds by 2030, by implementing all four policy recommendations described above. Can you tell me, have we taken action on reserve--

KELLY: One minute.

RAYBOULD: --thank you, Mr.-- reserve mandatory minimum sentences for violent and serious offenses? Have we done any changes to that?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

McKINNEY: No. To date, we haven't moved on any criminal justice-related policy changes. Hopefully, next week, we move forward with LB50, but to date, nothing has happened.

RAYBOULD: Nothing has happened. And, and it goes on about reduce the use of discretionary consecutive sentencing. It also talks about another policy initiative that would also reduce 100 prison beds by 2030. Have we created a misdemeanor level for possession of residue of a controlled substance, like a trace residue?

McKINNEY: No, we haven't. County attorneys want to charge people with felonies for residue, so we haven't moved on that yet.

RAYBOULD: Thank you, Senator McKinney. The one thing I hope we continue and I know, Senator Armendariz is on the Appropriations Committee and is proposing a really cost-effective measures--

KELLY: That's your time, Senator.

RAYBOULD: Thank you.

KELLY: Thank you. Senators Raybould and McKinney. Senator Blood, you're recognized to speak.

BLOOD: Thank you, Mr. President. Fellow Senators, friends all, I oppose FA134 and support LB818. I got a few questions and concerns about it, but I also know that you can't fight city hall, literally and that it would just fall on deaf ears, so I'm just going to stay quiet on that. But clearly, we are helping to filibuster and talking about the bills and other bills. And I just want to kind of contribute to that. And I've been sitting and listening for two days. And I'm just going to kind of go down my list and, and talk about some of the things that you may not know, historically and some of my concerns. So I heard Senator Lowe yesterday and he ended up on NPR, so I had to hear it twice, talking about how supposedly legislation is now about feelings. And it's not about policy, but it's about feelings. I want to do the low voice. You know, Senator Lowe, you and I have been here long enough that we know darn good and well that that is used frequently, especially when talking about bodily autonomy. I remember our first four years together, when-- and I mean this respectfully, I am not making fun of these women-- when there was a bill in reference to birth certificates for women who had had miscarriages. And Senator Brasch and Senator Linehan and Senator Albrecht all made personal-- they shared personal stories on the mike and teared up. And it was all about feelings when we talked about that bill. But I don't remember

you calling them down on it. And you know why we don't do that? Because it's not very nice. So, yes, sometimes we talk about feelings, especially when we talk about women's issues, because we live it every day, friend. And quite frankly, it always kind of turns my stomach a little bit when you want to talk about women's issues, because I still remember that you didn't know how many times a year a man was fertile. So there's a video out on the Internet that verifies that. The fact that people keep referring to January 6 and what happened with the, the trans kids out in the, the lobby out here, out in the rotunda, is kind of ridiculous. But good on you for trying to change that narrative and making it something scary for folks. I'm going to say this again. I've said it multiple times. This is a 10-week ban, because it starts with menses and not fertilization, as Senator Riepe's bill did. And you guys really need to start talking about the difference between an abortionist and an OB-GYN, because this new bill does not apply to anon-- anomalies. And so, you've created a crisis for our OB-GYNs, for our doctors. There is a difference between abortionists like Dr. Carhart, who has passed away, and an OB-GYN, who needs to do it for a medical reason. And you got to stop pretending that that's not so. Let's talk about being drunk on the floor of the Legislature. You guys all know that I keep notes. And I remember when we amended LB720 and LB1107 and I think you guys all remember it as the ImagiNE Nebraska Act. And I remember being on the floor and somebody was talking really loudly. And because we have so many gentlemen with hearing aids, I thought someone's hearing aid battery had gone out. And I went to the Speaker and I said, you need to go and tell-- I'm not going to throw anybody under the bus. I'm just going to tell the story. You need to tell this particular senator that I think his hearing aid is going out, because he's talking really loudly. And the Speaker's like, no, they're just drunk. They went down to Billy's to celebrate the passing of the bill.

KELLY: One minute.

BLOOD: And he's going to have to go home. And I, I don't know if Senator Vargas remembers this, but he tried to jump on your back. It happened over here. I don't know if you remember that, But, you know, people go and they celebrate and they come and-- yeah. I'll tell you about it after I get off the mike. And it happens. And unfortunately, not everybody agrees with it. But, you know, sometimes they've been here all day long, they're tired, they want to go celebrate. And I'm going to get back in the queue, because there are several other things I need to talk about that I want to address. And I'm sorry for Senator Brewer that his voter ID that he's worked so hard on is now being challenged, because I know that he was limited on what he was allowed

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

to kick out this year, which I actually opposed, because he had a lot of great bills in Government this year. And I think I had one or two that are never going to be heard by this body, at least not this, this part of the biennium. But, friends, there are people who sit and listen, just like I do, all day long, to the debate.

KELLY: That's your time, Senator. Thank you, Senator. Blood. Senator Wishart, you're recognized to speak.

WISHART: Thank you. Mr. President. I rise in support of LB818 and against the motion to return the bill to Select File. And again, I want to thank-- I think this is the last time I'll be on the mike to thank Chairman Clements and the members of the Appropriations Committee for our hard work on this effort. It really, truly has been a really good experience and I appreciate it all. I have talked with, with the Chair, that I do have concerns about the drawdown of the rainy day funds beyond the, the 16 percent that, that I would argue we really need to be at for a rainy day. And so I think it's going to be important that this body, next year, recognizes that and, and looks to put additional money into our savings account. And I will sure be working, as a member of the Appropriations Committee, to look at doing that. But this is a year where there's a lot of important obligations and so I will be supporting this budget. Colleagues, it's rare that I speak about another subject on a, on a, on a bill that is, that is different from, from the underlying policy. But today is a bittersweet day. At noon, I will be part of a group that is filing a ballot initiative to put medical cannabis on the ballot for the 2024 election, for Nebraskans to have, finally, an opportunity to vote on this issue. And the reason I bring it before this body is that we had a chance this year to pass a narrowly crafted piece of legislation that would have safely allowed for individuals with severe medical conditions to have access. And that bill couldn't, couldn't get out of committee. And so now we're left, again, as a group of individuals across the state, having to take this issue to the people. And I know from experience, colleagues, from qualifying counties from Burwell, to Stanton, to Wheeler and all across the state, myself, that this issue is supported by Nebraskans. And now, we have a year and a half to get enough signatures and to put this on the ballot. But the reason I say it's bittersweet is there was one of the most incredible people I've ever gotten a chance to meet sitting on-- under the balcony today. And her name is Crista Eggers. And she is the mom of a son who has severe epilepsy, for which the medical community, including one of the leading medical facilities in our country, the Mayo Clinic, has said cannabis could potentially save his life. And this is what she texted with me this morning. And I want to read it, because it's important

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

for her to have a voice. I'm not going to lie. I'm having a lot of emotions about this all. I know you understand. I'm feeling a lot of anger this morning. I laid watching Colton, my son, sleep last night. And all I can think is what if, while I'm out fighting for others, I lose him? I feel so failed by our state. Their inaction has forced a mom to now spend the next 14 months fighting with all I have for something that should have been done already. Meanwhile, I'm scared to death that my baby, the one I started out to fight for in the beginning, won't be here when I end it. Colleagues, we could have done something this year. We could have done a narrow bill. And now what we're going to do is a broad, medical cannabis legalization ballot initiative. And I think it's important that we all hear that, because we do have a chance--

KELLY: One minute.

WISHART: --as leaders, to have a massive impact, but also to do something and to compromise and to do something that is comfortable for everybody. And I think this was a missed opportunity. Thank you.

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

CLERK: Mr. President, bills presented to the Governor, LB814e was presented on May 10, 2023 at 11:34 a.m. New LR from Senator Jacobson, LR242; Senator Sanders, LR 243; Senator Day, LR244; Senator Vargas, LR245; Senator Linehan, LR246; John Cavanaugh, LR247 and LR248; all referred to the Executive Board. Notice that the Education Committee will hold an executive session in room 1525 upon recess. Education Committee, 1525, exec session upon recess. Additionally, the Government Committee will hold an executive session today in-- at noon, in room 1524. Government, noon, 1524, exec session. Finally, Mr. President, a priority motion. Senator Armendariz would move to recess the body until 1:00 p.m.

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

[RECESS]

KELLY: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the afternoon session. It's about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

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

CLERK: I do, Mr. President. New LR, LR249 from Senator Holdcroft, that will be laid over. Additionally, new LR from Senator McDonnell, LR250, Senator Dover LR251, those will both be referred to the Executive Board. That's all I have this time, Mr. President.

KELLY: Thank you, Mr. Clerk. While the, while the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB799. Mr. Clerk, for the agenda.

CLERK: Mr. President, LB818, when the Legislature left, pending was a motion from Senator Machaela Cavanaugh to return to Select File for a specific amendment. That being FA134.

KELLY: Going to the queue, Senator Bostelman, you're recognized to speak.

BOSTELMAN: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraska. I thought it would be-- take this opportunity, it's something I've talked about before on the floor I think that we should consider and, and how to address this in the future. So what I'm speaking about is, is our veterans' homes and our veterans. And LB814 on page 68, line 9 it says: The Department of and Administrative Services shall monitor the appropriations and expenditures for this program according to the following program classifications. And part of those is the Central Nebraska Veterans' Home, Norfolk, Nebraska-- Norfolk Veterans' Home, Western Nebraska Veterans' Home, Eastern Nebraska Veterans' Home. So what am I talking about? Well, this body-- last year, I believe it was, if I'm correct, we did increase an allowance of about, I don't know, 15, 20 percent for our veterans' homes, especially for our employees, because we needed to increase the pay and the benefits to our employees, which was very much so needed and very much so appreciated. And I know those, in those homes, those who are working there now that didn't work there before that did come back to work are working there very much appreciate that. But as we look at budgets and as we continue to look at budgets for agencies and departments across the state, we typically look to hold down their budgets, whether it be 3 percent, whether it be 2 percent, whatever that might be for that agency or department for their operating, for their-- for functions. But that doesn't apply to the residents. And so what am I talking about with the residents? Well, if you have the-- if you have the ability to pay, which is fine, most people don't realize that if you're a veteran, you're in a vet-- the state of Nebraska veterans' homes, you have, you have to pay. All right. So you do

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

have-- if you have means, you have to pay. And like I say, I don't disagree with that. What I do disagree with is how they change the rate of pay from year to year. And so what do I mean by that? So in 2000, let's see if I can read this-- for 2018, residents, their monthly increase was 2 percent. OK, that's reasonable, 2 percent. So it went from \$3,947 to \$4,000, just over \$4,000. But then we get to-- and there is a formula that they use and let me read the formula. Well, let me get through this first. So 2022, they raise it 6 percent and some; 2023, 9 percent. That's a significant jump for a person who may be on a fixed income as far as what's coming into the house or into, into their, into their bank account, if you will, from different things. And when we only raise and allow that agency or that department a 2 or 3 percent raise, but we're going to let the veterans who are there that do have means have to pay 9 percent increase. That's \$2,000 increase from 2018 to '23. I think that's, that's an issue. I think that's a problem. Now, how do they determine that? So this is how they determine, the Nebraska Department of Veterans' Affairs, Veterans' Home Board guidelines that says: A member's contribution is calculated on a member's ability to pay at the Veterans' Home Board meeting. Immediately prior to January 1, the board shall set the member contribution and deductions-- deductions for the next calendar year. The board will use whichever is greater, the Social Security cost of living allowance or a rate calculated using a weighted average of the medical care services Consumer Price Index and the--

KELLY: One minute.

BOSTELMAN: --nursing home Consumer Price Index rate in determining the increase. The new member contribution and deductions will go into effect January 1. OK, I understand that to a point. If we as a state have made a determination that we're going to take care of our veterans, why are we raising their rates for those who can pay nearly 10 percent? So I know this and it's, it's because, you know, in this, in this portion of why I know this is my dad's in the veterans' home. His rate has gone up almost 10 percent for two years, 10 percent. Now I think a reasonable rate increase is reasonable and it should be, but according to this, the veterans who sat on that board, they're the ones that raise it and they're locked into what they must follow. And I'm not so sure that's what we should be doing.

KELLY: That's your time, Senator Bostelman.

BOSTELMAN: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

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

RAYBOULD: Thank you, Mr. President. I do want to give commendations to our Appropriations Committee for the work that they're doing. But I did want to continue a discussion about the Perkins Canal. I know that we took approximately \$170 million from our Cash Reserves and brought them over to the General Funds, which mirrors the additional funds that we are scheduling to go into the Perkins Canal to build it twice as big as it needs to be. And, first of all, I do want to say for the record, I do support the Perkins Canal. I recognize how valuable that will be to asserting our rights on that water that is essential for our agriculture production. However, there was another follow-up study that was done by our Legislative Research Office, and I know Senator Jacobson talked a little bit about it, but he mostly discredited them and their findings. However, I think it merits an additional review of their findings if it means that we could save the state of Nebraska \$170 million, which could be turned back to the Cash Reserve or used for appropriate-- other projects that would have a, a greater cost-benefit ratio. So I'm just going to go over the highlights. I would not discredit their findings. The, the individuals that are actually in our Legislative Research Office are quite capable and competent of, of crunching the numbers, particularly when they're given the actual numbers of the, the flows over a number of years. But here's one of the things that they found primarily that our consultants, I, I think you say Zanjero consultants, the third-party consultants, may have just overestimated the capacity of the water and this is some of the findings from our Legislative Research Office. They say the consultants' use of mean, which is the average versus medium values, appear to overestimate the stream flows. And they do a number of charts showing just that. Effort to address flow variability, divides raw data, sets into dry, average, and wet year scenarios, reverts back to the mean value for subsequent analysis. Other water rights accounting, they talk about the lower section, senior rights may exceed normal flows entering the lower section. There are some areas of the Perkins Canal on the Colorado side that have senior water rights even to this compact. Water delivered by a canal will largely be dependent on accretions in the lower sections. That's-- accretions are when you use it for irrigation and it goes back into the ground well or ground waters and, and, and ultimately ends up back in the stream. A couple more points I just wanted to make on the economic analysis side. They talk about NPV, the net present value, and the benefit-cost ratio. So they talk about the method for calculating NPV appears to overstate project benefits, thus inflating the benefit-cost ratio. So on the benefit side, it is-- there is a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

discount for that. But also on the cost side, in the study done by our consultants, the third-party consultants, they automatically take 100 percent of the cost rather than what our research department did. They took those costs after ten years and, obviously, it's at a discounted rate. So please don't, don't discredit this report. I think it has a lot of merit. And I ask my colleagues to, to take a look at this so that we can do the right thing for all of our Nebraska and not build-- not oversize the canal for what it needs to be and so do take a look at the research. And if we have an opportunity to find some savings of, say, \$170 million or revert it back to the Cash Reserve, that might be a good thing for--

KELLY: One minute.

RAYBOULD: --the state. Thank you, Mr. President.

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

BLOOD: Mr. President. Fellow senators, friends all, I stand firmly against Senator Cavanaugh's floor amendment and in support of the bill. Although, again, I still have questions, but that's just not a hill I want to die on today. But I did say when I was on the, the mike earlier today that I wanted to finish a couple of thoughts from some of the debate and time killing that we've heard on the mike the last few days because it's clear we're going to kill time and a lot of you had things to say and I appreciate you getting up and talking. You know, initially when we had the conversation about the alcohol on the floor, I had missed that because another senator and I were talking about the Red Scare bill that you guys are going to be passing this year that's not necessary. And I had talked to him about the CSIS report that I had been reading. And one of the things that made me think of that was because I'd had several mommies ask me about Temu and I know there's a couple of ladies on the floor that I've heard talking about it too. Temu is an online sale site-- I saw some heads perk up-- an online sale site where you can get really nice things really cheap. But what a lot of you guys don't know, those of you that worried about telecommunications things that are made by China, is that if you are buying from that site, you are literally giving your data away to the Chinese. And let me know-- let me tell you why I know that. So there was an organization that got really busted for it in China, and they got busted for it because they had 82, 83 different types of ways to steal your data. And it was mostly on Android phones and it was also a shopping site and they put malware in that. And if you don't know what malware is, it's short for, like, malicious

software. And it's any software that some hacker creates that will steal your data and it will interfere with computer systems or your mobile devices, which are actually computer systems in themselves. Right? And so they'll access things like your social networks and who you're friends with and your chats, and they will steal your biometrics. The biometrics are who you are physically, guys, and what traits you have when you shop. So they got busted stealing your data from China. And by the way, they've got an office in Boston, and when they got busted, they immediately fired the hackers that created that software. And guess where they put them at? Temu. So all you folks that are worried about telecommunications in Nebraska that are owned by China, you're giving your private data to China. This is-- the reason I'm telling you this story is that we keep passing legislation acting like we know what's going on with technology and that we're worried about spies, which we should be from China. Maybe it'll be Russia next year, maybe Israeli next year. Who knows? Because if you look at the CSIS report that I printed and it's on my desk, you'll see that people from all over the world are hacking government computers, hacking your personal cell phones. So, you know, you might be saving \$2, \$3 on that new pair of shoes, but you're also giving away your personal data. I go back to what I've talked about on the floor before, where everybody was up in arms when they found out that Facebook were using algorithms and were, were getting information from your Facebook pages. It's, like, seriously, you, you know that they had to make money off of Facebook, they just weren't doing it out of the kindness of their hearts. How do you think they were making money?

KELLY: One minute.

BLOOD: They were making money selling your information. We got hacked during the pandemic by the Russian mafia, by Nigerian crime, crime rings. We're doing these, these bills where we say that we have to keep certain entities out of our state, out of our country. OK. But if we're going to do these big grandiose bills, which I know you're going to pass, how about you start paying attention to technology and how right under your noses it's affecting Nebraskans. I know you guys all saw that our neighboring state just eliminated TikTok. And I don't know how they're going to do it, but I know that there's a state that you can't do sports betting in. So they're, they're probably going to have to make it so you just can't utilize that particular app in their state. They'll probably use geofencing, I'm guessing, but I wanted to make sure we address that, because I'm sure when we get down to that bill it's going to be the same thing.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

KELLY: That's your time, Senator. Thank you, Senator Blood. Senator Vargas, you're recognized to speak. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Colleagues, I rise again to continue part of the conversation that I began earlier, which is regarding to the Department of Correctional Services' funding and infrastructure that we're talking about. So obviously the mainline budget contained in it, I believe, the additional funding for the prison, but LB818 does contain in it various provisions with regards to transfers of funds from the prison overcrowding fund to the vocational and life skills programming fund. And so it moves over, I believe, \$5 million in one year and \$5 million in the next year. The reason I wanted to bring this up is it goes back and harkens back to the same kind of things that I was talking about earlier today with regards to LB814 and the mainline budget. None of this exists in a vacuum. And if we're going to actually address prison overcrowding, we have to address underlying causes, root causes that lead to the actual incidents that people end up getting charged with. We have to actually address services before adjudication, and then, ultimately, we have to ensure that our services that are being utilized by the Department of Correctional Services actually provide rehabilitative efforts that reduce recidivism. If we don't do that, then all of this is for nothing. And so having a conversation about the budget is it's all interconnected. And it does go back to exactly where I left off previously so I'm going to go back to that. And I believe I was discussing the difference between diversion and problem-solving courts. If you're paying attention at home or if you've been in the body, when I've talked about this before, you probably have heard me talk about this but it bears repeating because people don't understand the difference. Diversion, where I left off, is something-- we have a piecemeal approach to diversion here in Nebraska. It's done by counties, it's run by county attorney offices, and you can get into diversion if you meet certain requirements and are allowed in by the particular folks running that particular office. I think we should be investing more money in statewide diversion services because that is a pre-adjudicative service. What that means is diversion is a service where you can get involved prior to entering a plea or having a trial. And if you complete that program, the charges are ultimately dismissed. Problem-solving courts, on the other hand, which are fantastic programs if they are run according to best practices, they seek to utilize best practices and a sort of myriad of other services like counseling, substance use treatment, mental health treatment in an effort to work with individuals to address their underlying

problems. But that comes into play after you have pled to something. And so what I mean by that is, let's say you're charged with five felonies, but they're all related to substance abuse issues and you're accepted into the drug court program, you have to plead guilty to all of those felonies, at least in Lancaster County, as they were currently charged. And then those remain pending with sentencing just continued out for two years while you go through an incredibly intensive program, which at the end of that, if you are successful, then your plea is withdrawn and the case is dismissed. The difference there in being, and it does matter, the felonies are currently hanging over your head the entire time. And if you mess up while you're in drug court, then you're ultimately sentenced on everything you pled to. So I think that drug courts or problem-solving courts, in general, are a very important building block in terms of helping folks and actually creating a rehabilitative system. But we do have to focus more on diversionary services and I do plan in my time here in the Legislature to bring some bills to hopefully address more statewide support for diversion. One of the other things, though, that specifically speaks towards the crux of LB818 is this fund transfer that we're seeing to the vocational and life skills programming fund. In the same report that's been referenced both by myself and others, which is the CJI, Crime and Justice Institute, report. Some of the other policy recommendations, in addition to alternatives to incarceration, include things that say we should be doing more to enhance reentry supports for justice-involved people.

KELLY: One minute.

DUNGAN: So-- thank you, Mr. President-- while I do think this transfer of funds to a vocational and life skills program is helpful, I think it's important, I don't think it's enough. I think we need to be doing more. I think that we as a state need to be further investing in supporting reentry supports. And I think we need to be doing more to give these grants to programs that assist with reentry, whether it is housing or vocational programming, whatever it is, we need to be doing more to ensure that people can get back into the community in a way that not only benefits them, but it makes the community safer as a whole. I can't tell you how many times I've represented people who have been discharged, and despite the best efforts, I think, of whether it's parole or post-release supervision or what it is, simply can't have the rehabilitative services they need for proper reentry because they're not available. They just don't have a place to go stay. They don't have a place to work with them on getting a job. And so I do think that it is beneficial to transfer these funds, but I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

just want to make sure that we as a state continue to focus on these rehabilitation programs, rehabilitative programs,--

KELLY: That's your time, Senator.

DUNGAN: --and vocational and life skills. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. I would reiterate Senator Dungan's comments about necessity to invest in reentry programming and life skills, that is extremely valuable, money well spent. I just wanted to briefly talk, since we're on LB818, about the Perkins County Canal. I, I appreciate Senator Raybould bringing up the issue and talking about the report from our Legislative Research Office. And I appreciate Senator Bostelman talking about the other, the Zanjero report and other before on, I think it was on the last bill. You know, we-- I, I brought an amendment on the first round of this bill to strike out the extra money to move us back to a 500 cfs canal. And we had a, a pretty robust conversation about it and that was, I guess, I, I was, you know, satisfied with that conversation. I would, I would have liked to probably seen more people engage in asking questions. I did circulate that memo that I got from the Research Office, and I think it, it does bear mentioning that we have a fantastic Research Office who can do all kinds, answer all kinds of questions for us, look at comparative, comparative laws of other states. They can do complex analysis and provide us answers. And I asked a question of the Research Office and they provided an answer to it. I asked them to analyze the Zanjero report and, you know, what conversation we may need to have around that, they gave us an analysis of that, and I talked about it. I know there are some people that don't like that analysis because it is not as favorable as the other analysis we've had. And it is really important to make these decisions. And what I've said all the way along about the canal is that I continue to raise concerns about it, not because I don't want to build a canal, but because I think if we're going to spend this much money, invest this kind of money in a project, we should go into it with our eyes open about what it is, which is why I, I brought to this body the criticisms that were in the analysis about the Zanjero report being too favorable. And I would point out, even with a less favorable analysis, I'm not saying you shouldn't build the canal. I'm not saying that people are wrong to be in favor of the canal based off of an objective cost-benefit analysis because there are dollars-and-cents benefits to the canal, of course. You know, we'll have water for all

of these resources as Senator Jacobson talked about. I've been out there, I've toured all of the-- well, probably not all, but a lot of the places that we intend to use this water. And I can tell you those are good uses, but there are other nonmonetary benefits that are hard to quantify in this sort of analysis, like in Zanjero, like in the Legislative Research Office, and that they can't quantify, which is, of course, security of having storage of water. And my point in raising this issue and having this conversation all the way along is that, one, I'm not 100 percent convinced about how much water we are going to get access to based off of the, the Perkins County or the, the South Platte Compact with the state of Colorado. I'm concerned about what happens if we build the canal. I'm concerned about us investing a bunch of money to get water that we're already going to get access to. And when I found out about the expanded canal, I'm concerned about not following the letter of the compact, because our entire argument here for the reason to build the canal is that the letter of the compact needs to be followed for us to perfect our right to the water. So that's why I've raised all these concerns. I've put them in front of you--

KELLY: One minute.

J. CAVANAUGH: --thank you, Mr. President-- to make sure that everybody had the opportunity to consider them, to think about them, to factor them into their vote. And I gave you the opportunity to go back to the last canal that folks didn't choose. So I think that, that was a fine conversation and, and a fine decision. People make them for different reasons. But what we shouldn't do is ignore facts that we don't like, that don't confirm our perspective. You can weigh them differently on all of these bills. You can put whatever weight you want to, to a fact, but you cannot ignore them and say they don't exist and you cannot tell somebody else that they shouldn't consider them because they can give them their own independent weight. And so I've given you what information I have available. I've given you what kind of counsel I can provide on that. And we've made our decision and we go forward. But I do appreciate the conversation. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. I, I guess the timing just worked out that I can follow Senator John Cavanaugh and, and I appreciate him raising the questions. And, and, Senator Cavanaugh, you're, you're always very thoughtful, and I've appreciated the time that you've taken to spend to go out and tour the canal and, and dig into this.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

And, and I understand the questions being raised, but, but I want to point out some very clear pieces here. When I read the report from the Research Office, on page one it talks about how much water and it says: on paper, a canal running at its, at its full 500 cfs capacity for the entire nonirrigated season could deliver 166,000 AF, acre-feet, of water. Well, that in itself is not accurate, OK, because the plan is to build a thousand cfs canal and the compact doesn't say how big the canal can be. The compact says what's the minimum amount of flow we're entitled to. Minimum amount of flow that we're entitled to. So we're building it for more capacity. I reported to you before on the mike that a few days ago we were running 2,000 cfs of water through the gate that's measuring that flow. We're in the irrigated season. We're entitled to a million-- or, or to a minimum of 120 cfs. I think today it's running about 1,200-- or 1,500 cfs. So where is that water going? It's not in the North Platte, it's in the South Platte. So that water is running through the state and out the back door. We're wasting the water at a time when the majority of our state is still in a drought. I don't know how much clearer we could make it and make the case for the canal. If we could be capturing 1,000 cfs, because there's no limit to how much we can take, it's a minimum that we can take. And if there's excess flows, we're entitled to all of it. So we would be entitled if it was a 3,000 cfs or a 2,000 cfs capacity, we'd be taking that and we'd be filling that lake up that much quicker and it would be available to us to use later this year. And we're in the, in the irrigated season where the lower flow is at. The big flows come in the wintertime. My point is very clear. I know there's a lot of people who would like to divert the money that's been, that's been earmarked for the Perkins County Canal and use it for other pet projects. Let's don't kid ourselves, that happens here. The Perkins County Canal is critically important to the entire state of Nebraska. It's especially important to western Nebraska where agriculture is critically important. It's a huge part of what we do. This needs to be built. We need to take the next steps to go through the process. That money needs to be earmarked and it needs to be locked down and held there until we get done with all the feasibility, land acquisition, and design. We talk about cutting the number back because if we went back to 500 cfs. Well, I think we've all heard and even Senator Cavanaugh said on the mike before, he's concerned about cost overruns. I'm concerned about cost overruns. Why would we cut back the amount of money that's been earmarked when we believe there will probably be cost overruns? And if there are, we need every penny in that fund.

KELLY: One minute.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

JACOBSON: Thank you, Mr. President. So let's don't do anything with tampering with those dollars. Let's move full speed ahead. The Zanjero report had highly qualified individuals that Senator Bostelman walked you through their credentials. They know what they're doing. I'm not discrediting our Research people. They are outstanding. But they don't have the same credentials as the Zanjero people. And some of the, of the information in the report brings some false assumptions that aren't accurate, which will impact what their conclusions are coming to. I don't expect them to have it perfect, and I appreciate the fact that they've looked at it. We need to move forward with this project and let's leave that money there. Thank you, Mr. President.

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

AGUILAR: Thank you, Mr. President. Members, I rise in support of LB818e and oppose FA134. But that's not what I'm going to speak to this afternoon. I'm going to speak to the ludicrous accusations thrown at me by Senator Hunt, Senator Machaela Cavanaugh, labeled me as an LGBTQ hater. Ladies, nothing could be further from my truth. My youngest daughter is gay. She lives with another lady who identifies as trans. She's saving her money right now for surgery, and I have no problem with that. They're both over 35 years old. What I have a hard time wrapping my head around is knowing that science says your brain is not fully mature and developed until 24 years of age. I have a problem with younger people wanting to make that decision and not honestly knowing what they really want. So I respectfully ask both senators I mentioned to keep their mouths shut about me and my family. You don't know what the hell you're talking about.

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

M. CAVANAUGH: Thank you, Mr. President. Would Senator John Cavanaugh yield to a question?

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

J. CAVANAUGH: Yes.

M. CAVANAUGH: Actually two questions. Apologize. The first is how much money would this-- would be decreased if we did the original plan for the canal? How much would that be a savings of?

J. CAVANAUGH: The original request was \$125 million less than the final request.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

M. CAVANAUGH: OK. My second question is what pet project do you have that's \$125 million?

J. CAVANAUGH: I guess the Cash Reserve.

M. CAVANAUGH: OK. I mean, I like that pet project. So you would-- your pet project is to not use the additional \$125 million to expand the canal beyond the initial request and, and keep it for the Cash Reserve?

J. CAVANAUGH: Right, not spend it at all.

M. CAVANAUGH: Not spend it. That's your pet project?

J. CAVANAUGH: Right.

M. CAVANAUGH: You have very boring pet projects, but they are fiscally responsible. Thank you, Senator John Cavanaugh.

J. CAVANAUGH: Sure.

M. CAVANAUGH: I just thought since, since it was stated that senators didn't want to do this because they had pet projects that they wanted funded instead, I thought it was-- we should find out what those pet projects are that we're trying to divert those funds to. I stand by the fact that people who are supporting LB574 are anti-LGBTQ and anti-trans. So I'm not going to change that statement. I don't care who you know. I don't care who you love. I don't care who you're married to. I don't care who you're related to. If you are voting for LB574 you are anti-LGBTQ, you are anti-trans, you're anti-parental rights, you're anti-civil rights, and you're anti-human rights. And I didn't call anybody out by name. Again, I'm a hat maker. If that hat fits you, that is on you, not me. That is entirely on your shoulders, not mine. So we got a-- Senator Hunt, thank you so much for distributing what in the old days would be a classic "Ernie-gram" on our desks. Senator Chambers used to-- it's funny, I call him Ernie when I'm talking about him. I don't think I've ever called him Ernie when I'm talking to him. I think I have always, and even to this day, addressed Senator Chambers as Senator Chambers. But everybody calls him Ernie. It's kind of like Madonna, just the one name. So Senator Chambers used to have "Ernie-grams" and Rotunda blog: Ernie Chambers serves notice, March 3, 2013. This is my 13th lick at covering the Nebraska Legislature, ten years with the Associated Press and now three with the Journal Star. I've heard millions of words uttered, watched vicious floor debates, and witnessed great and awful laws being passed. But the filibuster, covering several days and ending

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

this past Tuesday by Senator Ernie Chambers, was truly one for the ages. It was like watching a baseball pitcher notch a perfect game or a bowler roll a 300 or a gymnast scoring an elusive ten. And Chambers, at age 75, still provided-- proved he still has it and then some. Chambers took umbrage with the seemingly innocuous bill, LB52, by Senator Mark Christensen of Imperial, which would have allowed the State Department of Correctional Services to enter into labor contracts for service for public benefit--

KELLY: One minute.

M. CAVANAUGH: --thank you-- to be done by McCook work camp inmates. Chambers said that the amount of slave labor and the fight was on-- this amounted-- that amounted to slave labor and the fight was on. But this was to be no ordinary filibuster from the master. Chambers was elected in November to his north Omaha seat after sitting out four years due to term limits, which he says were enacted to get rid of him. Well, they were. He was first elected to be-- to the Legislature in 1970 and reelected in every election through 2004. In 2005, he marked 35 years in the Legislature and became Nebraska's longest-serving state senator. Then he used Christensen's prison labor bill to serve notice on his 48 legislative colleagues, who many who were not in office when Chambers left in 2007, that the sheriff was back in town. Once called the angriest black man in Nebraska in a magazine article, Chambers became a force in the Legislature by mastering its rules and constitutional law. His ability to prolong debate through filling amendments--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Kauth has some guests in the north balcony. One hundred fourth-graders from West Bay Elementary in Elkhorn. Please stand and be recognized by your Nebraska Legislature. Senator Raybould, you're recognized to speak and this is your last turn on this motion.

RAYBOULD: Yes, thank you, Mr. President. I just would like to circle back with the Perkins Canal discussion that I think is actually quite a good one. And not that I want to have the last word, but I do want to say for the record, I don't have a pet project either. I'm more interested in having the funds go back to our, our Cash Reserve. So I think that is the more prudent and fiscally sound approach to do. I do support the Perkins Canal, but I, I also support the bill that I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

believe the Appropriations Committee is, is keen on getting approved that will authorize a third party to take a look at each and every one of our departments, including the Natural Resources Department, to find cost cutting measures and, and efforts to save our taxpayers money, and that they will actually take a look at our Legislative Research Office report and look at some of the findings that they came up with. And I know-- Senator Jacobson, I don't know if you had a chance to look at it, but the legal Research Office actually looked at the real data on flow variability from 1917 to 2022. They also did a comparison doing the means versus medians approach. And there are vast discrepancies in the projections between those two. The Zanjero used a different-- one of these methods that has overestimated the capacity of the flows. The reason why I said it is we could double the size of the Perkins Canal. It was-- it won't necessarily matter because we're not hitting the capacities of the, the flows that the consultants have charted. And also there's other-- there's scatter plots used on the nonirrigation season as well that show that, that those capacity projections have been overestimated. And so not to keep pounding on that point, but I think when you have data-- I love digging into data and I think if there is some data that you have questions about, then you should dig into it more. And I think our legal Research Office is quite capable of taking on any type of task, and they did provide the credentials of the individuals working on it. And I was quite impressed with their credentials not only in natural resource and irrigation and mathematics and economics, which are really essential to being able to, to have a second look at that. And so I'm optimistic that with us going to a third party to look for cost-benefit analysis, that they'll take up the Perkins Canal project and, and look at it with a very critical eye on what is the right size that we need to build. In the same fashion, we hope that they will look on it on all the criminal justice reforms that Senator McKinney has been educating us on that have not been done, that would prove cost beneficial to our Nebraska taxpayers that we consider alternatives to incarceration, problem-solving courts that cost a lot less than incarcerating individuals that we seem to lock up for trace elements or we extend their sentencing. So my only-- my last remark is that we keep an open mind and look at the data and work with consultants that will take a critical eye not only at our jail project but also at the Perkins Canal to, to guide and direct us at coming up with the most cost beneficial amount. And that is one, one last thing, that is one thing that they did talk about in the-- in our Research Office about that the cost benefit of going from the 500 to the 1,000--

KELLY: One minute.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

RAYBOULD: --thank you, Mr. President-- there was a decreasing cost benefit to that, the cost-benefit ratio decreased to that. So for all those reasons, that gives me pause and makes me want to dig into it a little bit deeper. And I certainly hope that as we go forward, we can continue to look at the best way to build the Perkins Canal. Thank you, Mr. President.

KELLY: Thank you, Senator Raybould. Senator Bostelman, you're recognized-- oh, excuse me, Senator. Mr. Clerk, for some items.

CLERK: Mr. President, your Committee on Government, Military and Veterans Affairs, chaired by Senator Brewer, reports LB535 to General File with committee amendments. Additionally, amendments to be printed from Senator Slama to LB535. That's all I have this time, Mr. President.

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

BOSTELMAN: Thank you, Mr. President. Just a couple of comments and I appreciate Senator Raybould looking at, at the, at the study or the information compiled by the person in LRO. I will say that person has no background in, in, in water and in hydrology at all. A couple of things with, with the numbers. My understanding is the LRO looked at an average, a monthly average and not a daily average or not a daily, not a daily average, but what actually comes down on a daily increment that comes down, they use a monthly average, which if you do that, that really changes the numbers completely. So if you actually look at what could come down each month or each day versus over an average of a month there's a big difference there. And I do believe if need be, you know, we can check, check with Director Riley on that. I do want to talk a couple of minutes about the Perkins Canal. It is not designed or purposed to increase the amount of water Nebraska is, is able to use from the South Platte River. But it is to avoid losing, and I think Senator Jacobson talked about this quite well, what we receive to meet Nebraska's needs. It is much harder to restore what has been lost than to prepare, than to prepare so that it's not altogether lost. Colorado needs between 600,000 to a million acre-feet of water to support growth in the urban centers along the Rocky Mountain Front Range. Colorado is [INAUDIBLE] supplies from West Slope of the Rockies, and concerns about climate change compel Colorado to find alternative sources of water supply to satisfy its growth objectives. As such, Colorado has developed extensive plans to divert, store, and use South Platte River water supplies affecting Nebraska's long-term water supply reliability interests. And that's in the, the

Zanjero feasibility study. Building the canal ensures Nebraska's right to call for 500 cubic feet per second of water in the nonirrigation period under the compact, even as Colorado grows in its own water use. Building the canal enables Nebraska to carry and store water outside of irrigation season, reserve it for use during irrigation season challenges. And that's important to understand that when you have rain events, you have snow events on a daily basis, you can capture that extra water that's coming out, surplus water. That's why you need, I believe the feasibility studies will say you need that extra volume or size of the canal. Nothing of the compact prohibits building a canal with a 1,000 cubic foot per second capacity rather than a canal with a 500 cfs capacity. If Nebraska does not capture the excess water at this point on the river, it flows to Mexico, not to be recovered. A 500 cfs availability for diversion is anticipated to divert between sixty-nine thousand, nine hundred seventy-eight thousand, four hundred acre-feet of volume average at the cost of \$56-- \$567 million and to provide benefits of six hundred ninety-eight, seven hundred fifty-four million dollars. If it's a thousand foot, it's 113,300 acre-feet during the same period of time, cost is \$628 million, which is a \$51 million increase, and to provide benefits of \$719 to \$872 million. The larger capacity canal project provides a higher rate of return on investment going forward. Another-- you know, it's curious that we're talking about Perkins Canal and we're not talking about Lincoln. Why am I saying that? Well, Lincoln is looking at-- there's \$180 million in ARPA funds we're giving Lincoln right now to look at their water supply. My understanding, what Lincoln's looking to do is build a billion-dollar project, a billion-dollar project--

KELLY: One minute.

BOSTELMAN: --from the Missouri River to Lincoln when they could build a \$70 million project to provide the same amount of water. Why aren't we talking about that? Perkins Canal is to ensure we save the water, we store the water that we need at a later date on those access flows. That's what it's about. Lincoln is willing to spend \$1 billion and how much of that is going to be state funds or we're going to have to kick in for that? So with that, folks, you know, the Perkins Canal Project has had a lot of research done, a feasibility study by two national-- international businesses that have extensive, extensive work in this area and I fully support that. Thank you, Mr. President.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

HUNT: Thank you, Mr. President. Senator Aguilar, you spoke to me so I'll speak to you. Your proximity to LGBTQ people does not absolve you of the harm that you're causing for people in Nebraska. To support LB574 from beginning to end-- right before General File, they, they brought you in here and I kneeled down next to you and I whispered to you in your ear so you could hear me, if you vote for this bill, you and I are over. Our relationship is over. And I said I know you and I have gotten along in the past, but this is burning a bridge. This is it. And you nodded at me and you voted for that bill every round of debate. That is hateful, that affects all LGBTQ people, even the ones you like. You're part of the problem that is the scourge in this society of hate and discrimination that your party is standing on in the middle of an ocean like it's the most important thing in the world to them. And your proximity to gayness doesn't make that OK. Thank you, Mr. President.

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

BRANDT: Thank you, Mr. President. I'd like to talk a little bit about the canal and some information I received this morning. We were privileged to go to the monthly ag breakfast where Director Riley of the Department of Natural Resources spoke. Today, because of high rainfall in Colorado at the Roscoe meter, which is the first one in Nebraska, we are receiving 1,500 cubic feet per second of South Platte River water. If we had a canal during irrigation season, which I, I think we're pretty close to, that we would be entitled to 120 cubic feet per second. So because we do not have an impoundment facility in place, we have no reservoir to capture this excess water. Director Riley estimated that 10,000 acre-feet would be available-- would have been available if we had a reservoir to impound this water. How big is an acre-foot? That is a football field without the end zones, one foot deep. That's what an acre-foot looks like if you try to visualize that. And we could have captured that water for use by those people in southwest Nebraska. I just looked at the drought monitor for this week. The entire state of Nebraska is in a moderate to extreme drought yet, the rains that we've received in some places are helping. But this would be a tremendous asset to agriculture in Nebraska. And that water is there right now. We have to impound this water. We need the reservoir. We need the canal. This water eventually is going to end up in the Missouri River and it's going to go downstream and it will not benefit Nebraska the way that the canal will. Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

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

DeKAY: Thank you, Mr. President. Other senators, like Senator Brandt, Senator Bostelman, and Senator Jacobson have provided a lot of data on the canal. What I'm going to talk about is the important-- my part of it, the importance of the canal, comes down to the drought that we've lived in the last several years. If you have not lived through that, you probably won't totally understand. This gives us the opportunity to capture the water that can be utilized not only for agriculture, but it would be used for electric generation cooling and electric power plants that will help eliminate the stress on those plants. Plus, that water, as everybody has said, will still flow down river. It will benefit Omaha. It will alleviate problems throughout the southern half of the state that comes with use of that water. If you have-- if you turn on a faucet, a valve, out in your pastures you have no water. It doesn't take long to limit your options of what you're going to do with which is your livelihood, either crops or livestock. Crops are going to dry up. People that are used to making 200 to 250 bushel corn or raising livestock, livestock will be sold if it doesn't die. You sell it, it floods and market, prices drop dramatically. Your bottom line is impacted substantially. You will lose your ranches, you lose your farms, and you lose your ability to sustain a lifestyle that you've worked and generations before you have worked to have. So with that, water is our greatest natural resource in the state and we need to capture every drop we can to utilize it to the fullest advantage all the way through the river system that crosses our great state and use it out in the panhandle, out in the southern part of the state, and all the way to Omaha before what's left is dropped into the Missouri River. Otherwise, as they have said earlier, that water will go downstream with absolutely no benefit to us at all. So with the use of it through several years of drought, we are able to capture it, we're able to sustain our irrigation loads. We are able to sustain our generation loads for electricity. And I urge you to keep that in mind when you're thinking about and going forward with the Perkins Canal Project. Thank you very much. I yield my time.

KELLY: Thank you, Senator DeKay. Senator Machaela Cavanaugh, you're recognized to speak. This is your last time before your close.

M. CAVANAUGH: Thank you, Mr. President. I appreciate that people are talking a little bit today because-- well, first of all, talking more about the budget than you did on other rounds of debate. Sure, can't really make changes at this stage, but I think it's still good to talk about it. But I also appreciate it because I am working on reviewing

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

the applications for performance audit and getting the scoring done and I need to get them to, to Exec Board by tomorrow. So this has helped me greatly catch up on an actual legislative duty that I have outside of filibustering. So much appreciated. Back to the Chambers' article. OK, so we were talking about McCook work camp inmates and LB52. And as he used Christensen's prison labor bill to serve notice on, on his 48 legislative colleagues, many of whom were not in office when Chambers left in 2007, that the sheriff was back in town. Once the-- called the angriest black man in Nebraska in a magazine article, Chambers became a force in the Legislature by mastering its rules and constitutional law. His ability to prolong debate through filling amendments, filing amendments, or filling them, filing amendments and a skillful use of the rules was admired and feared by fellow lawmakers. Trained in the law, Chambers would delay, cripple, or kill legislation he did not like and could seemingly stop the entire process at will. And he did just that again. Quote, I intended-- I intend to keep us on this bill for a long time, he said on the floor. I will not be merely parsing words for the sake of parsing words. Words have meaning. Words lead to actions. Actions carry consequences. And when those actions and consequences flow from one direction, always towards those who are harmed, then those actions do not occur because of accidents, inadvertence, or happenstance. These actions are deliberate and intentional. The subjects were many, as were the amendments he filed. He talked and debated, asked questions, cajoled, ridiculed, and lectured tirelessly, seemingly without effort. Quote, The Missouri River will continue rolling and will continue flowing and that's the role that I will take. I will flow through this Chamber like the Missouri River. Is that, is that the one they call "old muddy", Chambers said. Then I think I will flow through this Chamber like the Mississippi River. Is that the one they call "Father of Waters" or is it the Nile, which, which is the king of waters? But I think you get the point. This bill ought to die, he said. On it went. Then on Tuesday, Chambers moved to amend the bill to say that organizations or corporations could not participate in the inmate labor program if they discriminated against gay, lesbian, bisexual, or transgender people. I'm putting the issue right before us now. I'm laying my cards on the table and I'm turning them face up. Are you going to fold or are you going to play the game? And if you play the game, son, you've got to learn to play it right, he said. You've got to know when to hold them, and know when to fold them. And when you are at a moral crossroads, that is not the time to hold them or fold them. That is the time to choose which way you're going to go, right or left. Which way will it be? We'll have the opportunity to see. The amendment passed 29-5. I'm going to read that part again. Chambers

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

moved to amend the bill to say that organizations or corporations could not participate in the inmate labor program if they discriminate--

KELLY: One minute.

M. CAVANAUGH: --against gay, lesbian, bisexual, or transgender people. I'm putting the issue right before us now. I'm laying my cards on the table and I'm turning them face up. Are you going to fold or are you going to play the game? And if you play the game, son, you better learn to play it right. You got to know when to hold them, and know when to fold them. And when you're at a moral crossroads, when you are at a moral crossroads, it's not the time to hold them or fold them. That's the time to choose which way you're going to go, right or left. Which way will it be? We'll see, you'll have the opportunity. As will all of you tomorrow. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Bostelman has some guests under the north balcony, former Speaker Curt Bromm and two of his grandchildren, Anna and Joseph Bromm, currently living in Peterborough, England. Please stand and be recognized by your Nebraska Legislature. Senator Lowe, you're recognized to speak.

LOWE: Thank you, Lieutenant Governor. How important is the Perkins County Canal? I ask you that for those of you that live on the eastern half of the state, how important is this canal. In 2013, in the summer, the mountains of Colorado were on fire. It was a drought. A great portion of Colorado was burning, the mountains. And all this was happening and then in September, torrential rains hit the front range. What happens when fire burns in the mountain and, and you don't get any moisture after that for a while? Nothing grows, the soil becomes hard, water does not penetrate. And all that water came rushing down the mountains into the Poudre, into the Redstone, the Buckhorn, and the Big Thompson and it flooded Loveland and Fort Collins. And then it started down the South Platte and it came with a roar. I live on the Platte River at Kearney. It's nothing like the Platte River you cross between Omaha and Lincoln. Most of the time it's an inch deep and if you're lucky if you get your ankles wet. But when this water came roaring by our house, and you could hear it, you could hear the water roar because it was eight-feet deep. I would go kayaking down the river even though I wasn't supposed to, because there were rollers on the Platte River, waves that were six-feet high. It was dangerous out there. But that water came rushing and it did a lot of damage. The water smelled terrible. The water was putrid because it had flooded all the livestock areas. It had flooded the gas stations and the truck

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

stops. And what happens when water goes into a gas tank buried in the ground? The fuel comes out. I still have somebody's garage door wrapped around a tree outside my house and it came from Colorado because the nameplate is on it. So all that came down the river and didn't stop. It went into the Missouri River and then the Mississippi and was gone. We benefited nothing from it, and it cost us millions of dollars and there was no benefit. The Perkins County Canal will absorb some of this. Now I hope it's not the putrid water that came down, but if there is excess water that comes down and we are entitled to that water, that's a good thing. We run our power from Nebraska off the water and on drought years we need the water. We need the water for power, power for Lincoln and Omaha. And it comes from Gerald Gentleman plant. Now you say, how can that happen? Well, it's the same way that the wind generation comes. It's all combined in, in the line, and it all just shows up at your house. We need power in Nebraska and this will help.

KELLY: One minute.

LOWE: Thank you, Lieutenant Governor. Our state is run by water whether you like it or not. It's good for the irrigation, for the crops, for the cattle, for the people, for the cities, for your lawns. We need water and we need to take advantage of it. We have the right to this water and we need to use it. Thank you, Lieutenant Governor.

KELLY: Thank you, Senator Lowe. Seeing no one else in the queue, Senator Machaela Cavanaugh, you're recognized to close on the amendment.

M. CAVANAUGH: I think I have another amendment after this. And I think cloture is around 2-- I'm going to guess, shot in the dark, 2:47. I'm getting a maybe, give or take. I think this is the last mainline budget bill. So after this our constitutional responsibility is complete for the year. Senator Erdman, get that motion ready to go. All we have to do is at around 2:47-ish, pass this bill and we are officially done with what we have to do. Well, we need-- we should pass Senator DeBoer's A bill. So maybe wait for that motion until after that. How's that for the-- that was my plug, especially since I kind of got us to pass over it yesterday. Sorry, Senator DeBoer. But, yeah, this is, this is it. This is the grand finale, LB818. So, yeah, that's all I got. I'll yield the remainder of my time.

KELLY: Thank you, Senator Cavanaugh. Proceed-- members, the question is the adoption of FA134. Motion to re-- excuse me, motion to return

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

to Select File for amendment. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 0 ayes, 41 nays on the motion to return, Mr. President.

KELLY: Motion fails. Mr. Clerk.

ASSISTANT CLERK: Mr. President, next motion, Senator Machaela Cavanaugh would move to return the bill for specific amendment. That being FA135.

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

M. CAVANAUGH: Thank you, Mr. President. OK. It's crucial for us to acknowledge the impacts, the detrimental impacts of anti-gender-affirming care legislation and take a stance against it. LB574 raises significant concerns regarding parental rights and the fundamental role of parents as primary caregivers and decision-makers for their children's health and well-being, the economic development of our state, healthcare access for Nebraskans, a complete review of the legislative process, a negative impact on our rural communities that are already struggling with healthcare access, and finally, but certainly not least, the potential legal and financial implications this will have for the state. LB727, I think it was, the tax package that we had a couple of days ago, there was a lot of conversation on that package about how that and all of the tax bills are so important for economic development in our state. And it's this continued willful ignoring of all of the evidence to how LB574 is going to negatively impact the economy of our state. And I just, like, I'm sure all of the hundreds upon hundreds-- it's probably reaching a couple thousand at this point, people, citizens of the state who have contacted your offices, who have shown up here, who have been in protest of this bill, who have signed on to letters. We've got parents that have signed on to letters. We've got medical professionals who signed on to letters. We've got businesses that have signed on to letters. We have children walking out of high schools to protest. We have hundreds of people filling the Capitol. Your inboxes have got to be full. My inbox is full. Your mailboxes have got to be full. I mean, at some point, someone will calculate the number of contacts you have had, we all have had in opposition, unique contacts in opposition to LB574. And there is a willful ignoring of the impacts on every level on parental rights, ignore; economic development for our state, ignore; healthcare for our state, ignore; negative impact on rural communities, ignore;

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

legal costs, ignore; willfully ignoring everything that points you in the direction that this is bad policy. And why? Why? Because-- Senator Slama said it yesterday-- me. That's why, that's why you all had to vote for this stupid bill. Me. Not because you think that kids are too young. Not because this is sound policy. Not because this is sound medicine. No. You had to vote for this. You had to. You had no choice. You were appointed. You were put here by somebody. You think you owe somebody something and that somebody told you, I don't care if you don't like it, I don't care if you think it's bad, I don't care if you think it's harmful, you can't let Machaela Cavanaugh win. Senator Slama said it, and none of you got on the mike and said, no, no, no, no, no, no. I voted for that bill because X, Y, and Z. I certainly didn't vote for that bill to punish Senator Cavanaugh. No one, no one "rebuttaled" that comment. No one. So transparency, you're voting for it tomorrow. You're voting for it tomorrow because of one person. And while I appreciate the amount of power and authority you all have ordained on me, this is the most idiotic thing you could ever do is to vote for a bill that has been publicly stated that the reason you all are voting for it is me because I was on some national news. Who cares? Literally, who cares? Who cares what national news program I am on? It's irrelevant. It is completely irrelevant. And the only reason they asked me and the only reason I say yes is because it matters to trans people. The only reason I go on any national program that asks me is because I want trans people in this state and across this country to know that they are worth fighting for and that I will fight for them. And if that is your petty reason to vote to hurt them, that is 100 percent squarely on each and every one of your shoulders. On your shoulders. And if you're voting for this, this bill because you think it's good sound policy, then you should have stood up yesterday when Senator Slama said that you were voting for it because I got on Rachel Maddow. How stupid is that? But you didn't. You sat quietly, complacently. You didn't. You have allowed this session to run into the absolute ground because of me. How foolish do you all look? You have allowed this to go on since February 23 because of me. You have maintained this idiotic, hateful, vitriol-filled policy because of me. I'm not that great. I'm not great at all. I'm kind of a b-i-t-c-h. Not kind of, I totally am. And I can be vicious, especially when you're coming for kids. And I will not be polite. And I will not be kind. And I will not acknowledge you when you try and have some idle chitchat conversation with me. If you're voting for a bill because of me, don't try and talk to me. If you're going to punish children in Nebraska, if you're going to stop them from living their true, authentic lives because of me, do not talk to me. Don't give me a recipe. Leave me alone. Leave me alone. It's not a game. It's not. So stop talking to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

me, period. I look forward to Senator Moser's recap of my voice and whining on the microphone and how becoming that will be. Yeah, it's very funny, I know. It's great when you don't stand up for anything. So, IKEA, I would love to have IKEA here. Big fan. Big fan. They're not going to come. If we pass LB574, they are not going to come. We are not going to have an IKEA in whatever economic development project you all have in mind. Why? Why wouldn't we? Why wouldn't they want to come here? We've got space. Well, let's see here.

DORN: One minute.

M. CAVANAUGH: According to IKEA, we cocreated and endorsed the UN standard of conduct on tackling discrimination against LGBT+ people in the workplace and, and in the community. We launched global trans inclusive guidelines to help managers build trans inclusive teams and workplaces. Well, they're not going to be able to live up to their values and hire employees in Nebraska. So bye-bye IKEA, bye-bye economic development. But don't worry, Nebraska, 33 people in here, they turned that down because they wanted to teach me a lesson. Yeah, that's what happened. When you all look back, why did we lose out on these contracts? Why did we lose out on these businesses? Well, the 33 Nebraska senators wanted to teach Machaela Cavanaugh a lesson.

DORN: Time.

M. CAVANAUGH: Thank you.

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

ERDMAN: Thank you, Mr. President. Good afternoon. Senator Cavanaugh was waiting for Senator Moser, I believe, to say something. I'll take his place. Senator Cavanaugh, I'll answer your question about who cares if you're on national TV? It's you. It is actually you. No one else. You yourself. Don't stand up here and try to tell us that you don't get any satisfaction about being on national TV. Nothing-- well, I shouldn't say nothing could be further from the truth, there's a lot of things you said today that couldn't be further from the truth. But that's one of them. I'm not voting for these bills to punish you or because of you. I'm voting in these bill-- for these bills because it protects the unborn who never committed any crimes, never stood in front of a judge and said you're guilty, but your punishment is death. That's why I'm voting for the heartbeat bill. Why am I voting for LB574? Protect kids from themselves, as well as decisions that are poorly thought out when they're the age that they can't make the right

decision. So it's not regarding you being here or what you've said, but you have ran this session in the ground and we allowed that. And we are guilty of that. We should have shut you off the first time you tried this. The rules are there, the rules are in place, we could have done that. We didn't. And so we've gotten what we have gotten because we did not use the rules in the way, in the manner they could have been used. So lecture us again about why we vote for something and why we don't. And you're not that prestigious and you're not that important that we would vote just to do something to get even with you. We're voting to protect young people and babies who don't have no one else to speak up for them. So you have been on national TV and I'm sure you will be again. And it wouldn't surprise me in the near future we don't hear Senator Machaela Cavanaugh running for Congress. That'll give her something to talk about. Thank you.

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

M. CAVANAUGH: Thank you. You know, they say never say never, but I'll say never. Don't worry. I'm never running for Congress. That's in the permanent record. Ever, ever, ever. God help me. I'm not running for anything. All right, so let us start with parental rights. As parents, we are uniquely qualified to make informed choices for our children. In fact, members of this very body have argued the importance of upholding and protecting parental rights as the bedrock of a strong and stable society. They've gone so far as to call parental rights fundamental rights. In another bill presented this session, Senator Murman wrote that every parent of a child in this state shall have a fundamental right to direct the upbringing, education care, and mental health of the parents' child. Those of us who are parents or caregivers know that directing our children's upbringing, education care, and mental health is a tough job, but arguably the most important and most rewarding one. By preserving parental autonomy, we recognize the deep connections and knowledge parents possess of their children and celebrate the unconditional love empowerment families--empowering families to navigate the complex landscape of healthcare decisions while safeguarding the best interests of their children. I should note we have about 12-ish minutes left. I have one more time in the queue and if we don't want me to just pull this and do a whole nother amendment of talking, if anybody wants to get up and talk about that beautiful canal again, I would say now is the time because otherwise I will pull this amendment and do another amendment to make sure that we cover the time that we have left. OK. Those of us who are parents or caregivers know that directing our children's upbringing, education care, and mental health is a tough job, but arguably the

most important and most rewarding one. By preserving parental autonomy, we recognize the deep connections and knowledge parents possess of their children and celebrate the unconditional love empowering families to navigate the complex landscape of healthcare decisions while safeguarding the best interests of their children. Throughout history, we have entrusted parents with the autonomy to choose medical treatments and interventions that align with their religious, moral, and cultural beliefs. Each family holds its own set of values and principles that guide their decision-making process. These beliefs often stem from deep-rooted faith and traditions, and it is critical that they are respected and protected by our legal system. A vote for LB574 sends a clear message to the parents of Nebraska. They cannot be trusted to make important decisions for their children. I don't believe any of us here-- well, I wrote this a few days ago. I'm going to skip that part. Economic impact. It's also dangerous that the business community chose-- choosed-- it's-- it is so dangerous that the business community chose to make a strong and vocal opposition to anti-LGBTQ legislation and rhetoric known so important that it continues to do so repeatedly. And your constituents are being harassed. Numerous companies understand the vital importance of diversity, inclusion and equity. Hundreds, including dozens of major Nebraska-based corporations or organizations with large Nebraska footprints have made their opposition to these kinds of bills clear. They know that discrimination against transgender folks not only harms the individual and their loved ones,--

DORN: One minute.

M. CAVANAUGH: --thank you-- but also tarnishes Nebraska's reputation as a welcoming and business friendly state, making it more difficult to hire and retain great employees, recruit companies and event organizers, and even fill-- and even to fill our universities and colleges. Colleges, I am not naive enough to think that this-- colleagues, I'm not naive enough to think that this opposition is purely altruistic. I don't. There's a reason corporations spend billions on DEI training, sponsorships, and marketing to diverse communities and more. They understand that inclusion isn't just the right thing to do, it's the smart thing to do for their business. Inclusion is the smart thing to do for Nebraska as well. It is essential that we listen to these voices and carefully consider long-term consequences of our business community-- for our business community and for economic growth and viability to our state. Unfortunately, we're not going to do that.

DORN: Time.

M. CAVANAUGH: Thank you.

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

HUNT: Thank you, Mr. President. A couple of months ago, the CPAC conference happened, the Conservative Political Action Conference, and I often listen to it kind of in the background while I'm doing other things because I think it offers the clearest window into the current platform of modern conservatism. Maybe not what you believe personally, but the direction the party's going. It, it brings together politicians and media people and influencers and kind of conflagrates [SIC] it into this all encompassing view of current conservative thought. And what we saw at this year's CPAC was that even as conservatism has this internal division, what to do about economic policy and healthcare and Ukraine and Trump and DeSantis and this type of thing, it has found unity and purpose in attacking trans people. There's absolutely no subtext here. And there's very little, you know, subterfuge or obfuscation of what they actually think. Michael Knowles, who is a popular right wing podcaster at The Daily Wire, said, and I, quote, There can be no middle way in dealing with transgenderism. It is all or nothing. He went on to say, and again, I quote, Transgenderism must be eradicated from public life entirely. Eradicated entirely. Senator Aguilar, they're talking about your daughter's partner. That's what they mean. Tom Fitton, the president of Judicial Watch, said gender-affirming care is, quote, a demonic assault on the innocence of our children. Calling it demonic. It would be one thing if this was just rhetoric, if people were just saying this. But it's not just rhetoric, it's action. What we're hearing at CPAC is what we're seeing in governors' mansions all across the country, in legislatures all across the country, including our own. We've seen nearly 500 bills introduced this year to regulate, to ban, to criminalize the lives of, to criminalize the care that's needed by trans people. And I think people who follow politics have a sense that this is happening. But I don't think that you, especially you, Senator Aguilar, understand the cruelty of these policies. I think that in a lot of mainstream press, there's a lot of attention to the hard edges of these cases. Like, what should the rules be around NCAA swimming meets? What about the rare but real cases where someone transitions and then they regret it? What kind of parental involvement should we have to access care when you're a minor? And these questions are important and these questions are real. But what's important is that we don't lose sight of the political and material reality here, which is that trans people already face terrible discrimination and difficulty, higher rates of poverty and homelessness and violence,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

workplace discrimination. Now there's laws being passed all over the country asking, you know, community members to report parents of trans kids and they can have their children taken away. And these are just people who are trying to live their lives. And the right is now making trans people their explicit political target. And the most ambitious conservatives, like Senator Kathleen Kauth, are competing not just in rhetoric but in policy to make their lives harder, to make their lives more dangerous, to make it more dangerous to be trans, to increase the violence that they face, and to push them out of the boundaries of public life.

DORN: One minute.

HUNT: Thank you, Mr. President. The aim of conservatives to use this power of the state to eradicate the ability of trans people to live as themselves in public life or to be able to become themselves. And that's their goal. And again, it's not just policy, it's rhetoric. Talking about, you know, Senator Aguilar, your daughter's partner being over 35 getting surgery. The issue with puberty blockers is that you take them when you're young and blocking access to them actually causes more trans people to need surgery later because they could have prevented that development. And in Nebraska, we trust medical professionals. We trust them to follow the standard of care. We trust parents and our neighbors to do what's best for their families. And we stay out of it. We do not give these CPAC freaks what they want, which is the eradication of trans people. Thank you, Mr. President.

DORN: Thank you, Senator Hunt. Mr. Clerk.

CLERK: Mr. President, Speaker Arch would move to invoke cloture on LB818 pursuant to Rule 7, Section 10.

DORN: Senator Arch, for what purpose do you rise?

ARCH: Roll call vote.

DORN: Senators, we are on Final Reading. Please find your seat. Mr. Clerk, call the roll.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Blood voting yes. 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 not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan not voting. 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 voting no. 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 Mosher 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 voting yes. Senator Wayne. Senator Wishart voting yes. Vote is 41 ayes, 1 nay, Mr. President, on the motion to invoke cloture.

DORN: The cloture motion passes. The next motion is to return to Select File FA135. There has been a request for a roll call vote. Mr. Clerk.

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 voting no. Senator John Cavanaugh voting no. 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 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 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 voting no. 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 voting no. Senator Wayne. Senator Wishart voting no. Vote is 1 aye, 43 nays, Mr. President, on the motion to return.

DORN: The amendment is not adopted. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. There's been a request for a roll call vote, roll call vote. Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Blood voting yes. 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 not voting. 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 not voting. 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 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 no. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne. Senator Wishart voting yes. Vote is 40 ayes, 4 nays to dispense with the at-large reading, Mr. President.

DORN: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: [Read title of LB818.]

DORN: All provisions of law relative to procedure having been complied with, the question is, shall LB818 with the emergency clause pass? A roll call vote has been requested. Mr. Clerk.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Blood voting yes. 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 not voting. 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 not voting. 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 voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting no. 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 voting yes. Senator Wayne. Senator Wishart voting yes.

DORN: Record, Mr. Clerk.

CLERK: 41 ayes, 3 nays, 2 present, not voting, 3 excused, not voting, Mr. President.

DORN: LB818 with emergency clause passes. Mr. Clerk, for items.

CLERK: Mr. President, amendment to be printed from Senator Walz to LB574. Next item on the agenda, Mr. President, LB282 on Final Reading. When the Legislature left last, Mr. President, pending was a motion to return to Select File for a specific amendment. That being Senator Hunt's AM1285.

DORN: Senator Hunt, for a one minute refresh on your amendment.

HUNT: Thank you, Mr. President. AM1285 creates a special fund so that people in Nebraska who experience bodily harm or injury or damages because of the state's abortion ban will be able to seek damages from the state. LB282 is our state claims bill. And my position is that if the state is going to be causing injury to Nebraskans by forcing them to give birth or to carry dangerous pregnancies to term that can result in injury or death to Nebraska women that the state should be liable for that. Thank you, Mr. President.

DORN: Thank you, Ms.-- Senator Hunt. Senator Clements would like to announce 25 fourth-graders in the north balcony from Weeping Water Public Schools in Weeping Water, Nebraska. Please rise and be recognized by your Nebraska State Legislature. Senator Kauth, you're recognized to speak.

KAUTH: Thank you, Mr. President. LB282 is from the Business and Labor Committee, and it deals with the state's obligations. I'd like to point out in AM1354, LB282 provides for the payment of claims arising out of debts from our, our troopers and people who serve the state. Darren Krull, who died in the line of duty. Donald Gross died in the line of duty. Jeffrey Hermanson died in the line of duty. Michael Moody died in the line of duty. John Trumble died in the line of duty. These men served our state. They left behind families. They left behind spouses. These funds are to be delivered to these families

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

because their spouses gave their very last. And I'd like to thank them for their service. And please honor the request of the state to pay these debts. Thank you.

DORN: Thank you, Senator Kauth. Senator Erdman, you're recognized to speak.

ERDMAN: Thank you, Mr. President. I appreciate that. I wonder if Senator Riepe would yield to a question?

DORN: Senator Riepe, will you yield to a question?

RIEPE: Yes, I will.

ERDMAN: Senator Riepe, thank you for bringing this bill and putting this together. You and I had a conversation the last time this bill was discussed about the Department of Labor and the, the amount of, of contribution that was made to people who shouldn't have gotten unemployment insurance. Do, do you remember that conversation?

RIEPE: Absolutely.

ERDMAN: And, and you had shared with me something you discovered because you had asked what I had asked you. Can you refresh me on what that was?

RIEPE: Well, I'm trying to recall in my memory here, it's a specific detail that is some time back, but it seemed to me like there were 600 employees on this claim, and it-- I'm trying to recall, it was a six-figure number. It seemed to me like--

ERDMAN: Right.

RIEPE: --it was maybe, was it \$6 million? Can you--

ERDMAN: Yep, it was-- I think it was \$650,000 or something like that.

RIEPE: OK, yeah, that sounds right.

ERDMAN: But, but I appreciate, I appreciate that. And, and so as we, we work through that and as the Department of Labor works through those unemployment payments, I think that they've probably learned that it takes a little more effort to make sure that the correct people are getting paid. Would you, would you feel-- you feel more comfortable that they're looking at that in a different light?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

RIEPE: Yes, I'm very confident in terms of the negotiation. All of these claims are either adjudicated by the Attorney General's Office or by the agency. And we have a Risk Manager who's been here a number of years. And I've always believed that you have to pick good people and, quite frankly, put your trust in them. And if they don't perform, then you have to do corrective action.

ERDMAN: Well, I appreciate, I appreciate the-- [INAUDIBLE]

RIEPE: [INAUDIBLE].

ERDMAN: So as we look at this and in the past, several of my friends have had issues with things that the state needed to reimburse them for. And it took several years. And so I would make the same assumption here this year that there are people on this list that have been waiting for some time to have a settlement from what they should have gotten some time back. So I would encourage you to vote for LB282. I'm not supporting AM1285, the return to Select, but I do believe that LB282 deserves our support, and I would encourage you to vote green on LB282. Thank you.

DORN: Thank you, Senator Clements and Senator Riepe. Senator Linehan, you're recognized to speak.

LINEHAN: Thank you, Mr. President. Good afternoon, colleagues. I'm wondering if Senator Clements would be willing to yield to a question.

DORN: Senator Clements, will you yield to a question?

CLEMENTS: Yes.

LINEHAN: Thank you, Senator Clements. So we've been doing Appropriations bills, but this is now Business and Labor. So I'm-- I guess I've not noticed this before because we haven't take this much time on Appropriations on final reading before. But why is this a Business and Labor bill versus an Appropriations bill?

CLEMENTS: The decision on how much to pay is Appropriations, but whether or not to pay goes to the committee of jurisdiction. And the Business and Labor Committee has jurisdiction over reviewing requests for claims and indemnification. And once it's approved by business and labor, then Appropriations funds it. We were assuming that they would. In the budget book on page 74, in the deficit, the-- for example, the \$5.5 million for that, it's close, just above the correctional service. So it was \$5.5 million for a Winpro state claim. So we were made aware of claims that the committee intends to approve. But it's

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

their jurisdiction to hear-- have hearings from people who have claims and then-- but they don't have charge of the budget number. They, they comes into the budget, and we fund it there rather than having an A bill on some of the major claims anyway.

LINEHAN: Thank you, Senator Clements. What page did you say? I'm sorry.

CLEMENTS: 74.

LINEHAN: OK.

CLEMENTS: Third paragraph from the bottom.

LINEHAN: Oh, I see. OK. OK.

CLEMENTS: \$5.5 million. That was one of the items, I believe.

LINEHAN: OK. Thank you very much. I appreciate that. Thank you, Senator Clements. I haven't in this whole debate shown my appreciation for the committee staff, Appropriations Committee staff, Revenue Committee staff, all the staff that's worked on all our committees. So I'm going to take a minute here to thank them before I forget, and we're gone, and I don't think about it until everybody's gone home. I also want to thank the body and the Appropriations Committee for increasing the funding for staff this year. I think it's-- I'm sorry, Senator Clements, would you yield for another question?

DORN: Senator Clements, would you yield to a question?

CLEMENTS: Yes.

LINEHAN: So legislative staff, a 15 percent increase in salaries this year and next year?

CLEMENTS: Yes. The state negotiations for state employees was 7 and a-- 7 percent first year, 5 percent second year. But the legislative staff is going to be additional 8 and 10, which, yes 15 percent total in the first fiscal year and another 15 percent in the second fiscal year.

LINEHAN: Thank you, Senator Clements. So I know that we had many of the Chairs, Chairs this year lost our legal clerks. I had to-- in Revenue we didn't have a-- we needed a new legal clerk, we needed a new-- well, actually, I end up with two now. But you also could have an analysi-- ali-- analyst, our salaries were just not competitive.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

And I think I see Senator Briese on the floor, and I didn't give him a heads up, but would he please yield to a question? He'll know the answer.

DORN: Senator Briese, will you yield to a question?

BRIESE: Yes.

DORN: One minute.

LINEHAN: Senator Briese, could you quickly, or maybe when you get up, if you would be so kind to explain, did you talk about a study that we're going to do about legislative salaries earlier this morning?

BRIESE: Yes, we last did that in 2001. It was a legislative staff study on salaries and things of that sort. So we haven't done it for over 20 years. And I suggest that it's high time we do that again. And yes, we're planning on doing that. We're working with NCSL, and negotiating an arrangement to do that. And the Appropriations Committee was so kind as to allow for it in the budget. And we really appreciate that. And this study, we anticipate, will be comparing staff salaries and staffing, in other words, assignments and staffing patterns to what the preferable arrangement should be.

LINEHAN: Thank you. Thank you--

DORN: Time.

LINEHAN: Senator Briese and Senator Clements.

DORN: Thank you, Senator Linehan, Briese, and Clements. Senator Bostelman, you're recognized to speak.

BOSTELMAN: Thank you, Mis-- thank you, Mr. President. Appreciate that. I stand against the return to Select amendment, and I do support LB282 as it is written. And LB282-- I want to go back and look at the introducer statement so I understand a little bit better about what this bill is about and what it does. It introduces claims the state that are required by statute to be reviewed by the Legislature, and the State Risk Manager has submitted tort and work-- worker's compensation claims against the state and certain write-offs for the Legislature's review, and the appropriation of funds and maybe Senator Linehan and Senator Clements was kind of getting to that. But I wonder if Sen-- Senator Riepe would yield to a question.

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

RIEPE: Yes.

BOSTELMAN: Thank you, Senator Riepe. As I look at the committee statement, it looks like you receive the claims. And how does that work within your committee?

RIEPE: Well, if I might-- And thank you very much, Senator. The Business and Labor Committee holds responsibility of oversight and authority for the state claims, the dollar amounts in the state claims bills have been agreed to in settlements or court judgments by litigation of the Attorney General's Office, or relevant state agencies. None of these are determined by the Business and Labor Committee, as Senator Clements said. Bills are also brought forth each session and may consist of miscellaneous torts, indemnification, workers' compensation, and state insurance claims. We have a very competent Risk Manager, in my opinion, and we rely on him, and my ask would be for everyone to vote green on LB282 with the emergency clause. And while I have the mike, if I have a moment here, I would like to say that echoing what Senator Linehan talked about committees having lost the legislative councils, and we at the Business and Labor Committee, have a great legal counsel, Michael Chafee-- Micah Chafee, and everyone needs to stay away from him. Thank you.

BOSTELMAN: Thank you, Senator Riepe. So my understanding from what we're talking about here is, as the risk manager brings these claims to your committee, explains each of the claims to where they come from, what the adjudication was from then, and then makes a request or a recommendation to your committee to to approve those claims and bring them to the floor. Is that fairly accurate?

RIEPE: All of these we we do hold a hearing, and we hear from the Risk Manager, and we hear from the Labor Department, and we ask questions. So obviously trying to delve into that for the validity of the claims. And-- but most of the time we accept the word of that, and the Attorney General's Office.

BOSTELMAN: I understand, and that makes sense since they're the ones that have dealt with the claims, those are the ones who have adjudicated claims, bringing it to the committee, then, for the greatest consideration as far as moving the amount to the floor, and I appreciate that. Thank you, Senator Riepe, I appreciate that.

RIEPE: Thank you, sir.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

BOSTELMAN: Colleagues, with that LB282 seems to me to be pretty straightforward in the sense that these are claims that have been adjudicated. These are claims that have been brought before either of the labor or the Risk Manager-- Department of Labor or Risk Manager, with recommendations to the committee as to the outcome, the purposes for the claims, or reasons for the claims. And perhaps the, if I could use the word, liability for the claims and for the state then, the committee then to bring them to the floor for--

DORN: One minute.

BOSTELMAN: --the state to pay. So it's important that I think in this case that we follow the committee's recommendation on the bill, and passing the bill as they have it written and as a request to meet the needs of the state to pay those claims. I think that's a very important part of what we do here. I think it's a very important part of, of the legislative process that we have. I want to thank the-- your committee for taking this up and bring it to the floor, Senator Riepe. Thank you very much. I yield the rest of my time back to the Chair. Thank you.

DORN: Thank you, Senator Bostelman and Senator Riepe. Senator Clements, you're recognized to speak.

CLEMENTS: Thank you, Mr. President. I oppose the return to Select File, bu-- and I support LB282. I was the next person in the queue when LB818, the last budget bill, went to cloture, and I was thinking I was going to get to speak, but I had a few things I wanted to also cover on LB818, Cash Reserve and fund transfer. On page 22, you would see a \$4 million transfer from the Nebraska Veterans Aid Fund to the Veterans Cemetery Construction Fund in 2023, and another \$4 million from the Veterans Aid Fund to the Veterans Cemetery Construction Fund in 2024. I want to thank Senator Aguilar for bringing that bill for improving and, and construction of facilities needed at a veterans cemetery in Grand Island, which, when the veterans' home was in Grand Island, it was a cemetery there. But now the veterans home has moved to Kearney, and that cemetery is owned by the city, but is going, I understand, is going to be become the veterans' cemetery, change the ownership. And the American Legion worked with the committee and Senator Aguilar, and we found a fund that we could use. It's a Cash Fund, it's not a General Fund expense. And a man by the name of Don Shuda with the American Legion has worked hard, and I congratulate him for his efforts in wanting to recognize veterans, and have a active veterans cemetery in Grand Island, which will serve a wide area, not just Grand Island. And that was one thing we've worked out, and I just

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

wanted to make sure we pointed that one out. Another item that I'm pleased with, we had information that the radios and equipment for many volunteer fire departments don't connect with the statewide radio system. And on page 7 of the budget book, it talks about \$5 million is going to be available for volunteer fire departments to apply to get a radio system that will connect with the statewide radio system, so they can talk, especially to the State Patrol and other state agencies that they need to in an emergency, especially in some of these big wildfire situations. And then the-- we had one interesting thing, The-- there was \$1.4 million on page 7 for moving OPPD and power lines for the Eastern Nebraska Veterans Home and other veterans, saying we're expanding the Veterans Home in Bellevue. And in the process of that, found out that some OPPD power lines needed to be moved. And we've been told that it was a problem with a surveyor marking the line incorrectly. And we hope to be collecting that \$1.4 million back from somebody who made an error. But we didn't want to stop the project of the expansion of that veterans home, so we did fund that \$1.4 million. And then you'll see next to the last thing on item 7-- page 7 is Universal Service Fund transfer showing \$40 million. Since then, we have reversed that, and that is no longer going to be a transfer. It was restored to the fund.

DORN: One minute.

CLEMENTS: And that-- those were the items that I hadn't got to previously on LB818 and I just wanted to point those out, a few other things that we were pleased to do and be able to fund. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I stand in support of AM1285 to LP282. Senator Hunt's amendment is a Compulsory Pregnancy Claims Fund created, and it shall transfer \$5 million from the General Fund to the Compulsory Pregnancy Claims Fund as soon as administratively possible after the effective date of this act. The Compulsory Pregnancy Claims Fund shall only be used to pay claims relating to wrongful death, injury, mental trauma or physical trauma resulting from any Nebraska statute or rule or regulation restricting bodily autonomy. Any money in the fund available for investment shall be invested by the State Investment pursuant-- officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Yeah, I mean, especially since you're going to pass LB574 tomorrow, and as it's been noted numerous times today, that 90 percent

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

of termination of pregnancy happens prior to 12 weeks, and tomorrow you're going to pass a ten week ban on for termination of pregnancy and about 90 percent or more of pregnancies after that time period are for saving the life of the mother, medically necessary, etcetera, etcetera, etcetera. So there's definitely going to be a need for a fund like this. I'm sure that there already is a need with the 20 week ban that we have that effectively is a 14 week ban. But, yeah, so I support this. It'd be great if we could pass this amendment, and couple that with postpartum Medicaid coverage to a year, because if we are going to force birthing folk to take pregnancies to term that are going to be riddled with severe medical complications, if not death, we could at least let poor feet people that we're forcing to do this have health care for a year after that. Seems like the right thing to do. But we're not in the business of doing the right thing. So I wholeheartedly support Senator Hunt's amendment. I think that this is an important addition to LB282, especially as we now know that LB574 is going to pass tomorrow, and we're going to see an immediate impact on the health and well-being of pregnant individuals in our state as a result. So we should probably take steps as we are endangering the lives of Nebraskans to at least compensate for that financially. So I appreciate Senator Hunt for bringing this amendment. Yeah. I have-- today's been tough. For some reason, today's been more difficult than yesterday. Maybe it's because I honestly, even though the Washington Post clearly reported it yesterday, that LB574 was going to come back tomorrow, I honestly thought that that can't be. That's ridiculous. Like, are we really going to prioritize that over tax cuts, over education policy, over voting rights, over corrections and prison reform.

DORN: One minute.

M. CAVANAUGH: I mean, I honestly was like, why would we do that at this point? Like, I'm already-- it doesn't change anything. It's not like, well, let's just get this over with because then she'll stop. Obviously, I made that clear. I'm not going to now unless the bill fails, unless you all have some magical knowledge that I don't have, that LB574 is going to fail tomorrow, and that's why you're bringing it back quickly so that it fails and I stop. Amazing news, I think, to everyone. But it's not going to fail, and I'm not going to stop, and I'm not going to stop until this Legislature has concluded. And that means not this session this year, but the 108th Legislature has concluded, that is when I will stop, when the 108th Legislature is done sine die next year. That is when I will stop.

DORN: Time.

M. CAVANAUGH: Thank you.

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

HUNT: Thank you, Mr. President. Colleagues, I don't typically go sit in hearings on bills-- for bills that aren't mine, and committees that aren't mine. But I-- on the day of the LB574 hearing, when my committee was finished that day, I think it was Government Committee, I went over to the hearing room to watch the testimony. The proponents had testified, I believe Senator Chairman Hansen gave them 3 hours to testify, and I'm not sure if there were any people that didn't get to testify. And then opponents got 3 hours to testify. And there were, you know, many, many, many people who did not get the opportunity to testify, who were opposed. And so we have a problem with the committee statement on LB574 because it reflects 3 hours of proponents and 3 hours of opponents. So a person who wasn't familiar with what the room actually looked like and what the hallways actually looked like with these lines of people going down the hallways all wrapped around the different hallways in the Capitol waiting to speak, who did not get to speak. If you didn't know that because you weren't there, you would look at that committee statement and think, oh, so the numbers of proponents and opponents were pretty equal. But that's not the case at all. And when I sat in the hearing room downstairs on LB574, there was a long line of medical experts and doctors who work with transgender youth who took the time to come and explain the efficacy and the impact of this care and the, the impact that it has on young people's lives. Not people over 35, but specifically the young people that are targeted by this hateful anti-gay bill. I think it would be hard for a lot of cisgender people, all of us in this room, to understand what dysphoria is and how much it can impact your life, and your emotional development, and your emotional growth, and even your own hope for a future, like even staying alive at all. And one of the biggest themes that I heard in the testimony in that room was one that when young trans people have this bodily autonomy, their lives begin to improve and many, many other ways when they transition, it doesn't just improve that aspect of their life. So, for example, if they're on antidepressants or anti-anxiety medication, they might find that they can go off that medication because they don't have those same symptoms of depression and anxiety anymore. They improve in their mental health overall. They improve oftentimes in just their extroversion. They're more willing to go to activities, they're more willing to participate in school, they're more willing to participate in their community. Their excitement is about being alive and going to school and hanging out with friends and doing activities. And the number one thing that

you hear from a lot of parents with transgender youth, and there were many of them in that hearing, and one of the number one things you hear from medical professionals who work with transgender youth, and one of the number one things you hear from transgender youth themselves, is that before accessing this care, they struggled to imagine a future with them in it. A lot of them say they really had zero impulse to plan toward their future, or dream, or have ambitions, or think about going to college, or think about what job they're going to have. And you find that when you give young trans people this degree of autonomy over their own bodies and help them relieve this massive weight that they've been carrying around, that suddenly they do have ambition--

DORN: One minute.

HUNT: --suddenly they do have ambitions, they have goals. Suddenly they're not just building friendships in their schools, and being active with their family, and being pleasant, and being participatory. But they're actually saying, well, gee, what is it that I want to do with my life? What artistic ambitions do I have? What creative ambitions do I have? What do I want to do professionally? What skills do I have that could help solve problems in the world? And that's what this kind of affirming care does to kids. Think about what a difference we're going to have in Nebraska. If there are a set of states like Colorado where kids are able to access this care, and states like Nebraska, where they are not, what are the outcomes for those kids going to be like in those other states? They're going to be better. They're going to be more hopeful. They're going to have more plans for their future. And it's our kids in this state that are going to suffer, and they don't deserve that. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Just talking about how, like, today just feels harder than yesterday. And I'm not, like, I can't quite put my feel on it. Is Mercury in retrograde? I don't know. Maybe. Maybe that's it. Or maybe my sign is. Or I don't know. I know buzzwords of, of astrology. I don't know actual terms. So, but yeah, it's just really, it's really hard to be here today. And I know that I have to be here tomorrow. And the next, and the next, and the next, and the next, and the next, and on and on. But it's really hard to be here today. And I don't know. I think I've hit, I've hit that emotional wall. I've hit that physical wall. I've hit that mental wall. I am tired. I am tired of all of it. I'm tired of the cherry

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

picking of facts. I'm tired of the fake medicine and studies from other countries that are older than I am, and I am old. I am tired of it. I'm tired of the incongruousness of the thinking of this body that parental rights are extremely important when they align with your belief system. But if I don't believe what you believe, then my rights should be taken away. I'm tired. I'm tired of the irrational thinking. I'm tired of the attacks on trans kids. And I'm tired of adults who were sent here to make good public policy harming children under the guise of helping children. And it's just a lie when they say that that's not what they're doing. And it's a lie when they say that they care about trans kids. They don't care about trans kids. If the 33 people who voted for that bill and continue to vote for that bill cared about trans kids, they would listen to trans kids parents who clearly love their children, who have spent so much time coming here begging you to allow them to love and care for their child in the way that is best for their child. I'm tired of nothing that anything of us in opposition says matters. It's exhausting. I've been persuaded about a lot of different things over the years here by listening to floor debate. I've been persuaded. I've walked in thinking one thing and walked out thinking another because I listened to what people had to say. The same things happened in committee hearings. I've walked in with very strong feelings about certain policy perspectives, and I've walked out after listening to the expertise and the citizens that come and testify--

DORN: One minute.

M. CAVANAUGH: --feeling very differently. I have allowed myself to be persuadable because I think that's what you should do. You shouldn't legislate with an open heart and an open mind. And I'm tired of the fact that this place has fallen into such disrepair that we are no longer a deliberative body, that we are just about political theater and scoring points. So I'm going get up here, and I don't know what I'm going to talk about. I don't know what I'm going to talk about. I'm not going to talk about recipes. I'm not going to talk about lighthearted things. I did that yesterday. Not really even because that was what was asked, but because that's what I needed. I needed to be more lighthearted yesterday. I needed to take myself mentally--

DORN: Time.

M. CAVANAUGH: --out of it. Thank you.

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

HUNT: Thank you, Mr. President. I was speaking about how when young people are able to access gender affirming care and, you know, for each family that can be on a spectrum of things. It can be getting a haircut. It can be wearing different types of clothes. It can be using a different name. It could be puberty blockers, which ideally in an affirming, you know, and in the best of cases, a young person would take for a while, a couple of years, and then transition to hormone therapy. And then when they're over 35, they don't have to get surgery. Things like this, when they're, you know, still on their parents insurance, they can actually get the types of health care that they need. And, you know, I, I really have to beg you guys to stop saying stuff like, well, their brains aren't even formed until they're 25. We let our kids die in war before they're 25. We let them do all kinds of things before they are 25. And this is a false comparison. Counseling and necessary health care treatment that Senator Kauth and Senator Aguilar are trying to ban. It's not the same as consuming alcohol, or smoking, or renting a car, or anything else that you compare it to. Doctors don't prescribe children cigarettes. The American Medical Association doesn't recommend that children rent cars. The American Academy of Pediatrics doesn't recommend that children drink alcohol. It's a false comparison. We should trust parents and we should leave it to psychological and medical professionals when it comes to this issue. That's it. Period. Again, keep hating gay and trans people, but that argument doesn't make any sense. So I'm begging you to please stop that. I think that this sense of possibility that young people feel when they are affirmed in their gender and again, whether that's by taking puberty blockers, or hormones, or just changing the way they dress, or whatever. If they are affirmed and they feel safe and happy how they are, the type of possibility that opens up for them in terms of visualizing a future for themselves, getting good grades in school, participating in activities. You know, my son, after he came out, I always thought I had this depressed little cactus child, this little Eeyore, and he absolutely blossomed under the loving wing of his mother. He blossomed. He started playing sports, which Senator Kathleen Kauth and Senator Aguilar also want to take away from him. He started a club at school for young authors. These are the kinds of things that give him meaning and purpose and excitement about school, and excitement to go to school and get good grades and keep participating. And this is the kind of thing that any parent would want for their young person, whether they're 15 or 35. And the cartoonishly vile rhetoric like Senator Slama saying cut off their genitals. The cartoonishly silly, vile rhetoric around this care is meant to obscure. When she says that it's meant to obscure the positive impact that this has on people and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

it's meant to obscure the pain of being denied it, particularly when these kids know it's an option that they could pursue, when they know if they just didn't live in Nebraska, it would be an option for them. That causes people in families a lot of pain. And that's what a lot of young people in Nebraska are facing right now as the number of these bans grow is actually, you know, that there's a better life awaiting them somewhere else. Between two days ago and today, I've already heard from people in Nebraska--

DORN: One minute.

HUNT: Thank you, Mr. President, who are working with patients who are under 19 who are now scrambling to get prescriptions. These are people, Senator Aguilar, who may not be ready for a hormone prescription yet. Maybe their family is still on that journey and they're deciding if that's going to be right for them. Now, they are scrambling to get it as fast as they can. Do you think that that's the best course of action? Is that the best standard of care for these kids? For them to have to decide hurriedly because of the legislation and hate that we're bringing down upon them? That's not a service to these kids. As these bans grow, these kids know that there is a better life waiting for them somewhere else, and their parents are going to go with them. But there's politicians like Senator Aguilar who have never met them, never talked to them, don't know what they're experiencing, and they're writing laws and passing laws--

DORN: Time

HUNT: and voting on laws to take away this right for them. Thank you.

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

M. CAVANAUGH: Thank you, Mr. President. I got a great email an hour ago. I'm not sure whose district this person is in. It's west Omaha, but further west than my district. So either probably Senator von Gillern or Senator Kauth's district. But I they put their address in, which I appreciate so that I know that they're not my constituent, but I want to share it. I want to share it. Madam, you are a proven liar. Why would anyone believe anything you say, including your newest tidbit that you may or may not have been touched by another member of the Legislature? Not once, but over the course of two years. Who would believe that would happen to you? And you wouldn't say anything? No one. Poor little you. No one respects you or your grandstanding or your attempts to incite violence against those other 40 plus members

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

who have the interests of the majority of the citizens at heart. Do yourself a favor and the rest of the states pack your stuff and go home. No respect for you. Thank you, Jean [PHONETIC]. Thank you. Thank you. Emails like this are why women don't come forward. Emails like this are why women don't come forward. So thank you, Jean. Truly, truly, thank you. I didn't come forward because why would I do that to myself? I didn't come forward because why would I want to put any stock in the ability of this body to give a damn about me? You wouldn't. You wouldn't. You didn't then. And you don't now. So, Jean [PHONETIC]. Yeah. I didn't come forward and, yeah, it happened and. Yeah, people saw it. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. So, yeah, for a lot of us, including me, when my son came out, there can be a bit of an empathic chasm when it comes to gender dysphoria, a little bit of a gap. And like, of course, you don't know what it's like to go through that. You can try to understand, but some of us, it even takes a while to get to the point where we're ready to try to understand. There's a little bit of initial shock or even grief at, you know, the life that you thought your child was going to have, and then a different kind of grief about the life your child is going to have because of people like Senator Aguilar and Senator Kauth, to know that they're going to experience discrimination because of the state, because of the individuals in this body, not because of who they are or, you know, anything inherently wrong with them, but just because of people like you all who choose to discriminate. If you don't have dysphoria, you know, what it means to have it, and how it feels to have it, can be very hard to imagine or put yourself in. And I, you know, certainly can't do it and haven't done it. But one woman named Emily St. James, she's a writer at Vox. She wrote a great piece and she wrote in it something that I always find helpful to think about here. She wrote, If you are a cisgender person, imagine for a moment that all evidence to the contrary. Everyone in the world becomes convinced that your gender is not what it is. Imagine for a moment that you are a man or a woman and everybody starts calling you the opposite gender all the time. If you're a man, everyone starts using she/her pronouns for you. If you're a woman, everyone starts using him pronouns for you and calling you by a man's name. And one day you start insisting to the world, no, I'm a woman. No, I'm a man. You start saying, no, this is me. And then the world insists otherwise. And that sense of for trans people, that sense of unbelievable wrongness between how you are seen and how you feel. I think it's just worth stopping and thinking about

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

the intensity of that. And for everyone I know who has gone through that, I just think that has to be something that's really hard to grasp if you haven't been through it yourself, which I haven't. This is something I was talking to my friends about when my son came out was just what does it feel like to feel-- I don't know what it feels like to not feel like a woman. I feel like if I was on a deserted island, if I was born on a deserted island, I never met another human in my life, I would still think I'm a woman, I think. Like, try that. Try that mental exercise. If you grew up in a vacuum and you're a man, would you still be attracted to women? If a woman washed up on a deserted island came up there on a raft, would you think she looks good to you as a straight man? I bet you think so. I bet you think so. I bet you think, oh, good, now we can populate this island. I bet you think that. But the way trans people talk about how they feel is they know they feel like a woman. They know they feel like a man. But what everybody else tells them is the opposite of that. So just imagine that. Another woman, Rebecca Kling, has this metaphor of a giant bag of rocks that you're carrying around your entire life. I think if you had to carry a Santa sack of boulders, of pavers everywhere you went your whole life. And after a certain point, you just get tired, you just get tired out. You feel like Senator Cavanaugh. Enough carrying the rocks. And at that point, you either put down the bag of rocks or you stop going forward.

DORN: One minute.

HUNT: Thank you, Mr. President. And what we want in Nebraska, what I want to, not you. What I want in Nebraska is to tell trans kids that they do not have to stop going forward carrying that bag of rocks. And I think the word that comes to mind when I'm trying to describe this is just inauthenticity. It's inauthenticity. It's a deep sense that you're playing a role for other people. And I know that because that's how I know you know how that feels, because that's how you feel voting for this bill, many of you. You feel inauthentic. You know that that's not who you are and what you actually stand for. You know that you are a contemporary villain, that you are a villain of 2023, and that history will remember you that way. And that's an inauthentic feeling. So perhaps that's something that you can relate to and can think about with your vote. Thank you, Mr. President.

DORN: Thank you, Senator Hunt. Seeing no one else in the queue, senator Hunt, you're welcome to close on your amendment.

HUNT: Thank you, Mr. President. According to omaha.com, The Omaha World-Herald, the owner of Nebraska Crossing, Rod Yates, wants to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

transform the shopping mall into a destination able to draw 15 million visitors annually and lure retailers such as IKEA, Restoration Hardware, Crate & Barrel, and Nordstrom. Nordies. Rod Yates described his vision to state lawmakers Wednesday. The project would offer shopping and dining, entertainment venues, hotels, youth sports fields and more, and could have more than \$1 billion in sales. It could have more than \$1 billion billion in sales. It would occupy some 1,000 acres surrounding the intersection of Interstate 80 and U.S. Highway 31, south of Gretna, where it would draw from both the Omaha and Lincoln markets, and from people in nearby states. But Yates told members of the Legislature's Revenue Committee that the project can't happen without tax incentives from the state. This could be the front door to Nebraska if we do it right, he said. These incentives will allow us to attract just phenomenal, unique retail and entertainment destinations. Yates testified in favor of LB692, introduced by State Senator Lou Ann Linehan of the Omaha area, who chairs the Revenue Committee. The bill would allow a different sales tax structure for what the bill calls good life transformational projects. Projects would be eligible based on development costs and the number of jobs directly or indirectly created. The qualifying levels would vary by size of city and county. As introduced, the bill would provide for a state sales tax of 6 percent within the project area rather than the usual 5.5 percent rate. Up to half of the sales taxes collected from the project area would be used to pay off bonds or other financing for the development. So basically this is Nebraska taxpayers subsidizing Republican donor Rod Yates to build an IKEA, which has a policy supporting trans people. Put all that together in your head. Under an amendment Linehan filed Tuesday, the state sales tax rate would be 2.75 percent within the project area. Yates said the intent is for the project to charge its own 2.75 percent transaction tax, with proceeds from the new tax going to finance the development. And I will add to finance his own bank account, own bottom line, to line his own pockets at the expense of taxpayers. By the way, you can buy stuff from IKEA online. I buy stuff from IKEA online like every month, at least for my store or for my house. And it comes-- it used to come in like six weeks and now it comes in like three days. So we don't need to make Rod Yates rich to go to IKEA. You can order online or you can go to Kansas City where they actually have a city ordinance banning discrimination against trans people. It's really nice to go to Kansas City, great weekend trip. And they don't discriminate against trans people. So Nebraskans, that's what I would encourage you to do. However, the Legislative Fiscal Office questioned whether the bill would violate a multi-state agreement that streamlines sales tax collection for retailers. The agreement requires that states only have

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

one state sales tax rate. Linehan said she will work to address the question so the bill can go forward. She said that retail projects do not qualify for existing business tax incentive programs. Quote, I know with a project that has this much potential, we have to find a way to do it, she said. Again, so much potential to make Rod Yates rich. Quote, I don't think we could have a better gateway to Nebraska than this project. Except maybe gay rights. Which is free.

DORN: One minute.

HUNT: Linehan noted that the proposed development is in the same area as several other attractions, including Schramm Park State Recreation Area, the Strategic Air Command and Aerospace Museum, the Holy Family Shrine, and Mahoney State Park. Lawmakers are also discussing the possibility of developing a large lake along the river nearby. I'll finish this my next time on the mike, but I encourage you to vote green on AM1285. This bill will make sure that the state is liable for the damage that it causes by forcing Nebraskans to give birth against their will and against the advice of medical professionals. Thank you, Mr. President.

DORN: Thank you, Senator Hunt. The question before the body is to return to Select File with AM1285. That is the vote. There's been a request for a roll call vote. Colleagues, we are under Final Reading. Please return to your seats. Mr. Clerk, please call the role.

ASSISTANT CLERK: Senator Aguilar voting no. Senator Allbrecht. Senator Arch. 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. Senator Brieise. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting yes,. Senator Clements voting no. Senator Conrad. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Erdman. Senator Fredrickson. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no, Senator Hunt voting yes. Senator Ibach. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan not voting. 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 is not voting. 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 not voting. Senator Wishart.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

Vote is 3 ayes, 30 nays, Mr. President. Senator John Cavanaugh voting yes. Vote as 4 ayes, 29 nays, Mr. President.

DORN: The motion to return AM1285 [SIC] (LB282) to Select File fails. Next item, Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Hunt would move to return the bill to Select File for a specific amendment. That's AM1287.

DORN: Senator Hunt, you're recognized to open.

HUNT: OK. Thank you, Mr. President. I'm pulling my notes up from this from last night. I think this one strikes a section. Amendment 1287, on page 1, line 1, it strikes and 7 and inserts 7 and 8. Yes, it's very slow. Well, speaking, you know, I'm still waiting for this to load. But speaking about Senator Aguilar, who shared, you know, earlier about his experiences, we received a letter today from a doctor addressed to Senator Aguilar regarding a quote that he had in the newspaper and a news article. Senator Aguilar's quote, they bend over backwards to try to appease the medical professionals so that they don't have concerns. They shouldn't have to have concerns about losing their license or anything like that. And we don't want to see that happen any more than anybody else. So Senator Aguilar is saying we've bent over backwards to appease medical professionals and they shouldn't worry about losing their licenses. This doctor responds, Senator, I read your quote below in a news article. I am not in the least reassured by your statement. The Health and Human Services Committee ignored me and other medical experts who treat trans people. They ignored the trans community themselves. Then the full Legislature ignored and disrespected us again. You and your Republican supermajority colleagues, and I include Senator McDonnell in this, then heard Senator Machaela Cavanaugh tell you she would use the rules and filibuster the entire session if LB574 was advanced. You and Senator Kauth and Speaker Arch eagerly took that deal. You even came back from surgery just to advance this. What would praiseworthy commitment to the democratic process in any other circumstance instead-- What would be praiseworthy commitment to the democratic process in any other circumstance instead only demonstrates your commitment to attacking one of the most extremely marginalized populations in our state and in our country. Now we are one step away from sending it to your political master in the Governor's mansion, where he waits eagerly to enact transphobia, bigotry, misogyny, racism, and theocracy into law with a single right wing extremist stroke of his pen. I do not agree with you. You do want Nebraska to lose medical practitioners. Why should we trust your word? Senator

Kauth said she was, quote, listening, unquote. Were we not loud enough earlier this week? You say you don't want us to lose our licenses. Why then, did you vote for the unaltered LB574 when you rushed back from surgery, which absolutely would have stripped me of my license? Why should we trust you and Speaker Arch and the HHS Chair Hansen not to just change things even more after the fact when the rules and the clock are already ignored at will to serve the singular end of jamming this legislation through. He continues, And this is-- he won the 2023 Nebraska Defender of Public Health Award from the University of Nebraska. So this isn't like some extremist quack. He continues, I believe you do want us to lose our licenses. I believe you want to force us to leave the state and further degrade Nebraska's already insufficient medical capacity, particularly the woefully small number of us who are able and willing to provide competent and nondiscriminatory care. This is exponentially more relevant to Spanish speakers and black people. I believe you want trans people to either leave Nebraska, be forced to be closeted, no matter the damage to their health, or die. I challenge you to prove this wrong. If you want to, quote, appease me, unquote, to give me one single reason to change any of the beliefs I have listed, vote down LB574. Imagine there was no surgeon to take care of your knee. No primary care doctor to get to know you and steer you to that surgeon, or that hospital is discriminated against you because he had moral and religious objections to taking care of your kind, and then magnify that times a thousand. That is what you are actively forcing on the trans community, and you should be ashamed of yourself if you vote for it tomorrow. This amendment strikes the clause from the committee Amendment AM687. So in the first line it would read instead strike original sections 1, 5, 7 and 8. The 8, which it adds to the striking provision in the amendment was the e clause in the green copy of the bill. Gender, because gender is assigned to you over the course of your entire life, because your family and friends and strangers and institutions and everything from our economic order, from police to teachers to our laws and everything, it all assigns gender to you. It all telegraphs to you what your gender is and should be. And when that assignment that is being telegraphed to you all the time doesn't feel honest to who you are, it's a very inescapable, all consuming feeling. And I think that a lot of trans folks, they might live long into adulthood before they even begin asking themselves this. And I've met trans people who come out in their fifties, sixties, seventies, eighties. And I think it's a bit like if you had lived your entire life next to a waterfall and you hear the roaring, crushing sound of the waterfall your whole life, and the moment you realize you could get up and walk away, that you didn't have to shout over this, that

you could hear, that you realized suddenly your entire life that you've been screaming, you've been begging to be heard, and then silence. Then you can speak and you can hear. And it's clear. And it's a lot easier. It's like putting the bag of rocks down. And when a trans person comes out at whatever point in life that they do, it's fundamentally about a demand to be heard. And that's why I think it is such a blessing to have a transgender child. It's such a blessing because it's amazing to have a child who is strong enough to tell you who they are, and who loves you and trusts you enough to know that you won't reject them for that. Who feels strong enough to tell you that. Knowing you won't reject them and knowing that the whole world, including the state, including your mother's colleagues, want you to live a lie. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I was just catching up on the news. I tend to be very behind on the news. I'll have people come up to me and say, did you see that in such and such, and such and such? And it's like, unless I'm literally reading it on the microphone, I probably didn't. So I was trying to catch up on the news. But my Internet is a little slow, so that's not happening. Think University graduations are this weekend. So congratulations to Zack on graduating, with the Nebraska Examiner. He's graduating this weekend. Are any of our pages graduating? Oh, my gosh. What? Our page, like, congratulations to our pages that are graduating too. That's very exciting. What are you doing here? My God. No, stay, please. Kennedy would murder me if it was, like, while you-- while she was gone, off, off getting married. I encourage the pages to just take off. Don't do that. I don't want to get in trouble with Kennedy. That would be serious business. Yeah, so graduations this weekend. That's fun. I, I do-- I wonder who the keynote is at the graduation, but I'll find out later, off the mike. But I've never really been one for graduations. They're not, like, my favorite thing in the world to go to. But that's an exciting thing to happen, so congratulations on graduating, and thanks for joining the Nebraska Legislature on that wacky journey of college. So, yeah, Kennedy is getting married this weekend, we talked about that last night. Oh, one thing I did talk about late last night, and he's probably not watching because I'm assuming the Illinois Assembly is still in session at 4:00. But today is my cousin John's birthday, not my brother, my cousin, my cousin John. So happy birthday. And I found out he has a dog. I knew he had a dog, but I didn't know-- this is a new dog. His old dog passed away. His dog's name is Cricket. So I said, aren't you actually hanging out with your

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

dog? And he said, Cricket is, is, is fine while I am watching the Nebraska Legislature. And I was like, well, I've got a Cricket here who watches a lot of Nebraska Legislature, too. So what a great name for a dog. Yeah. So tomorrow is like the end of year celebration at my kid's school, my youngest at his school and probably will miss it. I mean, it's the last one, actually, I just realized that it's the last one because he graduated from preschool last week. Oh, wow, was that last week already? It was. Yes, it was last week. And, and I did get to be there for his preschool graduation. So that was nice, because I've missed a lot of things this year, as we all have, as we heard a list of earlier today. But the one thing I did not miss this year was my son's preschool graduation. It just happened to work out. So I was grateful for that because he looked adorable in his mini cap and gown, and they had them dance their way into the chapel. It's a Lutheran church. They had danced their way in the--

DeBOER: One minute.

M. CAVANAUGH: --chapel, and danced their way out of the chapel. And I am probably biased. This is probably a biased statement and not an inarguable fact, but I'm going to present it as an inarguable fact. He was the best dancer. I mean, he's got great moves, and he was pretending to be a deejay, so he was, like, holding his ear, like he was wearing a headphone and spinning a record as he was walking down the aisle. It was very cute. He's, he's a very goofy guy, but he's not feeling well today. He's got an ear infection, and so he's home with his dad. I like the snuggles, miss the snuggles, so. And I just was thinking, like, tomorrow is Friday, and I wonder what time we will be done tomorrow. Because our tradition on Friday, now maybe there's some other activity, but our tradition, oh I'm out of time.

DeBOER: Time, Senator.

M. CAVANAUGH: Thank you, Madam President.

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

JACOBSON: Thank you, Madam President. I'd like to shift gears here once. I'd like to get back and talk a little bit about the primary bill, LB262? LB262, I believe, yes. LB282. My glasses always get out of focus when I stand up here. I get it, and then I can't read it from the board. I need-- I may have to move closer in a couple of years. I'd like to talk to you a little bit about some of the issues in the bill, and I know Senator Kauth read out before firefighters and those

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

who, who were first responders who lost their lives, who are part of this insurance coverage that the state provides, and how important that is. Want to talk to you a little bit about one of the individuals that she met-- name she right off, which is Mike Moody. Mike Moody's from Purdum. Just outside my district. He'd actually be in Senator-- in the Brewer, Senator Brewer's district. But right up there near Halsey, where the national forest is. Senator Brewer and I share the Nebraska National Forest because he's got Blaine County to the east which the Halsey National Forest goes into. I now have Thomas County, which used to be Senator Brewer's County. And-- and that's where the bulk of the Nebraska National Forest is located. And Halsey actually is split on a county line as well. Mike Moody was a banker. You still have the-- his family was involved with the Purdum State Bank. That was later sold. He was also a farmer, and a long time volunteer fireman. Mike was just a little bit younger than me. He lost his life fighting the Bovee fire that attacked the national forest, and when the state 4H camp was lost. Mike was a wonderful guy. I had the opportunity to go to his funeral. I can tell you it was an amazing funeral. It gives you an indication of how much people in these areas appreciate what first responders do. It was at the high school auditorium in Dunning. Place was packed. Standing room only. People outside. Quite an event. So I will tell you, it's incredibly difficult and getting harder to find first responders and to find volunteer fire for-- fighters. And yet it is so critically important as we look at our rural areas. So I'm, I'm pleased with things we've done this year in the budget to really help provide additional support to them. I'm appreciative of the Governor, both Governor Ricketts and now Governor Pillen, for all the support that they've provided not only to the Bovee Fire, but the fires that are going on and continue to go on until we finally got some great rains up there that will hopefully put those fires at bay for a while. I want to talk to you a little bit too about the, the 4H camp in the, in the forest itself. The Bovee Fire occurred this last year. The national forest at Halsey was, was started in 1902, and Charles Bessey thought he would start something that was experimental and to go into that prairie and do a hand planted forest. So there were, there were-- they went up there, and there was 90,000 acres in this entire area, which includes grass and so on. There's 2.5 to 3 million seedlings that they sell annually out of the nursery there, as well as this forest. There was about 4000 acres that were destroyed during the fire, which included grassland. But there's a large forest still remaining. It did take out the 4H camp that was there. And fortunately, in the budget this year, we came up with \$10 million that will be matched dollar for dollar locally and from other grants to--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

DeBOER: One minute

JACOBSON: --rebuild that facility. Thank you. So if you haven't been up in that area, I'd encourage you to do it. Drive along Highway 2, takes you across the middle of the Sandhills. Beautiful scenery. My first indoctrination in the Sandhills was going to 4H camp there many, many years ago. You've got a national forest. You get some of the best scenery you'll ever see. You've got clean rivers and wonderful people. So again, I thought I'd kind of break up the monotony today and actually talk about the bill. So I'm supportive of LB262, adamantly opposed to return to Select File and AM1287. Thank you, Madam President.

DeBOER: Thank you, Senator Jacobson. Senator Hunt, you're recognized.

HUNT: Thank you, Madam President. So what this amendment does is, it removes the emergency clause, and I wanted to strike the e clause to get some clarity on why this state is paying law firms directly for these claims instead of paying the claimants directly. On page 3-- see it on page 3, line 8; page 3, line 30; page 4 line 17; and page 5, line 8. Says \$45,000 for claim number 2019-18570, against the State of Nebraska to pay to Dornan, Troia, Howard, Brightkreutz & Conway, P.C. L.L.O.. That's a law firm. So we're playing-- we're paying \$45,000 directly to a law firm instead of to a claimant directly. On page 3, line 30, we're paying \$49,500 for Indemnification Claim to Schiffermiller Law Trust Account on behalf of Adam Koenig, Schiffermiller Law Office, P.C. L.L.O.. Again, that's to a law firm. OK. On page 4, line 17 \$25,000 for a worker's compensation claim paid to Harris Law Offices, P.C.. Page 5, line 8, \$152,000-- \$500-- \$152,500 for a claim against the State of Nebraska, payable to Reed Law Offices. And I would like to hear from Senator Riepe about why we are paying to the law firms instead of directly to the claimants. Would Senator Riepe yield for a question.

DeBOER: Senator Riepe, will you yield?

HUNT: I don't think he was listening to my question. He's on the phone.

DeBOER: Senator Riepe, will you yield?

RIEPE: Yes, I will.

HUNT: Senator Riepe, I don't know if you heard my question, but I'm asking why is it that the state pays claims to law firms instead of directly to the claimants?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

RIEPE: Well, I assume, and I can only assume, that this is all through the Attorney General's Office. And if it's a case that they don't have the expertise in, or the staffing for, and an interest in settling the claim that they would then go outside and contract for an outside law firm.

HUNT: But if it's a claim to a claimant for a claim against the state, why doesn't the state pay the check to the claimant instead of to the law firm? We're paying all this money to the law firms.

RIEPE: Well, I-- my sense is that they're going to have to negotiate it, and that's going to take some time, just like any other trial attorney has to do. And of course, everyone's going to get paid that's involved in it. So they're going to-- I don't know whether they pay them on a fixed fee or whether it's a percentage, that I do not know. But we come back to the fact of saying, you know, we have some trust and confidence in the AG's office to get these things resolved. And so we do.

HUNT: OK. Thank you, Senator.

RIEPE: Thank you.

HUNT: Thank you, Madam Chair.

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

M. CAVANAUGH: Thank you, Madam President. I was just-- is this my second time? I think it is. I was just checking up at the front about, the time, and I was off by a minute. It's like my goal in life to calculate it exactly right. So I was off by one minute. I thought it was 4:23, and it is 4:24. So there we go. For cloture. Which is 8 minutes. So great. I don't really have much to say. But, you know, just keep on truckin'. I was also talking with the pages about graduation, and I think only one page is graduating. Is it only one page out of the entire group, or just you're the only one here today? All right. OK. So. So that means that you won't be here next year. Wait, are you graduating too? Two pages. All right. I was like, wait a second. You were there before. OK, the two of you were graduating. I don't have any words of wisdom. Don't go into politics. There you go. Those are those are the most words of wisdom I can give you. That's all I can offer. Don't go into politics, or do. I'm sure you, you could maybe make it better. Hopefully. I'm just-- I'm not in a great mood today, but normally, I'm much more, like, excited about the

prospect of the future of democracy. But today, I'm just, you know, I'm like the meh emoji from that movie "Emojis". And he's the meh emoji. And he goes on this whole journey to become, like, the everything emoji. It's a really cute movie. But I am solidly like, meh. Or the hands up. That's kind of meh as well. That's one of my favorite emojis to use, is the hands up, sort of like shoulder shrug emoji. But with the emojis on your phone, like you can, you know, if you hold it down, you can get different skin tones and different hair colors. I, I always do just the default of the yellow. And the reason that I do that is because there's no redheads. So I'm like, well, what, what emoji, skin tone, hair combo am I going to use then? Like, I'll use like, pasty white, obviously, but there's no redheads, so I just stick with the blond, yellow. There is now, and they launched it, I don't know, a year or two ago, the redhead emoji. And there's just the one and it's just like a sober face like. Like I don't even know what to use that for. I mean, how often am I just, like. Never. I think anybody would say one thing about me in this body, it's not that I'm ever like, just like nothing, just a deadpan. I'm a lot of things, but deadpan is not one of them. So yeah, well, I don't know. We got like 4 minutes left on this before we go to cloture, and I think somebody else is in the queue, so I'm going to just yield the remainder of my time. Thank you, Mr. President.

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

MURMAN: Thank you, Mr. President. I'm going to speak a little bit on, actually on subject again on the bill. One of the claimants that had claim against the state was Darren Krull, and he's actually from Glenville, my hometown. His parents, grandparents, both grew up in Glenvil, went to Sandy Creek High School, both sides of his extended family. Also, his wife's family grew up in Glenvil, also attended Glenvil High School and then Sandy Creek High School. I've known all of those families very well. He started his service to Fire and Rescue in Glenvil, actually, Glenvil Fire and Rescue. He was the fire chief at Elwood when the accident happened during the first big fire in the 38th District last spring, about this time or just a little bit earlier. Actually, his nephew is the person that does work for me and took my place so that I can serve here in the Legislature. So I know them very well. He's actually buried in Hanover Cemetery near Glenvil, and on the procession from where the funeral was held in Elwood back to Glenville, I was not able to attend the funeral, but I've heard that fire trucks and ambulances were lined up all along Highway 6 going back to his burial site. I would like to at least mention the big fires that happened in the district last year. I think they were a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

couple of the biggest fires that ever occurred in the state, with the exception of maybe a few fires in the sandhills. But the one fire started, the first one, I think, started up there just north of the district around Elwood or that area, and burned south all the way to the Kansas border. So approximately 30 some miles and about 3, 3 to 5 miles wide through that area. The next one started just across the border in Kansas and started in the south and went north and it went approximately the same distance. And this is right through the Republican Valley. It's not sandhills. So mostly farm ground, quite a bit of pasture, too, but it just makes it clear about the necessity for using the water, like we mentioned earlier in the afternoon, using as much water in the state for irrigation and economic development as possible. The Republican Valley, Valley has had the, the most problem, probably, with water shortage in recent history in the state. Of course, we have the compact with Kansas that's similar to the compact that we have with Colorado that will allow us to build the canal out of Colorado. But if we can use water as much as possible, those kinds of big fires, it'll at least go-- have some effect on more irrigation during those dry years, which actually was last year, it was extremely dry out there in the Republican Valley. Still is, although they've--

KELLY: One minute.

MURMAN: --had quite a bit of rain just recently. Thank you, Mr. President. So I wanted to thank the family of Darren Krull, and also point out the benefit that we can get from water that we do manage to keep in the state. Thank you, Mr. President.

KELLY: Thank you, Senator Murman. Senator Dungan has some guests in the North balcony, 8 K through 6 grade-- graders from Classical Conversations in Lincoln, Please stand and be recognized by your Nebraska Legislature. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB818. Mr. Clerk, for a motion.

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

KELLY: Senators, we'd ask everyone to return to their seats for a vote on Final Reading. Senators Armendariz and Wayne, please return-- well, you probably are in the Chamber, but please return to your desk for a Final Reading vote. Members, the motion for cloture has already been read across. The first vote is the motion to invoke cloture. All those in favor vote aye; all those opposed, vote nay. Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

ASSISTANT CLERK: 44 ayes, 0 nays on the motion to invoke cloture, Mr. President.

KELLY: The motion to invoke cloture is adopted. Members, the next vote is on the adoption of the motion to return to Select File to amend with AM1287. All those in favor vote aye; all those opposed, vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 2 ayes, 41 nays on the motion to return, Mr. President.

KELLY: Members, the next vote is the vote to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 39 ayes, 4 nays to dispense with the at-large reading, Mr. President.

KELLY: The at-large reading is dispensed with. Mr. Clerk please read the title.

ASSISTANT CLERK: [Read title of LB282]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB282 with the emergency clause pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: Voting aye, Senators Aguilar, Allbrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar. Bostelman, Brandt, Briese, John Cavanaugh, Clements, Conrad, DeBoer, Dekay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Jacobson, Kauth, Lippincott, Lowe, McDonnell, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, and Wishart. Voting nay, none. Not voting Senator Machaela Cavanaugh, Linehan, McKinney, Wayne, Day, and Ibach. Vote is 42 ayes, 0 nays, 5 present not voting, 2 excused not voting, Mr. President.

KELLY: Thank you, Mr. Clerk. LB282-- LB282 passes with the emergency clause. Mr. Clerk, for the next item.

ASSISTANT CLERK: Mr. President, engrossed LB799A, introduced by DeBoer, 10. A bill for an act relating to appropriations; to amend section 19, LB816, One Hundred Eighth Legislature, First Session, 2023; to appropriate funds to carry out the provisions of LB799, One Hundred Eighth Legislature, First Session, 2023; to provide operative

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

dates; to repeal the original section; and to declare an emergency. Be it enacted by the people of the State of Nebraska, Section 1. There is hereby appropriated \$102,024 from the General Fund for FY2023-24 and \$194,964 from the General fo FY2024-25 to the Supreme Court, for Program 3, to aid in carrying out the provisions of LB799, One Hundred Eighth Legislature, First Session, 2023. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$97,229 for FY2023-24 or \$186,402 for FY2024-25. Section 2. There is hereby appropriated \$83,221 from the General Fund for FY2023-24 and \$159,007 from the General Fund for FY2024-25 to the Supreme Court, for Program 4, to aid in carrying out the provisions of LB799, One Hundred Eighth Legislative Session, First Session, 2023. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$79,172 for FY2023-24 or \$151,784 for FY2024-25. Section 3 There is hereby appropriated \$946,258 from the General Fund for FY2023-24 and \$1,807,806 from the General Fund for FY2024-25 to the Supreme Court, for program 6, to aid in carrying out the provisions of LB799, One Hundred Eighth Legislature, First Session, 2023. Total expenditures for permanent and temporary salaries and per diems shall not exceed \$899,365 for FY2023-24 or \$1,724,214 for FY2024-25. Section 4. There is hereby appropriated \$980,673 from the General Fund for FY2023-24 and \$1,688,295 from the General Fund for FY2024-25 to the Supreme Court for Program 7, to aid in carrying out the provisions of LB799, One Hundre Eighth Legislature, First Session, 2023. Total expenditures for permanant and temporary salaries and per diems shall not exceed \$916,134 FY2023-24 or \$1,592,574 for FY2024-25. Section 5. There is hereby appropriated \$84,087 from the General Fund for FY2023-24 and \$79,870 from the General Fund for FY2024-25 to the Supreme Court, for Program 52. to aid in carrying out the provisions of LB799 One Hundred Eighth Legislature, First Session, 2023. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$43,460 for FY2023-24 or \$45,633 for FY2024-25. Section 6. Section 19, LB816, One Hundred Eighth Legislature, First Session, 2023, as amended to read: Section 19. Agency number 37 - Nebraska Workers' Compensation Court. Programs No. 526 - Judges' salaries. Cash Fund, FY2023-24, \$1,410,118. FY2024-25, \$1,488,346. Program total, \$1,410,118 and \$1,488,346. Salary limit, \$1,178,356 and \$1,249,057. Section 7. Sections 6 and 8 of this act become effective on July 1, 2023, The other sections of this act become effective in their effective date. Section 8. Original Section 19, LB816, One Hundred Eighth Legislature, First Session 2023, is repealed. Section nine. Since an emergency exists, this act takes effect when passed and approved according to law.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB799 pass with the-- LB799A pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. Have you all voted who wish to? Then record, Mr. Clerk.

ASSISTANT CLERK: Voting aye, Senator Aguilar, Albrecht, Ach, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, Ca-- John Cavanaugh, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Frederickson, Halloran, Hansen. Hardin. Holdcroft, Hughes, Hunt, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, Walz, and Wishart. Voting nay, none. Not voting, Senator Machaelala Cavanaugh, McKinney, Wayne, Day, and Ibach. Vote is 44 ayes, 0 nays, 3 present not voting, 2 excused not voting, Mr. President.

KELLY: LB799 A passes with the emergency clause. Items for the record. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. Your Committee on Enrollment and Review reports LB727 to Select File with E&R amendments attached. Committee on Judiciary Reports LB220 to General File with amendments. Amendments to be printed. Senator Linehan to LB727, Senator Slama to LB514, 2 more amendments, also to LB514, from Senator Slama. New resolution calls for an interim study by the Health Committee. And that's all I have at this time.

KELLY: Next item on the agenda, Mr. Clerk.

ASSISTANT CLERK: Mr. President, with respect to LB531, there is a priority motion. Senator Hunt would move to bracket until June 2, 2023.

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

HUNT: Thank you, Mr. President, I'll withdraw this motion.

KELLY: It is withdrawn. Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next motion, Senator Hunt would move to recommit LB531 to committee.

HUNT: I withdraw [MICROPHONE MALFUNCTION] motion.

KELLY: It's withdrawn.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

ASSISTANT CLERK: Mr. President, next amendment offered by Senator McDonnell, AM1300.

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

McDONNELL: Thank you, Mr. President. Good afternoon, colleagues. I would like to start off by thanking Senator McKinney and the work he's done on LB531. And as we, as we talk about this, we as the committee gave Olsson a project that was, that was a very difficult and important project. And you had 365 people that came-- agencies that came together and said, OK, we're going to go ahead and apply over \$3 billion, and said we have a, we have an idea for the eastern part of, of Omaha and other other locations north and south about projects that they felt could, could make a difference in our communities. At that point, you had to go through that process of deciding, Olsson and others, working on trying to what would make the greatest impact. So when I say these things today, I want to make sure that people understand, let's just assume that, that Olsson did a 90 percent great job. And it was an important job. But also, I don't think they did a perfect job. And what my amendment would do is-- it is-- and I'll just go and read it, not to exceed \$30 million in grants for the establishment of a multicultural center located in the qualified census tracts within the boundaries of a city of the metropolitan class and within a district designed by such a city, such center servicing and providing support and resources to foster the growth of local businesses and celebrates and preserve the diverse history, arts and humanities of such a, a district. It goes on to add what to strike. So this, this was brought to me by, by Gayla Chambers, and she has a great deal of passion for it. The name of the, of the, of the, of the, of the, of the establishment would be the Ernie Chambers History-Arts-Humanities Multicultural Center. And the-- her, her motto, and actually the business name is Together we Achieve Miracles. And I want to read an article about the history of the area we're talking about in Omaha. This is dated October 21, 2021. After decades of being forgotten, a part of north Omaha's history is being remembered and some businesses in the, in the area could benefit in the process. Gayla Lee-Chambers, the founder of Saratoga-Belt Line Railroad Trail Way Project, will admit she's not an historian. But when she started looking into the history of, of her own building, she, she wires up-- she, she started finding out history. The story of a forgotten town in the middle of North Omaha. The Saratoga city lost in the shuffle, Lee-Cha-- Lee-Chambers said. People didn't know about it. People just totally forgot about it. Saratoga was founded in 1856-- name-- named after the Saratoga Springs, New York. It was a pioneer town, complete with hotels, blacksmiths, church and anything

else the settlers in Nebraska territory could use at that time. After 21 years, it became part of the city of Omaha but maintained its identity as a neighborhood for a glimpse of Saratoga can still be spotted in the area of the school being its name and historic buildings built around a few decades later. Saratoga-Belt Line district, as Lee-Chambers was dubbed the area also recognized the role the Omaha Belt Line which provided transportation to people of Omaha before being used commercially. They made such a-- they made such a thriving impact during the time, not just the, the people, but the-- but economically, Lee-Chambers said. The Omaha Belt Line was part of the growing community in Saratoga area, with many of the historic buildings in the area being built around it. All of these buildings around here in this little industry-- industrial area has been here for over 100 years, Lee--Chambers said. On Tuesday, the Omaha City Council approved the area as the Economically Vital Preservation District. According to Lee-Chambers, the qualified-- qualifier several buildings for the historic tax credit. A small business could would be able to have an opportunity for economic growth, for the job opportunities, Lee-Chambers said. She hopes to add historic markers and others to the area as she moves ahead on her project. Now, during this, this time frame, when we go back to the people submitting their their applications to, to Olsson and having, of course, a number of town hall meetings. And to let you know, you all received an email on the business plan that, that Gayla Chambers put together for this project and submitted to the, the Olsson group that was in charge of going through all the projects. The-- something about this project also this has completed business plan, included renderings. Out of 365 projects that were submitted, this, this may have been the only project that included a full business plan. My office sent this business plan to all of you. I would encourage you to retire-- read the entire business plan. This project ha-- has a private investor that has invested over \$1,000,000 to date, and has also received funding from Douglas County from their portion of ARPA funding. This project has also received a planning grant each of the last four years from the Douglas County Tourism entity. Phase 1 of the project will start this summer and shows that this project is shovel ready, and there is urgency behind the additional funding. Phase 1 will include the facade of the building and updating the lobby area, which will allow the building to be open to the public and the ability to serve the community. The hope is phase 1 will be completed within six months. It is the goal of the Department of DED will-- my goal for them to prioritize this project because it is shovel ready and will serve the community immediately. The impressive business plan and the four plus years of planning has gone into the building. The, the idea

of what we're trying to do today, and have this discussion, and Gayla Chambers was in the Rotunda throughout the day, and she had to, to, had to leave here shortly, but I had a chance to talk to her before and how important this project is to her, but also to the community and the city of Omaha and our state. The, the chance we have to, to again, going back to the Olsson associates, the chance we have with the work they've done, and again, sa-- saying that 90 percent of their work has been good work, but also having a chance to have fresh eyes on it. As you saw in our-- the last bill we passed with LB818 that the DED may look at all the projects, not the-- just the ones that scored the highest and shelve them, and make, make recommendations and start administering the, the grants. So during that process for today, I want to make sure that it's clear, my position, and I believe others, is that we believe this is a good project and potentially, like any organization, there could have been a mistake made on some of the grading and some things that were were overlooked during that grading process, and that this project, I believe, should be funded not only based on the historical fact of the area that has been presented to us, but also just all the great work it could do going forward with the idea of having the Ernie Chambers History-Arts-Humanities and Multicultural Center in Omaha to help, help us as a society, as we've as we talked about, you know, together, we, we achieve miracles. And I believe going forward, that's what, that's what Gayla Chambers is working on. And I think this is, is something that we need the Department of Economic Development to take a strong look at. At some point after further discussion, I will pull this amendment. And-- but also I want on the record that I believe there could have been some mistakes made, and a full and fair look at all of the work they've done with this project was not done, and therefore DED I would like to have them have fresh eyes on this project and others out of the 365 projects, they have the ability to look at whatever projects they they want, even though we're not throwing out the Olsson work because they did a good, good job and maybe 90 percent of it was good, maybe that other 10 percent needs a little help and fresh eyes from the Department of Economic Development. Thank you, Mr. President.

KELLY: Thank you, Senator McDonnell. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB799A and LB282. Senator Wayne, you're next in the queue.

WAYNE: Thank you, Mr. President. Colleagues, there's been some-- a little bit of confusion, and I just want to clear it up a little bit, clarify it a little bit. First, I want to thank, again, this body last year for investing in, and I think some of the most under-invested and historically disinvested areas. We appreciate that. I know on the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

green sheet, it shows \$90 million. There's an amendment that Senator McKinney has that reduces that to \$11 million. And I'm going to explain exactly where that \$11 million goes. \$1 million goes to Senator Dorn's and Senator Brandt's dilapidated housing in western Nebraska. The other \$5 million goes to rail spurs in western Nebraska to help industry. If you weren't in the hearing, what happens on U.P. or Burlington's main line, federal regs requires them to have two power switches, which has significantly hurt development along western Nebraska's main line, because an extra \$5 million to do two power switches significantly burdens companies from moving there. If you'll recall, last year we set aside almost, I think, \$10 million or \$20 million, maybe \$30 million for rail spurs for one particular area right next to North Platte. If you talk to Senator Jacobson, that's been a huge boom. So we are trying to focus on areas around farther to the west, around Lake McConaughy or west of that, of the main line to help boom-- build that area. So that's \$5 million. The last \$5 million is for the start of the Standing Bear, and if you read the amendment when you get here, we're also going to use some interest over the next 3 years, which we-- part of the reason why I haven't talked to all of you, and most of you know, I try to talk to everybody before a bill to make sure they have any concerns. But today, we were working with the Governor's Office to fine-tune the language that-- we're waiting on the, the, the amendment to come down with the Governor's Office to get his support. And we got that done. So this is no pulling fast ones here. We have been working diligently for the last month and a half making sure we had the right number. Part of the delay was we were trying to see how much money was on the floor, recognizing that a lot of the money going on the floor is going to taxes, we have significantly had to reduce that \$90 million ask, which is what we did. And instead of actually those dollars going to north Omaha or south Omaha, that \$11 million is actually going to western Nebraska. So that \$11 million is for western Nebraska. But we think it's important. And anybody who knows me knows that when I was urban affairs Chair, we probably did more for western Nebraska and villages and cities than we did for Omaha while I was Urban Affairs Chair because I truly believe in order to grow the state, we've got to have a barbell state, but we can have that conversation, where you have economic development on both sides. But I learned about the issue because of the north Omaha recovery. There was a company who wanted to both come here, Ogallala, or Kimball, but they couldn't afford the additional \$5 million switch on the main line. So I brought a bill in front of appropriations for that. And I think it's that important that we do that to grow western Nebraska. So again, the green sheet says \$90 million, because that's what was on General File. If you recall, I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

said I was going to work with everybody to build consensus. We worked with the Governor's Office, we worked with a lot of people to build that consensus, and we are down to \$11 million. That's where we're at today. And that \$11 million does not go into Omaha. That goes into western Nebraska for projects that we believe will generate economic growth. Earlier, I sent you both the report that was done by Olsson. I sent anybody who asked a specific question about a project, I went through the 1,200 page report and sent that particular project to those individuals. If you have any concerns, questions, I'll be more than happy to answer them. Again, there are interest rates from the Canal, prison, and ARPA working with the Governor's Office. We--

KELLY: One minute.

WAYNE: --have an amendment that says that can only be done for 3 years. And that's how we bridge the gap in making sure we're funding fully the Olsson report and a couple other things inside of that without having to touch General Funds or Cash Funds, because we do recognize the importance of both the income tax and the property tax relief packages that are before this body. So this was our attempt to negotiate, and we came to a compromise with the Governor's Office to make sure we brought a bill forward that is sustainable, that is livable for the-- this, this body, and it has significant impact on east Omaha, and now the rest of the greater Nebraska. Thank you, Mr. President.

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

LINEHAN: Thank you, Mr. President. So I find this kind of humorous. This happens for any of the freshmen. When we're doing regular business without a filibuster, every other bill, we will come to a point where we have to kind of stall, because we don't have an amendment. So I think we're at that point right now where we don't have an amendment, so we're going to stall. And I remember when I was-- the first year Senator Lathrop was back, so that would have been 5 years ago. There was something I had to get filed and it was the end of the day. And I had to sign, as we do, all the amendments. And so I ran over with the amendments and then Lathrop was like, do you need time? And I'm like, yes. And Lathrop was nice enough to talk, like, and talk again until I got him signed. So, Senator Wayne, would you yield for a question?

KELLY: Senator Kenny, would you-- senator McKinney, would you yield-- Oh, excuse me. Senator Wayne, would you yield to a question.

WAYNE: Yes.

LINEHAN: Do you now have an amendment?

WAYNE: I believe Senator McKinney is printing it off right now. And by the way, this is not Final Reading. So you can walk around.

LINEHAN: [Laugh] Thank you. We can walk around, now? We can leave the floor without checking out?

WAYNE: Yes, we can. It's a Select File. I just-- we were so ingrained to Final Reading that I thought people might of-- think we're still on final reading. But I do appreciate the attentiveness of this.

LINEHAN: OK. Can you run-- because people were talking, go through again what the \$11 million is for.

WAYNE: So the \$11 million, \$5 million is for a rail spur in western Nebraska, particularly in a second class city. The other \$5 million is to start the Standing Bear Museum. The rest of the Standing Bear Museum will be you-- we're taking dollars from the canal to pay for that. The other \$1 million dollars to equal \$11 million is Senator Dorn and Senator Brandt's idea, they had a bill for dilapidated housing, to start that program. It's not enough for it. But we wanted to get the program starting, because as Urban Affairs Chair, one of the biggest issues in some of our rural towns is housing that has been dilapidated, and they don't know how to get rid of it.

LINEHAN: So are they go-- it's to help tear down houses that people have left, and they're falling apart, and they're dangerous, and there might be a basement kids could fall into. Is that the kind of housing you're talking about?

WAYNE: Yes--

LINEHAN: There's houses like that where I grew up.

WAYNE: So. Yes. So Senator Briese used to bring bills to try to figure out how to do with it. And this year, Senator Brandt and Senator Dorn in particular brought a bill to Urban Affairs, and they wanted \$40 million, but we couldn't get that going. But I think it's important to start and have the conversation around-- futures around that.

LINEHAN: OK. Thank you, Senator Wayne. Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

KELLY: Thank you, Senators Linehan and Wayne. Senator Vargas, you're recognized to speak.

VARGAS: Thank you very much. I know Senator McDonnell's already spoken to AM1300, and I know he'll be pulling it. I do want to speak on the underlying amendment that is on its way and coming, and the work from the committee. You know, a couple of things that were already clarified on the mic by Senator Wayne about the new funding, the \$11 million going to new funding. But I just want to talk a little bit about process here, because this is an, an unusual and what I think is important way about the way that this, this the Economic Recovery Committee has operated, but also in the way that the Legislature has gone about doing this grant program. The first is, this is a tremendous amount of work. Kudos to Senator Wayne, Senator McKinney and the others of us that have served on the committee. But for them, you know, moving and pushing for this. And in the place that we're at, you know, we did our work within the Appropriations Committee to make sure that we were funding the existing projects and the work from the previous year. And what is coming is going to be finding new funding sources in a creative way that will be able to sustain some new allowable resources and allowable grant sources for this project, or this grant. So it will be in a couple of these new ones that I know Senator McKinney Senator Wayne and will speak to. What I'm encouraged by is that there is funding sources for this that will be occurring over the next several years that will be able to fund these allowable new grant purposes within, within the language. The other part, what I really like about LB531 is, beyond the, the other western Nebraska initiatives that were spoken on, it includes some really necessary housing provision updates to middle income workforce housing, also creating a sub-program within that, making this grant program more competitive. As we've-- we heard from Senator Briese earlier today on the rural workforce housing, this housing work that is necessarily needed, we need to make these grants more competitive, or these loan programs more competitive and imp-- you know, doing everything we can to support, that's important. So there's necessary language in-- within this, I know Senator Conrad has an amendment that will continue to do more. But I just want to thank everybody, because I know that there's been a commitment from this Legislature, from the ARPA funds previously, the funds that were now in General Funds, are to make sure we're following through on commitment from the previous year. And this is a, a monumental dedication to east Omaha, and from the work that was done in ARPA last year for western Nebraska and the rest of the state. And I just want to also thank the work that's been done from both the Appropriations Committee, the Special Economic Recovery

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

Committee, Senators Wayne and McKinney, and others that represent east Omaha, because this has been a long time coming in terms of continuing to work on this. And the work's not going to be done, because this fund and these grant programs will continue to exist. And my hope is that we continue to get good projects funded that rise to the level of economic development, job creation, making sure we're doing small business development, skill development, the types of things that we know are game changers in east Omaha and for south Omaha. I could speak to many of the projects that we saw that were identified. This is about revitalizing. This is about making sure we're keeping and attracting more people in south Omaha. It's about whether or not we're creating the type of entrepreneurship that we're supporting, and the type of business development, and bringing more people to the community. Because in the world they're also spending their dollars in our community. We can make sure that those dollars are going to good use, and to better job creation and development. So I'm really excited about the work that's been done over the last several years, and the additional allowable uses that are going to be part of this.

KELLY: One minute.

VARGAS: And just want to thank everybody that's worked on this. I want to thank Senator McKinney for his leadership in this. And I think we've done some creative things that you'll see that were done by the Urban Affairs Committee and by the Chairman. [INAUDIBLE] --sure that the dollars get out, and also are really focusing on big transformational projects that are going to not only improve but fundamentally change the trajectory of what we see in north and south Omaha. Thank you very much.

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

JACOBSON: Thank you, Mr. President. I, too, am-- I'm in support of LB531 and the amendment that we're waiting on that Senator Wayne will be bringing and so I'm going to really speak to the components of that. I have two bills in that particular amendment. The first one is LB33, which is a mayoral voting cleanup bill, and the other one is LB98, Micro-TIF. As it relates to LB33-- both of these bills, by the way, were 8-0 out of committee. I think both of them were on General File. And then if we could have gone to consent calendar, they would have been certainly candidates for consent calendar, no objections and 8-0 out of committee. LB33, mayoral voting, what it's really doing is it's cleaning up a problem in the statutes. We experience this in North Platte. It's, it's meant for cities of the first and second

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

class. What it really does is it says, as we find in our rules here, you have situations where there are votes that, that require a majority of, of the elected member-- of the elected members of the council and then there are cases where you need the majority of those present. And so the statutes were a little foggy in terms of when the mayor can vote to break a tie in the cases of an absence, a vacancy, or an abstention. So what this does is clears that up and says that the mayor basically sits in as a member of the council to vote in the case of a tie. He cannot vote for-- he or she cannot vote to break a super-- to be a supermajority vote, simply to break the tie. Purely, statue cleanup. LB98 is my Micro-TIF cleanup bill. Micro-TIF was first brought to the Legislature by my predecessor, Mike Groene. The purpose of that was to focus on vertical infrastructure for older homes, in particular, that have been within the city limits for over 60 years to really help with dilapidated housing. This is particularly necessary today when you go across rural Nebraska and you start looking at all the small villages and towns who are dealing with older housing. We're looking at high construction costs, high labor costs, the cost to rebuild, the cost of upgrading them to make them better, livable homes is very, very high. The beauty of, of, of Micro-TIF and the problem that we're dealing with is the way the bill was designed is that it was really meant for the homeowner to do fix up on the house and then the-- any of the TIF proceeds that came in the future would be coming, they would be a pay as you go, which is somewhat questionable whether it meets constitutional muster and then that money would then go to the current homeowner as of that time. That creates a real problem because we don't know whether that means that the city treasurer is going to have to go out every time they get a tax payment and confirm who owns that home. The cleanup here says that we would work it just like any other TIF project, we'd capitalize the TIF proceeds through the note that would be issued out of the gate. The note would go to the developer or the homeowner who does the work out of the gate, they would be entitled to any of those payments in the future to amortize that note back and get them repaid. Hence, you've got incentive for a developer to go out and develop homes, either remodel or scrape and rebuild. The other thing that this does is it allows most-- under regular TIF, the proceeds can only be used for infrastructure. We have a lot of areas, particularly in the north side of North Platte and other areas within North Platte and other villages and towns where you have older homes that have been in the city limits a long time, there's good--

KELLY: One minute.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

JACOBSON: --infrastructure. Thank you, Mr. President. You've got great infrastructure, street, sewer, water is all there, but the house is dilapidated. So if you look at the cost to build a new lot today, just put in vacant lot, street, sewer, water, you're anywhere from \$75,000 to \$85,000. You can buy these houses very cheaply, scrape them, rebuild them using Micro-TIF, get that cost to where it's affordable. It's a critical component to be able to building additional housing, rehab the housing, and it's meant for class one and class two cities and villages. So I'd encourage you to vote green on the amendment and the underlying bill, LB531. I'm talking about the amendment brought by Senator Wayne, which is not on the board yet. Thank you.

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

ERDMAN: Thank you, Mr. President. I have trouble with my gadget working, so I haven't seen the amendment that Senator Wayne has introduced. I hope it'll come up. But I was wondering if Senator McDonnell would yield to a question or two?

KELLY: Senator, Senator McDonnell, will you yield to some questions?

McDONNELL: Yes.

ERDMAN: Thank you, Senator McDonnell. So explain to me what we get for \$30, we're just-- \$30 million, we're not just getting a building, right, where there's other things included? Can you help me with that?

McDONNELL: So, so what we're trying to establish is a-- the History-Arts-Humanities Multicultural Center. And if you look at the email that was sent out and with the business plan, it'll go through with you the, the, the mission, the, the, the idea of the, the city council letters, the Saratoga district, the tourist attractions, the exterior and interior highlights, marketing plan, construction schedule, the multicultural design team, contract agreements, master plan, first and second floor of the building, partnerships, board members. So really the business plan, and that's what kind of gets back to my original concern based on Olsson's work and, again, I think, I think Olsson did a really good job, I think 90 percent of it. But I think also there's, there's ways to improve and I wanted to get that on the record where this project with this kind of multicultural center in, in the area where we're talking about with the historic impact of that, but all the things they can do with the arts going forward and the humanities, I think could really make a difference for, for Omaha.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

ERDMAN: All right, so there's far more involved than I thought. So I hope my computer begins to work soon. Thank you for answering that. Appreciate it. So I'll need to see the amendment Senator Wayne was talking about. It's very difficult to make a decision on a bill where you don't know exactly what you're talking about, but hopefully that'll come up. I think the amendment number is going to be AM1800 and hopefully the Internet will begin to work a little quicker than it has and [INAUDIBLE]. So until I see that, I can't give you an opinion on whether I'm going to be for it or not, just stating that western Nebraska is going to get \$11 million probably is not sufficient information for me to make that decision. Thank you.

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

McKINNEY: Thank you, Mr. President. I rise in support of LB531. And I wanted to say I did drop the amendment. It is AM1880. We had to make some small changes at the last minute, which took time so that's why it isn't on the board yet. But we're working through it. I wanted to speak through what is in LB531, it is a combination of two Urban Affairs Committee priority bills, LB531 and LB629. Because of time, we combined, combined both. As mentioned prior, it has LB45 the Revitalization Rural Nebraska Fund [SIC]. It also has other bills, as Senator Jacobson mentioned, LB33, which deals with mayors voting on city councils in first and second class cities. LB342, it removes the requirement that home inspectors should register with the Secretary of State. Every even-numbered year, the bill would allow home inspectors to renew registration within 45 days of expiration and have this registration to be valid for two years. That was a bill from Senator Hardin. Another bill, LB532, it changes provisions of the Community Development Law. These provisions include timely limits of how short an area may be designated as extremely blighted, extending the deadline for housing studies in cities and other-- and, and others in a city of the metropolitan class and placing limits on the creation of new redevelopment plans in areas still designated as blighted. For more than 30 years, the governing body of a city would not approve a redevelopment plan unless the city conducts a new analysis. Also, LB629, it deals with the Middle Income Workforce Housing Investment Act and the Economic Recovery Act, actually. The overall bill incentivizes affordable housing projects by establishing a workforce housing investment grant program for urban areas of the state and requiring affordable housing action plans. To qualify, census tract affordable housing program, also created by LB1024 last year, is available for the purposes of preparing land parcels for affordable housing or conducting other eligible affordable housing interventions

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

within qualified census tracts located in a city of the metropolitan class and a city of the primary class. Also within the bill, as Senator Jacobson mentioned, was Micro-TIF, and another bill, LB170, which matches the definition of a blighted area under the Nebraska Investment Finance Authority Act, with the, with the definition under the Community Development Law. And the last bill that got attached is LB223, it concerns the Municipal Density and Missing Middle Housing Act and requires each city that adopts an affordable housing action plan electronically submit their plan to the Urban Affairs Committee. The bill also allows an option in the report to either show effort of affordable housing action plans or, two, efforts to implement an affordable housing action plan. I do want to thank my staff and Drafting for working with us. It's been an intense day and kind of going back and forth all day trying to get this to be ready. So I, I would thank them most importantly, because without them we wouldn't be up here. But also, I want to speak to the importance of LB531. Last year we did LB1024 and that started the process of trying to economically revitalize north and south Omaha for many reasons. You know, number one--

KELLY: One minute.

McKINNEY: --for me is to try to decrease poverty. Another is trying to find ways to increase, you know, health and educational outcomes. And another is finding ways to get and make sure that members from my district aren't disproportionately populated in our state prisons. Especially because we're in the business of building prisons, I don't want people from my community going inside these prisons. So we have to use economics to change the trajectory of a lot of lives and that is the biggest purpose and probably the most important purpose for this is to change the community economically. We can't just do charity. We have to focus on economics. It's the only way we're really going to get to the heart and root of a lot of the issues that plague my community, Senator Wayne's community, Senator Vargas, McDonnell, and other impoverished communities in Omaha in qualified census tracts. I'll go back-- I'll get back on the mike--

KELLY: That's your time, Senator.

McKINNEY: Thank you.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

McDONNELL: Thank you. Thank you, Mr. President. Also going back to the Together We Achieve Miracles with the Ernie Chambers History-Arts-Humanities Multicultural Center, their mission statement is to welcome and educate all walks of life who seek a deeper understanding of the rich, multicultural talent and history of Omaha through the eyes of Nebraskans. That's their mission. Vision: to build a state of the art multifunctional facility that will serve Omaha and beyond. Also, off the record, after my opening, there was some questions about why I was referencing back to LB818, and I'm referencing page 35 of, of, of that bill, LB818, and it's starts at 3: The Department of Economic Development may review the projects listed in the coordinated plan and the appendices by the Economic Recovery Special Committee of the Legislature dated January 10, 2023, and shall prioritize the use of the funds on the projects listed in the plan followed by the projects in the appendices. So the idea that-- again, going back to, to Olsson and, and the work they've done, I think they have done a good job. But also it's, it's never going to be a perfect job. Remember where there was 365 people with ideas, a number of people showing up, but that actually submitted ideas on how to improve north and south Omaha, basically east Omaha. And, and the idea to go through that work and grade it fairly, there's, of course, could possibly be mistakes. And that's why I want to make sure that the DED has a chance to look at this. Again, they, they may review all 365 of them, but they shall come back with a, with a, with a plan and I just want this one to make sure that, that we review it. Would Senator Wayne yield to a question?

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

McDONNELL: You know what, that's all right. Just-- that's all right. OK.

WAYNE: Yes.

McDONNELL: The question is, as we went through the process, we realized, you know, as a committee it was a lot of work people were doing and, and Olsson was doing that work we also realized that it wasn't going to be a perfect process and we wanted to be as fair as we could. But also the reason that we've, we've agreed to this language is to make sure there's, there's fresh eyes on potentially 365 projects by, by the Department of Economic Development. Is that how you [INAUDIBLE]--

WAYNE: Yeah, so right after the-- right after we did this about in December, McKinney's office and my office was contacted by a couple of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

different groups who either shifted or changed projects or pulled out altogether. And so if they were listed in there, we, we have to give DED some discretion to go back and figure that out. The second reason is, is nobody was actually fully funded so there still has to be another set of eyes which was done on purpose to make sure we can hold them accountable. When I say we, the state can hold them accountable through DED to make sure the projects were getting done. So there was two reasons why we had that language in there: one, some people pulled out; two, we needed flexibility to allow DED to, to also vet these, these projects.

McDONNELL: Thank you, Senator Wayne. Thank you, Mr. President.

KELLY: Thank you, Senator, Senator McDonnell and Senator Wayne. Senator Brandt, you're recognized to speak.

BRANDT: Thank you, Mr. President. Thank you, Senator McKinney and Urban Affairs for bringing LB531. Would Senator Jacobson be available to answer a question?

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

JACOBSON: Yes.

BRANDT: Senator Jacobson, you are going to modify Micro-TIF. And when Senator Groene was here the original Micro-TIF was for homeowners that had houses older than 1960 that were worth less than \$250,000. And the concept was that a homeowner could invest in his home and if that homeowner sold that home two years from now, the next homeowner got the benefit of the TIF. Would that still be in force under your changes?

JACOBSON: No, this would, this would change and, and here's why. The Micro-TIF program has had a hard time getting acceptance because of the issues that go with it. There's two problems there. First of all, there's no way to fund it up front. In other words, TIF was set up to where you could issue a note or a bond, and then you would get the rights to the future income stream from the incremental increase in taxes. And that would pay off this note or bond that's issued out of the gate. The constitution is very clear that you have to use it, use that to pay off a debt instrument. The way Micro-TIF was originally set up, was it was set up that you're basically getting tax abatement because you're getting a refund of your incremental increase in taxes. That's probably on the edge of whether it's constitutional. The other problem it does is that if you go in and do the fix up of a house and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

you use Micro-TIF and you get the future income stream from the incremental increases in property taxes and then you sell the house, there's no way you can get your investment back that you put into it other than through increases in value of the house itself, because the future homeowner is going to get that and that isn't going to be reflected in the appraised value of the house. I'd also tell you it creates a, a, a problem, administrative problem for the city treasurer, because they're going to have to then figure out every time they get a tax payment twice a year who the record owner is of the house. And if they miss-- if they get it wrong, then who's liable for where the money got sent to? So this cleans it up and makes it work to where the person who does the work out of the gate gets that future revenue stream so they can use that to fix the house up.

BRANDT: So we've had this program for several years, do you have any numbers on how many developers or homeowners have used the existing program?

JACOBSON: I don't have the exact numbers. I would tell you that North Platte was one of the earlier places to use it, and they maybe approved two or three. I mean, it's just not getting legs because it's, it's not-- the numbers have been too small and it's really not worked from an administratively standpoint very well. What I see is a much broader issue here, and that if we really want to incent people to do massive improvements of homes to the point where this program also allows you to scrape the house and build new, OK, so if you think about it, if you have infrastructure there, street, sewer, water, it's all in place, and you could go in and buy several dilapidated homes, scrape and build new, you could use the future-- the, the, the, the TIF proceeds to construct the new house, you've got a much lower cost to buy that lot because you don't have to build a new lot. You don't have to go out and annex and do all those things. So it's-- it will really do--

KELLY: One minute.

JACOBSON: --it will do an amazing job of being able to increase housing.

BRANDT: So under Micro-TIF, the TIF just applies to those lots. Is that correct?

JACOBSON: When you say those lots?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

BRANDT: If, if you're going to redevelop a rundown section of a block, when you apply the TIF it just applies to those housing lots?

JACOBSON: Correct.

BRANDT: All right.

JACOBSON: It's only capturing a TIF on those lots.

BRANDT: All right. Thank you.

JACOBSON: You're welcome.

KELLY: Thank you, Senator Brandt and Jacobson. Senator Dorn, you're recognized to speak.

DORN: Thank you, Mr. President. Good evening, colleagues. Wanted to clarify a little bit on LB45. Senator Wayne talked about that there is included \$1 million in there. This was a project that some people brought forward to Senator Brandt this summer. During August, we met with a bunch of people down in Hebron about dilapidated buildings in small towns in rural Nebraska. A lot of work put into this bill, a lot of talk about how to develop the bill, and then also the funding and everything. And Senator Wayne was not quite correct on a few things. Number one is we-- the original bill did ask for \$10 million a year for five years, which probably we-- Senator Brandt and I talked about that, that probably was too high. But the other thing he talked about-- well, and we're finding out it was too high because we're down, now we're down to \$1 million from \$50 million. But the other thing that Senator Wayne and Senator Linehan talked about was houses. This is not-- LB45 is not for houses and it's only for commercial properties. It also-- you have to be a town of less than-- city of the first class, the city is 5,000-- no, the, the main funding first goes to towns less than 5,000 and villages between 100 and 800 people. If there's funding still available, then it was to go to cities between 5,000 and 10,000. When we worked on this project and my staff put together and started dwelling into this and everything that was out there, we had ten pages that we showed to the committee of three to four pictures each of dilapidated commercial buildings in many of these small towns that they do not have the resources to go in and take those buildings down and remove them. So they're there for years. Part of what this, this was doing then was too, they were going to have to match 10, 10 percent up to 25 percent. And then with these grant fundings, then they were going to be able to go in and remove some of those buildings. Some of these towns, they've told us they've

had them there with roofs caved in, with all the windows and doors gone for three to five years or longer. And they do not have the resources in many of those small communities to remove them. So that's why we dwelled on commercial buildings. And part of what-- when Senator Wayne talked to us about including this bill in there, in this LB531, was let's start this project, let's get it going, and then let's see what or how much request there is, and then we can come back next year or the year after or whatever and ask for more funding. But we'd like to get this project, this program started so that we can then get many of these communities some relief, but also that we can have them now-- we can get a better understanding or a better idea of how much total need there's out there. I will talk a little bit about the city of Beatrice. In the last five years, they have taken down two downtown buildings and there are buildings that are between other buildings. They did one about four years ago or five years ago, it was \$125,000 to \$130,000 cost to the city of Beatrice to take that down. They have done one here in the last couple of years now, and that cost went up to \$275,000. It depends on the structure, depends on what's beside it. It depends on what kind of bids they get and then also the insurance of the buildings beside it. So many of these small towns do not have that kind of funding. They do not have the capabilities to do that and those buildings are dilapidated, the roofs are in, and the property owner is not keeping--

KELLY: One minute.

DORN: --them up. Part of our bill also says, is that it has had to be in a certain condition for a certain amount of time and that the city has ownership of that property. So I just wanted to update that. It's only for commercial buildings and only for towns that are so small in size. Thank you.

KELLY: Thank you, Senator Dorn. Mr. Clerk, for some items.

ASSISTANT CLERK: Mr. President, thank you. Series of reports from the Education Committee on gubernatorial appointments to the Nebraska State Colleges, the Nebraska Telecommunications Commission, Commission on Postsecondary Education, Board of Educational Lands and Funds, Technical Advisory Committee for Statewide Assessment. In addition to that, amendments to be printed from Senator Slama to LB465 and LB138. And finally, LB799e, LB818e, LB282e, and LB799Ae were presented to the Governor at 4:52 p.m. this afternoon. That's all I have at this time.

ARCH: Thank you, Mr. Clerk. Senators, the Legislature will now stand at ease until 6 p.m.

[EASE]

KELLY: Senator Wayne, you are recognized to speak.

WAYNE: Thank you, Mr. President. I should have called the house. But my bill-- I'm working this bill. I don't want to make too many people upset right now. Well, nobody's here, so I'll talk about something else besides the bill. What? Oh, I guess we have very important people here. There-- hey, that's the first time you-- that's the quickest I've seen you stand up in a while there. I appreciate it. No, we're all coming back, for those who are watching, coming back from a, a, a recess for a little dinner. And we'll, we'll continue this night. So I am going to talk about something else, then I'm going to punch in my queue and, and talk about, when more people get here, more about this, this information on this bill. So what I will say, is on the underlying amendment, the original plan-- the individual who submitted this plan-- actually, the plan is very good. The issue was there were multiple-- I think and I'm speaking-- I'm speculating. There were multiple similar projects. And one of the things Olsson tried to do was build on-- have key investments to build, to build more energy or synergy around certain areas. And this, and this particular project is a little outside that area. So it isn't that the project is bad. And quite honestly, that's the reason why, this year, we came down and asked for additional \$200 million was because, one, we had about \$2.6 billion of extra dollars. And so, we thought \$200 million of that seems reasonable, when you look at the overall extra dollars we had. Since then, there has been property tax relief, income tax relief and school funding and then a canal. And let me be clear about the canal. I'm not opposed to the canal. I, I believe, one, water is life. So, I think, in the future, what we're going to find out is water is going to be very, very sacred and so I think it is smart to start planning for that. Where I differ a little bit with some of my colleagues is putting in all of those dollars this year in a fund. And what's interesting about some of the members who are concerned about over three years' interest being collected, then what they're also acknowledging is that for those three years, we're not spending those funds. Because we can't be concerned about the interest if we think we're actually starting construction within those three years and making significant spend-downs. So it's kind of an interesting argument. So my question would be, if it was 10 years of interest, would the concern still be there, because I would hope the project would be done by then. So, no. I, I support the canal. And in fact, I got on this mike many of times and said, I think, as a state, one of the biggest mistakes we've made is not funding Omaha's or partially fund the Omaha sewer separation project. And the reason why that's

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

important is that it's about a \$1.5 billion project, of which the ratepayers in Omaha are carrying that burden. Right now, we're paying an extra \$50 a month and it's going to go up to close to \$200 a month over the next 15, 20 years, while at the same time we are supporting Lincoln. We're supporting DeKay's district. We're supporting Holdcroft's district. And I was not in the Legislature at that time, but I do believe water is life. And that's why I'm like, we should support water projects, sewer projects. My initial request for ARPA was about to put \$50 million, also, into other small towns and villages for their water projects. I think Windsor [SIC] still has an issue. Some places down by Nebraska City still have issues.

KELLY: One minute.

WAYNE: I think we should look at all of those things for, for water projects. And in fact, I support the Blair, the Blair-- Senator Hansen's water project. So this is not about being against anything. It's about making investments across the state that are somewhat equal and somewhat matchable. So now that people are start trickling in, more people, I'm going to push my light and have conversations about the bill. And again, I'm asking anybody to ask questions, address your concerns on or off the mike. I have no issue with that. I think we should have a, a good dialogue. Thank you, Mr. President.

KELLY: Thank you, Senator Wayne. Senator McDonnell, you recognized to speak.

McDONNELL: Thank you, Mr. President. Good evening, colleagues. A few phone calls, text messages and emails during the, the dinner break. And just trying to explain this, is that the process we've gone through and with the help of, of Olsson, which I, I think they-- they've done a, a good job, was that we had 365 projects, people, ideas come forward after all of those months of hard work. And right now, that was over \$3 billion worth of requests. Now they narrowed it down to approximately 37. Some were duplicate-- duplicated, some were no longer, right now, at this time, interested for whatever reason. So when I say that I believe that the Ernie Chambers Historic-Arts-Humanities Multicultural Center should have been graded and, and, and based on their 60-page business plan, I, I think that there was some possible mistake there. But what we've done, in LB818, is put language in there that DED may review, but they shall then figure out what's the, what's the best projects going forward. So this does not mean that we're saying or that I'm saying that the work that Olsson did was not good work. But also, I don't think it was perfect work. And, and that's why I want fresh eyes on it through DED and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

that's why we've agreed to that language that we just passed in LB818. Also, I want to, I want to read this and-- about, you know, something about Gayla Chambers and her, her work on this project and, and her, her goal and what she's trying to do with the, the humanities education and how this kind of cultural center, I, I think, is very telling of her in a, in a great way, because how much she cares about the community she grew up in. In 1999, Gayla Lee-Chambers, a north Omaha native and only daughter of Nebraska's former state senator Ernie Chambers, founded Together We Achieve Miracles, with a vision of unifying people to do good. Together We Achieve Miracles is a nonprofit organization based in north Omaha, Nebraska, with a commitment toward serving those marginalized and unheard in our local area. Our goals of the organization have drastically grown since our start, but our mission remains the same at its core: to educate, provide and inspire all, all areas of Omaha and beyond while promoting diversity, equity and inclusion. We believe in fostering individuals' physical and mental well-being in order to reach happiness, understanding, success, and economic growth for our city. That's the kind of, of, of place she's trying to, to build with this multicultural center. And, and I appreciate it and that's why I'm asking Department of Economic Development, when they're going through this process in the direction we've given them, to consider this project and look back at possibly something they, they missed during their, their, their-- that was possibly missed by Olsson, that they could see, as DED, that how-- what, what a great impact it would have for the city of Omaha and, and the state of Nebraska. Thank you, Mr. President. I will now pull that amendment, AM1300.

KELLY: It is withdrawn. Mr. Clerk, for items.

ASSISTANT CLERK: Mr. President, first of all, returning to LB531, I have nothing further to the E&R amendments, which could be adopted at this time.

KELLY: Senator Ballard, for a motion.

BALLARD: Mr. President, I move the E&R amendments to LB531 be adopted.

KELLY: Senators, you've heard the motion to adopt the E&R amendment. All those in favor say aye; all those opposed, nay. It is adopted. Mr. Clerk.

ASSISTANT CLERK: In addition, Mr. President, some items. Amendments to be printed to LB684, from Senator Slama. And then, with respect to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

LB531, Senator Hunt had a motion to indefinitely postpone, but I have a note to withdraw. That's all I have at this time.

KELLY: It is withdrawn. Thank you, Mr. Clerk. Next item on the agenda.

ASSISTANT CLERK: Mr. President, with regard to LB531, Senator Machaela Cavanaugh had AM1723. I have a request from her to withdraw that amendment and substitute AM1880, as offered by Senator McKinney.

KELLY: No objection. So ordered. Senator McKinney, you're recognized to open on the amendment.

McKINNEY: Thank you, Mr. President. AM1880 is the amendment that we're use-- that we're using as a vehicle for LB531. It has been an amendment that many people have asked about. And I'm going to try to clarify some things that is in-- within the amendment. Number one, the amendment directs the process going forward for the Economic Recovery Grant, Grant Program. It will state that, you know, DED has to consider projects that were within the coordination plan and the appendixes of the coordination plan that were done by Olsson. They will request applications. Then after they take applications, they will evaluate those projects again. So if you applied through Olsson, you apply again through DED. Then DED will look over those and then, eventually, they'll grant who is receiving grants. Also within this is LB45, which is the Revitalize Rural Nebraska Fund. It is \$1 million for dilapidated commercial buildings and, and properties in, in rural communities, which was introduced by Senator Dorn. Another piece to this is \$5 million for Standing Bear Museum, which isn't slated to begin until 2025. Another is a \$5 million rail spur for western Nebraska. Just to be clear, that's not to north Omaha. Also, we are seeking interests from the Perkins County Canal Project and the Nebraska Construction Fund for a three-year period. Just to be clear, it's not indefinite and it has a stop, stop date, to be-- for your understanding. We have been working diligently all session and literally, since last night, to try to get this amendment to where it needs to be. My biggest thing is that if you have any questions or concerns, please just ask. That's all you have to do. We can clear up anything that you might be thinking. Also attached to LB531 is LB629, which includes other bills: LB33, which Senator Jacobson spoke on earlier, which deals with mayors in first and second class cities; LB45, as I mentioned; LB342, Senator Hardin's bill dealing with home inspectors; LB532, which deals with TIF and language around communities that would like to reTIF areas, having to go through an, an analysis before they do that; LB629 deals with the, what is it, the Middle Income Workforce Housing Investment Fund. And it updates some

language and things like that. It has no appropriation language within it. Then there's LB98, which deals with microTIF, as Senator Jacobson mentioned earlier; then LB170, which matches the definition of a blighted area under the Nebraska Investment Finance Authority under-- to what's under the language in the community development law. And then there's LB223, which states simply that cities that are doing affordable housing action plans have to submit them electronically to the Urban Affairs Committee. And that, honestly, is pretty much it. It's not overly complicated if you read through the amendment. And frankly, I, I think it's something that everybody within this body should be in support of. Last year, we set aside these funds. And this year, we're trying to appropriate them to continue the progress and recovering and revitalizing communities in north and south Omaha. That has been the purpose for this all year. We've been working with everybody in good faith. We've been open to meeting with people, asking questions and things like that. So if you have interest, I mean, questions about what's happening or anything or where this stuff is going, the funds are going to assist with the projects that were in the coordination plan in an appendix, to help us do the things that our community, one, work with Olsson and the Economic Special Recovery--covery-- Recovery Committee over the interim, through stakeholder meetings, community engagement and sessions, listening sessions and things like that. And then they applied. They applied under the understanding that, after they applied, we would come back and introduce a bill to appropriate those funds, so we can get those projects started. We did the swap of funds because of the timeline with ARPA. And we wanted to ensure that comm-- the community can fully utilize the funds that were set aside in the best way possible and we don't have to claw, claw anything back and money can't be used. That is what it is for. And that's really it for me. But honestly, I know many people have heard me stand up here all year and state why investing in communities like in north and south Omaha is important. Number one for me, is because my community and the district that I represent has been, has been impoverished for my lifetime. It hasn't had any state investment, it hasn't had any city investment, hasn't had any county investment. And because of that, life-- the life expectancy rate of my, my constituents is lower than everybody's. You look at the poverty verse-- for children and seniors, it's-- we rank the highest in poverty. Educational outcomes, the lowest. Then we run the numbers on the people that are populating our state prisons. Majority are coming from my district. That is why this is important and that's why it's important to me. So the same way people are comfortable with supporting things to benefit their, their communities, whether it's property tax or anything else, this is

important to me and this means a lot to me. Because a lot of you, a lot of you all don't have to potentially walk inside the new prison and see people from your community. But I can guarantee I will. That is a guarantee that I have to live with. And we passed that forward. That's \$300-plus million dollars. And it-- it's hurtful, honestly, because nothing shows, no statistical chart, no report or anything, shows how investing in prisons improves communities and prevents crime. What reports and statistics show is that investing economically in communities like north and south Omaha decreases crime and decreases the need to build prisons and incarcerate people. So if you ask me why this is important to me, that is it. I'm tired of going inside of our prisons and seeing people that I know in there. I'm tired of hearing shots at night. I'm tired of reading news articles about students in OPS not having the greatest educational outcomes. I'm tired of looking at the reports of the health outcomes. That's why we worked and, and, and did this. Me and Senator Wayne and others, we've worked tirelessly to try to get this to a point, to get it across the aisle to start improving our community. I mean, hours upon hours of meetings, long days. My daughter asking me, why you got so many meetings? My family asking me, why are you leaving? We-- having barbecues and I'm leaving to meet with people to talk about this bill and try to figure out a way to make it work. So when you talk about time and you talk about what it takes to get things done, I'm, I'm-- we've been putting in overtime for this. And I still put in overtime for this because it means that much to me.

KELLY: One minute.

McKINNEY: So if you have any questions, ask. Come up to me, ask the question. I'm not trying to hide anything. I'm not trying to keep nothing away. I'll be clear with you. Just be clear with me and act in good faith with me. But number one, I believe you all should be voting green on this bill, on AM880 [SIC-AM1880], and LB531. Because if we're going to say we're trying to make sure every Nebraskan lives a good life, this is, this is something that holds you accountable to that. It's just not lip service. You're using the power of your vote to to change lives, for the future and for the better. Thank you.

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

VARGAS: Thank you very much. And thank you to Senator McKinney for those words. There's a couple of things I wanted to make sure to talk about here. And I don't always talk about this about my district. I think individual committee members hear it when I introduce bills. I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

introduce a lot of bills in Education, in economic development, in Business and Labor, you know, in Appropriations, because there's so much to tackle. But the reason why this is important, I mean, the entire process of the North and South Omaha Recovery Grant Program, the entire process of, of balancing this, also, with western Nebraska, what was currently in this bill right now, the funding mechanisms for some of the new allowable sources, the reason why it's important is because communities-- and I can speak to my community. I have one of the highest rates of unemployment, right next to north Omaha districts. I have some of the highest rates of individuals on SNAP benefits. I have some of the highest rates of individuals that are in a free-reduced lunch. The poverty rate is really high when you look south of downtown. The reason why there's a need in east Omaha, is the shared component of higher underemployment and unemployment, the effects that poverty have on communities, what we're seeing in our school systems and to what Senator McKinney was talking about, in regards to the, the pipeline to prison. So this is important because we have an opportunity to make sure we're continuing to do more with the fund, to make sure we're doing more to fund other allowable use of projects, to make sure we're updating these housing components that are in here, that make certain programs more competitive. And I think it is a creative way of utilizing the funds from the interest to make sure to fund some of these new projects. I also urge you to vote green because we're not talking about a one-time program that is a band aid. We're talking about whether or not we are investing in economic development programs, revitalization, making sure businesses can improve and be more effective, making sure that the density-- people are coming to the community, spending time, spending dollars, spending resources, actually building job growth, supporting small businesses along the way with all the capital construction that goes along with these things, reducing the poverty rates, reducing the school-to-prison pipeline, making sure fewer students are falling through the cracks and keeping this within the east side of Omaha. People often talk about, well, what can we do? This is one of those things, along with the many other things we haven't been able to pass yet. But there's an opportunity to do something here, on behalf of north and south Omaha. And as a representative-- one of the representatives, along with Senator McDonnell, for south Omaha, I'm very excited because the, the types of projects that applied, in both sides, represented a lot of different voices, amazing ideas. Some are ready to go. Some are-- need a little bit more time, but they represent a significant opportunity. Those clusters that Senator Wayne talked about came about because different projects started to coalesce in areas. Instead of sort of disparately just looking at different

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

projects, they actually focused on where is the most change that's possible in different streets and different corners and different areas. So with that, I wanted to thank the Urban Affairs Committee and Senator McKinney, Senator Wayne, the entire--

KELLY: One minute.

VARGAS: Economic Development or the Special Recovery Committee-- the Economic Special Recovery Committee, that I worked on with the last year, with all those members, to get more of this across the finish line and the work that we did in Appropriations to get more funding and to do the swap appropriately. But this is a very, I think, responsible way of utilizing dollars for a short time period to make sure that we're funding some more or new allowable uses of projects and following through on prioritizing the projects that did actually apply and are within the Ollson plan, while also making sure that there's still the commitment to following through on as much of this as humanly possible. Thank you, again.

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

JACOBSON: Thank you, Mr. President. First of all, I want to thank Senator McKinney and the Urban Affairs Committee for adding my two bills into this priority bill of the committee. Both the bills really would have been normally on a consent calendar. I want to take a few minutes here to give you a little overview of microTIF. And I realize it's later in the day and this is a little heavy when you start thinking about understanding microTIF. But I think it's important for people to understand, there are three kinds of TIF out there. There's regular TIF, which is primarily used for infrastructure improvements, could be used for housing, but primarily used on the industrial side. We have workforce housing TIF, which can be used for vertical structures as well as infrastructure, and that's used for workforce housing. And then, micro TIF. MicroTIF's idea was that you would take older homes that were within the city limits for 60 years or more and you would do minor improvements or you could do major improvements and you could capture the incremental increase in property tax and that revenue would come back to whoever the record owner was of the house at the time those taxes were paid. The changes that are occurring here is creating incentives for people to take older housing in areas of town that are dilapidated and either scraping and rebuilding with the infrastructure already in place or doing major remodels. And if you can do a major remodel where you don't want to replace all of the lumber, you just put a new roof on, gut the interior, re-- redo the

interior to the extent that you increase the tax-assessed value. You then are able to capture the increased property tax payments that are going to come from that over the next 15 years. You present value that, meaning you decide how many big a loan can you borrow-- how much money can you borrow to have that income stream pay the principal and interest on the loan over the next 15 years. And that's how the size of your bond. The bond gets funded by the developer. The taxes get paid by the developer or whoever owns the property. And the payment, that, that incremental flow, goes back to the developer to repay that bond. City is never on the hook and it's a way to drive down the cost and create an incentive to remodel or replace older housing, where the infrastructure is already in place. Right now, it's probably one of the few ways you can go out today and cost-effectively create new housing. And it's critically needed. It's critically needed throughout the state, but particularly in rural Nebraska. This could be used in villages, second-class cities, first-class cities. It's not-- it cannot be used in metropolitan-- cities of the primary class or cities of the metropolitan class. It's an incredible way for us to be able to go out and make a real difference, to create incentives for affordable housing and clean up dilapidation. And as Senator McKinney outlined, when you fix up dilapidated areas and create better housing, you also reduce crime. And it has a significant effect in what happens in your communities. In the North Platte area, there's going to be a new packing plant built. We need 875 new workers. I don't know where we're going to get the housing. I don't know where we're going to get the workers. But I can tell you, if we don't have the housing, we're not going to get the workers. And they're going to pull from a large region. The Wal-Mart food distribution centers out there, they employ about 800--

KELLY: One minute.

JACOBSON: at the distribution center. Actually, it's probably six-- between 600 and 800 people. They're able to bring them, but they're coming in from quite a distance. This is critically needed. I really hope that everyone gets on board. This bill has been skinned down. The Governor signed off on it. I hope everyone gets on board and helps us move this forward. Thank you, Mr. President.

KELLY: Thank you, Senator Jacobson. Senator Raybould directed to speak.

RAYBOULD: Thank you, Mr. President. Good evening, everyone. I stand in support of AM1880. And I'm truly excited. These bills lift our communities up. This is what we have been talking about for a long

time, that benefits Nebraskans. It's what are we doing to deal with our workforce shortage, but affordable housing, affordable housing. And this bill contains a momentum on many different levels, that we all should be really excited about, talking. Certainly, the Economic Recovery Fund for east Omaha is essential to keep moving that forward. But there are a number of great things that are about revitalizing our rural communities, as well as our urban communities. Certainly, LB45, the Revitalize Rural Nebraska Grant Funds are essential. Going down-- forward, on the list, the Middle Income Workforce Housing Investment Act. And then looking at some of the things that Senator Jacobson has already talked about, microTIF. It's giving our cities, our towns, our villages more economic development tools than they've ever had before, to make this type of revitalization easier, but also affordable, affordable for the developers to initiate and incentivize them to look at these communities. Senator McKinney had offered, in this amendment, there's also working with NIFA, the Nebraska Investment Finance Authority, on affordable housing, looking at blighted areas, in addition to the microTIF that Senator Jacobson is proposing, as well as the Municipal Density and Missing Middle Housing Act, which is so essential in all of our cities, all across our state of Nebraska, trying to require municipalities, villages and towns to dig deep and figure out what is your affordable housing plan of action? How are you going to be able to deliver on this commitment to the people in your community about building more affordable housing? So I, I stand in tremendous support of this. This is something I get excited about and have been talking for a long time. Affordable housing, that's where we should be focusing on. These bills lift communities up. And I do want to say thank you to Senator Elliot Bostar and Senator Anna Wishart for their persistence in getting the funding for the city of Lincoln. It's our state capital, but it's funding for our secondary water source. But it's also working with all the communities from the Missouri to our city of Lincoln and assisting them to come up with alternative water plans, as well, so that they can have access to clean, safe drinking water in those communities that are currently struggling with some of the contaminations in their wells and other sources of water. So I ask my colleagues, this is what we should be doing. This is what the Legislature does so well, is focusing on bills that help our communities, that generate economic redevelopment and revitalization. So I encourage everyone to please support this. Thank you, Mr. President.

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

CLEMENTS: Thank you, Mr. President. I am not in support of AM1880. I am especially protective of the Perkins Canal Project and the prison project. I see that the Perkins County Canal Project Fund, the-- when that was established, it said that any investment earnings from investment of money in the Perkins Canal and the canal project, shall be credited to such fund. This amendment then adds, except that for fiscal years '24, '25 and '26, such earnings shall be credited to the Economic Recovery Contingency Fund. And without limit-- it doesn't say, up to \$20 million, \$30 million, \$40 million, \$50 million. The \$574.5 million in the Canal project-- 7 percent is what the average in investments on our funds. That would be \$40 million. But there-- in my opinion, it's going to be several years before the project is done. And that's-- in today's dollars, \$574 million might do it. But, I think, in the future, I, I intended for the interest funds to help fund increase in inflation, increase in the cost of building such a project. And I think it's better for us to keep the interest there. We had shall, we had shall. It didn't say may. We, we put it in the-- for that project, it shall be credited there. And here, that's being revised and taken away. In the-- on page 30, the Nebraska, Nebraska Capital-- if you're following along, that was page 29. Page 30, Nebraska Capital Construction Fund. The prison is in that fund and there are other construction projects. I didn't have time to look up what the fund balance is, but for the prison, it's \$310 million. And I know there's more than that money in that fund. Seven percent rate of return would be another \$22 million. And the original fund language said, investment earnings on money in the construction fund shall be credited to such fund. This is adding, except for fiscal years '24, '25 and '26, any investment earnings shall be credited to the Economic Recovery Contingency Fund without limit. I don't know how much they're expecting to get with those two items. With just those items, add up to 60, 60 or \$62 million. It could be. It's going to be more than that, \$70 million. So when Senator Wayne said this is a \$11 million bill, it's \$11 million per year, for I don't know how many years. But in the budget it would be two times that. It would be \$22 million out of the budget plus then, the earnings on these two funds on top of that would be another, probably \$70 million plus-- you know, I just-- excuse me. I just did one year's worth of interest. That's per year, \$60 or \$70 million. So it was probably going to be 120, 130.

KELLY: One minute.

CLEMENTS: Plus the \$11 million that he already has mentioned. And one other item I really don't support is the Revitalize Rural Nebraska program for demolition of buildings on Main Streets. I know there is a lot of desire and a lot of wants out there. My little town, we figured

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

it out ourselves. We didn't ask for any state money. We had a commercial building on Main Street and we-- local people figured out a way to get it demolished ourselves and didn't get any help for it. You know, I think there are ways for villages to do that. This would create a new fund starting at just \$1,000,000, but that's what happens to our budget, getting a new little project going and then millions and millions of dollars added to it in the future. And I think people from Elmwood don't have a project, but I don't think those taxpayers should be--

KELLY: That's your time.

CLEMENTS: --thank you.

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

McKINNEY: Thank you, Mr. President. I don't think the people of north Omaha believes that investing in a prison is going to benefit our community. But they do believe that investing economically in our community, through LB531, would have a positive impact on our community. And that is the core of all of this, is that you're cool with building a prison, but you're not cool with improving a community from-- where most of the people that probably are going to populate that prison come from. And that's why we stand up and say that you don't care about our community. Because on one hand, you're cool with building a prison, but you're not cool with doing the proper investment to improve that community, so those residents of that community don't end up in that prison. That kind of money is going to sit for a long time, might be in litigation. We even limited it to three years. It's not even indefinite. I see no issue with that. We were told to find money in the budget, in funds and we did. Fairly, in good faith. Then we have, have yesterday, then we get to today and we're just all over the place, getting amendment back, got to do another amendment, all this, questions and, and these type of things. But I, I honestly haven't seen the same type of energy like we've had on any package, really, outside of the budget stuff, all, all session. Every other committee has introduced a bill, a package and outside of the filibuster, they went by smooth, literally. But I'm supposed to sit down, possibly lose this bill and be OK with-- just earlier today, our state elected to build a prison. If you look at the forecast of the population and where they're going to come from, they're going to come from my community. But you're not OK with improving that community economically, to prevent people from going, to improve those original educational outcomes. I, I just don't understand. I mean, I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

do understand, but I'm trying not to. I'm trying to be optimistic and think positive about it. I don't get the pushback at all. Yes. It's interest, it's interest. It's not going to be used. We cut it down to three years. How is that an issue? All we're trying to do is improve our communities in the best way possible, economically. Most of the money in the Education Future Fund is not going to go to north Omaha or Omaha. Honestly, about eight-- I think \$800 million is going west. The Canal, west, the prison-- I guess it's not going west. It's going to be somewhere between Omaha and Lincoln, but it's not going to benefit my community.

KELLY: One minute.

McKINNEY: It's not an added benefit that the people from my community are locked up in there. That's no benefit. So it's a hard sell to tell me that you're against trying to invest in the most impoverished community ever, in our state, for the past 30-plus years. Got to do a little better at convincing me to understand that. Thank you.

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

CLEMENTS: Thank you, Mr. President. I, I think somebody is over-- someone's overlooking something on page 3, in the budget book, an item called Economic Recovery Contingency, \$240 million. And I think I'm being accused of taking money away, not supporting the east Omaha. Last year, when the ARPA-- funding the largest amount of funds of ARPA money, of the \$1 billion we allocated, the largest amount went to the east Omaha project. And this-- but it turned out there, there was \$180 million of ARPA money we were told they were not going to be able to utilize and they could really use general funds. And so, in the budget, we gave that \$180 million of ARPA funds to the city of Lincoln and added \$180 million of Cash Reserve, which has almost-- very, very-- a lot less eligibility requirements for qualifying projects and added another \$60 million to it, to come up with \$240 million. I've been told that the \$60 million addition is the amount it req-- is required to fund the Olsson study. And I'm glad to hear about, if there's a shortage somewhere, where it is. And the-- I haven't really been hearing exactly where the uses of the interest money is going. But my opinion is that there has been \$240 million to east Omaha. And it's the largest item on the Cash Reserve, except for the Perkins Canal. Thank you, Mr. President.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

WAYNE: Thank you, Mr. President. Colleagues, first, I want to apologize. This is a-- this is, this is getting off to a-- it's a, it's a-- confusing that-- our Appropriations Chair was a little confused, too. And I understand because it was a swap. Let me be clear about the \$180 million. We set aside \$100 million for east Omaha last year that has not moved. That is not a fault of this Legislature. Because that dollars have not moved and because of the Olsson report and the size of the projects, from administration standpoint, if they have to claw back, you're not going to claw back \$10,000 from a small project or a small business. Second, if there is a hard deadline of 2026, I can't trust an agency right now, who, for a whole year, has not spent a dollar. And I'm not throwing anyone under a bus, it's just a reality. So we were faced with a difficult choice: have auditors and people come in and say this small business didn't do what it was supposed to; two, you can't spend the funds fast enough because we're not moving the dollars out the door fast enough. So we begin to look for different projects. And during this whole time, we were in conversation with the Governor, DED and everybody. What was one big project from an administration standpoint to manage for ARPA was a Lincoln project. That's how it got there. We would gladly keep the ARPA money, but there wasn't no assurances that we could get the money out in time to spend. Why is that important? I wish Senator von Gillern was here because we're already about to lose another construction season. It is a timing issue. Most other states called a special session to deal with their ARPA. We did not. So we were already a year behind. Second, I'm apologizing today, because, at the briefing, I said I would sit down with every one of you and walk you through your concerns. I was posted up, over where Senator Hansen is. Many of you came over and talked to me. But around 10:00, I was informed that there was an issue on the interest. So if you check the record tomorrow, in the Journal, you'll see that I checked out about five or six times to go have meetings at the Governor's Office. It wasn't that I ignored you. In fact, I tried to talk to Senator Hardin when I got a call to say come down and talk to us about this, this issue. So I told Senator Hardin, I'll be right back. If you don't believe me, you can ask Senator Harmon-- Hardin. When I came back, I came back over and said, let me hear your concerns. It wasn't that I'm trying to pull a fast one. It's-- between that, I've also been talking to Senator Bosn about a bill coming up on LB50 on Monday. Because I can't be here tomorrow and all you know why. So yes, I did not get to talk to everybody. But we are not trying to pull a fast one. It is the nature of this floor, it is the nature of somebody outside of this room asking for some information that carries a lot of influence in this room. And we wanted to provide that information and come to an

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

agreement on the three years. As far as the 240, that is not new money to anybody who was in this Legislature last year. We already appropriated and what was left was \$180 million. So what you're talking about is \$60 million to make it whole. We can have a conversation of why that \$60 million was, was needed. But that was a conversation by the committee-- many people on the committee and the Governor's Office, who made some errors. And I'll just call it that. So we did fill that Olsson report and filled it up. We asked for an additional \$200 million. There was \$300 million for the business park. Why? Because an entire year has went by, inflation has gone up and we have over a thousand jobs who are ready to come down to east Omaha and I want to make sure we don't lose those businesses. The fact of the matter is, there's a company, who many on Appropriations visited with--

KELLY: One minute.

WAYNE: --who had-- Senator McKinney, will you let me hop the next time through-- many comp-- that was planning on leaving the state, because we didn't move the dollars fast enough, a modular home builder, who was going to leave Idaho and come to north Omaha. They were going to leave the state and instead of me allowing them to leave the state, we started calling around, finding out where else they can go in the state. And they're going to western Nebraska. That's what really happened. So I'm glad to answer any questions. Please ask me questions. But that's why I didn't get to sit underneath the balcony with everybody and go through every person here, is because from 10:00 to literally reading the amendment that was dropped before we started this amendment, I was in and out of here negotiating and conversating with our Governor's Office, to make sure we had the language right. Thank you, Mr. President.

KELLY: Thank you, Senator Wayne. And you're next in the queue.

WAYNE: So thank you, Mr. President. So I want to talk a little bit about what this does. What we set out last year to do and this body supported was to fundamentally change east Omaha, not through social programs, but through jobs and economic development. That was the entire thing. We asked for \$450 million out of a \$1 billion need. This body rejected our plan and said, no, we want you to follow the STAR WARS process. So we're going to allocate up to \$2 million to hire somebody to put a nice stamp on it. And if you'll recall, Senator Jacobson brought the stamp for North Platte. And I said, that's all it needed to be was in color? I can go print my report out in color. But you wanted architects and engineers to do community assessment and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

give you the full lay of the land before we could spend these dollars. That was the deal. We did that. We came back. But what we didn't know through this process, with over a thousand people attending community forums, with over I think it was 4,000 emails and community input and over 361 applications-- 69, I believe, was how great the need was. Because for the first time in north Omaha, we created a strategic plan for economic development. We have 24th Street, Forever 24th [SIC], we have Florence, we have Dundee, but we never had a true north and south Omaha plan. So we-- this body created the first economic development plan for east Omaha. Never been done before. And if you look at the full report, the needs are beyond what we're able to do. And what made me realize even more when going through this report, was many of the same things that we are now questioning, are the same things we're doing in rural Nebraska. Kearney needed a new health center. This bill allows for Charles Drew. We need more rail spur. We passed \$30 million of that for Hershey. Guess what? We need that in north Omaha. That's why we picked the business park, because it has a rail line. Western Nebraska poverty is the same as north Omaha our-- and south Omaha, but our symptoms are different. They may use different drugs than them over there. We have a little more gun violence. But poverty is poverty. And economic development is the only way we're going to change that. Why I know that's true for this body is because we're putting \$600 million into a canal to make sure we have agriculture, to make sure western Nebraska economics stay healthy. So we're asking for a little bit less than that, to make sure east Omaha stays healthy. And if you want to talk about a per population basis, let's say the canal goes to all of the 3rd District. And 7-10 percent of that water reaches Lincoln is what the studies show. That 7-10 percent, plus all of 3rd District is east Omaha population. Dollar for dollar, we're balancing what we're doing here to make sure all Nebraskans are getting what they need for economic development. Because we have to grow as a state. We have to grow our most "poverished," neglected areas. And nobody can disagree when it comes to east Omaha, that's true. Where we disagree, on how. But the reason why I don't challenge western Nebraska, because you are your best representative and you know what's best for you. I'm telling you, this is what's best for east Omaha. So I'd ask you to give us the same deference we are giving you.

KELLY: One minute.

WAYNE: You represent your community the best you know how, because you grew up there, you know there and you know the people there. We're doing the same for our community. And what is needed is more, just like in western Nebraska. What is needed is more property tax relief,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

as Senator Briese said, more school funding. You're right, we got decent school funding, but we need more economic help. We need more investment. That's the balance we're trying to create here and that's the balance that I'm asking you guys to support. Thank you, Mr. President.

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

ERDMAN: Thank you, Mr. President. So I'm trying to get my hands around this bill and trying to understand some of the issues. And Senator Wayne, I'm going to ask you a question, so don't stray too far. One of the things that has always been a concern of mine is we think that it's economically feasible for the government to do something that's not economically feasible for the private industry. So we're going to build houses. We're going to till down old houses and build new ones, because no one can do that economically. Because, in our free market system there's not any money there, but it's OK if the government loses money. I've never been in favor of building one house because I can never figure out exactly why the government's obligation is to build houses. So I have some questions for Senator Wayne. If you have a copy of the amendment available, Senator Wayne, I'd like to ask you a question or two.

KELLY: Senator Wayne, will you yield to some questions?

WAYNE: Yes. Yes.

ERDMAN: Thank you, Senator Wayne. Start on page 15, Senator Wayne, line 27. And while you're looking that up, I'll just read what line 27 says it's for a city of the metropolitan class or current within 60 months of any city or village. What does that mean?

WAYNE: It's a housing study that was passed three year-- three-- two years ago and city of Omaha has already completed theirs. And that means any city in the metropolitan class or current with the 6-- 60 months. So that means we have to continue to get reports for a housing study.

ERDMAN: All right. So it says, it says for any city of the metropolitan class, that's Omaha. Is that correct?

WAYNE: That is correct.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

ERDMAN: And then it says or current within 60 months for any other city or village. So are other cities and villages eligible for this funding?

WAYNE: This is not-- that is a separate part of a bill. It does not deal with the funding. This is about housing studies that, right now, cities and villages currently have to do. It's updating that language.

ERDMAN: So why does it say that? Why does it say any other city or village?

WAYNE: Because they were left out in a different section and it moved it from another section. And I will get you that information to what section it was moved from.

ERDMAN: OK.

WAYNE: As you know, sometime in bill drafting, they try to clean things up that-- and they move stuff around.

ERDMAN: All right. Let's go to page 21, page 21, line 6 through 9. And I'll get there as soon as I can. OK. Lines 6-9 says this section does not apply to the downtown area of a city of the first class, city of the second class or village. For the purpose of this section, downtown area means an urban or core population density or concentrated commercial activity. So what does that say? Does that tell me a city of the first class or second class is not eligible? The downtown area is not eligible for this funding?

WAYNE: This funding, again, this is a different bill. This was part of LB532. This is not part of the other funding bill. But what this does is when we passed the requirement for affordable housing plans, the cities-- smaller cities objected to it. And so we're making sure any update to those, we are still keeping those out of it.

ERDMAN: OK.

WAYNE: So we're, we're, we're not making sure that mandate applies to them.

ERDMAN: All right. All right. Thank you. I appreciate that. That's all my questions, I believe. So Senator Wayne talks about helping western Nebraska and the issues that we have different than Omaha. And I understand those. We have given-- the state has given millions, millions of dollars to Omaha and eastern Nebraska. And then we're going to build a canal that costs \$500-600 million. And they say that

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

is for western Nebraska. That is for Nebraska, because water runs downhill.

KELLY: One minute.

ERDMAN: And once we put that water in that reservoir in western Nebraska, it will eventually wind up in the eastern part of the state, which is a benefit to Lincoln and Omaha. So the canal is a benefit to everybody, not just the 3rd District, but we have given a significant amount of money to the eastern part of the state. And they throw us a bone every now and then, a million here or \$5 million there and we're supposed to be happy about that. So I don't particularly think that we, in western Nebraska, have been treated in the same manner they have in the east. And part of that is because people like myself don't normally stand up and ask for money. And that's probably our fault. But I'm not convinced that government is the answer and most often, government is the problem. So maybe we ought to advance this to Select-- to General or to Final so we can understand exactly what the whole bill means. This is a short period of time to try to understand this significant bill.

KELLY: That's your time, Senator.

ERDMAN: Thank you.

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

WAYNE: Thank you, Mr. President. When I misspeak, I get up and I correct myself and I want to make sure it's publicly. So that section regarding not to apply to the first classes and all those, actually, Wayne, Wayne wanted more time, so they added that in there. And without making special legislation, they made it apply to other cities and similar-situated cities. Second thing I will say is, Senator Erdman, this is-- I do agree for the-- as far as the canal, is, is best for the state. And I will tell you, that if we can create or not if, when we create a thousand jobs that are paying over \$55,000 a year, many of them are around \$100,000 a year, that does benefit this state, the entire state. Because about 35 percent of our budget comes from three counties. And if we can increase that, if we can increase that, that helps the entire state. That's why I've never been opposed to the water projects that go on there, because I understand, based off of what Senator Erdman said, that that's important. And if you'll recall-- Senator Erdman, will you yield to a question?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

KELLY: Senator Erdman, will you yield to a question?

ERDMAN: Yes, I will.

WAYNE: Do you remember, over the years, me trying to figure out what an irrigation district is and we had these conversations?

ERDMAN: Say that again?

WAYNE: Do you remember, over the years, of me trying to figure out what a irrigation district is?

ERDMAN: Yes.

WAYNE: And I was originally opposed to the irrigation money coming and you explained to me how they have to keep their infrastructures on levees. Do you-- did we have that conversation?

ERDMAN: We did.

WAYNE: Thank you. Thank you, Senator Erdman. Colleagues, the reason why that's important is because I don't know anything about it and I don't pretend to know anything about it. But I wasn't in favor of giving money to a water project, because I was stuck on the CSO project of Omaha not getting funded. But when you talk to colleagues and this is broader than this conversation, but we talk to colleagues that, sometimes, you don't disagree with, you might actually learn something, so I supported that. And again, that's all I'm asking here. I'm asking if you have a question, pull me off to the side. Pull Senator McKinney. We can have these conversations. You can do it on the mike. It doesn't matter to me. But what I will say is we went through an extensive process. That process yielded some really, really important information and created a vision that's never been done for east Omaha. We have the city, the county, people on board as far as the business park, just to give you an example. The city is putting in over \$25 million. They're putting in dollars to help build infrastructure. We have brought together significant synergies and we want to build on that. That's what this is about. And I would ask you to vote green on AM1880 and green on the underlying bill. Thank you, Mr. President.

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

ERDMAN: Thank you, Mr. President. Senator Wayne, I appreciate the conversation. I would conclude by saying that once we were-- had a--

Senator Wayne and I had a conversation about what irrigation is and surface irrigation and the issues that we had. He had a different understanding of what exactly we were trying to do. And I appreciated the opportunity to explain that. He was fair enough to listen, to try and understand what it is. So, you know, we've been talking here, in this body, this year, about property tax relief, income tax relief, economic development and all of those things that help grow the state. And all of those things that we've done, all of those things that we're about to finish doing will not move us ahead of any of our neighbors when it comes to property tax or income tax or any of the taxation that we currently collect in the state. We'll still be considered a high-tax state. And we talk about all the things that we can do for economic development. We do the Nebraska Imagine Act, we do TIF, we do all of these things that help our state become competitive tax-wise. But they really don't get us ahead of the game. Now, Senator Wayne is thoughtful enough, maybe curious enough that he sit down and he and I had a conversation about the consumption tax. And last year, I had asked Senator Wayne to cosign and he did that last year. And I believe he's still in support of the consumption tax, as well, this year. We in this body aren't interested in fixing the current system we have. We're interested in continuing to do what we've always done and I guess you can call that, it's a precedence. That's what we do here in this body. It's a precedence. We've always done that, so we must always do that. And so, the question then comes, what was a precedent before that is now the precedent? Well, in 1966, the state had one form, one form of revenue and that was property tax-- state property tax. And in '66, the voters voted to eliminate property tax for the state. In '67, the Legislature had to come together and figure out how to est- how to establish a Department of Revenue and somebody to be able to collect sales tax, because they had neither sales tax nor income tax. So they changed the precedent that day, 1967. And we've been operating under that same precedence ever since. To stand here and think that we are willing or have enough intestinal fortitude to actually make a difference is very concerning. Because if we don't adopt the consumption tax proposal, which puts the taxpayer in first place, takes their consideration in how much they can pay and when they can pay them, 30 years from now, those people sitting in this, in this building will be talking about the exact same things we're talking about today. Nothing will have changed. Forty percent of our bills we introduce will deal with revenue, either spending or revenue that we take in or tax cuts or trying to get competitive, or we use TIF or we'd use micro-TIF or we do a Nebraska Imagine Act number two, whatever it is we do. We will continue to do that because that's what we've always done. It's like the rules here. It's a precedence. We've

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

always done that. We've always used the Mason Rules. We've always used Mason Rules. So we can't deviate from that. We've always given property tax relief through some sort of gimmick.

KELLY: One minute.

ERDMAN: You file your taxes to get your money back. I got an idea. Why don't we just let them keep their money and spend it when they want and pay the taxes they want? So that's my plug tonight on the consumption tax proposal. And for those of you watching, go to epicoption.org and take a look. It will save the average family in Nebraska \$200-700 a month. So if you want to get rid of your property tax and your income tax, take a look. Thank you.

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

McKINNEY: Thank you, Mr. President. I've been thinking about what I was going to say on my close and how I was going to direct this message. And overall, I just first, I want to say thank you to my staff, to drafters and to this body for listening and even last year, for voting for the passage of LB1024, which started this process. And I'm thankful, but we still got more to do. We still have to get this past the finish line to execute what we told the residents of north and south Omaha that we were, that we were going to do as a body. And that was econ-- economic recovery. And it's important for a lot of reasons, but I would tell you that it would be very telling for this bill to pass-- well, for this bill not to pass, but we walk away from this session and we voted to build a prison. That would be very telling. And I'm not saying anyone is trying to take away money or anything like that. It's just the questioning and the reasoning for the questioning. There's a lot of things that took a lot of money this year, that people didn't ask similar type of questions for. And we don't have to get into that. But I need you all to understand what economic recovery means to my community. Because I don't know everybody's upbringing necessarily, but many people in here didn't grow up poor, didn't grow up that know what it feels like to wake up with no food in the refrigerator, have to boil hot water to take a bath, those type of things. Learned early in life, that somebody come down the street shooting, you just get on the ground and just lay there and wait for the bullets to fly past you and hope they don't hit you. Go to schools where sometimes, you get the vibe that teachers don't care or the education isn't the best. Or grow up in a community that health-wise, isn't, isn't in the greatest shape. That's what we're trying to address. I don't think government is supposed to solve

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

all of societal problems, but when government never invests in, invests in a community, I think government should step up and invest. That's-- let's set that precedent. That's where we start to change. That's where we start to change the trajectory, especially for people that look like me, to say, OK, Nebraska might be a place where I could raise my family. And Nebraska isn't a place I'm going to move away from, because the upward mobility economically isn't here. That's what we're asking for. That's what we ask for when we say, vote green. We were told to get creative and try to find money. We got creative. Yes, we did. But I would tell you, it would be very telling if this bill doesn't go forward and you all voted to build a prison. And I yield the rest of my time to Senator Wayne.

KELLY: Senator Wayne, that's 1:13.

WAYNE: Thank you, Mr. President. Thank you, Senator McKinney. I just want to say thank you for the people who came up and talked, asked me questions, started to have an understanding of what we were trying to do. And I want to say thank you for many people who participated in the process and put faith in the process and are going to invest in east Omaha. I would ask for a green vote on the under-- on the amendment and then on the underlying bill. And thank you.

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

ASSISTANT CLERK: 31 ayes, 2 nays to go 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 unexcused or unauthorized, rather, personnel, please leave the floor. The house is under call. All unexcused members are present. The question is the adoption of AM1880. There's been a request for a roll call vote, reverse order. Mr. Clerk.

ASSISTANT CLERK: Senator Wishart voting yes. Senator Wayne not voting. Senator Walz voting yes. Senator von Gillern voting yes. Senator Vargas voting yes. Senator Slama voting yes. Senator Sanders voting yes. Senator Riepe. Senator Riepe not voting. So Raybould voting yes. Senator Murman not voting. Senator Moser voting yes. Senator McKinney voting yes. Senator McDonnell voting yes. Senator Lowe voting no. Senator Lippincott voting yes. Senator Linehan voting yes. Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

Kauth voting yes. senator Jacobson voting yes. Senator Ibach. Senator Hunt. Senator Hunt voting yes. Senator Hughes voting yes. Senator Holdcroft voting yes. Senator Hardin voting yes. Senator Hansen voting yes. Senator Halloran not voting. Senator Fredrickson voting yes. Senator Erdman not voting. Senator Dungan voting yes. Senator Dover voting yes. Senator Dorn voting yes. Senator DeKay voting yes. Senator DeBoer voting yes. Senator Day voting yes. Senator Conrad voting yes. Senator Clements voting no. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Briese voting yes. Senator Brewer voting yes. Senator Brandt voting yes. Senator Bostelman not voting. Senator Bostar voting yes. Senator Bosn not voting. Senator Blood voting yes. Senator Ballard voting yes. Senator Armendariz voting yes. Senator Arch voting yes. Senator Albrecht voting no. Senator Aguilar voting yes. Vote is 37 ayes, 3 nays, Mr. President.

KELLY: AM1880 is adopted. Mr. Clerk, for the next item. I raise the call. Items for the record, Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. Amendments to be printed to LB117, from Senator Hunt; LB229, LB336, LB591, LB662 and LB735, all from Senator Hunt; Senator Slama, an amendment to LB514. That's all I have at this time.

KELLY: Mr. Clerk, for the next agenda item.

ASSISTANT CLERK: Mr. President, returning to LB531. The next amendment, offered by Senator Machaela Cavanaugh. I have a note that she requests unanimous consent to withdraw and substitute AM1835, as offered by Senator Wayne.

KELLY: No objection. So ordered.

ASSISTANT CLERK: In that case, Mr. President, Senator Wayne, AM1835.

KELLY: Senator Wayne, you're recognized to open on AM1835.

WAYNE: Thank you, Mr. President. I want to say thank you for the votes. Some may be wondering why I voted-- I did not vote. I actually filled out a conflict, not because I have one, but the perception of one. There are former clients who may apply and may be awarded. And I don't, I don't want that to diminish from the investment this state is making. As it relates to this, AM1835 pertains to the Mayhew Cabin. For those who will remember, there was three parts of "preserve the third." One was Fort Robinson, one was Standing Bear, which was in the last amendment and this part of the Mayhew cabin. This is actually voted out of Government unanimously. So I'm going to give a little

history and we'll go from there. The Mayhew Cabin is something that I've been keeping my eye on. And it wasn't till last year where we had our executive council, that I went by there and saw the devastation that was going there. The cabin was the home of the abolish-- abolitionist James Craig for several years during the operations of the Underground Railroad. James was one of the-- John Brown's top lieutenants, fighting against slave owners in Kansas and ultimately giving his life for the cause of abolish-- of abolishing slavery, during the raid of Harpers Ferry in 1859. While James lived in the home, he sheltered many runaway slaves escaping Missouri, hiding in the house along the way. For those who don't know, it was actually Fort Robinson, where many of those individuals would end up and out by DeWitt, in Nebraska. The site has been a national tourist attraction in Nebraska City since 1930. And at the time, the historical accuracy of the site has been called into question. In 2003, it was officially added to the National Underground Rail Network to Freedom organization, a program under the National Park Service working to identify the sites associated with the Underground Railroad. At this moment, there are 700 recognized historical sites and this is one of them. In 2010, it was added to the National Registry of Historic Places. This is a gem that we need to make sure survives. This was a successful tourism site and remained important and still is an important of Nebraska history. Surviving major challenges and developments all the way around the cabin itself is ultimately ready-- set for dem-- dem-- [INAUDIBLE]-- we just talked about that, didn't we, Senator Erdman? Demolition. We have tried different ways to help preserve this national monument. And in 2013, disaster struck from heavy rains and floods, damaging the site. Mold and mildew and foundation issues followed. And it would be shameful if we lost this site. We've spoken to Game and Parks, History Nebraska, the city of the-- Nebraska City and the Mayhew Cabin Foundation Board. And they all [INAUDIBLE] voted or voiced support for what we're trying to do here. People are wondering about the cash. Attorney General Hilgers graciously agreed with cash funds coming from the cash settlement fund for a one-time funding. I told him that this is a-- and agreed that this is a one-time transfer and he had a long conversation with Senator McKinney and I. And as long as McKinney is in this body, he will fight to not allow cash transfers from the settlement fund to be abused or to continue. But because of this historic place and because we were down there in November, he recalled how important it was and agreed for this money to be used out of the cash settlement fund for one time. Now, I recognize and it doesn't fall that the last vote, many people had angst about giving Senator Wayne and Senator McKenney dollars. I will tell you, this doesn't go to Senator Wayne or Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

McKinney. It doesn't go to east Omaha. This goes to help Nebraska City boost this tourism around this issue. We are hoping the body will continue to invest in these historical objects and historical places, because I do think-- every time I hear people going out to Nebraska City, they want to go there. And it's a shame that it's been boarded up and damaged for so long. So we are trying to find a way to clear this. It may not actually cost the state anything, because they're in conversations about a donation of the property, then that would significantly reduce the amount in the request. This is not-- this is under \$4 million, right around four. And again, it doesn't hit in general funds. It doesn't hit cash funds. It comes from the Attorney General's settlement fund. And again, we are trying to find creative ways to make sure we preserve the third and preserve the history of not just Nebraska, but all people in Nebraska who benefit from all different walk-- come from all different walks of life. This is part of their history and I don't think it's too much to ask for a little dollars to make sure that Nebraska City has one of the best tourist attractions that I've ever seen. Thank you, Mr. President.

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

CLEMENTS: Thank you, Mr. President. I do not support this amendment. Number one item is that this is coming out of the State Settlement Cash Fund. There was a bill this year to say that the Legislature would be the ones that spent money out of the State Settlement Cash Fund, which I think we're authorized to do. But the Attorney General testified in opposition to that bill. And I don't know if the Attorney General has been-- has approved of this, but it-- talking about \$3.5 million dollars the first fiscal year, another \$2 million the second fiscal year, \$5.5 million out of the State Settlement Cash Fund and another \$950,000 in the third year, in that-- I would-- in the budget, we did not take money out of the State Settlement Cash Fund. And I-- there was an-- there was some money out of an opioid fund which is separate. So I would not think that that fund-- I would imagine there's going to have to be some language to authorize spending. Cash funds have spending restrictions on them. And specifically allocating this to a historical site. I'm not sure if that settlement cash fund has that authority, currently. Also, the Building and Maintenance Committee met over the lunch hour. And if you look on the-- line 17 says, the State Historical Society will enter into a memorandum of understanding for operations and management with Game and Parks. And, and building and maintenance, the Historical Society had one, two, three, four, five, six, seven, eight requests for building maintenance: \$175,000, 84-- 35-- \$734,000, 5-- \$51,000. \$12,000,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

\$12,000, \$34,000. Historical Society is already lacking funds for maintaining buildings that they already operate. And I don't think that they have-- I question their ability to continue to maintain this building. And so, for those reasons, I do not support AM1835.

KELLY: Thank you, Senator Clements. Senator Slama, you're recognized to speak.

SLAMA: Thank you, Mr. President. I rise in support of the concept of Senator Wayne's amendment. I, I am listening carefully to Senator Clements' concerns, but the concept I wholeheartedly support. The Mayhew Cab-- Cabin is the only Underground Railroad site in Nebraska officially recognized by the National Park Service. It is a mainstay of District 1. It's a valued historical site and it's fallen into disrepair. And I do absolutely think that this is a reasonable approach by the state in order to bring this site up to where it needs to be, so the kids from around the state have access to this important historical site and have the chance to learn from it, like so many generations of other Nebraska kids have had the chance to before. But I want to yield my time to Senator Wayne if he would like it, just so he might be able to address some of the current concerns raised by Senator Clements, if he would like the rest of my time.

KELLY: Senator Wayne, that's 4:00.

WAYNE: Thank, thank you, Mr. President. Thank you, Senator Slama. So, yes. I had a long conversation again, last night with Attorney General Hilgers. He was fine with the dollar amount because we actually reduced it from the beginning. And as far as the MOU, what we said, for Game and Parks is basically that what the MOU says on the second page is a simple bill. It says if they can't-- so basically, they can't do the interpretation. They kind of acknowledge that. So the only two people who really do interpretations on-- and what interpretations means is the historical display is-- Historic Nebraska or typically, a, a university. So it could be either one of those for me. We just went with the one who naturally has been doing the historical interpretations at Fort Robinson and Standing Bear. And what it simply says is it may-- they may enter into a MOU. Here's what it, here's what it comes down to. We could lose a significant piece of history in Nebraska. And if we're OK with that, we're OK with that. But it's ironic that we're spending \$2.5 million to build a veteran's wall. And I'm not opposed to that. I think we should honor our veterans, especially the ones who passed away in Vietnam War or Korea War. I forgot which one that we were honoring. But we also gave them 1.2 last year. So we're talking about the same amount of dollars for a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

group of people who passed away and to, and to honor them. I'm fine with that. I'm also talking about a significant historical site that played a significant role in the Underground Railroad, not just to Nebraska, but to Canada and everywhere else northern of here. It is registered on the National Underground Railroad Network. It is part of a federal registry, historic registry with the U.S. Parks. If we don't do something this year, that cabin could literally be destroyed. This is our only opportunity. I'm open to any ideas. I'm willing to draft another amendment. I'm willing to do anything. But I think we, we shouldn't just throw away the idea because it costs a little bit less than \$4 million, when I have a cash source that does not hurt the budget, when I have the Attorney General who agrees. It's cash settlement funds. It's a one time fund. It's probably the only time that we can preserve this type of historic, cultural, significant piece of property. So next time I'm up, I'm going to ask maybe Senator Brewer to, to mean-- to, to, to-- maybe-- I'm going to give you a heads up, Senator Brewer, to think about what significant, historical, cultural--

KELLY: One minute.

WAYNE: --monuments, museums mean and maybe your culture and to the state of Nebraska, next time I'm up, so maybe people can hear it from a different perspective. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. Good evening, colleagues. It's-- you cannot dispute the historic significance of the Mayhew Cabin, John Brown's Cave. I grew up as a little kid in Lincoln going to that facility. And yes, it is in disrepair. But I'm hoping, Senator Wayne, could you yield to a few questions, please?

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

WAYNE: Yes.

RAYBOULD: You know, when you presented this project before the Government, Veterans and Military Affairs Committee, there were several conflicts and disputes, the-- between the trust for the Mayhew Cabin against the-- Nebraska City. Could you give an update on how that has resolved? Has there been any resolutions? And how would this--

WAYNE: So, there--

RAYBOULD: --funding--

WAYNE: --yes. There was a lawsuit filed between the foundation and the city of who was responsible for some of the flooding. I will tell you, when meeting with all parties, once you have an attorney, it's hard for the parties to sit down. But when meeting with all parties, this would alleviate all of that, because it would become state property and the state would operate this significant historical piece of land.

RAYBOULD: So has the, the trust consented to sell the land to the state of Nebraska?

WAYNE: They are very interested in yes, either donating or settling or selling this to the state. We started having those conversations. I think part of the issue is we have to authorize Game and Parks to receive a donation. But from the foundation's standpoint, they don't want to donate it to the state if the state isn't going to rebuild it or keep it up to date.

RAYBOULD: So this is something, you know, new to me as a new senator. So what happens to the funds if there is no agreement or resolution between the parties, if the, the trust is not willing to sell or part with it?

WAYNE: The funds would, the funds would stay there and they will be reallocated next year, probably, in a deficit budget. If it's not done, it will be reallocated to the cash fund, to-- not our cash fund, to the settlement cash fund.

RAYBOULD: And so, was this-- was Nebraska City amenable to all this, as well?

WAYNE: Yes. If we could-- if we can build it to-- help them with the tourist attraction and alleviate the ongoing issues. Right now, it's an eyesore in, in, in Nebraska City, so this would help in multiple ways. And if you think about the significance of, of walking distance from there and in between there is a park from Arbor Lodge. So we're talking about adding to a historical area that we already have tourists, so it'll just enhance the overall scenery.

RAYBOULD: Thank you, Senator Wayne. I know this would be a-- an outstanding project. Nebraska City is such a great tourist designation and this would be a wonderful contribution to that. My only reservation is that there's so many issues that have not been resolved before we commit to the funding. So thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

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

ERDMAN: Thank you, Mr. President. As I listened to the explanation that Senator Wayne gave about this property and the issue that I have or two of them-- one, is who is going to be in control of this property is Game and Parks. And the other is a memorandum of understanding or a cooperation with Historical Nebraska. Those two agencies leave a lot to be desired. Game and Parks can't accomplish what we've charged them with doing now and we're going to give them more responsibility to do something else. So perhaps what we should do is change this bill to say that we will allow the state to accept the property. And if someone wants to make a donation or a contribution to repairing it or restoring it, let them do that. They're all about doing this. But as far as taking money from the settlement cash fund, I'm not in favor of that. And I know Senator Hilgers and Senator-- excuse me, AG Hilgers and Senator Wayne have had a discussion about that. But we do have separation of powers here. And I don't know that that's a-- I don't believe that it's a good idea to take money from the settlement cash fund to do this. It may be an important project. It may be something that helps with tourism. But I don't think it rises to the point that we should use a cash fund to do that. Thank you.

KELLY: Thank you, Senator Erdman. Seeing no-- Senator Wayne, you're recognized to speak.

WAYNE: Colleagues, I'm-- Senator Brewer, can you punch in and, and talk? Colleagues, can I get, like, 10 minutes? Thank you. Thank you, Mr. President.

KELLY: Senator Brewer, you're recognized to speak.

BREWER: Thank you, Mr. President. All right. I'm going to follow up on the request from Senator Wayne. I was a history major so obviously, I've got a lot of passion when it comes to the issue of history. And I understand exactly what he's saying with the Mayhew Cabin. If you haven't been down there, it's, it's sad that it's been allowed to get to the state that it's in. And if you look at the events surrounding it and how it changed our history, it really does need to have the opportunity to reset and let it be part of Nebraska history that we don't waste. I ask we all share on the, on the Native American site, the other project he talked about. And, and again, this is-- these are projects that Senator Wayne has taken on because he really wants to help other areas. He, he really doesn't have a dog in the fight in

central and western Nebraska and some of the places that facilities that he supported are going to go, but he still fights the good fight for us. I'll give you an example. You know, he talked about the Standing Bear facility that we're looking at. That will be located in northeast Nebraska. We have-- just a few short years ago, changed out our statue in Washington, D.C., one of our two, from William Jennings Bryan to Chief Standing Bear. And as I've said before, if you go to the Capitol and you look at the most beautiful statue in Statuary Hall, I believe it's Standing Bear. But we have never really had a place to tell the story of Standing Bear. Now, in the native world, he's really, kind of the equivalent of, of Martin Luther King. He's the one that got Native Americans recognized as human beings. For us to not have a place to tell that story I think is wrong and that we need to figure out a way to fix that and he has taken that on, just out of his own passion to see history preserved. And it's the same thing he's done at Fort Rob. A lot of you guys went out to Fort Rob just a few weeks ago and you had a chance to see Fort Rob. Beautiful location, but the facilities there are, are lacking and, and need help. And it was his idea to take and have a way of preserving the history. We have limited facilities for a museum-type facility there and it's scattered to several different buildings. It's not something that would cause you to want to drive there just to see that museum. But I think, potentially, it could be. It could tell the story of the Sioux history. It could tell the story of the Cheyenne breakout, of the 9th and 10th Cavalry, the Buffalo soldiers. It can tell the story of the POW camp and, and the dog training that happened in World War II. There's just so many things with Fort Rob that people don't know about, because we really haven't preserved it well. There's a few pictures and an old building there, but you can't tell me that stashed away somewhere, probably in the historical society here, there isn't tons of stuff that if we put on display, and you could have a destination location for folks to come to. Now, Game and Parks, you know, I'll argue a little with Senator Erdman, in the sense that they had done a lot of expansion at Fort Rob, a lot of RV parking and I think there's a lot more on the way. And they should do that there because you're so close to the Black Hills that it's just a great location to go .and you can, you can take a quick hour and a half drive and be in the Black Hills or anywhere in western Nebraska you want to be and still have a place to camp and work out of. So I guess I would ask you this, that even if you don't fully understand it and you don't appreciate the history involved with Mayhew Cabin, there's things I support that are Senator Wayne's, because Senator Wayne has went beyond the call on issues for me--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

KELLY: One minute.

BREWER: And he's been there, not in any self-serving way, but because he, he has a good heart and he wants to try and do things to help. And so, I will, I will stand with him on this, because I think AM1835 is, is needed and it's a good investment. And with that, thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I would like to hear more from Senator Slama, so I will yield her my time if she would like it.

KELLY: Senator Slama, that's 4:50.

SLAMA: Thank you, Mr. President. And thank you, Senator Cavanaugh. I promise the stars have not aligned and there are not pigs flying outside. Senator Wayne just simply asked for more time and we were talking about Mayhew Cabin in my district. Senator Cavanaugh, as she is want to do, is very quick to the button and she graciously offered me her time so we could talk more about a real gem in District 1, which is Mayhew Cabin and John Brown's Cave, which Senator Wayne's amendment is seeking to help preserve. Senator Raybould and Senator Wayne had a really great exchange about some of the legal issues that have been at hand with the Mayhew Cabin falling into disrepair. Mayhew Cabin was one of the untold casualties of the flood of 2019, in that it received a lot of, a lot of damage from drainage coming off the floods and the storm system that came through. There was a lengthy legal battle about who, between the city or the foundation, is responsible for those repairs and repairing the drainage on the property. And that led to the Mayhew Cabin falling in disrepair and eventually closing. Like, I think it's important to note, the Mayhew Cabin, right now, is closed to the public in the Nebraska City area. We've all been very much following the ongoing legal battle to restore Mayhew Cabin, to bring it back up to its former glory. And it really is just sad to see, because this is the only recognized existing stop to the Underground Railroad located in the state of Nebraska. You can't find this anywhere else in the state of Nebraska. And we're talking about John Brown's Cave in addition to the Mayhew Cabin. This cabin was built in 1855. This is one of Nebraska's oldest surviving structures. So it's historic, in addition, not only for its use, but for just how old it is. And here we are, in 2023, four years after a flood in 2019, still having a back and forth about how we can keep this cabin from 1855 going. Here's the text of the historical marker

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

that's posted outside of Mayhew Cabin, which is really as much as you can learn from it right now, because it is closed to the public. This cabin, one of Nebraska's oldest structures, was built in the summer of 1855 as the home of Alan B. Mayhew, his wife, Barbara Ann Mayhew, and their sons, Edward and Henry. John Henry Kagi, Barbara Mayhew's brother, lived briefly with the Mayhew's before joining abolitionist John Brown in Kansas. In February 1859, Kagi helped Brown lead 11 Missouri slaves to freedom in Iowa, via Nebraska City. During the trek, Kagi narrowly avoided arrest while at the cabin. He was killed in October 1859, during Brown's raid on the Harpers Ferry, Virginia, arsenal to seize weapons for a slave uprising. Beginning in the 1870s, stories and recollections about this turbulent era credited the cabin as an underground railroad station. Edward Mayhew recalled Kagi once bringing 14 black persons, possibly escaping slaves, to the cabin for breakfast. When the cabin was moved several feet in the 1930s due to highway construction, a cave, allegedly used to hide freedom-seeking slaves was recreate-- was recreated nearby. Legends connecting John Brown to the Mayhew Cabin made it a popular tourist attraction, devoted to the anti-slavery cause. Now, to really drive this point home, southeast Nebraska students, for generations, would have some very notable field trips--

KELLY: One minute.

SLAMA: --as they're-- thank you, Mr. President-- as they're learning about our state's history, one of those being a visit to the Nebraska State Capitol. If it wasn't your year to come up and visit the Nebraska State Capitol, one of the field trips that would always be held nearby, was the Mayhew Cabin. You would take an afternoon, check out the sights and learn all about the Underground Railroad and Nebraska's really unique position and southeast Nebraska's really unique position on the railroad to freedom. So this, this site, it's worth preserving, it's worth protecting and it's worth ensuring that generations of Nebraskans to come can learn about this valuable historical site. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Mr. Clerk, for an amendment.

ASSISTANT CLERK: Mr. President, Senator Wayne would move to amend his amendment, which was AM1835, with FA149.

KELLY: Senator Wayne, you're recognized to open on FA149.

WAYNE: Thank you, Mr. President. Even a blind squirrel can find a nut every once in a while when they're running around. And so, Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

Erdman gave me a great idea. I didn't know about some things that he's familiar with. So what this amendment does is strikes pages 1-3, for those who can count, that's all 3 pages of the bill and it inserts this language: the Game and Parks Commission shall purchase or receive by donation and subsequently re-- rehabilitate and manage the Mayhew Cabin historical society [SIC], located in Nebraska City, Nebraska. So there's no fiscal note at all. I guess-- I won't talk about 309 because I don't understand enough. But Senator Erdman and Senator Bostelman explained enough to me that it would give me confidence that we'll be able to preserve the site and make sure it stays with the state and we don't lose it. So I would ask for your green support on FA149, which replaces AM1835. Thank you, Mr. President.

KELLY: Thank you, Senator Wayne. Senator Vargas, you're recognized to speak. And waives. Senator McKinney, you're recognized to speak.

McKINNEY: I just wanted to rise in support of FA-- what was that-- FA149 and AM1835. I guess they worked it out. But I had a quote from Harriet Tubman that I wanted to read because I think it's important for a lot of reasons, but I think it's just definitely important to, you know, preserve our history as best as possible. Because I think when we do that, we add more value to the state and we, honestly, just make our state a little more attractive than what it is currently. I think it's good, not only for people not from our state, but for kids within our state to understand that our state was also a part of the Underground Railroad. But here's a quote from Harriet Tubman. I thought it was a good quote. On my underground railroad, I never ran my train off the track and I never lost a passenger. And that just speaks to the power of someone that was brought into a horrible situation and did her best to not only save herself, but to save the people in which she had a similar upbringing from, in which that was enslavement. And I think that's something we should preserve. Because there's many stories like that, that we just kind of let wash away over time. And if we don't do, do what we can to preserve them, then they're lost and we, we lose value, in my opinion, as far as a state, in how we like, educate our kids and understanding of where we come from, because I think that, that lacks at times. So I support FA149 and AM 1835. Thank you.

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

CLEMENTS: Thank you, Mr. President. I am rising to support FA149 because it removes the funding source of the State Settlement Cash Fund. It-- and it doesn't replace it with any funding source that's

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

going to just-- I found out that this Mayhew Cabin is not owned by the state, currently. It's owned by, I think, a private foundation, who may be willing to donate it to the state. And I, I used to represent part of Nebraska City myself, but not this Mayhew Cabin, but I've been. When I was younger, it was a site that school groups would go to and I would go visit that. And I do think it is an historical site that should be preserved. The amendment, though, it narrows it down, just the section on the top of page 3, that Game and Parks shall purchase or receive by donation, the Mayhew Cabin. And then the funding is left to be determined in the future. Hopefully, some maintenance funds can be found outside the State Settlement Cash Fund. And so, for that reason, I support FA149, which would strike most of-- the sections of AM1835 that I was objecting to. Thank you, Mr. President.

KELLY: Thank you, Senator Clements. Seeing no one else in the queue, Senator Wayne, you're recognized to close on FA149. And waived. Members, the question is the adoption of FA149. All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

ASSISTANT CLERK: 38 ayes, 0 nays on the adoption of the amendment to the amendment.

KELLY: The amendment is adopted. Members, we are back on AM1835, as amended, for debate. No one in the queue. Senator Wayne waives closing. The question is the adoption of AM1835. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: AM1835 is adopted. Mr. Clerk, for the next items.

ASSISTANT CLERK: Mr. President, Senator Conrad would move to amend with AM1757.

KELLY: Senator Conrad, you're recognized to open on AM1757.

CONRAD: Thank you, Mr. President. Good evening, colleagues. I rise in support of this amendment that I filed. This amendment is in relation to a bill that I introduced earlier this year, LB462, for your reference point. This measure had a \$0 fiscal note. It came out of the Urban Affairs Committee, 7-0. It had no opponent testifiers and it also includes a technical amendment from Urban-- from the Urban Affairs Committee. In a typical year, this would be a classic consent calendar bill. But as we all know, we're in, perhaps, a new-- charting new waters together this year. So this measure was brought to me by

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

some leadership in the home-building industry in Lincoln and that has completed projects all across the state, to make sure that we can update and harmonize some of our existing affordable housing programs, particularly those that impact the metro area, to just kind of keep pace with the rising costs of home prices and home building and supply chain and inflation issues and to bring some harmony to similar programs meant to address workforce housing in rural Nebraska. So we had a great hearing. I'm happy to answer any questions. I really appreciate Senator McKinney for his graciousness in allowing me to bring this forward and for his leadership in, in the overall effort on LB531, of course and many other things. So with that, thank you, Mr. President.

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

ERDMAN: Thank you, Mr. President. Senator Conrad, will you yield to a question?

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

CONRAD: Yes. Yes, of course.

ERDMAN: I think, I think you said in your opening that this was LB435, did you say it was?

CONRAD: I'm sorry, it was LB462, Senator Erdman.

ERDMAN: LB462?

CONRAD: Yeah.

ERDMAN: And you said there was no fiscal note to this?

CONRAD: Yes. That's right.

ERDMAN: So you're going to refurbish houses up to \$150,000 appraised value after they're finished. Is that correct?

CONRAD: Yeah. That's right. This amendment would change the eligibility for the programs under the existing projects. So it would mirror the eligibility that we have in the rural Nebraska housing projects. And it would allow the after construction appraised value to go from the existing 125 up to 330.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

ERDMAN: So, so when you, when you complete the house after they've completed it, by whose appraisal do we conclude that it's \$150,000?

CONRAD: I'm not sure if the program itself designates who will conduct the appraisal, but I will triple check that and be happy to get back to you.

ERDMAN: OK. You understand what I'm saying? I mean, the contractor finishes the house and they turn in a form that says it's worth 150. Somebody has to verify the fact that that's exactly what that house is worth. And I'm wondering, shouldn't there be someone overseeing that to make sure that the value is correct, I mean, that it's worth what they say it was going to be?

CONRAD: Yes. I, I think I do follow your question, Senator Erdman. And I'll be happy to verify, because I think we do want to ensure that there is an independent evaluation so that we get the, the best bang for our buck with directing these resources.

ERDMAN: That would be good information. Thank you.

CONRAD: Yes. Very good.

KELLY: Thank you, Senators. Seeing no one else in the queue, Senator Conrad, you're recognized to close on the amendment. And waive. Members, the question is the adoption of AM1757. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 31 ayes, 0 nays on the adoption of the amendment.

KELLY: The amendment is adopted. Mr. Clerk, for next item.

ASSISTANT CLERK: Next amendment, Senator Raybould, AM1789.

KELLY: Senator Raybould, you're recognized to open on AM1789.

RAYBOULD: Thank you, Mr. President. AM1789 comes from LB329 and is intended to align Nebraska's building codes with the recently passed piece of federal legislation called the American Innovation and Manufacturing, AIM, AIM Act. Congress passed the AIM Act with bipartisan support and the act was signed into law by President Trump in December, 2020. The purpose of the AIM Act is to phase down the existence of harmful refrigerant chemicals called hydrofluorocarbons, or HFCs, which are commonly used in equipment such as refrigerators, chillers and air-conditioning equipment. At the same time, the AIM Act requires American manufacturers of refrigeration and air-conditioning

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

equipment to begin using a new type of substitute refrigerant that are far less harmful to the environment. Equipment manufacturers strongly supported the passage of the AIM Act and also, the building codes in all 50 states will need to be updated to permit the use of substitute refrigerants. So far, 33 states have already updated their building codes to reflect that. And this is the sole item accomplished by the language of LB329, now, AM1789. It's a clarification that building codes in Nebraska cannot prohibit the use of a substitute refrigerant authorized under the AIM Act. Across the country, many states are rapidly adopting this legislation to accomp-- accommodate and accomplish the change in federal law. And this was passed unanimously out of the Urban Affairs Committee. It is supported by the air conditioning, heating and refrigeration industries and the Nebraska grocery industry associations. No opponents testified against LB329 during its hearing. LB329 has no fiscal impact. And it was advanced to General File by the Urban Affairs Committee with a unanimous vote. The need for this bill stems from the timing of national building code updates. The next national building code update is expected in 2025 and that national code update will include this change. However, passing this, AM1789, this session will ensure that Nebraskan businesses can utilize these newly approved refrigerants during the one or two year gap period before the next national building code update. And I had already passed out a, a little summary sheet for everyone. And I just want to remind everyone there is no fiscal impact to this and it-- it's widely adopted in other states around the country. Thank you, Mr. President.

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

MOSER: Thank you, Mr. President. Would Senator Raybould respond to a question, please?

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

RAYBOULD: Yes.

MOSER: So why do we need this?

RAYBOULD: Well, we need this to be in compliance with--

MOSER: Can you talk a little louder? I can't hear you. There's clatter in here. Got to get closer to the mic.

RAYBOULD: Thank you. Is this better?

MOSER: Louder.

RAYBOULD: Is this better, Senator Moser? Can you hear me?

MOSER: Crank it up a notch.

RAYBOULD: Crank it up a notch. OK. I'll try to be a little bit louder. This would put us in compliance--

MOSER: That's better.

RAYBOULD: --with the federal regulations, and that's pretty much what it does. Right now, our current HVAC companies and refrigeration service providers are using substitute refrigerants on existing quis-- equipment. This is not for new equipment, it's for older existing equipments to use--

MOSER: But your, your bill is not requiring the use of substitute refrigerants?

RAYBOULD: No, it's not required--

MOSER: So why wouldn't--

RAYBOULD: --it's, it's--

MOSER: --they just use substitute refrigerants without your bill?

RAYBOULD: The reason, the reason why is because some manufacturers, and that's why it went-- part of the manufacturing, have concerns about some of the substitute refrigerants themselves. But what it's saying, as other states have adopted this, it's saying yes you can use substitute refrigerants as long as that they are safe and in compliance with the AIM Act. And, and most manufacturers accept that they will not harm the existing equipment.

MOSER: So is this going to cost more money than standard--.

RAYBOULD: No.

MOSER: --refrigerants?

RAYBOULD: No, no, it will not cost any more money. What we're seeing in the industry all across the United States is that there are certain refrigerants, for example, R-22, R-404A, they're being phased out by the Environmental commission because they are proving to be very harmful to our ozone layer. And so this has been going on for about 25

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

years. I've been dealing myself with our company a lot of refrigeration work and--

MOSER: Thank, Thank you. That's that's enough of--

RAYBOULD: Too much information. OK.

MOSER: Thank you.

RAYBOULD: You're welcome.

KELLY: Thank you, Senator Raybould and Senator Moser. Senator Erdman, you're recognized to speak.

ERDMAN: Thank you, Mr. President. You know, this is almost like times of old, when we used to have debate. It's kind of amazing, ain't it? I wonder if Senate Raybould would yield to a question.

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

RAYBOULD: Yes.

ERDMAN: Senator Raybould, in your grocery business, do you use it-- do you use this refrigerant that's in question?

RAYBOULD: We use all different types of refrigerants, and in question is everybody who has a home with a heating and air conditioning unit.

ERDMAN: So, so thi-- have we changed the type of coolant that we use, refrigerant? Is that what the problem is?

RAYBOULD: We, we constantly change the type of freon that is used. It's, it's being changed-- different freons are being phased in, and some are being phased out. This happens on an annual basis. And some freon, for example, R-22, is being phased out. For those folks that have older equipment or older heating and air conditioning systems, either on a commercial or residential, they have to scramble to find R-22 on the market.

ERDMAN: OK.

RAYBOULD: However, this is why-- this talks to is there's NU-22, which is a substitute refrigerant--

OK, so this--

ERDMAN: --and that's what--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

--this solves that problem?

RAYBOULD: Yes. It's saying the AIM Act that was signed by President Trump--

ERDMAN: OK.

RAYBOULD: --says it's Ok to use these substitute refrigerants.

ERDMAN: That was my, that was my concern, what problem we're solving. Thank you.

RAYBOULD: You bet.

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

DeKAY: Thank you, Mr. President. Senator Raybould, would Senator Raybould yield to a question?

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

RAYBOULD: I'd be happy to.

DeKAY: Thank you. Would this be comparable to, like, farm equipment, and automobiles, and stuff, where you change out R-12 for R-34 refrigerant?

RAYBOULD: Yes, it's very similar to that.

DeKAY: And with that, would there be changes in the condensers and stuff in our freezers? And who would be responsible for changing-- the expense of changing those out?

RAYBOULD: Typically, you have to ha-- come up with a compatible substitute that would not require you to change out your expansion valves or your condensers at that time. I can tell you that when they phase out a more common freon, that's when you're faced with a difficult decision about changing out more components of that refrigeration system, like the condenser, like the expansion valves, etcetera. This allows you to use a compatible substitute freon refrigerant without having to go through the extensive, expensive change out.

DeKAY: But with this amendment would you-- would-- say in the grocery business that you're in. Would you be responsible for, if you chose the type of freon you wanted to, to change your condensers and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

expansion valves, would that be up to you to be responsible for those expenses?

RAYBOULD: It always is responsible for a private owner or company to, to make any, any additional upgrades. I, I would be great if there were an assistance program, for example, like what we have with changing out your from fluorescent lights to LED lights. Many of the, the companies, both public sector, like Lincoln Electric System, or OPPD, or Mid-America Energy, that is a private company, they give rebates, and that's an incentive that businesses appreciate to help switch out sooner the fluorescent and go to LED, because they're more energy efficient. It would be wonderful. Maybe that-- I'll introduce something like that next year to make sure that companies, commercial, or residential would have those rebates to switch out this type of equipment. And, you know, in fact, some of our public sector energy providers do offer energy incentives to do change out of old energy inefficient equipment. So that would be great when it comes to refrigeration. Great idea.

DeKAY: I appreciate that. But when I'm changing out condensers of stuff on my tractors and my pickups and stuff, that ultimately is the responsibility that I have to bear, so--

RAYBOULD: That is true.

DeKAY: So, anyway, thank you for your qua-- answers. I yield back my time.

KELLY: Thank you. Senators DeKay and Raybould. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Well, I-- there's still pigs are still not flying. But I appreciated Senator Slama's comment before, and I was interested in the lesson about, about her district. So I, you know, always-- I'm always happy to take time, but I'm also always happy to yield time when people ask me for it. So, you know, if anybody wanted me to yield time because they wanted to share a story, or a limerick, or I don't know what else, a poem. Maybe "Once upon a midnight, dreary," or "four score and seven years ago." So I, I myself, right now am taking time to help conversations happen off the mike so that we can come to a resolution about the bills that we are talking about. I am also tired. I looked up earlier today the phrase punk-- punch drunk, and I was like, I have felt numerous times like I have been punch drunk. It is actually-- well, maybe it's not an actual medical condition, but it is to-- it describes when somebody it's--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

for boxing, when you've been punched in the head so many times that you seem intoxicated. And, and I don't know if you've heard the expression punch drunk tired. That's how I feel. And I, I feel that way more and more every day. But right now I am feeling punch drunk tired. Maybe that's something I just made up because I am so tired. Maybe that's not real. Maybe it's just real in my head. I don't know. I was going to start this morning off by talking about sponge curlers. Just random non-sequitur there for you. But I used to use those pink sponge curlers growing up, and they had, like, the plastic, the hard plastic around the pink spongy curler. And you would wrap your hair around the sponge and then you would clip it into place and my hair would have super boing-- you would do it when it was wet-- super boingy curls in the morning, super boingy curls. But you also would have an a dent from the plastic clip. And the other day, Senator Hunt's hair looked amazing, as it often does, almost 100 percent of the time. And so I think the conversations are over. So you're just going to have to-- whatever, I don't know what the outcomes are, but whatever they are, you're going to have to wait to hear the rest of my sponge curler enthralling conversation for another time. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. No one else in the queue, Senator Raybould, you're recognized to close on your amendment.

RAYBOULD: Thank you, Mr. President. I just want to emphasize that there was no one speaking in opposition to this and that the refrigerant companies that work with this are in support of this and testified as a proponent to this. And so I ask everyone for their green vote, and I'd like to steal Senator Conrad's line. In, in another universe maybe, or in another legislative session, this would have been on a consent agenda item as pretty standard, customary, and normal regulatory updates and compliance. Thank you.

KELLY: Thank you, Senator Raybould. Members, the question is the adoption of AM1789. All those in favor vote aye, all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 28 ayes, 4 nays on the adoption of the amendment.

KELLY: The amendment is adopted. Mr. Clerk, for the next item on the agenda,

ASSISTANT CLERK: Mr. President, Senator McDonnell would amend with AM1771.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

KELLY: Senator McDonnell, you're recognized to open on your amendment.

McDONNELL: Thank you, Mr. President. Good evening, colleagues. LB-- AM1771 amends LB531 with specifically 2 lines on page 2 and 1 word on page 3. Now, when you look at the amendment, it's three pages long. But earlier today we voted on LB818, which includes all of the, the shovel ready language and the new language we put in for this year, but based on some concerns. If you look at page 2 of the fiscal note, or of the amendment, it says is a, a county agricultural society with facilities located within the boundaries of a city of a primary class. And if you switch to page 3 on line 5, we take the word private sources and replace private with other. Now, the idea on that is that we are private-public partnerships. We are always last dollar in is the state. But some people were concerned instead of saying private, if we put other that, that dollars could go into that 501(c)(3), for example, from a county or from a private donator. So based on past practice, I said that was not a concern for, for me as a senator who originally introduced the language, but to try to clarify it and clean it up, I would introduce this, and because LB818 was already on Final Reading, I said I would do it through Senator McKinney's bill, LB531. So without any more or any discussion, if there is any questions, I'll take them. Otherwise, this is a clean up bill. Zero fiscal impact and the majority of the language, if you see anything else that's underlined, is already in LB818 that we currently voted on earlier today. Thank you, Mr. President.

KELLY: Thank you, Senator. Senator DeBoer, you're recognized to speak. And waived. Senator Erdman, you're recognized to speak.

ERDMAN: Thank you, Mr. President. I wonder if Senator McDonnell would yield to a question.

KELLY: Senator McDonnell, will you yield to a question?

McDONNELL: Yes.

ERDMAN: So, Senator McDonnell, is this a 50/50 match? Is that what this is?

McDONNELL: No, this is just changing the word from private to other on page 3, and then adding the-- it's on page 2, lines 7 and 8, agricultural society.

ERDMAN: So I thought it said in there up to \$500,000, with at least 250-- the grant can apply for \$250,000. Did I read that correctly?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

McDONNELL: So any-- that's what somewhat confusing-- that language we put into LB818 today. And you are correct, that is 50-- up to a maximum of 50-- under \$500,000 that we could go up to a 50 percent match because historically it's been approximately 30 percent.

ERDMAN: OK.

McDONNELL: But that language was already included in LB818 today. When bill drafters brought this back, of course, we hadn't approved that language yet in-- on Final Reading, but it was sitting on Final Reading, so the, the two areas to count-- concentrate on for this that wasn't in LB818 that we approved today is page 2, lines 7 and 8, and page 3, line 5.

ERDMAN: Would that, would that be a city like Lincoln? Does that qualify?

McDONNELL: Yes.

ERDMAN: All right. So if you go to page 4, go to page 4 and go to line 3-- 2 and 3, at least \$50 million, but not less than \$100 million. So explain that for me, if you would.

McDONNELL: You're on page 4, line 3?

ERDMAN: Line 2 and 3, yes.

McDONNELL: Yes. So that's the language that we voted on today. That's already in LB818. That has to do with the--

ERDMAN: Shovel ready?

McDONNELL: Shovel ready.

ERDMAN: OK. All right, thank you.

McDONNELL: Yes.

KELLY: Thank you, Senator Erdman. Seeing no, no, no one else in the queue, Senator McDonnell, you're recognized to close on the amendment, and waive. Members, the question is the adoption of AM1771. All those in favor vote aye, although those oppose vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 34 ayes, 1 nay on the adoption of the amendment.

KELLY: AM1771 is adopted, Mr. Clerk, for the next item on the agenda.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

ASSISTANT CLERK: Mr. President. Senator Brandt would move to amend with AM1838.

KELLY: Senator Brandt, you're recognized open on your amendment.

BRANDT: Thank you, Mr. President. AM1838 contains provisions of my bill, LB346. This makes a simple change to the local option municipal economic development act, or the LB840 program, as it's often referred to. As the law's currently written, the definition of a qualifying business is much broader for municipalities under 2,500 inhabitants. This bill will raise that number of qualifying cities to 5,000 inhabitants. The reason for this change is that the definition of a second class city is a municipality with a population of up to 5,000 inhabitants. This is a consent, consent calendar bill that was voted out of committee 8-0. I want to thank Senator McKinney for allowing me to add it into LB531. Currently, there are 19 cities in the state caught between 2,500 and 5,000. Real quickly, that would be Fairbury, Hickman, Valentine, David City, Valley, Central City, Ashland, Minden, Auburn, Gothenburg, Broken Bow, O'Neill, West Point, Cozad, Falls City, Waverly, Aurora, Wahoo, and Ogallala. And what this does, by raising that up to 5,000, it gives these cities access to a little more liberal rules on the, on the tax money. But once again, there is no cost to this. Thank you.

KELLY: Thank you, Senator Brandt. Senator Erdman, you recognized to speak.

ERDMAN: Thank you, Mr. President. Senator Brandt, would you yield to a question?

KELLY: Senator Brandt, will you yield?

BRANDT: Yes, I will.

ERDMAN: Tell me, in this bill, in this amendment where it says you're changing the qualifications, because all I see as underlying language is changing the date. Tell me where I see that it changes for, for cities of 5,000.

BRANDT: It would be in the bill itself, in the original bill it was on the top of page 3, and we struck 2,500 on line 2 and inserted 5,000.

ERDMAN: So it's already been amended into LB531?

BRANDT: It will be amended into LB531.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

ERDMAN: Where, where, where was it now, in LB1880?

BRANDT: We changed LB346 into LB1838. The original bill number is LB346.

ERDMAN: OK, I'm looking at the full amendment that you just gave us. What, what's the number?

BRANDT: I have to apologize, my computer is not, not working correctly.

ERDMAN: OK, I see it. I see it. I missed it. OK. OK. I'm sorry. I understand. Thank you, I've seen it.

BRANDT: You bet.

ERDMAN: Thank you.

KELLY: Thank you, Senator Erdman. Seeing no one else in the queue, Senator Brandt, you're recognized, and waive closing. Members, the question is the adoption of 1838, AM1838. All those in favor wrote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 31 ayes, 0 nays on the adoption of the amendment.

KELLY: The amendment is adopted. Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB531 be advanced to E&R, to E&R for engrossing.

KELLY: Members, the motion is that LB531 be advanced to E&R for engrossing. All those in favor say aye; all those opposed say nay. It is advanced. Next bill, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next bill is LB531A offered by Senator McKinney. It's a bill for an act relating the appropriations; to appropriate funds to carry out the provisions of LB531, and to declare an emergency. The bill was introduced on May 17 of this year, and currently is on General File.

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

McKINNEY: Thank you, Mr. President. I rise in support of LB531A. I will say, I need you-- well, I would like your green vote on it. The A bill will change once this advances to Select, but currently I ask that you vote yes to move it forward to Select, so we can adjust the A bill. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

KELLY: Thank you, Senator McKinney. There is no one else in the queue. Waive closing. Members, the question, the question is the advancement at-- to E&R Initial of LB531A. All those in favor vote aye; all those opposed, vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 30 ayes, three nays on the motion to advance the bill.

KELLY: LB531A is advanced to E&R Initial, Mr. Clerk, for the next item on the agenda.

ASSISTANT CLERK: Mr. President, the next bill is LB562A by Senator Dorn. It's a bill for an act relating to appropriations; it would appropriate funds to carry out the provisions of LB562. The bill was introduced on May 9, and is currently on General File.

KELLY: Senator Dorn, you're recognized to open on the amendment-- bill, bill.

DORN: Yeah. Pull it, yeah. You're gonna pull it, yeah.

KELLY: Senator Dorn, do you want to proceed directly to the amendment, to the bill?

DORN: I want to pull the bracket, and then proceed to the amendment.

ASSISTANT CLERK: I think it's-- Mr. President, Senator Dorn would offer AM1781.

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

DORN: Yes, AM1781 is the fiscal note that we got back from the fiscal office after LB562 was advanced. This is a fiscal note for that bill, and then also the other two bills that were included in Senator Brandt's beginning farmer and Senator Vargas'. There is some cost to it, a little bit, and that is generally for the I call it the implementation of it. And then you'll see some revenue loss. And that is what the part of LB562, and Senator Brandt's bill, that's the revenue change. So, thank you.

KELLY: Thank you. Senator Dorn, seeing no one else in the queue, Senator Dorn waives closing. The question is the adoption of AM1781. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 34 ayes, one nay on the adoption of the amendment.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

KELLY: AM1781 is adopted.

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

KELLY: The next vote is the vote to advance LB562A to E&R Initial. All those in favor vote aye, all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB562A is advanced to E&R Initial. Mr. Clerk, for the next item on the agenda.

ASSISTANT CLERK: Mr. President, the next bill is LB705A offered by Senator Murman. It's a bill for an act relating to appropriations, to appropriate funds to carry out the provision of LB705. The bill was introduced on May 11, placed directly on General File.

KELLY: Senator Murman, you're recognized open on the bill.

MURMAN: Thank you, Mr. President. LB705A is the Appropriations bill for the committee bill out of the Education Committee, and LB705 is the lottery funding bill. And the Appropriations bill includes the lottery funding, plus the other Appropriations bills that were in the Education package. I'd appreciate your green vote on LB705. Thank you.

KELLY: Thank you, Senator Murman. Seeing no one else in the queue, Senator Murman waives closing, and the question before the body is the advancement of LB705A to E&R Initial. All those in favor vote aye, all those opposed vote nay. Record, Mr. Clerk.

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

KELLY: LB705A is advanced to E&R Initial. Mr. Clerk, for the next item on the agenda.

ASSISTANT CLERK: Mr. President, LB727A offered by Senator Linehan.

KELLY: Senator Linehan, you're recognized open on the bill.

LINEHAN: Thank you, Mr. President. This is the A bill that goes with LB727, which was the tax package we talked about earlier thi-- Tuesday. This, too, will change because we're going to have to make adjustments after we get the fis-- well, we-- I guess the fiscal note

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 18, 2023

is out now. We didn't have it earlier today, so it will change. But I appreciate your green vote for LB727A.

KELLY: Thank you, Senator Linehan. Seeing no one else in the queue, Senator Linehan waives closing. Members, the question is the advancement of LB727A to E&R Initial. All those in favor vote aye; all those oppose vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 33 ayes, no nays on advancement of the bill, Mr. President.

KELLY: LB727A advances to E&R Initial. Mr. Clerk for items.

ASSISTANT CLERK: Mr. President, I do have amendments be printed. Senators Slama to LB514. Various amendments to LB514, amendments and motions. Finally, a priority motion. Senator Wishart would move to adjourn until Friday, May 19, 2023, at 9:00 AM.

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