

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 25, 2024

von GILLERN: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-ninth day of the One Hundred Eighth Legislature, Second Session. Our chaplain for the day is Senator Loren Lippincott. Please rise.

LIPPINCOTT: Lord, our state and nation has slid so far from the reverence and humility we once walked before you. Now the words of Isaiah ring true for us. Woe to those who call evil good and good evil, who put darkness for light and light for darkness, who put bitter for sweet and sweet for bitter. Woe to those who are wise in their own eyes and clever in their own sight. Instead, let us be, as John the Baptist said: He must become greater. I must become less. Let each of us repent and our prayer be those of the writer of Hebrews. Therefore, since we are surrounded by such a great cloud of witnesses, let us throw off everything that hinders and the sin that so easily entangles. And let us run with perseverance the race marked out for us. Let us fix our eyes on Jesus, the author and perfecter of our faith, who, for the joy set before him, endured the cross, scorning its shame, and sat down at the right hand of the throne of God. From the words of Daniel of the Old Testament, it is still true today: We do not make request of you because we are righteous, but because of your great mercy. Father, may each of us repent and surrender to our Lord's calling in each of our lives and advance the Kingdom of God, which is the reign and rule of the Lord Jesus Christ within our hearts and soul so your kingdom will come on this earth as it is in heaven. As Zechariah records: It's not by might, nor by power, but by my spirit, says the Lord Almighty. Please send your spirit to fill this place with your holy presence. In the holy name of the Lord Jesus Christ, we ask that we bring glory to you today. Amen.

von GILLERN: I recognize Senator McDonnell for the Pledge of Allegiance.

McDONNELL: Please join me in the Pledge of Allegiance.

von GILLERN: Thank you. I call to order the forty-ninth day of the One Hundred Eighth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum president-- present, Mr. President.

von GILLERN: Thank you, Mr. Clerk. Are there any corrections for the Journal?

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ASSISTANT CLERK: I have no corrections.

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

ASSISTANT CLERK: Yes. Thank you, Mr. President. I have notice of hearing from the Natural Resources Committee. New bills: LB484A, by Senator Moser-- a bill for an act relating to appropriations; to appropriate funds to aid in carrying out the provisions of LB484. LB1301A, by Senator DeKay: a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out of the provisions of LB1301. LB1023A, by Senator von Gillern: a bill for an act relating to appropriations; to appropriate funds to car-- in carrying out the provisions of LB1023. And LB164A, by Senator McKinney: a bill for an act relating to appropriations; to appropriate funds to aid in carrying out the provisions of LB164. I also have legislative resolution, LR337, introduced by Senator Hansen. It will be reforded-- referred to the Executive Board. LR338, by Senator Riepe. It will also be referred to the Executive Board. LR339, by Senator McKinney. It will be referred to the Executive Board, as well as LR340 by Senator McKinney, which will also be referred to the Executive Board. And LR341, by Senator McKinney. It will be referred to the Executive Board. That's all I have, Mr. President.

von GILLERN: Thank you, Mr. Clerk. Senator Aguilar has approximately 30 guests in the north balcony from the Nebraska Music Education Association. Please rise and be welcomed by your Nebraska Legislature. We'll now proceed to the first item on the agenda. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. The Health and Human Services Committee would report on the appointment of Steven Corsi to be chief executive officer of the Department of Health and Human Services.

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

HANSEN: Thank you, Mr. President. Good morning, colleagues. Dr. Steve Corsi was appointed chief executive officer of the Department of Health and Human Services for the state of Nebraska on Octo-- on August 16, 2023. Corsi's most recent role is acting CEO of the Central Wyoming Counseling Center. He has been director and/or CEO of the Missouri Department of Social Services, Wyoming Department of

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Family Services, High Country Behavioral Health, and the Cornerstone Behavioral Health Group in California. In 2019, Corsi became president and CEO of Volunteers of America Western Washington, where he significantly recruited and retained the workforce, expanding early childhood offerings and grew the organization's revenue from \$17.2 million to \$115 million during his nearly four years of tenure. Corsi earned both his bachelor's and master's degree from California Baptist University in psychology and counseling psychology, respectively. He received a Doctor of Psychology and Clinical Psychology from Alliant International University, San Diego. The Health and Human Services Committee advanced the appointment of Dr. Corsi on March 7, and I respectfully ask for the body to confirm the appointment. Thank you, Mr. President.

von GILLERN: Thank you, Senator Hansen. Turning to the queue. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I rise in opposition to Dr. Corsi's appointment as the director of Health and Human Services. You should all have received a binder this morning that my staff put together kind of outlining the timeline of Mr. Corsi's career and hopefully highlighting for you some of the reasons that I am in opposition. On February 7, the HHS Committee held its confirmation hearing for Dr. Steve Corsi as the new CEO of DHHS. At that time, Senator Day asked Dr. Corsi about his relationship with Epiphany, the efficiency consultant that was awarded a no-bid \$10 million contract in June of 2023. He had not disclosed that he had a prior relationship with the company in any of his publicly available materials, including DHHS bio, bio given to the committee, his LinkedIn bio. He has yet to clarify what work he was doing for Epiphany at the time of his appointment to DHHS in September of last year. He resigned from Epiphany on September 7 and began his work for DHHS on September 11. As it is our responsibility to vet any gubernatorial appointments-- as the Department of Health and Human Services is the largest public service agency in the state, which touches the lives of almost every Nebraskan, especially the most vulnerable-- it is important that the appointment of its leadership requires critical scrutiny to ensure smooth operation of the agencies. And that is why I have put together this information. Dr. Corsi has had a series of patterns found upon researching his background that demonstrates that he not only has deeper ties with Epiphany Associates but also has had questionable judgment in his professional capacity. When he was working for the state of Wyoming, he also was working as a private consultant at Snowy Ridge Institute, a for-profit-- profit corporation, doing consulting and training. He

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was doing this as well with another member of his staff who was the named individual at this corporation. This position was never disclosed to the state of Nebraska. He also had Epiphany consulting with him there in Wyoming. And there was a controversy over the purchasing of a restraint chair for the boy-- Wyoming Boys' School. He claimed publicly to have no knowledge of this purchase, though it was purchased early on in his tenure in his position. So if he had no knowledge of this purchase, it does lead to the concerning reality that he perhaps never visited the boys' school in his tenure as the director of, of that school. So either, either way, not something that I think is particularly wonderful. He continued on to the state of Missouri, where he very controversially publicly drew down two different salaries from two different state agencies. That was called into question. And he was-- he told the state that he would stop that, but he did not. He continued to draw two salaries. He also employed Epiphany while at the state of Missouri. Then he moved on to the American Wester-- the Volunteers of America Western Washington, where he was the president and CEO from 2019 to 2022. And Epiphany Associates contracted with the organization from 2019 to 2021. When he left--

von GILLERN: One minute.

M. CAVANAUGH: Thank you. When he left the Volunteers of American Western Washington, that is when he joined Epiphany's employment. As you can see, there is clearly a theme between Dr. Corsi and Epiphany. And there is much more concerning information about Epiphany itself, but I would like to focus today, of course, on Dr. Corsi and his judgment. I have more to say, so I will be getting back in the queue. You all have a binder in front of you-- again, put together by my amazing staff, Melissa Cantu, who-- also, it happens to be her last day. And I will go through the binder in a little bit more detail the next time that I am on the microphone. But it starts with a timeline of events of his employment, and you can see it has his resume as well. And I encourage you all to take a look as we go through this conversation this morning. Thank you, Mr. President.

von GILLERN: Thank you, Senator Machaela Cavanaugh. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I punched in because I saw nobody else was in the queue. I heard Senator Hansen's introduction. And I appreciate the work-- Senator Machaela Cavanaugh and her staff on this. And they did-- she did hand out a pretty interesting binder with a lot of information. And I

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mostly punched in because I thought maybe other folks would talk and people might-- especially folks on the committee who decided to vote out Mr. Corsi would stand up and explain in the context of all this information, which I know you were presented with much of it before your vote because the press reported on your Executive Session where you discussed these concerns. But my question is, how-- what, what got you past these obvious concerns? Just looking at this timeline that Senator Machaela Cavanaugh was laying out. March 11, 2017, June 2007-- sorry. March 2011 to June 2017, Mr. Corsi was employed by depart-- Wyoming. August 14, 2015, while he worked there, Epiphany Associates entered into a contract with Wyoming. June 2017 to May 2019, Mr. Corsi's employed by the department-- Missouri. February 2018, while he's employed there, he has-- gets double compensation. And then October 2017, Epiphany is hired by the state of Missouri. And then March 19, 2018, Epiphany has another contract with Missouri. And just to-- going on here-- I don't know how many interactions or contracts this organization, Epiphany, has with states in the United States, but unless it's across some large percentage of states, this is suspicious. I have questions about a guy who's going across the country who worked for an organization, and then everywhere he goes the state hires them. And in Nebraska, remind you, we hired Epiphany with a no-bid contract. So my question is, to the folks on the HHS Committee who are recommending this confirmation to us, what is it that got you past these initial concerns? Because, you know, maybe there's an innocent explanation. Maybe there's a justification. But those of us who weren't privy to this hearing and who haven't been steeped in this, you're asking us to approve this-- which, again, we're not required to do. We are a separate branch of government who has our independent authority and are asked to exercise our independent judgment. So I'm asking those of you who have already undertaken some of this to explain to us your independent judgment that got us to this point where this is on the floor right now with your recommendation. And I would again point out that we have a history of letting things go for the sake of getting along or things like that, and that gets us into situations like when HHS had that contract with a private company out of Kansas. And then we have spent my entire time here dealing with the fallout of that problem. This, to me-- I'm not saying it's the exact same thing, but there is echoes of those problems here. And by folks just rubber-stamping or acting as a rubber stamp for the Governor's appointment when there are clear smoke here I think is going to be a huge-- is a huge disservice to the people of the state of Nebraska and to our role as an independent state of government-- or, independent branch of the state government. And so I would appreciate, before we get to a vote on this, hearing

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from some folks about why you have already voted in favor, what it is in this timeline or the things that have been laid out so far that are not concerning to you, or why they're not concerning.

von GILLERN: One minute.

J. CAVANAUGH: Thank you, Mr. President. So-- we don't have to approve people. We did it last year. Senator Erdman and I got together and worked to disprove one of Governor Ricketts's hang-over appointments. And the Governor has since-- Governor Pillen has since appointed somebody else. But-- so it does happen. It can happen for good reasons. But again, we do not have to confirm people. If we, in our judgment, don't think they are the appropriate person for the job-- this is an important job and there are real questions. So you can certainly vote for him if you feel that way. But I think those folks owe us an explanation as to why they think that these things aren't concerning enough to say, maybe we need a different head of this agency. So I will hopefully be listening. I see there's more folks in the queue now. So I look forward to the conversation. Thank you, Mr. President.

von GILLERN: Thank you, Senator Cavanaugh. Sedr-- Senator Fredrickson, you're recognized.

FREDRICKSON: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. I am also listening, as Senator John Cavanaugh had mentioned. And I, I do hope that folks take this opportunity to review the packet provided by Senator Machaela Cavanaugh and her office. I know everyone had one of those on the desk. And I-- you know, I sometimes worry that we-- and I'm certainly susceptible to this myself-- we, we, we can become so saturated in here with information. There's so much data that comes at us. There's so many things that we're voting on. I mean, look at the agenda for today. There's lots to catch up on. And sometimes I think we can be susceptible of falling asleep at the wheel a little bit here. And I, I hope that that's not something that happens today with this. If you review the packet, there are a, a number of concerns that are brought up in here, a number of fiscal-related concerns, a number of potential conflicts of interest. I'm certainly curious about the elimination of certain details on Dr. Corsi's CV, or his resume, and why one might be looking to conceal that information. And as Senator Machaela Cavanaugh pointed out, the fact that what he was concealing was then given a \$10 million state contract with no bids as, as well. So there, there's a lot of, I think, interesting things to be discussed here. And I think Senator John Cavanaugh had a lot of valid

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points. I am curious to hear from members of the committee who did vote to advance this nomination out of committee to the entire floor. I'm curious to hear from them about what got them past these concerns because there, there certainly are a number of concerns. And I, I'm hoping that some of those members will either speak or perhaps come to the floor to talk about that, tho-- those votes and, and where they're, where they're standing on this. I will also say that I, I did have the opporti-- the opporti-- the opportime-- the opportunity to meet one-on-one with Dr. Corsi. I think he did that with a number of us. And I, I appreciate him taking the time to share his visions for the department and, and what his goals were along-- and what he's hoping for the department. And, you know, I, I will keep the conversation that Dr. Corsi and I had private. But I will say that I did ask him directly about a number of his, his, his-- I asked him about his work history. I asked him about some of the conflicts that, that were brought up earlier on the mic here. I asked-- also asked him about the number of the comments he's been made-- he has made online publicly. And I will say that the answers I received left a quite a bit to be desired. So I think there's a number of concerns with this appointee, and I am hopeful to learn from our colleagues who voted to advance him from committee who were privy to these conversations a bit more about what got them over these concerns so that hopefully we can decide what to do as a body. Thank you, Mr. President.

von GILLERN: Thank you, Senator Fredrickson. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Mr. President. Thank you, colleagues. I do see that Senator Hansen is in the queue, so I'm assuming, maybe wrongfully, that he's going to answer some of the questions posed by Senator Cavanaugh and Fredrickson. I am disappointed. I, I don't know why Senator Ballard and Senator Hardin voted for him. They have never stated privately or publicly, and they are not here on the floor today for this debate. So I am disappointed in that. And I, I'm-- I think that they should come to the floor and, and discuss this with us. Senator Hansen and Senator Riepe have talked to me about their reasons for supporting him, but that doesn't mean that they shouldn't share those as well with everyone. So there were some things that I came across during this appointment process that I, I can't fully share publicly because, as many of you know, when people reach out to our offices, they want some confidentiality. And especially when employees of the state reach out to our offices, they want some-- they want-- they have an expectation of confidentiality. After Senator-- or-- Senator-- Dr. Corsi's appointment hearing, I

immediately began hearing from employees within DHHS expressing their concerns about Dr. Corsi. The overarching theme of these concerns came from individuals who are part of various minority populations and how they perceived their interactions with Dr. Corsi. And I will say that they were not appropriate, as represented to me, and cause for a great deal of concern. And I think that is also reflected in the social media context that Mr. Corsi-- Dr. Corsi has shared previously. There was-- I, I shared a large number of his social media page-- posts during the confirmation process. I, I took out just ones that I thought spoke more directly to the themes that I was hearing from employees. Because that's really what matters, is how, how he conducts himself within the workplace. And so I'm going to share a couple of those. The first is: Race is preposterous nonsense. Thousands of free blacks owned black slaves in the antebellum South, South. And years after the Emancipation Proclamation in the United States, whites as well as blacks were still being bought and sold as slaves in North Africa and the Middle East. I'll keep saying it: abortion isn't health care because pregnancy isn't a disease. There is a love that's not acceptable to God. Same-sex love does not bring glory to God and does not come from God. So while I can't share explicitly his interactions with employees, I think that you can extrapolate from his social media posts some of the themes of dismay that I have heard from minority populations that work at DHHS and how they are being treated, which makes it a hostile work environment and a toxic work environment. To the timeline of his employment, there are several things that were omitted from his employment record that was shared with the state, that was shared with the dep-- the committee that I think are extremely--

von GILLERN: One minute.

M. CAVANAUGH: --concerning. And the Epiphany contract does play a large factor into this. Dr. Corsi worked with Epiphany in other states, and the contracts that they had in other states never rose above \$20,000. And then this company employed him, got a \$10 million no-bid contract, and a month later recommended him for this position. It just smells of impropriety. Whether it's OK or not technically, it doesn't appear proper, and that needs to matter to us. We have been through a lot with this agency. We have had a lot of turmoil and scandal, and I would like us to avoid further turmoil and scandal for the people of Nebraska, for the employees, for the children, and the populations that we serve--

von GILLERN: Time.

M. CAVANAUGH: --and-- thank you, Mr. President.

von GILLERN: Thank you, Senator Cavanaugh. Senator Hansen, you're recognized.

HANSEN: Thank you, Mr. President. I appreciate the conversation that we're having here currently. I think this is a great way for us to flesh out concerns and issues that people might have about positions and appointments, and I think one such as this as CEO of DHHS is important for us to discuss and make sure we air out any concerns that people have. And I know Senator Machaela Cavanaugh has done a good job of-- and her staff of, you know, looking at and trying to get answers to the questions that they have. I've done my best to express to her personally too about reasons why maybe I vote for cert-- you know, people in gubernatorial appointments. And one of the reasons-- I think I had a lot more clarity after the hearing of Senator Corsi and, and also personal discussions with him. I think he's been very good about being open and transparent to me, I feel, and other members of the committee. I think he's done a great job of open communication, which I think, in a role such as his, is sometimes difficult to find. And his ability to make sure his staff and himself are available when needed by the committee. And I think what he has done in his previous work, I think, bodes well in his ability to run DHHS. Especially during the hearings, the answers I think that he-- that were-- the questions that were given to him and the answers that he gave I think gave me much more confidence in his ability to do his job thoroughly. And I'm not discarding any concerns that some people might have about his past. That's for them to ask questions about and try to decide on how-- what they want to do with that. But I do have full faith and confidence in Dr. Corsi and his ability to head this important division of our government. And just like Senator Cavanaugh did say, this is a rather large department where we typically tend to spend the most amount of money, have the most amount of agencies, the most amount of people and employees. And so this is an important role and not one I take lightly on trying to make a decision about. I did have some concerns beforehand. Those have been alleviated by discussions with him personally by his testimony during the hearing. And so I urge the body here for their-- to vote green on the confirmation of Dr. Corsi. And such as what Senator John Cavanaugh did say, we do have a right as a body-- granted, it's fairly rare-- to not vote for somebody and vote them down. However, I feel like this is not one of those instances. I think he will do a very good job, like he has in the past, and I think it's up to us to give him that opportunity. So with that, I, I

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do encourage everyone to push their green button for the confirmation of Dr. Corsi. Thank you, Mr. President.

von GILLERN: Thank you, Senator Hansen. Senator DeBoer, you're recognized.

DeBOER: Thank you, Mr. President. Good morning, colleagues. So in Transportation, we had an appointment this year that members expressed concerns about some aspects of that appointment's past. And the committee decided to ask for more information from the appointee and to hold off on the confirmation report to the body until we had more information and, frankly, some action. And the appointee completed the action, reported back to the committee, and there were answers. And then we reported the confirmation report out. I'm wondering if there was a similar process here. I'm troubled by some of the, the omissions in the CV. I'm a little concerned about some of the things I'm hearing about financials. I would like to say thank you to Dr. Corsi for meeting with me last summer, but I, I will say that when I see troubling financial-- potentially troubling financial information, it does give me pause. Senator Hansen said that there were discussions that alleviated his initial concerns. I'm wondering if maybe he would elaborate on what it was that, that alleviated those concerns because obviously the rest of us don't have the benefit of those conversations and that-- I mean, without that, the rest of us are still stuck with those concerns. So I'm wondering if maybe we could get a little more detail on what alleviated those concerns about some of those financial issues. That would, I think, help a lot in this situation. In the meantime, I'm, I'm a little bit like Senator John Cavanaugh, where I'm faced with something that has a little bit of-- somebody called it smoke-- that makes it look like it might be a concern. And I would just like to know all of the pieces so I can feel comfortable about it as well. So I would appreciate if maybe we could have a little more detail on what alleviated concerns, especially for me about the financial issues. Yeah. That would be my request. Thank you, Mr. President.

von GILLERN: Thank you, Senator DeBoer. Senator Bostelman has guests in the south balcony: 37 fourth graders from St. Wenceslaus Elementary in Wahoo. If you would rise and be welcomed by your Nebraska Legislature. Senator Fredrickson has guests in the north balcony: 30 fourth graders from Cody Elementary from Omaha. Please rise and be welcomed. Turning back to the queue. Senator Riepe, you're recognized.

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RIEPE: Thank you, Mr. President. I think Senator John Cavanaugh, along with Senator Machaela Cavanaugh, had a good point in terms of holding the-- or, at least inquiring as to the votes of those of us who served-- serve on the Health and Human Services Committee. I am a member of that committee. And I think that I appreciate the background and research compiled by Senator Cavanaugh. I encouraged her to pursue this because I thought it was, as they would say in the restaurant business, the onion needed to be peeled back and see what we, in fact, have. The CEO position of DHHS is an incredibly important position in the state. This individual be-- will be accountable, as pointed out, for over \$3 billion. I did find Steven Corsi, Dr. Corsi, to be a, a bright individual who seemed to have a good temperament and, best I could tell, a knowledge of the administrative accountability. And he did have-- or, does have experience partic-- in particular that relates to what his accountability will be in the HHS. While concern with Dr. Corsi will be influenced by his personal values, as we all are, I did in fact vote-- and I think maybe I was dec-- deciding vote to move Dr. Corsi because I believe the Governor deserves to have his team for which he will be accountable, hopefully in a positive outcome for the good state of Nebraska. That is why I voted. That's where I stand. Thank you.

von GILLERN: Thank you, Senator Riepe. Senator Machaela Cavanaugh, you're recognized. And this is your third time.

M. CAVANAUGH: Thank you, Mr. President. Senator Riepe and I oftentimes agree on things unexpectedly, and this is one of those times. I also believe that the Governor should be able to appoint who they deem appropriate to these positions. But there is a reason for the confirmation process, and that reason is that we have a responsibility to look at the individuals and ensure that they will not cause harm to the state. And in this particular instance, I have concerns that this is going to lead to harm for the state. The Department of Health and Human Services has experienced a great deal of unrest in my time in the Legislature, starting with the YRTC's, having the children-- the youth that were at the girl's facility moved, shackled in the middle of the night, having an uprising because there was black mold in the facility, a lack of oversight. It's, it's been one thing after another after another. At the same time that that was happening at the YRTC, we were entering into a contract with Saint Francis Ministries that was 60%-- or, 40% less than the other bid, and it just turned into a financial nightmare. And we continually saw digging in from the administration. Now we're in a different administration and we have a different leader, but

these patterns are rising to the surface again. And the concerns-- the severe concerns that arose with the Reverend Bobby Smith, who was the head of Saint Francis Ministries, who was the person that we engaged in that contract with way back when, the pattern is repeating itself in Dr. Corsi-- the pattern of judgment, the drawing down of two state salaries even after he was called out publicly and he continued to do that. The fact that he worked for a private consulting, for-profit company while he was a director in Wyoming. These are concerning things. The fact that the youth facility purchased a restraint chair that he claims to know nothing about even though he was in charge of that facility. These are concerning patterns of behavior. The personal side of things I only even bring up because I think that we should care about the employees of the state and how they feel about things. His personal beliefs-- and I'm sorry because I have a great deal of respect for Mr.-- Senator Riepe, but you are a straight white man of a certain level in society. So he is going to engage with you in a certain way. And I know that Senator Riepe understands that. And it's not through anyone's fault, but the reality is is that he has stated public opinions and his interactions with staff that have echoed those public opinions, and that is disturbing because we have a hard enough time keeping that workforce. And they are vital to the health and well-being of our entire state. So we need to take seriously that the person that is at the helm cares about how they make their employees feel. And from what has been expressed to me, he makes his employees feel like they are wrong in existence. That is a problem. That is a huge problem. That is an HR problem.

von GILLERN: One minute.

M. CAVANAUGH: Thank you. I have one minute? Yes. Thank you. I encourage you all to go through here. The continued lack of judgment is, is, is-- goes deep. And I can tell you, even though this is not about Epiphany today, there will be much more about Epiphany in the future. Dr. Corsi just started me down this road of looking into Epiphany. And as I have looked into Dr. Corsi, Epiphany has continued to come up again and again and again. And it is a very concerning organization. And the tie between the two is very, very concerning. And I worry that we are going to see another Saint Francis Ministries with this appointment. Thank you, Mr. President.

von GILLERN: Thank you, Senator Cavanaugh. Senator Hansen, you're recognized. And this is your third time.

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HANSEN: Thank you, Mr. President. I'll do my best to maybe address Senator DeBoer-- some of her questions. So my concerns were not so much on the financial end. Mine were more on his ability to do his job, right, as a director of a huge department. I've had a little bit of heartburn from maybe previous directors that we've had in the past, maybe such as Senator Cavanaugh has as well. And so mine were his ability to lead, his ability to-- and the, the one that I really wanted to see, especially as the Chair of HHS and as a committee member of the, of the same-- of that same department is, is he open? Is he available? Is he transparent? And is he honest? Like, I have these little checkboxes I want to see happen because the biggest thing that we typically see as a committee is we have a lot of questions that come in front of us because there's a lot of moving parts in DHHS. And we need access to not just Dr. Corsi but also some of his staff to make sure we get our answers questioned before bills come in front of us, before we have bills on the floor, before hearings. So maybe sometimes we didn't have it as much in the past as we liked, but so far I like the direction on where Dr. Corsi's taking this department. His ability to communicate with us, be in our office when we need to-- just like he's met with almost everybody here on the floor-- along with, with you. I think that's a little unprecedented. I don't think we've had too many department heads come and almost meet with every senator beforehand and, and extensively and make sure they get all their questions an-- answered the best that they feel they can. So he checked off all those boxes, and that's what I was looking for, his ability to be, you know-- his ability to, to lead such a large department. And so far, I feel confident in his ability to do that. And, and I think we should, as a body, move it forward and give him a shot. I think, I think he can do the job very well, so. Those are the concerns that I did have. So not so much in the financial end or maybe not so much where Senator Machaela Cavanaugh had. A lot of those were relieved by the, the hearing, but it is more his ability to lead this organization. So that's kind of where my questions and concerns were at beforehand, so. Thank you, Mr. President.

von GILLERN: Thank you, Senator Hansen. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. President. I do appreciate Senator Hansen, Senator Riepe explaining their thinking on this. And I just wanted to-- I, I punched my light when Senator Riepe said-- talked about accountability. And Senator Riepe, I do-- I also respect you and, and, and your perspective. And I appreciate your thought process on a lot of things. But what I would say is, yes, the Governor--

ultimately, if Mr. Corsi-- if there's a problem there, if there is fire where this-- where there clearly is smoke, the Governor will be accountable for that. But at the moment right now, this is where our accountability is, right? All of us voting, if you vote for him and there ends up being fire where there's smoke, we are also accountable. And far too many-- we do have a lot of appointments and there's a lot of things that happen that are more or less out of our control and sometimes there's things we don't know about. But right now, we're having a conversation about what the potential concerns are. So if those concerns do become manifest as actual problems, whoever votes-- voted him out of committee knowing the concerns without satisfactory answers and whoever votes for him now without satisfactory answers will be responsible for the results of that. And as Senator Hansen correctly pointed out, we've had some troubling people at the helm of DHHS in recent years that have led to cost overruns, actual dangerous situations for the children in the system, and a lot of work, consternation, expenditure, and just danger in the services of the state because a lot of people looked the other way. The Saint Francis Ministries contract was obviously flawed and people didn't-- everybody just thought, well, we really want it to be true, so let's go forward. So we were on notice that there was a problem there, or at least the state was. I, I wasn't in the Legislature. Many of the folks here weren't in the Legislature, but the state should have known that that was clear-- there was clearly a problem. But it wasn't raised to this level. But right now, we're having an-- we have an opportunity to take a step back and to exercise our power and to say there are clear issues being raised here. And, and, and to again go back to accountability, I just took a look at that article out of Wyoming about the restraint chairs. And when they went to Dr. Corsi and asked about it, he said he was unaware. I don't know if we want somebody who-- at the top whose response and reaction is, not my fault. I wasn't paying attention. The lack, lack of actually doing your job of making sure that we're not hurting kids, I-- is concerning there. Then there's the story about-- out of Missouri about getting paid out of two administrations. And then when they went-- or, two departments and then said, well, I should only be getting paid out of one, and then basically not making sure that he was only getting paid out of one after that. I mean, there's-- there are things that question-- just generally question ability to be a strong leader. I think Macha-- Senator Machaela Cavanaugh raises some good points about personal beliefs infecting the workplace. But I think, ultimately, the bigger questions here are those ones that are being raised about, about the curious relationship between Epiphany and Mr. Corsi as he goes from--

von GILLERN: One minute.

J. CAVANAUGH: --agency to agency. But again, accountability is not just the Governor gets his opportunity to pick who he wants. That's true. The Governor does get his opportunity to pick who he wants, but there is a reason that we have this check on that power, and it is that we have some skin in the game and some responsibility for these folks who had the-- head these agencies. We hold them accountable when they come to talk to us and testify. I would tell you, I did get to meet with, with Mr. Corsi as well. And I would tell you that the Governor's Office came with. And I would imagine many of you have had trouble getting meetings with HHS department heads or members without in-- injection of the political arm of the state into those conversations. So I just would caution anybody to just make the decision because the Governor picked him. You need to exercise your independent judgment here. And if there is a problem, that we are responsible, ultimately, as well as the Governor. Thank you, Mr. President.

von GILLERN: Thank you, Senator Cavanaugh. Senator Blood, you're recognized.

BLOOD: Thank you, Mr. President. Fellow senators, friends all. I actually stand against this confirmation. And I would ask that if Senator Hansen has a minute to yield some time, I would have some general questions for him.

von GILLERN: Senator Hansen, will you yield?

HANSEN: Yes.

BLOOD: Thank you, Senator Hansen. I really want to have a dialogue with you. So one of my concerns is a little different than some of the things we've heard on the mic today. I am concerned about Mr. Corsi's poor judgment. Would you say that social media can sometimes show us whether people have good judgment or poor judgment, maybe lack professionalism? Do you ever consider that when you look at the candidates on their activity when it comes to social media?

HANSEN: I say it doesn't weigh heavily on my, my judgment, but I think there is an aspect of that. Yeah, yeah. Behavior outside of the-- out-- outside of, you know, what we're, you know, appointing them for.

BLOOD: I think that's fair. What kind of things would you look for if indeed you were to look at somebody's social media? What kind of things would be red flags for you?

HANSEN: There could be multiple things. It's hard to say, picking one or two things out.

BLOOD: OK. What if they participated in fake news, news that had no substance to it, that was just mostly to stir peoper's-- people's anger? Would that be a red flag for you?

HANSEN: I don't know.

BLOOD: What about opinions on people's sexuality? Would that be a red flag for you?

HANSEN: It kind of maybe might depend, I guess, on the context of it and how they were portraying it and the words they were using. Possibly. I don't know.

BLOOD: OK. That's-- sincerely, I just kind of want to have a dialogue and talk some of these things through. I appreciate your time. I, I have some concerns about social media, so. Thank you for your answers.

HANSEN: Yep.

BLOOD: So I think it-- more and more, we have to look at what people's social media says before we put them into executive posses-- positions. I think the-- if you look into the information that we've been given, that it really does show poor judgment. It shows a lack of professionalism. And that the impact of social media on one's reputation and their perceived leadership is important, especially to our younger residents here in Nebraska. And a government official's reputation on the internet can literally take down a state sometimes. You know, I always, with our previous Governor-- and this isn't to say that he's a bad person, friends, so don't email me-- is that he was always talking about what was wrong with the federal government on all of his social media posts. But if you look next door at Colorado, that governor was constantly positive and talking about his state, about how awesome the businesses were, and it was a special day for Colorado because and-- there'd be a picture of him eating ice cream in some random ice cream shop. It was so positive and uplifting. And so when we put somebody at the head of a department that's in charge of people who doesn't have the common sense to not talk negatively about the LGBTQ community or that likes to stir the

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pot when it comes to fake news issues, I take pause. Now, had it just been that and not everything else that we're discussing, maybe I would be in support of Mr. Corsi. But right now, I question his judgment. And so when it comes to HR issues, when it comes to people that maybe believe things different than he does, do I feel confident that he will do the right things? Not necessarily--

von GILLERN: One minute.

BLOOD: --especially based on how he juggled the different businesses and incomes. And to me, it appears that he tried to kind of keep it under wraps. So I don't know if he was forthright either. So I have grave concerns. I'm going to listen to what people have to share today. I may share some more time to Senator Cavanaugh so we can get more information. But I think it's sad there's not more people on the floor and that more people aren't going through these notebooks because they know they're-- how they're going to-- how they're going to vote today because this is really important, friends. We've seen multiple people come and go in that department in the last four to eight years. Let's make sure we get it right. Thank you, Mr. President.

von GILLERN: Thank you, Senator Blood. Senator Conrad, you're recognized.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise in opposition to this nomination. I want to thank the Health and Human Services Committee for sharing some of the information about the hearing process so that the full body has an opportunity to learn more about some of the important issues in deliberations in regards to this nomination. I also want to thank Dr. Corsi for taking time to meet with me pre-session and to talk about his nomination and to talk about his vision for the department. It was a very wide-ranging, very candid discussion. And I appreciated his professionalism and outreach and the open lines of communication that he has maintained with me and my office since that time. I also understand and appreciate that the Governor has the right to assemble the team as he sees fit. And we need to be very thoughtful about that. But this is one of those instances where there are not only separation of powers but also checks and balances and the legislative oversight component-- confirmation component is an important exercise thereof. I also want to remind the body that legislative oversight is incredibly constrained at this point in time with the lack of ability for our Office of Inspector General and Ombudsman to do their work as required under state law. There has been what I like to term "a

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mother may I MOU" entered into to complete some of that work, but it remains to be seen whether or not that is efficient, effective, or working as intended. So it's more important than ever with weakened oversight that we exercise our other tools of checks and balances. Additionally, Mr. President, I want to make sure to help the body maybe think through a lens that I've been thinking of-- thinking through since this appointment was announced. The fundamental question for me-- and I've expressed the same for Dr. Corsi in our conversations-- is, if there are equally qualified candidates available, why shouldn't we choose one of those instead of a candidate that does have qualifications but a significant amount of political baggage? And to be clear, people who have committed their life to public service and who have worked in the public eye are going to find themselves at the center of controversy, and no one expects perfection. But I'm weighing that as kind of an overall lens in terms of how to interface with this nomination. Additionally, Mr. President-- and I'm really hoping members of the Health and Human Services Committee will go deeper on some of these issues that I raised to Director Corsi in our pre-session meeting in addition to questions and concerns about his ability to lead a diverse department, a diverse set of employees on key issues impacting vulnerable Nebraskans. And we have a, a host of very troubling communications in regards to his social media accounts. What about the real issues facing health and human services? Youth solitary is on the rise in Nebraska despite a prohibition in state law. Friends, it's on the rise. What about cuts to mental health supported by Health and Human Services in this very budget? What about Medicaid unwind? How is that going? How do we compare to other states? Why did we just give a blank check of \$30 million to the department to conduct unwind activities--

von GILLERN: One minute.

CONRAD: --with no understanding of what that means? Thank you, Mr. President. What about recent reports about misapp-- misspending of LIHEAP funds to the tune of millions of dollars? What about the OIGs being barred from access to addressing the needs of our most vulnerable children? What about the flagrant abuse in billings unturned by our State Au-- Auditor recently in regards to millions of dollars? What about the lack of department's ability to draw down federal funds to support child welfare and other services? What's the plan for developmental disabilities? What's going on with the weaponized Board of Health and LB574 regulations when we can't even hear from our state medical director? These are real issues that the director needs to be able to have a clear answer to. I ask my friends

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on the committee, did these questions come up? What was the answer? Do you have confidence that we will be able to address these issues moving forward with this--

von GILLERN: Time.

CONRAD: --nominee? Thank you, Mr. President.

von GILLERN: Thank you, Senator Conrad. Senator DeBoer, you're recognized.

DeBOER: Thank you, Mr. President. Thank you, Senator Hansen, for attempting to answer my questions. You may have caused me to have more questions rather than fewer, unfortunately. Just that, if what we're-- and, and maybe I just missed it and maybe you have more information here. But I appreciate the getting back to all of that sort of thing. That's really important. The attentiveness of the department, that's really important. But you said open, honest, and transparent, and I guess I still have concerns about open, honest, and transparent if he had-- I, I don't understand how that kind of works with omitting things from your CV. And the idea of the restraint chairs and, and-- some of that makes me con-- concerned about open, honest, and transparent. So maybe Senator Hansen could speak to that. I'll actually yield you the, the time so that you can speak to those issues directly, why you would omit things from your CV, including the Epiphany piece, and then the restraint chairs. So Senator Hansen, if you would like to address those questions, I would yield you the remainder of my time.

von GILLERN: Senator Hansen, you're yielded 3 minutes and 41 seconds.

HANSEN: Sure. Thank you, Mr. President. The curriculum vitae, from my understanding, was something that was left off. And again, I can't, you know, justify people's decisions about certain things. But from my understanding, it was-- I don't know if it was an error that was left off-- or one of the things. That's something maybe-- that might be more of a direct question for, for Director Corsi personally. But in regards to the restraint chair: from my understanding-- and this is the information I got-- this had to do with actually the supervisor at the boys' home where the restraint chair was at-- from my understanding, when an employee underneath that supervisor-- and this is from Wyoming, what they, what they told us. An employee underneath the supervisor was the one who purchased the chair without the supervisor's permission. Ended up being in the facility. And then it started working its way back up until they found out about it. And

by that time, he was already gone from that department. So from my understanding of what they told me, this was not a decision that he made at all or even the supervisor of the facility, but actually an employee made without the supervisor's permission, so. In regards to the restraint chair, that's the information that I have gotten. OK. That was one of things that [INAUDIBLE]-- alleviated some of the concerns about that that was brought up before. And again, that's the part about being open, transparent, and honest that I have to kind of believe that that is-- that is the reasoning being. Unless I directly call the boys' home itself, but this is, from my understanding, from them, so. So when I say-- you know what I mean-- I'm sure a lot of people have things either they say or they do that other people may not agree with that might give them concern about a position such as this. And I understand that. I've looked into a lot of, a lot of the past and a lot of history and even some of the information that Senator Machaela Cavanaugh has provided, which has been helpful, actually, because we want to make sure that we do vet each one of these department heads very thoroughly. And like I mentioned before-- and sometimes-- and not just DHHS but other department CEOs or administrators-- you know, I have had heartburn about maybe what we've done in the past. And so I'm trying to be as thorough as I can and listen to everyone as much as I can-- not just on my committee, but also on the floor-- to make sure that we make the right decision. But so far, the information I have been given, the personal conversations I have had, how the hearing went so far gives me full confidence in Dr. Corsi and his ability to head this department, so. Thank you for yielding the time.

von GILLERN: Thank you, Senator Hansen. Senator Vargas, you're recognized.

VARGAS: Thank you very much. Colleagues, I rise in opposition to the confirmation report. And I-- I, I can see this is going to be very-- kind of similar to, to Senator Conrad's words. It-- you know, it, it is within the discretion of the executive branch to identify and appoint their leadership and earn enough votes in the floor and on the floor. That's their prerogative. It's also our prerogative to make sure that the public has line of sight and transparency about the leadership that we elect so that we can hold them accountable, both good and bad, to the predispositions of, of their leadership. We are not absolved of the things that we say or do. Similar to being a, a elected official, public-appointed officials at this stature are also held accountable to those things. I can say I've had wonderful conversations with Director Corsi and really appreciate his openness to have a dialogue and talk about the issues and what he hopes to

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accomplish. We agree on a lot of things, which might surprise people. There's things we agree on in terms of-- the same way that we approach the budget process. We've agreed on trying to find savings where we can, trying to make sure we're reviewing the contracts and doing right by taxpayer dollars, making sure we're being really efficient with the dollars we are currently using within DHHS. I do agree with those things. I think there's a good way and a bad way of doing that kind of work in business in terms of audit accountability. So there's parts of that that I agree with, and I think we should do a, a better job of making sure we're supporting the programs that we do-- that are, are the most effective. And I appreciate his intent on, on working on that. I've also been really frank with him that, should he earn enough votes, it, it wouldn't necessarily be-- I'm not supporting the confirmation-- that he is responsible to being able to take this. Being able to, to go through the scrutiny is part of the process. It's not personal. Although, when there are social media remarks made against LGBTQ individuals or are critical of CDC guidelines, I think those are important transparency concerns that should be brought to the public. I do appreciate Senator Cavanaugh-- Machaela Cavanaugh and others making sure that this is basically educating the public on this because this will be our director. It also means that we give them the responsibility and the accountability to putting aside these views or any views so that we are doing right by DHHS and all its programs and agencies without bias and without any prejudice. Unfortunately, again, social media and the things that we have seen are cause for concern for me. It's why I'm not supporting. But at the end of the day, that is our independent right as a Legislature and is not separated from the fact that he could be both a nice person, a good person, and I can wholly disagree with some of his views that influence policy in DHHS. That has to be OK. That is the part of this. There are a lot more questions also in terms of how both contracts were awarded and the process with which he has been identified. I do have a lot of concerns on that that have been brought up al-- al-- already. It's going to be our responsibility as a future Legislature to make sure he is held accountable to making sure we are not gutting programs and services for efficacy.

von GILLERN: One minute.

VARGAS: And again, that's the reason why I use efficacy. At the end of the day, I want to make sure that whoever is in this leadership position-- I held the same standard to the previous CEOs and directors of these roles, which is: we can disagree on policy, we can disagree, but it should not impact the, the work. And I'm concerned

that some of these-- some of the social media, some of the views can impact the work, and that's why we get to hold whoever's in this position accountable. And that is our position as a Legislature. I wish them the best of success if they do get appointed and that future Legislature will hold them accountable to every single item, budget, program, policy because that is the way this body should work. So colleagues-- and I have said this before-- appreciate the conversations I've had with Director Corsi, appreciate the work he's been doing in the community and building relationships, especially as a result of the confirmation and also--

von GILLERN: Time.

VARGAS: Thank you.

von GILLERN: Thank you, Senator Vargas. Senator McKinney, you're recognized.

McKINNEY: Thank you, Mr. President. I rise to offer my comments on this. I think it's real interesting, especially hearing the conversations that Director Corsi only wanted to meet with his staff around because, to his credit, I've received the opposite from the director of the prisons. He's come by himself, and we've been able to have very frank conversations. You know, we've both got our opinions and we've been able to express those, but-- and have good dialogue with each other. But he didn't come with his staff, and I respected that because I think that shows me that you're-- there is some level of intentionality to actually have a good conversation and you're not just having people in the room to tell you not to say this or don't answer this or try to hold you back from expressing what you should and should not say or get you not to say things you probably would say if they weren't around. So I thought that was really interesting that he wouldn't meet with certain senators without staff around. I wasn't able to meet with him. I think he tried to meet with my office, but I was busy at the time and a bunch of other meetings had come up around that time. And I don't think anything got rescheduled. But if we were to meet, I wouldn't want to meet with him with his staff around. I would want the same courtesy we-- the director of the prisons provided and came-- he came by himself. Not to say that I agree with everything that happens in the prisons, but at least he came by himself and opened himself-- opened himself up to, you know, a, a good conversation. And I think that's what all directors of these agencies should do out of respect of senators, is respect us like they ask us to respect them. And if you can't come by yourself, that shows a lot about the individual. And it raises a lot of red

flags if you can't come by yourself and have a honest conversation. But then you'll, you'll have this before the body and you'll ask those senators to vote yes on this confirmation but the, the individual in question would not meet with those senators by, by hisself. I think that is a problem that needs to be addressed. And then looking at some of these social media comments is real interesting. He-- it looks like he liked something that said: Races are preposterous, preposterous nonsense-- which is a lie. Comments about slaves and slavery is-- it's really interesting. I would love to have a frank conversation with him about these topics without his staff around to honestly see how he feels about race and slavery in America. And I probably would suggest the 1619 Project to him. It's, it's in my office if you want to read it. And if he would come, I'll suggest that to him as well. But honestly speaking, I think he should meet with senators by hisself if he actually wants to be confirmed by the body. Thank you.

von GILLERN: Thank you, Senator McKinney. Senator Fredrickson, you are recognized.

FREDRICKSON: Thank you, Mr. President. I continue to rise in opposition to this report as well. I appreciate Chair Hansen, Senator Hansen getting on the mic and clarifying some of his decision-making process on voting this out. And I think I'm-- I think Chair Hansen and I actually have a lot of shared values around what we value in leadership. Senator, I think you mentioned openness, honesty, and transparency. I think maybe where there might be some difference there is that I like to see openness, honesty, and transparency, behaviorally speaking. So I think it's one thing to say I'm opus-- I'm open, I'm honest, and I'm transparent. But not being forthcoming or hiding past employment, that's not open, honest, or transparent. Having restraint chairs purchased under your use-- and let's be clear, these weren't just purchased. This was, this was a whole scandal. These were being used on minors. And to just say, I didn't know about that, as the leader of that department does not invoke in me a whole lot of confidence. We need to be serious about this. This is, this is going to be the head of the largest code agency in the state of Nebraska. And I feel a bit like we're asleep at the wheel. We're not looking at all of these big concerns, these valid concerns that have been brought to the table. We've had a couple members of the committee speak about how they were able to get over those concerns, but not everyone on the committee has done that. And I would ask all of you as colleagues to think hard about what type of behavior you hope to see in leadership. What qualities? What impulse control? When you read through social media posts that almost present

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adolescent, we have to ask ourselves, is that behavior that we want as a director of our largest code agency? I think this is a very serious position. And yes, we do owe due consideration to the Governor for assembling the team he wishes, but we also hold responsibility as a legislative body to confirm that decision and to also say, yes, we agree with this choice. We agree that this is the best choice to run the largest code agency in our state. So yes, we do need someone who is open, honest, and transparent, but not just by self-report. We need someone who has a shown track record of openness, honesty, and transparency. And Dr. Corsi's track record, as evidenced by these very clear documents-- there's FOIAs from multiple states where he's worked in this packet-- does not fit that criteria. Thank you, Mr. President.

von GILLERN: Thank you, Senator Fredrickson. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. Colleagues, I don't-- you've never heard me really talk bad about, about HHS, primarily because I think that's the only organization I don't know what you do to get a win there. So I've never, never really beat up on them. I think there's got to be a lot of changes structurally. But until I can offer better solutions, I just don't. But I will be a no on this. And I'll yield the rest of my time to Senator Cavanaugh-- Machaela Cavanaugh.

von GILLERN: Senator Machaela Cavanaugh, you're yielded 4 minutes and 32 seconds.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Wayne. Senator Wayne, Senator Walz has a bill for that. It breaks up DHHS into smaller agencies, which apparently was the state of DHHS prior to 20-- 2008. Maybe even more recent. It, it-- and actually has only been the behemoth that it is since the-- like, 10, 15 years now, so. Not unreasonable to think that we could go back to how it used to be. Although, I will say that the fiscal note coming from DHHS on Senator Walz's bill required double staff than they currently employ. So I guess the efficiency experts aren't that efficient if that's what it would cost. I do appreciate people thinking about these themes of open, honest, and transparent because that is really what was unsettling to me. Dr. Corsi would not meet with me individually or was not allowed to meet with me individually. And clearly, the first thing I knew about him when he was appointed was his extensive-- what I would describe as offensive-- social media posts. And so I thought that it would probably be best if he and I could have an honest and open conversation about that behind closed doors, just the two of us.

But that was not an option. That was not allowed. He wasn't allowed to just sit down and talk with me and address those concerns. So that is why the first time I ever talked to Dr. Corsi was at the public hearing. So we kind of started out on a not open and transparent footing. Then there came-- which I was only made aware of about an hour prior to his confirmation hearing that he had any relationship whatsoever with Epiphany. And since that time, it has become very clear that it's not only did he have a relationship with Epiphany, but he has had a long-standing, over many years and many jobs relationship with Epiphany in addition to being employed by them at the time that they recommended him to us. And we don't know if any other person was recommended at all because none of that was disclosed. It is my understanding that when CEO Smith resigned, that Epiphany said, you should take a look at this person. And I think it was a matter of weeks, not even a month later, he was appointed. And he was still employed with them until days before they made it public that he was appointed. And none of that was ever disclosed. And it still isn't part of his public records. It's not part of his public resume on DHHS's website and it's not part of his public LinkedIn profile. And transparency--

von GILLERN: One minute.

M. CAVANAUGH: --he has locked his public Twitter account, or whatever it's-- X, I guess it's called now-- so nobody can look at it unless he decides that you can look at it. That is not transparent. So the only reason we have any evidence of his views on it is because he posted them and people took screenshots immediately because there was a concern that he would close it down. The restraint chair and the double payments and the working for a private, for-profit corporation while he was working as the director of an agency should be serious concerns for this body. If you don't care about anything else, care about the money. Care about the money. Thank you, Mr. President.

von GILLERN: Thank you, Senator Cavanaugh. Senator Blood, you're recognized.

BLOOD: Thank you, Mr. President. I would like to yield my time to Senator Machaela Cavanaugh. I would like to hear more about the social media posts. I was actually going to address that, but I think Senator Cavanaugh knows a little bit more about the issues that were discussed.

von GILLERN: Senator Machaela Cavanaugh, you're yielded 4 minutes and 40 seconds.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Blood. I-- the social media posts-- I really did just take a sampling of them to put in the binder because they, they were pretty extensive. But there clearly shows a, a pattern of views that are, I would say, unacceptable when it comes to race and-- and when you are dealing with an agency that deals with predominantly minorities and a great deal of your employees are minorities, it is unsettling to see such blatant public statements. But additionally, he's made a lot of statements about the LGBTQ community. I put just one in here. There were a lot. And his responses to being asked about those in particular are essentially that it was his mistake for making them public. And what he has done in the work environment around that-- again, I, I want to be mindful of protecting employees, but it has been-- it has been overt in his interactions within the, the agency. Additionally with the employees, there is a, a lack of transparency in the work that CEO Corsi is doing in concert with Epiphany. And I would like to go to the page that has all of the logos on it. This is a series of state logos, and this is how I came to find-- or, my office came to find that he had this long-standing relationship with Epiphany-- was that we looked up the logos where he had employment and reached out to them about their contracts with Epiphany. And they all had contracts with Epiphany during his time of employment. And no-- again, none of those contracts were for anything more than \$20,000. So when we talk about concerns, pattern of behavior, and then looking back on patterns that we've had within our own state, the pattern of Saint Francis Ministries and the head of Saint Francis Ministries and the financial malfeasance that was taking place there, this pattern just is alarming. And it doesn't sit well with me. And I think that we should know if there's a better candidate for this state because this seems to have been a rushed appointment. We had the director resign, and he was immediately appointed. And I don't think that he was properly vetted. And I appreciate that he has done this job in other states-- or, not actually this job-- similar positions, led departments in other states. But in, in each of those states, he has controversy. In Missouri, he has controversy over drawing down two different state agency paychecks and continuing to do it after he was called out for it.

von GILLERN: One minute.

M. CAVANAUGH: In the other state, he was in charge when the chair was purchased and when the chair was used, and he should have known about it. Not knowing about it is almost as bad as knowing about it. Both are bad. That is not a person that is paying attention to vulnerable children. Period. I have also since sitting here heard some

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disturbing remarks that he has made to some parents of disabled children here in Nebraska, but I think I am about out of time to get into that. Colleagues, there's a pattern. There's a pattern. It doesn't seem like anybody is really listening other than the people that have listened and, and stood up and said that they are not going to vote for him, but it seems like the majority of people aren't even on the floor.

von GILLERN: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

von GILLERN: Thank you, Senator Cavanaugh. Senator Day, you're recognized.

DAY: Thank you, Mr. President. And good morning, colleagues. I did not vote to advance the nomination of Dr. Corsi out of the HHS Committee. And I agree with much of what has been said on the floor this morning. Earlier, Senator Hansen mentioned, yes, there are some concerning things from his social media and in his past, but he was focusing on his ability to do his job. And I would say that that's what we are also focused on this morning. To me, someone who says some of the most egregious things on social media very publicly about race, about the LGBTQ community is not fit to oversee an incredibly large department and be a representative of the state of Nebraska. This man would be running the Department of Health and Human Services in Nebraska, which oversees a wide variety of incredibly important programming and programs like child welfare, all of our youth detention centers, Medicaid, all of the DED programming and the implementation of not just the programming but also the budgets and things that go on within HHS. And we have several years of evidence of concerning financial problems under the guidance of Dr. Corsi in other states. It's-- you know, as a state senator who is also up for reelection this year, I am aware of how important what you say on social media is and how it can be used against you when it comes to your credibility. And I think for someone to have such poor judgment that they would post the things that he's posted on social media and to say the things that he said, it's not only an indictment of his judgment but of his character as well. This man is overseeing hundreds of employees, thousands of people that participate in programs through the Department of Health and Human Services, many of whom are in the groups that he was very publicly talking about being biased and prejudiced against. That is incredibly poor judgment and, from my perspective, very bad character. And I think that is an indictment of his ability to do his job. I do not think he is fit for

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the position specifically because of the things that he has said on social media and the fact that he has illustrated that he has poor character, that he has poor judgment, and that he is very strongly biased against the people for whom he is serving. That's a huge problem. I would like to yield the rest of my time to Senator-- Senator Danniell-- Danniell-- pardon me. Sorry-- Senator Danielle Conrad. Thank you.

von GILLERN: Senator Conrad, you're yielded 1 minute, 25.

CONRAD: All right. Thank you, Mr. President. Thank you, Senator Day. Don't worry, Senator Day. I have definitely been called worse, probably even just this morning, so a slight mispronunciation's no big deal. Friends, there's a lot of buzzing around on the floor. People are getting itchy to take a vote on this as soon as possible. It seems like some of my colleagues may be in the queue to call the question. Look--

von GILLERN: One minute.

CONRAD: --there's no-- thank you, Mr. President-- there's no doubt when the administration put forward this nominee they knew there would be controversy. When the Health and Human Services Committee put forward this nominee to the floor, they knew there would be controversy. When this was scheduled for a late start on one of the last days of session, the Speaker knew that this would generate controversy. So to have less than two hours to talk about the director of our largest and most troubled state agency, he-- who he himself has a history of controversy that needs to have additional accountability, deliberation, and discussion-- two hours is not excessive. It is appropriate. And in fact, colleagues, remember: we changed our rules just this year to set cloture on nominees for the first time. So if members want to push forward with cloture, they're going to have to do that, perhaps, or let--

von GILLERN: Time.

CONRAD: --debate happen organically. Thank you, Mr. President.

von GILLERN: Thank you, Senator Conrad. Senator Dungan, you're recognized.

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I do appreciate the conversation that we've been having here today. I would agree with my colleagues that this is a really important thing to discuss and that we shouldn't just, I think, treat confirmation

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reports as votes that should go quickly. And obviously, given the conversations that were started last year with a lot of the contentious legislation that was brought, these kind of subjects regarding HHS and then the numerous avenues that they're going to have an effect on the state are things worth discussing and debating, and I think that my colleagues have done a very good job of highlighting that. I know we're running short on time, so I wanted to go ahead and yield the remainder of my time to Senator Machaela Cavanaugh if she'll take it.

von GILLERN: Senator Machaela Cavanaugh, you're yielded 4:20.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Dungan. Yes, I agree. I, I am happy to see people have started engaging in, in the debate. I'm happy to see that Senator Ballard is in the queue, as he's a member of the committee who voted for Dr. Corsi's nomination. I think it's important to hear from committee members on these essential issues as to why you're in favor or not in favor of, of individuals. So I look forward to hearing Senator Ballard's reasonings in a few minutes because he did not share those with me in the committee. And so I, I want to know-- I would like to know why we're debating this gentleman today. So there's a lot-- again, a lot of concerning things. In this book, there is a article: "DSS Director Still-- still-- the word 'still--' Being Overpaid." Despite his pledge to end a practice of accepting salary deposits from two departments, the director of Missouri's social services has continued to receive double payments. On Thursday, Director Corsi said he discovered Wednesday the payments continued and immediately went to his agency's human resource office department and asked that they correct the issue. During budget hearings in early February, Corsi's unusual salary arrangement came under scrutiny. So this-- oh, sorry. This article was a month prior. Colleagues, these things are important. We have a fiduciary responsibility to this state, and it is very clear that Dr. Corsi has exhibited unprofessional, questionably ethic judgment over a decade-plus of his career. Is this the right course for DHHS? As far as I have been made aware, there was no real vetting of this candidate beyond, he was recommended by Kristen Cox. And he and Kristen Cox have enjoyed a long relationship following many states and many positions of employment. There was no vetting beyond that, as far as I can tell. Additionally, there is the questionable judgment of multiple salaries, working for a for-profit consulting company while a director at a state agency, and working with another agency employee in that role--

von GILLERN: One minute.

M. CAVANAUGH: --showing very poor judgment on both fronts. Whether you agree that he didn't know about the restraint chair or not, neither is good. It is not good for the director of the Child-- of the Children's Welfare to not know about a restraint chair being purchased and utilized, and it is not good for him to know about the restraint chair being purchased, being utilized. It was a huge scandal. And claiming that you don't know about it is bad. We had a YRTC campus completely shut down because of lack of oversight of the facility. Completely shut down, shuttered its doors, sold on governmentproperties.com or something like that. People moved--

von GILLERN: Time.

M. CAVANAUGH: Thank you.

von GILLERN: Thank you, Senator Cavanaugh. Senator Erdman, you're recognized.

ERDMAN: Question.

von GILLERN: Question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all opposed vote nay. Have all voted who wish to? There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all opposed vote nay. Record, Mr. Clerk.

CLERK: 32 ayes, 2 nays to place the house under call, Mr. President.

von GILLERN: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Day, please return to the Chamber. The house is under call. Senator McDonnell, please return to the Chamber. The house is under call. All unexcused members are now present. The question is, shall debate cease? All those in favor vote aye-- there was a vote open. Senator Erdman, will you accept call-in votes? We're now accepting call-in votes.

CLERK: Senator McDonnell voting yes.

von GILLERN: Mr. Clerk, record.

CLERK: 26 ayes, 0 nays to cease debate, Mr. President.

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von GILLERN: Debate does cease. Senator Hansen, you're recognized to close.

HANSEN: Thank you, Mr. President. Like I mentioned before, I, I think it's important that we vet people in a position such as this in such an important role. And so I do appreciate a lot of the people who've gotten up and, and spoken, given their concerns, asked questions either for or against. And so I think that's very important that, that we do our due diligence as a legislative body and make sure that we, as Senator Riepe said, peel the onion back and the layers, which I feel like that we have done. So I, I would encourage everyone to vote green for the confirmation report of Dr. Corsi. Thank you, Mr. President.

von GILLERN: Thank you, Senator Hansen. The question before the body is the adoption of the Health and Human Services confirmation. All those in fa-- favor vote aye; all opposed vote nay. Roll call vote has been requested. Mr. Clerk.

CLERK: Senator Aguilar. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting no. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt. Senator Brewer voting yes. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting no. Senator Day voting no. Senator DeBoer not voting. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan not voting. Senator Erdman voting yes. Senator Fredrickson not voting. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson. 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 Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould not voting. Senator Riepe voting yes. Senator Sanders. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz not voting. Senator Wayne voting no. Senator Wishart. Senator Machaela Cavanaugh voting no. Senator John Cavanaugh voting no. Vote is 28 ayes, 8 nays, Mr. President, on adoption of the committee report.

von GILLERN: Committee report is adopted. I raise the call. Mr. Clerk for items.

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CLERK: Thank you, Mr. President. Your Committee on Enrollment and Review reports LB130 as correctly engrossed and placed on Final Reading, as well as LB287, correctly engrossed and placed on Final Reading. LB644A, correctly engrossed and placed on Final Reading. LB1102, correctly engrossed and placed on Final Reading Second. LB1204A, correctly engrossed and placed on Final Reading. LB130A, LB287A, LB867A, LB1355A, LB1197 all placed on Select File, some having E&R amendments. Amendment to be printed from Senator Linehan to LB1374; Senator McKinney to LB6-- excuse me-- LB164. New A bill: LB12-- LB1284A, introduced by Senator Walz. It's a bill for an act relating to appropriations; to transfer and appropriate funds to aid in the carrying out the provisions in LB1284. LB876A, introduced by Senator Holdcroft. It's a bill for an act relating to appropriat-- appropriations; appropriate funds to aid in the carrying out the provisions of LB876. LB126A, introduced by Senator Day. It's a bill for an act relating to appropriations; appropriate funds to aid in the carrying out the provisions of LB126. New LRs: LR342, from Senator Bosn. That'll be referred to the Executive Board-- as well as LR343 from Senator Bosn. That'll be laid over. LR344, introduced by Senator Lowe. That will be referred to the Executive Board-- as well as LR345 from Senator Lowe, referred to the Executive Board. Senator DeBoer would offer LR346 to be referred to the Executive Board. Senator Dungan, 340-- LR347, referred to the Executive Board, as well as LR348. LR349, from Senator Linehan-- referred to the Executive Board. LR350, from Senator Blood. That'll be laid over. Senator Raybould, LR351. That will be referred to the Executive Board. Senator Raybould, LR352, also referred to the Executive Board. Senator Lowe, LR353, referred to the Executive Board. And Senator Conrad, LR354, referred to the Executive Board-- as well as LR355. Mr. President, explanation of vote from Senator Hughes concerning legislative bills LB43e, LB905, LB905A, LB1087e, and 1087Ae. Motion to be printed from Senator Hunt concerning the confirmation report. Additionally, Senator Hunt would move to recess the body until 1:30 p.m., Mr. President.

von GILLERN: Question before the body is, shall we recess for lunch? All those in favor vote aye; any opposed vote nay. We are in recess.

[RECESS]

DeBOER: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Record, Mr. Clerk.

ASSISTANT CLERK: There is a quorum present, Madam President.

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

ASSISTANT CLERK: No, no items for the record.

DeBOER: Thank you, Mr. Clerk. We'll proceed with the first item on this afternoon's agenda, Mr. Clerk.

ASSISTANT CLERK: Madam President: LB1188, introduced by Senator Riepe. It's a bill for an act relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for the payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency. The bill was first read on January 12 of this year. It was referred to the Business and Labor Committee. That committee reports the bill back to General File. There are committee amendments.

DeBOER: Senator Riepe, you're welcome to open on LB1188.

RIEPE: Thank you, Madam President. LB1188 is the state claims bill introduced by me as Chair on behalf of the Business and Labor Committee at the request of the Department of Administrative Services Risk Management Division. The bill introduces the claims against the state that are required by statute to be approved by this Legislature. The State Risk Manager has submitted tort and workers' compensation claims against the state and certain write-offs by the Legislature's approval and appropriated-- appropriation of funds. As Chair of the Business and Labor Committee, I will provide background on the process for claims and go through each claim in LB1188. For, for your reference, each of you has received a spreadsheet detailing each claim, providing a brief description and settlement processing by the Attorney General's Office. The dollar amounts in the state claims bill have been agreed to as settlements or court adjustments. Judgments are reviewed and litigated by the Attorney General's Office for the relevant state agency, not-- I nor, nor-- not, and I repeat, not determined by the Business and Labor Committee. State claims bills are brought forth each session and may consist of miscellaneous torts, indemnification, and workers' compensation and state insurance claims. Claims against the state pass through the State Risk Manager's Office within the Department of Administrative Services. Claims in the amount of \$5,000 may be approved directly by the Risk-- State Risk Manager. Claims of-- beyond \$5,000 and up to \$50,000 must be approved by the State Claims Board. Claims totaling more than \$50,000 must be approved by this Legislature, and thus are added to

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the claims bill. For these claims, the Risk Claims Manager pays the first \$50,000, and the remaining amount is paid upon approval by the Legislature. Included in the state claims bill are state agency write-off request. Lastly, I want to note there are three amendments to LB1188. The first is a committee amendment that I will discuss following my opening. Second and third amendments address new claims settled by the Attorney General's Office. A public hearing was held by the Business and Labor Committee on March 21 to discuss and adopt added claims via amendments. For your reference, state claim summary information was handed out to each member of, of legis-- of this Legislature this-- early this afternoon. And I will now go through the claims introduced by LB1188. Section 1 includes an innem-- indemnification claim for \$100,000, a settlement agreement between the Department of Agriculture and Richard Hensenbach [SIC]. This claim-- this-- his claim was settled for \$150,000. The first \$500 has been paid-- or, the first \$50,000. I apologize. Section 2 includes a workers' compensation claim of \$210,000 settlement agreement between Landis Johnson and the Department of Correctional Services. His claims were settled for \$325,000. The first \$100,000 has been paid. Section 4 includes state agency write-off requests reviewed and approved by the State Claims Board, requiring approval by the Legislature for payment. I would like to note that agency representatives provided in-person testimony for each of their respective write-off requests. The write-offs include LB1188 are, one, a \$201,117.22 write-off request made by the Department of Transportation relating to bad debt from various department programs. Number two, an \$8,829.58 write-off request made by the Department of Veterans Affairs relating to past due membership contributions. Three, \$1,495,029.34 write-off request made by the Department of Health and Human Services related to uncollected debt. Number four, a \$1,690,000 [SIC] write-off request made by the State Fire Marshal related to uncollectible debt and storage tank restoration-- registration fees. Number five, a \$931,307.28 write-off request made by the Department of Labor related to employers who have passed away or filed for bankruptcy, forming uncollectible debt. And finally, \$1 million-- \$1.0 million-- \$1,017,071.36 write-off request made by the Department of Labor related to unemployment insurance benefits, overpayments, and uncollectible debt. This concludes my opening on LB1188. Thank you, Madam President.

DeBOER: Thank you, Senator Riepe. Colleagues, I would like to announce 70 fourth grade students from my district in Sunny Slope Elementary in Omaha. Please stand and be recognized by your Nebraska Legislature. Colleagues, also, there are 53 high school students that

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Senator Brandt would like to recognize from Wilber-Clatonia. Please stand to be recognized by your Nebraska Legislature. As the Clerk stated, there are committee amendments. Senator Riepe, you're welcome to open on your committee amendments.

RIEPE: Thank you, Madam President. The Business and Labor Committee voted to adopt AM2923 to LB1188. Since the adoption of the committee amendment, more state claims have been settled by the Attorney General's Office. Because provisions in this committee amendment are no longer needed and with the addition of another amendment created, AM2923 is no longer relevant. In order to provide a cleaner approach to amending LB1188, I ask that you vote no. I repeat: I ask you to vote no on committee amendment AM2923. Thank you, Madam President.

DeBOER: Thank you, Senator Riepe. Turning to the queue. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. Pres-- Mr. Presi-- Madam President. Colleagues, so I want to tell you the genesis of these claims. I think it's important when we talk about where these claims come from and why a, a bill or a state claims is important. Underneath Nebraska law, underneath the political state tort act and underneath the state tort act, the state actually cannot be sued unless we grant ourselves the ability to be sued. So we have a-- what's called the State Tort Claim Act. And the State Tort Claim Act allows us to be sued. In that process of the State Tort Claim Act is what Senator Riepe laid out as far as authority levels of who can decide what. There's going to be an amendment that comes up here that I'm going to speak a lot more of. I thought it was on this amendment, but I'm looking at the other amendment where it deals with a significant claim, and we're going to have a conversation about that claim. Not because I'm against it, but I think it's important the body understands. Why do these claims come before us? Because those who are here-- and I would even say we could fix it this year. But the idea that \$50,000 have to be approved by a board and that anything over \$100,000-- or, \$200,000 has to come to this floor is mind-boggling when you think about the injured party on the other side. We meet once a year for the first six months, arguably, first four months. After we're done with session, a victim and their family can settle a case with, with the state, and they won't actually receive compensation till almost a year later when we come back before this body. Think about what that does if you're talking about medical bills, you're talking about all of the things that go into a serious injury. Those medical bills don't stop going into collections. Your credit report doesn't stop taking a hit. And oftentimes, hospitals are quick-- very quick-- to put that in a

court. That doesn't go away. And because of how our system works, these victims don't get paid for a year and a year and a half. Now, why is that important? Because as an attorney, you're trying to factor that in. You're trying to factor the time value of money. Whereas in most litigation, you settle, in the clause, it has a 30-- 30-day payment. Most of them have a ten-day they got to pay. Because typically, when you're dealing with injuries, whether workers' comp or a personal injury, they got bills. Those bills are part of that factor you're paying in. And you literally have people losing their house and losing things waiting on a claim to get paid. So we-- I'm not on the Business and Labor Committee, but I, I thought it was important to-- people understand that we do these bills once a year and we're paying for things that was already settled. Now, this is kind of unique in that we had a settlement that recently happened that required us to have a special hearing. But if you think about that context, you think about individuals who are dealing with debt and payment, they have to wait a year. And then it has to-- this bill is passed. There's an emergency clause. Then it's going to take another 30-- 45 days for that payment to be processed. That's if there is no hiccups. We got to figure out a better way or create some better authority language for these individuals who maybe have a \$500,000 claim or less. Because at the end of the day-- I've always thought this was weird-- do they have authority to settle or not? Think about what we put the Attorney General in this weird predicament. Does the Attorney General actually have authority to settle a claim against the state? Because if we vote this down, then the settlement goes away. So you hold this case up in court and you continue it out saying, well, we, we got to wait for the Legislature to approve it--

DeBOER: One minute.

WAYNE: --or you actually settle it. And typically, within five days, you file a joint motion to dismiss. But this body could reject the claim. So does the, does the Attorney General actually have authority when he has to come before this body once a year? I think that needs to be fixed. I think it is detrimental to how we operate. And I think it does a, a, a disservice to the families who are waiting on payments to be made whole. Thank you, Madam President.

DeBOER: Thank you, Senator Wayne. Senator Clements, you're recognized.

CLEMENTS: Thank you, Madam President. Would Senator Riepe yield to some questions?

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DeBOER: Senator Riepe, would you yield?

RIEPE: Yes.

CLEMENTS: Senator Riepe, on the State Fire Marshal claim that's on the back side of the handout I received, I see a number, \$1,690. When you were describing that, you said \$1,690,000. I just wanted to clarify the dollar amount of the State Fire Marshal debt write-off.

RIEPE: Might be there's a rounding error on my part.

CLEMENTS: Is \$1,690 the correct number?

RIEPE: Let's see. I'm, I'm trying to look back here over my figures. You're correct. It is \$1,690.

CLEMENTS: Thank you. I was pretty sure that was just misspoken. Do you have a to--

RIEPE: I didn't give you a heart attack, did I?

CLEMENTS: Well, a million here and a million there, that adds up. The total of all of these-- do you have a total of all of these?

RIEPE: I have a total of--

CLEMENTS: Well, I just did--

RIEPE: I have it here--

CLEMENTS: I just did an add-- a quick add. I got \$12.1 million is the sum of all of these claims. Are you-- you said to vote no on one of your committee amendments. Is that going to take out any of the items on here?

RIEPE: Well, I think where that number has diminished is some of this was covered by excess coverage insurance, particularly on the one that-- the automobile hot pursuit one, which took it from \$7.5 million down to some-- 4, 4-- I believe it's \$4 million.

CLEMENTS: All right. Well-- but the \$4 million is the-- is after insurance is paid, some of it then, right?

RIEPE: Yes, but I, I'm, I'm trying to look where-- I one time had it totaled up here.

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CLEMENTS: Well, I'll let you go that-- thank you for now. I may get back on and-- with--

RIEPE: OK. We can follow up with you too to make sure that we do. It is important that we get these numbers clarified, and especially because of the Appropriations Committee. We owe it to you to get you the exact and right number. We will do that.

CLEMENTS: Thank you, Senator Riepe.

RIEPE: Thank you.

CLEMENTS: I also checked-- seeing the \$12.1 million total here, that concerned me because there is not that-- a lot of money to the floor. In checking with the director of Fiscal-- in the budget, I recall that we did transfer some money to the state insurance fund. A lot of these are paid from the state insurance fund. And we took out of the Cash Reserve \$3.25 million to a state insurance cash fund, which most of these will come out of. There are some workers' compensations claims that, that-- workers' compensation has a claim fund in, in that agency. And those-- there is adequate-- there are adequate funds to cover those. And the-- what I've been told is, of this \$12.1 million, \$100,000 is what's going to come off of the floor. And I'll double-check that with Fiscal, but that's what I told-- was told with a quick ask just a little bit ago. So that does make me feel better about these claims. And how much time do I have?

DeBOER: One minute.

CLEMENTS: Thank you. I think that's all I have for now. I may get on another time. Thank you, Madam President.

DeBOER: Thank you, Senator Clements and Senator Riepe. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Madam President. Would Senator Wayne yield to a question?

DeBOER: Senator Wayne, will you yield?

M. CAVANAUGH: Thank you, Senator Wayne. I apologize. I wasn't 100% tuned in to what you were talking about. And then I started tuning in and I wasn't quite clear. Can you give us a-- you were talking about the AG settling claims.

WAYNE: Yes. So--

M. CAVANAUGH: Could you just refresh on that?

WAYNE: So the AG, when you sue the state, is the, the, the attorney on the other side. And, and when you settle a case, the AG acts like they have the authority to settle that case. But when Senator Riepe laid out in his opening the thresholds for paying claims, it seems like anything over \$200,000-- and I, I think that's the number he used-- has to come before this body. And so I'm questioning whether the AG has authority to settle claims if this body can vote down that claim settlement. And if the body votes down the claim settlement-- and especially if that attorney dismissed the case thinking we had a signed agreement-- that, that claim could be statutorily barred, and that, that raises some concerns I have.

M. CAVANAUGH: What would happen if that-- if we voted down to pay, pay out a settlement? What would happen then?

WAYNE: It would depend on where they were in the statute of limitations. So on a personal injury-- well, within a state-- against the state, you have a two years' statutory limitation to-- first, within one year, you have to file a notice. Then within two years, you have to file litigation. So if it's outside of that two years-- which, based off of the claims that I see before us, they all are-- then they are forever barred. They can never go back and refile a case. And-- because the two years is gone.

M. CAVANAUGH: So if the AG settles a claim, then we decide to not pay out the claim, the-- what would it be-- the plaintiff then has no recourse?

WAYNE: If they're past their statutu-- statutory limitations or repose, absolutely. And based off of the, the claim numbers I'm seeing, one was a CI 20-- which means it was filed in '20-- then they are depe-- they are, they are barred if we were to deny those claims.

M. CAVANAUGH: Wow. OK. That's-- so how can we fix that?

WAYNE: Well, I think from General and Select, I think Senator Riepe might want to have a conversation around threshold limits and how we can increase those. If not, I definitely think, going into next year, Business and Labor needs to look at threshold limits to make sure they have more authority. And then we probably need to put something in statute that says, if the claim is voted down, the statute of limitation does not apply for the purpose of that claim. That way, that person can at least have recourse.

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M. CAVANAUGH: OK. Thank you. That's really important history. So thank you, Senator Wayne. I yield the remainder of my time.

DeBOER: Thank you, Senators Wayne and Cavanaugh. Senator Megan Hunt would like to recognize 44 fourth graders and three teachers from Western Hills Elementary in Omaha, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Riepe, you're welcome to close on the committee amendments.

RIEPE: Thank you, Madam President. I will be brief. And I want to thank Senator Wayne for noting out this significant challenge in terms of the payment process. And the actual amount that is required from this body is \$50,000. So it's a, it's a very small threshold. And we will take a look at that going forward. We may turn this around fairly quickly with Select, so we'll see. If we don't, we'll make a pledge to at least study it for sure in the next session. Thank you, Madam President.

DeBOER: Thank you, Senator Riepe. The question before the body is the adoption of AM2923, the Business and Labor Committee amendment. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 0 ayes, 35 nays on the adoption of the committee amendment, Madam President.

DeBOER: Thank you, Mr. Clerk. Next-- the committee amendment is not adopted. Next item on the bill.

ASSISTANT CLERK: Madam President, Senator Riepe would move to amend the bill with AM3018.

DeBOER: Senator Riepe, you are welcome to open on AM3018.

RIEPE: Thank you, Madam President. The Business and Labor Committee held a hearing on AM3018 to LB1188 on March 21 as a result of the new state claims settlement by the Attorney General's Office since the initial hearing of LB1188. AM3018 amends LB1188 by including two workers' comp settlement claims in Section 2. The first claim is divided into two parts: \$10,164 to Christine Schmidt and \$125,000 to Handley Law on behalf of Christine Schmidt for injuries sustained in an accident injury arising from her employment at the Nebraska Department of Veterans Affairs. The second: \$350,000 to Dowding, Dowding, Dowding, and Urbom on behalf of Santino Madut Akut [SIC] for injuries sustained in an accident-- injury arising from his employment at the Nebraska Department of Correctional Services. AM318

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[SIC] also includes one new insurance fraud tort claim for the state divided into three payments: 4,000-- \$4.45 million to the trust account of Simon [SIC] Olson Law Firm; \$2.5 million to New York Life Insurance Company; and \$500,000 to Pacific Life and Annuity Services. This is a personal injury claim filed on behalf of Miles and Christina Margitiz [SIC] resulting from an alleged police pursuit pursuant to Nebraska Revised Statute 81-8,215.01. The state of Nebraska is strictly liable for injuries caused by innocent third parties resulting from a vehicle pursuit. According to testimony provided by a representative from the Attorney General's Office, the state had excess auto liability insurance coverage, which included coverage for police pursuits following payment by the state of the full \$7.5 million. The state third-party administrator, NRMA, will submit claims for reimbursement from the state's excess carriers, which the Attorney General's Office expects will be paid within approximately 30 days from the reimbursement request. Of the \$7.5 million, the state will be reimbursed \$400,000 from our first layer of excess coverage and \$4 million from our second layer of excess coverage. Accordingly, after reimbursements, the state will have paid \$3.1 million on this claim in addition to premiums paid for that policy period. Due to the rising premium cost, the Office of Risk Management did not, I repeat, did not renew the state's auto liability insurance policy, which took effect on July 2, 2023. This means that the state is currently fully self-insured and does not have any excess insurance coverage for any motor vehicle accidents or police pursuits moving forward. If the above claim occurred today, the state would be responsible for the full \$7.5 million. More information on these claims are noted on the state claims summaries I handed out to you in-- just recently. And I ask for your green vote on AM3018 to LB1188. Thank you, Madam Pres-- Madam President.

DeBOER: Thank you, Senator Riepe. Mr. Clerk for an amendment to the commit-- amendment to the amendment.

ASSISTANT CLERK: Thank you, Madam President. Senator Riepe would move to amend AM3018 with AM3113.

DeBOER: Senator Riepe, you are welcome to open on AM3113.

RIEPE: Thank you, Madam President. AM3113 amends AM3-- AM3018 by re-- including two new state insurance fund tort claims recently settled by the Attorney General's Office. The first personal injury claim filed on behalf of Abigail Comstock resulted from an alleged police pursuit. The second is a personal injury claim filed on behalf of Amy Comstock-- not to be confused, these are sisters-- resulting from an

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alleged police pursuit. The parties mediated this matter on March 15, 2024. The Attorney General's Office entered into a settlement with both Abigail and Amy Comstock for \$150,000 each in full and final resolution of their claims resulting from the January 3, 2019 accident. The first \$50,000 of each claim has been paid. More information on these state claims were handed out to the body earlier today. I ask for your green vote on AM3113 to AM3018. Thank you, Madam President.

DeBOER: Thank you, Senator Riepe. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. Will Senator Riepe yield to a question?

DeBOER: Senator Riepe, will you yield?

WAYNE: Madam President, I'm sorry. Madam President.

RIEPE: Yes, I will.

WAYNE: Madam-- Senator Riepe, I was looking on this paper. Is this the amendment that deals with the \$7.4 million?

RIEPE: No. That is a different case.

WAYNE: So this amendment-- OK. I'll-- [INAUDIBLE] amendments on the board, though.

RIEPE: I'm sorry?

WAYNE: The Miles and Christine [SIC]. 313-- 3-- AM3018. Is that the one you don't--

RIEPE: 3-- AM3018 was Christine Schmidt, and that was the one that-- actually, there was the-- her settlement was with the Nebraska Department of Veterans Affairs. And that was an amendment to AM3018. This amendment is AM3113, which are the, the two tort claims of Abigail and Amy Comstock.

WAYNE: So on page 1 of your handout, it talks about Miles and Christy Margritz's police settlement pursuit?

RIEPE: Yes. That was the \$7.5 million.

WAYNE: OK. Thank you, Senator Riepe. Colleagues, I just want to point out something that I find interesting-- and maybe you'll find it interesting too, maybe you won't. If a police officer conducts a

high-speed chase and hits a third party or injures a third party, we are strictly liable. What that means is that if you engage in a high-spee-- high-speed pursuit and somebody is injured, the state is strictly liable. That means the state owes to make you whole. You know, what's interesting is that same officer commits child sexual abuse, the state is exempt, is immune from prosecution as far as making that child whole. That's what Senator Halloran's bill does on LB341. It makes sure that those who are sexually assaulted children by an employee or the state-- we'll just say the state-- or a political subdivision should be held liable. So think about the laws that we have here today. We have a law that says if we are chasing after the so-called bad guy, we will hold anybody who was a third party-- we will make them whole. We will bring them to the status that they can continue their life to the best of their ability because we will make them whole. Regardless, we engaged in the police chase. State Patrol chased after the bad guy. Third party, we're going to make you whole. That same State Patrol officer sexually assaults a kid. State, you don't have to pay a dime. And, in fact, you can't even sue. Make it makes sense to me. Somebody here today make it make sense to me. Because when you put it in that perspective, everybody will think that's a problem. Well, guess what? There's an amendment on this bill that will deal with that, and we're going to take a vote on that today. We're going to take a vote on it saying that if we can be strictly liable to a third party in a police pursuit, at a bare minimum the state should be liable when a state employee commits sexual assault on a child. Thank you, Mr. President.

DeBOER: Thank you, Senator Wayne. Senator Wayne, you're next in the queue. He waives. Senator Conrad, you're recognized. Senator Conrad.

CONRAD: Thank you, Madam President. Good afternoon, colleagues. I want to thank Senator Riepe for his leadership in bringing forward the claims bill. And I also want to thank my friend, Senator Wayne, for his ongoing, consistent advocacy in regards to ensuring access to justice for those harmed by their government and government agents and entities. And I'm grateful that we have this opportunity to revisit this topic on this iss-- on this bill. And I am looking forward to forthcoming amendments to try and broaden our lens on how our state approaches some of these issues. I'm sure there are plenty of people watching or in the lobby or, or maybe even within the legislative staff who can help correct me if I'm wrong, but I think-- Senator Wayne was asking a rhetorical question, of course: make it make sense. But let me, let me posit one answer to that question. The reason that we have strict liability for citizens who are injured in a high-speed police pursuit is not just because that's the way it's

always been or that's how the common laws developed, et cetera, et cetera. The reason we have strict liability, the reason we have a higher standard when law enforcement agents engage in a high-speed pursuit and injure or kill a member of the public, the reason we have a different standard for liability to ensure access to justice in these highly charged situations is because senators on this floor saw fit to set those boundaries in our public policy. Senator Chambers and other senators worked for years to ensure there was a, a higher standard in place when members of the public were injured in those kinds of situations. That's exactly what Senator Halloran, Senator Dungan, myself, and others have before the Judiciary Committee, to varying degrees, with varying nuances to them. But trying to undo what we see as wrongs set up by the courts artificially denying access to justice for Nebraskans who are injured by their government, purposefully or, or negligently, whether that's in the prisons, whether that's in the schools, whether that's in health and human services or, or other contexts. It's important to know why we have strict liability when it comes to police chases. It's because this Legislature said we should. Because we said we're going to set the public policy of this state to ensure that those citizens who are injured or killed in these situations have access to justice through compensation by setting an appropriate legal standard to effectuate that goal. Senator Dungan, Senator Halloran, myself, and others are trying to rebal-- balance the scales of justice in support of Nebraskans who've been injured by their government-- intentionally, negligently in schools, in prisons, in other contexts-- through pending bills in the Judiciary Committee. That can and should be a part of this debra-- debate, perhaps, or can and should be a part of the debate on other Judiciary Committee matters that are forthcoming--

DeBOER: One minute.

CONRAD: --in the remainder of this session. But this is a, a prime example-- thank you, Madam President-- exhibit A, if you will-- about, why do we have strict liability? It's because this body said we should. The wisdom of the senators who held these seats before us said this is a serious situation. To try and prevent and deter bad decisions by the government, we're going to heighten the standard. We're going to ensure access to justice through fair compensation for those that are injured by addressing our civil practice statutes and removing protection that shields government actors. We're asking you to do the same when it comes to little kids injured and other vulnerable Nebraskans. There are remedies before this body to do that this session. We've talked about them in great length on the mic.

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They can and they should be a part of this debate. Thank you, Madam President.

DeBOER: Thank you, Senator Conrad. Seeing no one else in the queue. Senator Riepe, you're welcome to close on AM3113.

RIEPE: Thank you, Madam President. I'd like to thank everyone for their participation in the discussion. And obviously, we have a moral obligation and a legal responsibility to own up to our failures. And when we do, we need to settle and be fair and, and-- that process. With that said, I would ask this body to vote green on-- first on AM3113 and then on the subsequent, underlying bill. Thank you.

DeBOER: Thank you, Senator Riepe. The question is the adoption of AM3113 into AM3018. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk.

ASSISTANT CLERK: 33 ayes, 0 nays on the adoption of AM3113, Madam President.

DeBOER: It is adopted. Seeing no one else in the queue. Senator Riepe, you are now welcome to close on AM3018. Senator Riepe waives clothing-- closing. The question before the body is the adoption of AM3018. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk.

ASSISTANT CLERK: 38 ayes, 0 nays on the adoption of AM3018, Madam President.

DeBOER: It is adopted. Seeing no one else in the queue. Senator Riepe, you're welcome to, to-- excuse me. There is another amendment.

ASSISTANT CLERK: Madam President, Senator Wayne would move to amend with AM3196.

DeBOER: Senator Wayne, you are recognized to open on AM3196.

WAYNE: Thank you, Mr. President. Colleagues, this is Senator Halloran's LB341. So there are a couple things that we could talk about. We can go into more detail if people have questions. But here's what it comes down to. It comes down to the fact pattern I just said, that if a State Patrol individual is in pursuit and injures a third party, the state is strictly liable. Yet if the same State Patrol person sexually assaults a kid, whether they're in custody or out of custody, that is considered an intentional act. And based off of the recent Supreme Court dicta, the state is immune from

op-- from being sued. Now, I don't want this to be confused with Senator Dungan's bill, LB325. That is about when somebody is in state custody. That is about a third party as the actor. We'll have that debate too this year. The difference is a state actor versus a nonstate actor. This is very, very limited. This is a state actor who has committed sexual assault of a child. I think, at a bare minimum, we have to make a decision as a body: do we focus on protecting big government or do we focus on the victim? So there is concerns about a floodgate being opened. And here's what I would tell you: one, if our state employees are committing that many sexual assaults to children, we have a problem. Two, this was the rule up until four years ago when the Supreme Court changed it in Moser case. And the dicta-- which means not the legal holding, but-- it's a legal holding in the sense that it applies to everybody else. This became an issue, where even state employees could not be held liable for actions by the state. So we are trying to fix that. Now, the second-- the third guardrail to this idea that we are opening up the floodgates is the litigation process itself, and I want to talk about that briefly during my opening. In order to sue a political subdivision or the state, you have to first provide notice within one year. So you have to provide notice. Then you have to file a actual lawsuit. And the notice is typically a demand letter that says you are hereby notified under all these sections of law, political tort claims act, State Tort Claims Act, et cetera, and we demand et cetera. Now, for political tort claims act, the cap the city, county, any political subdivision will ever pay is \$1 million. So that right there should alleviate concerns when it comes to your back home city, your back home county-- at worst-case scenario. The state is not capped. But let me talk about the safeguards when you walk through a litigation process. So there is notice that is required. Then you file a complaint. At the complaint stage-- and there's only, like, seven phases to a, a lawsuit, so just bear with me. But at the complaint stage, they get to file-- when I say they, the state-- gets to file two things. They can file a motion to dismiss-- which just happened here in Lincoln-- or they can file an answer-- an answer with a countersuit. I didn't use a third one because the state never usually sues somebody back. So it's either a motion to dismiss or a counter-- or, a answer. And in the answer, they can deny everything. And they can have affirmative defenses, et cetera. Then the second stage of litigation is discovery. At that point, you exchange a whole bunch of information. Sometimes you'll go to court and say, I compel the state to give me more information. But what you're doing at this point is trying to figure out all of the information regarding the act and then the damages from the act. So there's another safeguard right

there, is that you are giving-- the state is giving the plaintiff, the injured party, information on why they shouldn't be liable and what, what they should do to mitigate risk. After discovery-- and here is the critical stage in litigation that nobody talks about. Because we just think if we open up the doors, money's just going to come flying out. And that's not what'll-- happens. It's called a motion for summary judgment. What that means is that if there are no disputes in facts, then the case is typically over. Could be in favor of the plaintiff or against the plaintiff. But it's also, does the law allow it? So you get all this fact-- evidence in. And the state will automatically file a motion to-- for summary judgment. So you have to go before a judge and say, here goes my case. Here are the reasons this should continue to trial. And I have to meet a minimum threshold that there are disputes in facts, that the damages are correct, that experts on both sides say that there's a duty that may have been breached. And a judge takes up to 90 days to, to say, yes, I dismiss the case on behalf of the state. Or, I will let the case go forward. And the case may only go forward with one or two portions of the case depending on how, how you plead the case. So they can even grant a partial summary judgment. That is a huge safeguard for the defendant-- in this case, the state. You have to meet a minimum threshold to even get it to trial. Then you have to go to trial. And underneath the political torts claim, you are-- or, state tort [INAUDIBLE] in front of a judge. That judge is the arbiter of the facts that are being presented. So there's your third safeguard in litigation, that you have to actually put on a case and it has to actually, like, mean something to that judge in order for you to prove your case. So it isn't just that the state is liable. You have to prove your damages. That means you have to show with medical records. You have to show future medical records. Those future medical records have to be reasonable. So that means you can't just say, I'm going to have a lifetime of therapy. You have to actually have a therapist go in and document, here's how long we think this and here's the stages and here's where we get to in order for this child, in this case, to be close to made whole, if at all. Then the last thing is, even after a judge comes back and says, yep. I agree with the plaintiff, the state gets to file what's called a motion notwithstanding the verdict, motion notwithstanding the judgment, depending on what jurisdiction you're in. So then they get to go back in front of the judge for the fourth time and say the plaintiff didn't meet its burden. Even if you take everything into account after the trial, you still didn't beat-- you still didn't meet your burden. Then the last and fifth guardrail is an appeal. So it isn't like you're going to walk in here and say, this child was sexually

assaulted by X, and money flows. It never works that way, and that's the misnomer in this body, is this is going to how-- cost millions. But if you base that on the premises that this is going to cost millions to the state, then how many claims did not come before us right now of kids being sexually assaulted? And if it is costing us millions, then clearly we have a problem with how we're hiring people. So to me, this is a no-brainer. If a police officer or State Patrol or an employee-- in this case, a police officer is in front of a State Patrol-- is strictly liable if they are chasing the bad guy. We are trying to stop more damage. We are trying to protect people because we know this criminal's right in front of us and we are speeding to catch him before they do any more bad acts. I'm sorry I got in a car accident. Don't worry, the state is going to cover it all because what's more important to us is catching that bad guy. That's our policy. On the flipped end, if that same cop sexually assaults somebody, there is no recourse under state action.

DeBOER: One minute.

WAYNE: Some people will argue they can go to state court. They can go to federal court. Federal court is very difficult, and it has to apply to a 1938 claim. Or you have to say it's a Title, Title IX claim. There's multiple other ways you have to get there. But why shouldn't we allow our laws to give that family remedy, to give those parents remedy to make that child whole? Thank you, Madam President.

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

M. CAVANAUGH: Thank you, Madam President. I rise in support of AM3196. Thank you, Senator Wayne, for continuing this conversation and continuing to bring forward this issue. We should be making the children who are victims of assault whole as much as we possibly can. And the fact that we as a state deny them that avenue from the state seems pretty absurd to me. And I have yet to hear the arguments that make any sense, especially if we're paying out from the state as liable for a high-speed chase with the police damages, then we should be paying out damages from high, intense trauma for a child. And we should be conducting better overview, overview and oversight of who we are hiring. But that's for another day, I suppose. So I will be voting for AM3196. I support Senator Wayne's amendment and I support bringing it forward today. I, I-- since Dr. Corsi flew through with 28 votes this morning, I, I really tried to keep to the things that I thought would be most important to the conservatives in this body: fiscal responsibility-- well, fiscal responsibility, I guess is it.

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So I, I really did divert away from the topics that are also important to me, which is the starting point of the lack of government transparency in every avenue of Dr. Corsi's history, and then additionally his social media. So there is-- I don't know. I have 22 pages of multiple social media posts. And I'm going to share some of them here. And I'm not going to share any that require any sort of warning to censor. Just warning that they are things that I think are inappropriate and unbecoming of the head of the largest agency that provides services to minorities and children across the state. One tweet was: Life's too short to deal with preferred pronouns. There are individuals who work for DHHS who would like their preferred pronouns to be used in the workplace. So the fact that this is a stated viewpoint of Dr. Corsi is concerning and discriminatory. The communist lockdowns did nothing to advance public health. They were about government power and control. The American people deserve better. They deserve freedom and respect for their personal responsibility. So Nebraska has touted pretty good outcomes when it comes to the pandemic, and that is because the two largest communities enacted lockdowns, as they describe it, enacted mask requirements and shelter in place. And we have health agencies that were doing reporting and research and tracking. So to have the head of DHHS clearly in opposition to that-- and mind you, this is something that started under former Senator Trump's administration and carried on through the next-- did I say Senator? President--

DeBOER: One minute.

M. CAVANAUGH: --Trump-- sorry-- indicates that this is not a partisan issue, but it was a health crisis. And this is how health crises are typically handled. So it is concerning to have this preconceived notion that there's no acceptable shelter in place or public health measures to be given by the current CEO of DHHS, especially as this body tries to move more of that authority into their hands and away from the hands of our public health departments. I, I find it-- that extremely concerning. And several of you, colleagues, I talked to your public health departments at the height of the pandemic on a regular basis, and they were struggling because they couldn't issue any type of mandate. And they had people dying and they had medical professionals leaving because they couldn't handle it anymore. And all they were asking for was a mask mandate. That was it. And they couldn't get it.

DeBOER: Time, Senator.

M. CAVANAUGH: Thank you, Madam President.

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

HOLDCROFT: Thank you, Madam President. This is a tough one. And this was LB341, which is Senator Halloran's. I have great respect for Senator Halloran and this bill. But it not only opens up the state to suit, but also the counties, the cities, the schools. Any political entity can now be sued for sex-- child sexual assault under their care. And I would point out that although the state trooper is-- I mean, we-- the state could not be sued currently, the state troopers could certainly be held responsible. And the perpetrator in all of these cases can be held responsible, either both criminally and civilly. So it's not that the victim doesn't have recourse. It just doesn't have recourse to sue government. It's sovereign immunity. And I just wanted to point out that the, the, the committee voted it out 5-4, one against-- that was me-- one absent and one present, not voting. So-- and the testimony-- the testimony was-- you know, being on the Judiciary Committee, it's not fun listening to some of these cases. We had, we had five people who-- and brought forward their personal experiences and, and their frustration in not being able to get satisfaction, although they could. I mean, the perpetrator was, was disciplined, some in prison, some with fines or penalties, suits. But there were five individuals who came forward in, in-- as proponents. The Nebraska Association of Trial Attorneys came as proponents. The Nebraskans for Founders Values came as proponents. The opponents were the Nebraska Association of School Boards, the League of Association of Risk Management, the Neb-- Nebraska Municipalities, the League of Min-- Min-- Nebraska Municipalities, the Nebraska Inter-Governmental Risk Management Association, the Department of Health and Human Services, the Nebraska Association of County Officials, the Nebraska County Attorneys Association, and the Nebraska Attorney General's Office. Those came in opposition to LB341. So I say tread carefully with this bill because this opens up your political entities to lawsuits. And they may be limited to \$1 million, but as we just found out-- I mean, it could be in the multimillion dollar range somehow. But-- and I'm sure Senator Wayne can amplify on that. But that all comes back on, on, on, on the taxpayer. I mean, the insurance will cover some of these, but, you know-- school boards, the only way they can pay for these is, is through increased premiums on their insurance or through raising of, of property tax. So we're going to do all this work for property tax. And then we're going to open up the, the political entities to lawsuit. So I incur-- I am opposed to AM3196. And I recommend your no vote. Thank you, Madam President.

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

M. CAVANAUGH: Thank you, Madam President. Well, I, I do not share Senator Holdcroft's admiration of Senator Halloran, but I think this is good policy, so I'm still going to vote for AM3196 regardless of who the introducer is. I bring that up to illustrate for you all that this is how this place is supposed to work. This is how it's supposed to work. You're supposed to listen. We're supposed to be deliberative. We're supposed to have conversations and debate. And we're not supposed to care about who the introducer is. This is good policy, so I'm going to vote for it regardless of how I feel about the person that introduced it. I am disappointed by this morning. Very few people participated in the conversation about Dr. Corsi and the debate was less than two hours. I think it was an hour and a half maybe. And then the question was called, and members of the committee were in the queue who had not spoken, who had not informed the body as to why they voted for Dr. Corsi. This is a very serious position that just flew through. And I am curious why 28 of you voted for this person who clearly has questionable judgment. He worked for the state of Wyoming and worked for a private company on the side with another employee from the state of Wyoming, and he didn't disclose that to us. He didn't disclose that work to us. He worked for the state of Missouri and drew paychecks from two different agencies and had to be told publicly to stop. And a month later, he still hadn't stopped. He and Epiphany followed each other around the country. They somehow got a \$10 million no-bid contract in Nebraska with zero evidence that they've ever even had a \$1 million contract. Also zero evidence of who their employees are beyond the one person. A \$10 million no-bid contract, and a month and a half later they recommend him to be the new head of DHHS. And none of you find any of this to be questionable? Then that same company has logos all over their website of all the different places that they worked, which is how I knew that he worked in the same places as them. And then guess what they did? They took that off their website because they didn't have the permission of any of those places to advertise that way. And the woman who started the company, she started it while she was working for the state of Utah and did it off of taxpayers' backs there, drawing money from the state of Utah in her professional capacity and in her consulting capacity, which was again another scandal. But nobody here seems to care at all about good governance. It is bananas to me that 28 people voted for that. Bananas. And then somebody under him bought a chair for restraining children.

DeBOER: One minute.

M. CAVANAUGH: And he was in charge. He was in charge. Whether he knew about it or didn't know about it is egregious in either direction. I don't know what it takes for you all to care about the state of Nebraska, about the people of Nebraska, about the children of Nebraska, about the children that are in foster care and system involved in Nebraska, the children that don't have access to enough food, the children who are going through a gender identity crisis. I don't know what it's going to care, but apparently as long as they have an R behind their name, you don't care. You don't care. All you care about is toeing the line, and that is what you did this morning. You toed the line. Thank you, Madam President.

DeBOER: Thank you, Senator Cavanaugh. Senator Blood, you're recognized.

BLOOD: Thank you, Madam President. Fellow senators, friends all. I actually stand in support of Senator Wayne's amendment. And I want to talk a little bit about why I don't think government should be above the law. And I know we're talking about tort claims, but that is part of making a victim whole. And you heard Senator Wayne, who may have unknowingly quoted me from our Exec Session, is that what you don't understand is that-- especially children-- rarely have the opportunity to be made whole after sexual assault. That's why you see so many adults with long-standing issues and trauma and PTSD from incidents like that, especially when it's a person of authority. And so being able to file a tort claim allows that family to get that child the counseling and the help-- and sometimes they need medical help, depending on how they've been violated-- that they truly need. I've looked at the bills this year and shaken my head on some of them because there's a big theme about sex trafficking this year. And we're always saying it's about the children. You guys have been apparently programmed that-- on every single bill. It's about the children. But when they bring something up like this, it's not about the children. It's how we're opening the doors and people are going to take advantage of it. Well, if that's indeed the case, as you've heard several people say, then, boy, we're doing a poor job of hiring and vetting people. To think that we would open the doors for child sexual assault and be concerned that there'd be too many requests to sue the state seems counterproductive to what you've been talking about all year long on these child pornography bills, on these sex trafficking bills where you continue to say it's for the children, it's about the children, it's about the children being safe. So if we want children to be safe, it has to be more than criminal. We have to give that child who is more than likely the perfect victim, more than likely groomed, maybe having family issues, looking for an adult to

pay attention to them-- depending on the circumstances. I'm just painting a scenario, not all scenarios. They may not have the money to get that child that help. And so we get to live with the fact that that child never got help because we weren't willing to be brave today and we weren't willing to pass this amendment. If what you have said all year long-- all year long-- in every single sex trafficking bill, on the pornography bills, is that it's about the children, then how could you not vote for this amendment if it's about the children? You have to make victims whole. You have to allow them to get the resources that they need so they can grow up to be healthy human beings, healthy adults. We talk all the time about how many-- how much shortage we have when it comes to licensed mental health professionals. It's hard for people who don't have income to pay for these types of things, to pay for mental health if their insurance doesn't cover it or the amount of mental health help that they may need. There may be medical procedures as a result of a sexual assault, especially on a child, that need to be done in the future. Why should that cost fall on the shoulders of those parents, of the people taking care of that child? It is our responsibility. And I think it is overemphasizing what will really happen by saying it's going to open the gates. Because if that is indeed the case--

DeBOER: One minute.

BLOOD: --you must not think very highly of these victims to think that their only purpose would be to try and generate income from the state. I think that is very sad and I think that is very uncompassionate. Thank you, Madam President.

DeBOER: Thank you, Senator Blood. Senator Conrad, you're recognized.

CONRAD: Thank you, Madam President. Good afternoon, colleagues. I just wanted to add a few counterpoint to-- counterpoints to my friend, Senator Holdcroft's, commentary that he brought forward when we debated these issues a few weeks ago and then again today. And to be clear, he has a right to his opinion, and he expresses it as he sees fit in representing his constituents and his point of view. But let me remind you of a couple of other things that perhaps Senator Holdcroft ran out of time on the mic or conveniently left out. So when Senator Holdcroft suggests that the only remedy available to citizens who are injured or harmed or killed at the hands of their government, government agents and entities, that their sole recourse should be the criminal law and/or an individual judgment. And I just want to remind folks of a couple of things about how the law works. Just so that you know, the average teacher's salary in Nebraska

ranges from \$38,000 to \$68,000 a year. The average Nebraska salary for law enforcement ranges from \$34,000 to \$80,000 per year. The average annual salary for a Corrections officer ranges from \$38,000 to \$66,000 a year. So no doubt these people who pursue careers in public service are not doing it to get rich. But mind you, Senator Holdcroft and others say the only recourse for the citizen should be to go after these individual bad actors and we should have special rules for government when they act negligently or wrongly. Well, let me keep-- let's keep in mind a couple of things. If these individual bad actors end up in the criminal justice system, their income's going to be reduced to zero rather quickly. While those processes carry out, it's important to note that they have a modest income and most likely modest assets to draw upon that are not going to be enough to cover the kinds of counseling and other issues that people who are harmed by their government are going to need. Additionally, I have heard my friend, Senator Holdcroft, and others say we should run government like a business. But then in the same breath, in this instance, we'll say, no. Actually, govern-- government needs special considerations and special protections and should be held to a different standard than we treat private businesses, for example. So which is it? I've also heard Senator Holdcroft and others say-- and I, I disagree with their approach, to be clear-- but they say we have to have tougher penalties on everything because that's the only way to deter crime, but then push it back against tougher penalties in the civil justice system because they don't think it will deter bad actions by government entities and agents who harm citizens. So you can absolutely have your point of view. You can absolutely express it as you see fit. But I'm going to call out hypocrisy when I see it. And if we're going to say government should be run like a business, then we should not be afraid to hold government to a similar standard as we have in the private sector. We shouldn't give our buddies in government a special deal. But that's what you're saying is OK to Nebraska taxpayers and vulnerable Nebraskans who are harmed by their government, intentionally and negligently. If you're going to say the only way to deter--

DeBOER: One minute.

CONRAD: --bad behavior is to increase penalties but then you won't help us deter bad behavior when it comes to negligent hire and supervision by government actors-- make that make sense. When you say the only remedy for injured Nebraskans is to go after the individual-- they don't make any money and they most likely will be in jail-- i.e., they will be essentially judgment proof. So how is that going to provide justice? How is that going to cover the bills

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for counseling? How is that going to cover the bills for lost wages, for death, for uncovered medical expenses? The solutions that you lift up are illusory and not real solutions. That is why Senator Dungan, myself, Senator Holdcroft-- or, sorry. I'm sorry-- Senator Hallic-- Halloran and others on the Judiciary Committee are trying to reset the scales of justice--

DeBOER: Time, Senator.

CONRAD: --to tip towards the favor of citizens and away from big government. Thank you, Madam President.

DeBOER: Thank you, Senator Conrad. Senator Brandt, you're recognized.

BRANDT: Thank you, Madam President. I'm not quite sure where I come down on AM3196. Would Senator Wayne be available for a question?

DeBOER: Senator Wayne, will you yield?

WAYNE: Yes.

BRANDT: Senator Wayne, it's pretty obvious if a state law enforcement official takes advantage of a child on shift that would be covered, but what happens when--

WAYNE: Actually, it would not be covered, but go ahead.

BRANDT: It would not-- it would not be covered?

WAYNE: No.

BRANDT: That's-- OK. So then my question is, they clock out, drive home still in uniform, and assault the, the kid next door.

WAYNE: So what would happen is the, the, the plaintiff bears the burden of proving that the state is a necessary party. So when you sue somebody, it would be sue Justin Wayne and the state of Nebraska. Those would be listed as the two. So the first thing the state of Nebraska would do is say, file a motion to dismiss for a more definite statement, and that statement would probably be around, put some facts in there that, that it-- what happened was related to his employment. So there has to be some causal connection between the, the state employee-- so either on duty or part of his responsibilities to, to engage in that. So there, there would be-- have to be there, but I have no problem putting in more language to

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clarify that. We just had that issue with Senator Holdcroft's bill. He added some more language. So I have no problem doing that.

BRANDT: And this just applies to police or it also applies to first responders, firefighters?

WAYNE: It would respond to any state employee or political and subdivision employee. So counties, cities, state-- yeah.

BRANDT: So it isn't necessarily just police. It could be a maintenance guy or an electrician for a city.

WAYNE: Correct. Or a teacher.

BRANDT: OK. So now we're getting into the schools. So in the schools then, it would be any school employee or just a teacher?

WAYNE: It would be any school employee. But again, they are capped at \$1 million. So the most you can recover from a political subdivision is \$1 million. The state, you can-- it's, it's not capped.

BRANDT: So I mean, it could be a maintenance man, a bus driver, any, any-- anybody employed by the school district?

WAYNE: Correct. And you would have to, again, prove that it was somehow related to the connection to the-- to their employee and that the, the, the political subdivision had some type of duty in that regard. It isn't just a free-for-all.

BRANDT: Do you have any history of the last ten years, five years how many of these incidences occurred in the state of Nebraska?

WAYNE: What I would do is ask Senator Riepe to pull up the last ten years of state claims and that'll tell you how many people we've settled those claims with.

BRANDT: But that was claims. Do we know how many other ones are out there?

WAYNE: I don't know because I'm assuming if they prove their case, there would be a state, a state claim that we would have to have voted on if it's over \$50,000.

BRANDT: All right. Thank you, Senator Wayne. I yield back to the Chair.

DeBOER: Thank you, Senator Wayne and Brandt. Senator Clements, you're recognized.

CLEMENTS: Thank you, Madam President. Just wanted to refer back to this as an appropriation bill. Rule 8 on page 55 of the rules talks about the appropriations process, and it says, Appropriation bills shall consist of the following: a mainline budget deficit bill, capital construction, funds transfers, cash reserves, judges' salaries, followed by bills providing for approval or disapproval, disapproval of claims against the state. And so it's, it's a-- I am claiming that it's not appropriate to put this amendment, AM3196, into an appropriation bill. And so I, I'm opposed to-- I'm opposed to AM3196. But I would yield Senator Wayne time.

DeBOER: Senator Wayne, you're yielded 3 minutes, 53 seconds.

WAYNE: Thank you, Mr. President. Thank you for the debate. I'm going to go back and tighten up this bill a little bit and I'm going to work with Senator Halloran and Senator Brandt on some of the issues that were raised. I just want to say this, though, if we're going to go down the path that Senator Clements said-- because I've been actually arguing this-- and me and Senator Clements agree on this-- because if you'll recall last year, he tried to rereference multiple bills back to the original committees of jurisdiction, which I thank him for-- then we need to, on Final Reading, have some amendments to pull things back out of the budget because there are a lot of statutory changes in our budget. A lot. So we have to decide what we're going to do here. But nevertheless, with that, I will, I will withdraw AM3196. And it'll be back up on Select or on another vehicle. Thank you, Mr. President-- Madam President.

DeBOER: So ordered. Mr. Clerk.

ASSISTANT CLERK: I have nothing further on the bill, Madam Clerk.

DeBOER: Returning to the queue. Senator Hunt, you're recognized.

HUNT: Thank you, Madam President. Not being here this morning, not, not being able to be here until the afternoon debate today. I did expect Dr. Corsi-- and it's hard to say Dr. Corsi because he got his PhD from what we call a degree mill, which is basically an illegitimate institution where you can kind of pay for a degree. And that might be something that I consider doing here and then maybe I can get some kind of salary from the state, some kind of job security, some kind of title when I'm no longer a senator that would

make people give me some extra respect. And, you know, maybe then that extra respect would allow me to kind of put my hands into different cookie jars funded by taxpayers and double-dip and take numerous salaries funded by taxpayers, as Steve Corsi has done in his previous places of employment. But one of the things that troubled me most about his confirmation hearing was his vehement insistence that his opinions about gay people, his opinions about race were not going to have any impact whatsoever on his ability to lead the largest code agency in Nebraska which serves a diverse constituency of both employees and residents of Nebraska who rely on unbiased, nonjudgmental, evidence-based, you know, sober, serious service from HHS as a state agency that takes their concerns seriously. There's, there's no reason to think that that could even be true. None of us could ever stand up seriously as serious, honest people and say something like, my, my personal values, my beliefs, my deeply held convictions, many of which are based in religious belief, in my own faith, which-- none of you would stand up and deny your faith, me included. None of you could seriously say, Mr. Steve Corsi included, that they could stand up and deny that. But he did that on the record in the confirmation hearing for his application for this little job that he thinks he's entitled to, and that all of you do too. He said, I will deny my values. I will deny my ethics and my faith so that I can serve the people of Nebraska without bias and judgment. We know that he's not going to do that. Saying something like, my opinion about the homosexual lifestyle will not have any bearing on how I treat my employees who are LGBTQ. In the year 2024-- you know, I know you've-- we've got conservative colleagues in here who have gay kids, who've got-- you know, you all know someone gay. You all work with gay people in here. Come on. In 2024, we're really talking about homosexuality as an opinion? That this, this inherent thing about something about someone can just be the same thing as an opinion that you disagree with? That alone, to me, is disqualifying. And Senator Machaela Cavanaugh was very-- oh, what's the word-- optimistic might be too generous, but she was very prepared in creating this executive summary and this binder and spending a significant amount of time researching the background and experience of Steve Corsi so that all of you could seriously consider it before casting your vote to confirm him. And you see by the vote count this morning there was not a cloture-proof majority up there. If that was the vote if we reached--

DeBOER: One minute.

HUNT: --cloture-- thank you, Madam Chair. If that was the vote in order to reach cloture, he would not be the head of HHS right now.

But again, in circumventing the opportunity we have for checks and balances, in kicking the responsibility from the legislative branch back to the executive branch-- which is run by one of your good friends-- we lost an opportunity for the oversight and the, the checks and balances that are important to make sure the people of Nebraska are served. And I, I'm going to speak a few more times about this matter because I think that my constituents need to know that this was not necessarily rubber-stamped by everybody. I, I had a phone conversa-- you know, I'm going to talk about this on my next time on the mic. I'm too, I'm too out of time for this story.

DeBOER: Time, Senator.

HUNT: Thank you, Madam Chair.

DeBOER: Thank you, Senator Hunt. Senator Wayne, you're recognized. Senator Wayne waives. Senator Dungan, you're recognized.

DUNGAN: Thank you, Madam President. Colleagues, I do rise today, I think, generally in favor of LB1188. I was going to talk about the amendment that was on the board. But unfortunately, it was withdrawn before I had a chance to get up. I, I still think it's worth having the conversation about it, though, to voice some of my opinions about that given that I think my bill that we talked about a couple of weeks ago, as well as it was mentioned here today, got brought up as a part of that conversation. I absolutely agree with Senator Wayne and Senators Conrad that we need to address the Political Subdivision Torts Claim Act in a substantive and holistic way. I introduced an interim study today to do a deeper dive into our laws pertaining to when we can and can't hold the state accountable. One of the things that I think became really obvious during the conversation that we had a couple weeks ago when those bills came up, my-- I think, LB175, as well as a couple of other bills with myself, and then also Senator Halloran-- was that there are a mishmash of cases that have been ruled on by our Nebraska Supreme Court that have created this, I think, unintended consequence of not being able to hold the state accountable when either their own actors harm somebody through negligence or when somebody they're entrusted to take care of or entrusted to be in charge of then commits a harm to somebody else via negligence as well. And so-- we need to address this. There are countless scenarios that we can come up with or that I can come up with to give you a good example of why these current laws don't work and what the problems are. I'm not going to belabor those points here today. I don't think we need to hear about all of the different, really horrific situations that have arisen and will continue to

arise if we don't solve this problem. But I just want to highlight for my colleagues the importance of this conversation. My hope is that, through this interim study between now and the next session, we'll have an opportunity to get stakeholders together, get colleagues in the room and, and talk to folks about what these problems are so we can make sure that we're actually addressing the underlying problems. It sounded like, to me, during the conversation that we were having on the floor a while back about, for example, ext-- extending the statute of limitation against third-party entities who are responsible through negligence for sexual assault of a child that there really is universal support for those ideas. There's just a lot of concerns about potential consequences. And it sounded like people wanted to make sure we approached it in a deliberate manner. So my hope through this interim study and through conversations is we can approach it in a deliberate manner, but we can do so in a way that does address the underlying problems, which is that right now, colleagues, there is a lack of accountability against the state when they do something they shouldn't do. And I think that's something we can all agree on. If, if, for example, a student is entrusted to a school and the school doesn't act and then something bad happens to that student, we want to make sure that there's accountability there. Because without the-- without accountability, there's not going to be any change. And we've seen this in our prison system and we've seen this in the Department of Corrections, where there continues to be circumstances where harm is coming to individuals, but, by virtue of the fact that there's no accountability, no change is happening. And so without that sort of impetus, I just have concerns that we're not going to actually see the actors who are in charge of this start to actually make a change. So I do appreciate Senator Wayne's conversation about this. My hope is that we can maybe potentially find another vehicle for Senator Halloran's bill or potentially maybe one of my other bills as well that address these problems because I do think it's really vital we have these conversations sooner than later. But in the event that we cannot find those avenues, colleagues, I do intend to come back next year and continue to fight for those people right now whose voices are not being heard. So I hope we can continue that conversation. And I look forward to hearing more about LB1188 from others. Thank you, Madam President.

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

M. CAVANAUGH: Thank you, Madam President. Colleagues, I was asked about the contract with Epiphany. And I don't have a lot of details

about it. It being a no-bid contract means that there inherently aren't many details about it. No bid means just that, no bid. They just decided who to have. What I do know is that Epiphany worked in Wyoming and worked in Missouri and worked in Texas and then worked for an association of cities in-- I think it was Indiana. And that association of cities on their board has a-- has the president or head, director, CEO of HDR. And then they worked for the Knights of Ak-Sar-Ben, in which the same individual serves on the board at the Knight of Ak-Sar-Ben, as does Governor Pillen. And so I don't know if that's how they came to be. That's just the connection that I have found. But additionally, I have found that they had some involvement in Utah with Nomi Health, which many of you may recall was the no-bid contract for testing here in Nebraska for Test Nebraska that happened in 2020. So-- and they had-- they were rife with a lot of controversy that still definitely needs looking into. But-- maybe they came to us through, through Nomi Health and that no-bid contract. I'm not sure how we got to Epiphany. That is a question for the Governor directly. I just know that we gave a company a \$10 million contract when their-- clearly, their work history indicates that they've never had a state contract over \$20,000. And additionally, the owner, executive, director, CEO of Epiphany, Kristen Cox, was also accused of financial malfeasance when she worked for the state of Epiphany-- or, at the state of Utah and launched Epiphany. And the state of Utah conducted their own performance audit on her work, the same work that she is now applying here in Nebraska. And here's a spoiler: it didn't go well. It did not go well. I know we all want to believe that we can do more with less, but the idea, the notion that the Department of Health and Human Services is going to cut costs so significantly that it's worth spending \$10 million on an unproven, untested, unvetted consultant is a little bananas to me. We cannot go through Saint Francis Ministries again. They gave us the same promise: we can deliver more for less. You have in statute case worker ratios, a human resource, a fixed cost. We can do it for 97% less. This is what we are dealing with again. And voting for Dr. Corsi this morning is an indicator that we are OK with that, that we are OK with entering into, again, a situation that is going to lead us down a path that's going to cost us more money. It's going to harm children.

DeBOER: One minute.

M. CAVANAUGH: And we're engaging with a company that, frankly, has no business getting a \$10 million contract from our state. They've never even had a \$1 million contract. How many employees work for this company? So far, it seems like maybe two. How is this going to work? And what are we going to do about it? Are we going to stand by and

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let it happen? It looks like we're going to stand by and let it happen, which is very disappointing. Thank you, Madam President.

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

HUNT: Thank you, Madam President. My view, my view on all this stuff that used to really get me wrapped around the axle in here is that you are all-- we are all who the voters chose. We were all elected. And-- so, you know, it's your state. It's your state to take care of or to mess up or to corrupt or to, you know, to do whatever you want with with your votes. But I think from conversations I have with you personally that that's not a responsibility that you take personally, but, I mean-- or, that you take seriously, but. You know the responsibility exists either way, whether you take it seriously or not. And, Senator Cavanaugh, all of the things that she and her office compiled for this binder, all of the things that she's been saying today on the record, whether it's about, you know, the financial irresponsibility of Steve Corsi and his past and the kind of murkiness surrounding him or whether it's about the moral and ethical problems with his service-- these things are being said, obviously, not for your benefit because, you know, if you, if you wanted to take these things seriously, if you really wanted to run the state like a business like many of you say, you would have been a no vote on this. It's-- if you wanted to, you would. That's the position we're in. If you guys wanted to, you would have-- you would have not voted for him. So the things that she's compiled and the things that Senator Cavanaugh is saying at this point are for the benefit of the voters, for the benefit of the people watching and listening, and for the benefit of the press, who has done a really great job covering the appointment of Steve Corsi from the day he was suggested by the Governor. In a story published by the Journal Star this afternoon, they get into it a little bit. And there's much more in-depth reporting on this that I actually believe most of you know and most of you have read. I don't think that you're ignorant about this. I think you're well-aware. And I think you love it, like it, voted for him anyway. And again, that's fine. This is what the voters chose. These are the outcomes we have because of elections. So, you know-- so that's how it is. But in the Journal Star today, they reported: In Missouri, for example, Corsi was receiving paychecks from two departments within the state. Despite pledging to rectify the situation, he continued to receive those payments until the Jefferson City News Tribune brought it to his attention. Corsi was later the director of the Wyoming Department of Family Services when it purchased a restraint chair for the state boys' school. Now, I

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don't think this point has perhaps been made. What's so wrong about the chair? I know some of you hit your kids when they were little. What's so wrong about a restraint chair? The chair-- the article continues-- a high-back chair with a shoulder, lap, wrist, and ankle straps received criticism when it was used at Guantanamo Bay in the torture and forced feeding of children. So Corsi's department bought a frickin' waterboarding chair for the boys' school. And again, I mean, clearly that's something most of you are fine with. And that's fine. Then be fine with it. The voters chose you. You get to be fine with it. But let it be said so that the voters know for next time that's what you all voted for. The article continues: According to the Gillette News Record, Corsi claimed to be not aware of the chair-- not aware the chair had been purchased and used during his tenure within the department. Senator Fredrickson pointed out correctly that that cannot be true because at the time in Missouri-- or, where was this, Wyoming-- Missouri, Wyoming, Nebraska, where is it that he screwed up this time? This one was Missouri-- or, with-- it was Wyoming. It was a huge scandal at the time. It was a scandal at the time. So he was certainly aware of it. And for him to--

DeBOER: One minute.

HUNT: --say he wasn't aware of it is a l-i-e, lie, which is not Christian. And Corsi had liked or shared several posts on social media in recent years calling race "preposterous nonsense," downplaying slavery, and expressing opposition to same-sex marriages. I, I really think that Steve Corsi shares a view that a lot of you hold, which is we shouldn't let race impact the way we treat people. I think most of you think that and I think Steve Corsi thinks he thinks that. But to say something like he has shared on social media, like he shared in the confirmation hearing, the problem with that viewpoint is that race-- we do have racial-based outcomes for the services that we provide in Nebraska. We can see the maternal mortality rate, for example, is so much higher for black women in Nebraska. So to say that-- you know, that's one example. So to say that you don't see race in the service we provide to Nebraskans ignores the disparities that are very real.

DeBOER: Time, Senator.

HUNT: Thank you, Madam President.

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

M. CAVANAUGH: Thank you, Madam President. So I did share in, in the binder an article about Epiphany. And I even went so far as to highlight parts that I thought might be of interest to you, colleagues. And this is about, really, the start of this company. So there's concerns over-- wonder whether Cox has been leveraging her massive TOC, which is theory of constraint, experiment for her own personal gain through private consulting businesses she owns. She has close tie-- there's close ties between Cox and Goldratt-- who is the person that founded this concept-- that have appeared to have created an incentive for state agencies to contract with the company. Two former state managers said having the firm as an ally seemed advantageous when budget season rolled around, potentially offering department heads a leg up as they asked Cox's office for money. Both man-- managers spoke on the condition of anonymity-- anonymity. That is a hard word to say. Let's see here. She does make money as a management consultant in the theories she's become known for practicing. Cox's Twitter profile identifies her as a TOC expert. As recently as May, her LinkedIn resume described her as the founder and CEO of a small consulting firm with world-class expertise in applying the theory of constraint to government, although that entry has since been removed. This was while she was employed for the state of Utah. Despite heavy advertising, individuals with a state email address made up 709 of the 1,138 attendees at last year's Utah Ops. Utah agency pay a discount registration cost-- \$199 per employee-- out of their own budgets. Between that and the annual government budget of \$70,000 to \$80,000, the conference cost the state at least \$210,000 last year. Prior to doing this conference on the theory of constraint, the exact same conference cost about \$15,000. And I will say that, at that conference, the state of Utah purchased for every attendee her book that she coauthored with Goldratt. So when you say that she's the smartest woman you know, she is certainly smart at making money and smart at getting money from the state of Nebraska without any credentials or proof that she has the ability to cut our budget by millions of dollars but not hurt the services that the state provides. There is zero evidence of that. So-- I mean, I encourage you all to read the articles, but, again, you want to be willfully ignorant of the deficits of these two individuals who basically came to us together. So that's for you. Senator Hunt is correct about the chair. And I go back to Geneva. And I know so many of you were not here when the crisis happened at the Girls Youth Rehabilitation Treatment Center in Geneva, but many of you were and many of you remember, and many of you remember touring that facility and walking through there. And the ceiling, the ceiling was on the floor. And there were people who were inhabiting it like that. There

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were youth entrusted to our state who were inhabiting it in that condition.

DeBOER: One minute.

M. CAVANAUGH: So I am fearful when I see a pattern of behavior such as not knowing about a restraint chair at a youth center. I am concerned about the youth that are in the care of this state. And I'm further concerned because so many of those youth are minorities and so many of those youth are queer. And the person tasked with being in charge of all of it has stated very clearly that he does not believe race is a thing and is very anti-LGBTQ. This is not good for Nebraska. This does not set us up for success with loving, caring people at the helm. Somebody that would outwardly spout the vitriol that has been shared publicly from this man should be concerning. And it should not be partisan.

DeBOER: Time, Senator.

M. CAVANAUGH: Thank you.

DeBOER: Thank you, Senator Machaela Cavanaugh. Senator Hunt, you're recognized. And this is your third opportunity.

HUNT: Thank you for the opportunity, Madam Chair. I-- OK. One other thing I wanted to make. One other point I wanted to make was about this idea of honesty and transparency and trust and all of the things that conservatives say that they feel when they talk to a fellow conservative who supports things like child abuse, supports things like denying that race exists, or that LGBTQ people are loved by God, for example, which is something he does not think. So that may be a reason that some of you do have this affinity with him. Because I know these are views that you share. And maybe someone meeting someone like that makes you trust them because you know that you share these views. For me, the stuff on the social media was enough that we should have said no. But then there was the restraint chair. Then there was the double-dipping into the finances that the taxpayers were paying him. It's just one thing after another. But for me, the social media stuff would have been enough to stop. And by the way, some of you who have been here for a while will remember that, in the past, we have had confirmation hearings and we've had people up for confirmation who we did not approve because of things they posted on social media. In the Government Committee-- I won't say the name of the guy because either he wasn't approved or he withdrew his name-- I don't remember how it happened, but I did find extremely

racist things that he posted on Facebook. And I shared these things with the, with the committee. I distributed them on the floor. I was going to light him up for it. And either he wasn't-- Senator Brewer would remember because we, we got in an argument about it, but. Either he wasn't confirmed or he withdrew his name. I don't recall. But it used to be something that we would commonly do here. It used to be, you know, a lot more acceptable to look at someone's qualifications and then have the Legislature say, this isn't the guy. This ain't the guy. And I think that because Steve Corsi has had so much spotlight on him, maybe, that people who support him have become more and more and more entrenched and more and more insistent that we do confirm him, perhaps because of a pride issue or something like that. You know, they don't want to have to backtrack and say, maybe we were wrong. But the social media stuff was enough for me, period. In this Legislature, rule changes have been introduced. There's been talk of creating social media policies in the Legislature specifically targeted at Senator Hunt, at me, because of things that I post on Twitter and on social media criticizing many of you directly by name, explicitly, clearly for things that you do in public. And I think-- for me, for me, that's appropriate. For me, the right way to address something you say in public that I take issue with is to do it in public. And that, to me, is the difference between something like what I do on social media that you don't like on Twitter and something that someone like Steve Corsi does on social media that I don't like-- is that when I do it, I do it with my full chest. I say, this is what my colleague did, and this is why I don't like it. Or say, I think you're dumb. Or I say, think you were stupid for this. I'll-- you know, I've said things like this. And I agree it wasn't nice or professional, but I, I agree that I said it and I don't regret saying it. Steve Corsi, on the other hand, he can't say any of these things with his full chest. He ca-- you know, what are some things that he's shared? How about this? There is love that's not acceptable to God. Same-sex love does not bring glory to God and does not come from God. How about this one? This is "ridic." Stand flat-footed and speak the truth on the issue of homosexuality. Don't just look someone in the eye when God says they are in jeopardy of an eternity in hell and merely wink and nod at their sin because you're afraid of being called names. Speak the truth.

DeBOER: One minute.

HUNT: Does Steve Corsi stand flat-footed and speak the truth? Does he come up to me, to my face and say, you're in danger of going to hell; you need to renounce homosexuality? No. He makes his Twitter private and refuses to meet with me without his posse with him. So, Senator

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Ben Hansen, how is that transparent, honest, trustworthy, clear, whatever other values that you, you share with this man that makes you think that it's a good idea to confirm him? He doesn't stand flat-footed. He rejects his own faith by turning his back on his own values because he won't confront me about it. He won't talk to me to my face without all of his little helpers with him. To me, he's a coward.

DeBOER: Time, Senator.

HUNT: Thank you.

DeBOER: Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized. And this is your third opportunity.

M. CAVANAUGH: Thank you, Madam President. I appreciate Senator Hunt engaging in this topic because it really seemed like people were starting to at the end of the morning but then debate got cut off. And I think that that is unfortunate because so many people did not engage. Very few of the 28 people who voted for him spoke. I can't think of more than two, actually, who spoke. And I just-- I'm going to keep bringing this back to a known entity: Saint Francis Ministries. Now, Senator John Cavanaugh said that people didn't really acknowledge at that time. I was a freshman, and it was 2019 and it was the end of session and the administration announced that they were not renewing-- it was June-- not renewing their contract with PromiseShip, which had had the contract for several years. They were moving forward with a new company called Saint Francis Ministries. And I was immediately concerned but also didn't understand things as well as I do now. And so I started asking questions. And I will say that people were shocked that the contract was not awarded to PromiseShip but was moved to a different organization. And people did have concerns over the cost because we had just done a cost analysis from an outside consultant that said that we could not do the work for less, that Saint-- that PromiseShip was doing, that-- what PromiseShip was charging the state to do, the child welfare work they were doing, was very reasonable and the state would have a difficult time doing it for less. And then we entered into a contract that was 40% less than that. And not only 40% less than that-- and I got this number wrong before-- but the administrative cost, the people, the human resources, was 93%-- not 97%-- 93% less. And do you know who figured that out? I figured that out. I sought out the attorney from PromiseShip who was suing Saint Francis Ministries. I looked through those materials. I requested additional materials. I did my due diligence. And for some reason, I

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still don't have street cred with you all. You will not listen to me. You always want to learn things the hard, expensive way. I take this seriously. I take it seriously to try to obstruct a gubernatorial appointment because I think the Governor should have who he wants, but I also believe we have the process for a reason, and that is to protect Nebraskans, to protect taxpayer dollars. Yet you still have zero confidence in me. I genuinely think there is nothing I could do or say to get any of you to change your vote. It was set in stone. You don't care. You're not interested in listening to facts and evidence.

DeBOER: One minute.

M. CAVANAUGH: It is so disappointing that no one asked any questions. No one engaged in this conversation or this debate. I have done my homework on this and on previous occasions. I brought an entire Legislature along, an Executive Board, a Speaker, a Chair of the Executive Board to install a special investigative oversight committee with subpoena power to look into Saint Francis Ministries. I did that. And you still don't have any confidence in what I put in front of you. No deference whatsoever. I have saved this state from itself, and I am trying to save the state from itself again. And I know that Senator Hunt filed a motion to reconsider, which we could take up or we could not take up. But if you all--

DeBOER: Time, Senator.

M. CAVANAUGH: Thank you.

DeBOER: Thank you, Senator Machaela Cavanaugh. Seeing no one else in the queue. Senator Riepe, you are welcome to close on LB1188. Senator Riepe waives closing. The question before the body is the advancement to E&R Initial of LB1188. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays on advancement of the bill, Madam President.

DeBOER: The bill is advanced. Mr. Speaker for an announcement.

ARCH: Thank you, Madam President. So in a moment, I intend to make a motion to expedite LB1188. Prior to making that motion, I want to explain that-- the-- that means-- what it means to those in the body who are unfamiliar with the motion. It's-- it is strictly a procedural issue that we have here. Traditionally, and now by rule, the state claims bill follows the budget bills at each stage of debate. This year, due to late claims, we have just held the General

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File debate of the claims bill and have advanced the bill to E&R Initial-- or, will-- about to advance the bill. It's my intention to schedule LB1188 on Select File tomorrow in order to at least allow the bill to be read on Final Reading during the same week the budget bills are read, which will be Tuesday morning. To allow for Select File of LB1188 tomorrow, the Revisor's Office will need to review the bill at E&R Initial prior to other bills that are being reviewed. The policy of the Revisor's Office is to review bills in the order they are received, except for the budget bills, which are automatically expedited. So a motion to expedite LB1188 allows the Revisor's Office to review this bill immediately and return it to us by tomorrow for Select File. So I'm assuming that that, that that motion will be, will be made after the passing of LB1188. Thank you, Madam President.

DeBOER: Without objection. So ordered. Mr. Clerk for items.

CLERK: Madam President, new A bill: LB348A, introduced by Senator Wayne. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out the provisions of LB348. LB1126A, introduced by Senator Bosn. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out the provisions of LB1126. New A bill: LB1200A, introduced by Senator Moser. It's a bill for an act relating to appropriations; amends Sections 64 and 65; reduce appropriations to aid in the carrying out the provisions of LB1200; and repeal the original sections; declare an emergency. LB196A, introduced by Senator McDonnell. It's a bill for an act relating to appropriations; appropriate funds to aid in the carrying out the provisions of LB196; and declare an emergency. LB1356A, introduced by Senator Wayne. It's a bill for an act relating to appropriations; appropriate funds to aid in the carry-- carrying out the provisions of LB11-- excuse me-- LB1356. LB1067A, introduced by Senator Clements. It's a bill for an act relating to appropriations; appropriate funds to aid in the carrying out the provisions of LB1067; declare an emergency. LB1027A, introduced by Senator Clements. It's a bill for an act relating to appropriations; appropriate funds to aid in the carrying out the provisions of LB12-- LB1027. New LR: LR356, from Senator von Gillern. That'll be referred to the Executive Board. LR357, from Senator Holdcroft, referred to the Executive Board. Sen-- Senator Slama, LR358. That will be referred to the Executive Board. LR359, from Senator McKinney. That will be referred to the Executive Board. LR360, from Senator McKinney, also referred to the Executive Board. LR361, from Senator Machaela Cavanaugh, referred to the Executive Board. LR362, from Senator Brewer, referred to the Executive Board. LR363, from Senator Brewer, referred to the Executive Board. LR364,

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from Senator Brewer, referred to the Executive Board. LR35-- LR365, from Senator Day, referred to the Executive Board. LR366, LR367, both from Senator Day, as well as LR368, LR369, LR370, LR371, LR372-- all referred to the Executive board. LR373, from Senator Ibach, referred to the Executive Board, as well as LR374, LR375. LR376, from Senator Moser, referred to Executive Board. Notice-- LR377, from Senator von Gillern, referred to the Executive Board. Notice of committee hearing from the General Affairs Committee. That's all I have at this time, Madam President.

DeBOER: Thank you, Mr. Clerk. We'll proceed to Select File, LB1355. Mr. Clerk.

CLERK: Madam President: LB1355, Select File. First of all, Senator, there are E&R amendments.

DeBOER: Senator Ballard for a motion.

BALLARD: Madam President, I move that the E&R amendments to LB1355 be adopted.

DeBOER: Colleagues, the question is the adoption of the E&R amendments to LB1355. All those in favor say aye. All those opposed say nay. The amendments are adopted.

CLERK: Madam President, concerning LB1355: Senator Vargas, I have AM3107 with a note you wish to withdraw.

DeBOER: So ordered.

CLERK: Madam President, in that case, Senator Vargas would move to amend with AM3194.

DeBOER: Senator Vargas, you are recognized to open on AM3194.

VARGAS: Thank you very much. And thank you for all those LRs that just got reference to our Executive Board. We got a lot more work. Good afternoon, colleagues. I'm bringing you LB1355 with AM3194. Overall-- and I want to thank everyone for supporting this bill. This is an Opioid Recovery Fund update to address our serious public health concerns stemming from the rapid increase of prescription and nonprescription opioid drugs by establishing aid programming. I also want to thank you all for advancing this earlier in General File without opposition. I know that we all feel the gravity of this issue. I'm grateful for your support in moving this bill forward. I also want to continue to thank Chairperson Hansen, our Fiscal

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Analysts, dedicated staff in Bill Drafting, PRO, and everyone else in DHHS with their help with the amendment process. LB1355 and this amendment, AM3194, has been a lot of work, not only from our office but also from Director Green and his staff, staff from the Governor's Office, and efforts from our Legislative Fiscal Office to make sure that we are doing everything so that it both works and is operational. A shared vision for how we can make the lives of Nebraskans safer and healthier made compromise possible. I was inspired to draft LB1355 after witnessing roadblocks experienced from actually getting dollars out-- funds out to the community. The work through the Opioid Remediation Advisory Committee pro-- actually had some recommendations for use of the moneys, and these aid programs are based on those recommendations. But largely, this AM13-- AM3194 is the result of a couple of different compromises. AM3194 includes language that now details that the behavioral health regions will administer direct and receive direct aid outlined in this and will administer programs directly. AM3194 also includes more specific language to set aside funds not only for remediation and treatment and prevention but also infrastructure projects. We had a lot of conversations with the, the Governor's Office about the need to want to do future infrastructure projects with opioid funds related to drug treatment and drug rehabilitation. And we want to make sure we have funds for that, so we're setting aside and creating an infrastructure opioid grant fund, opioid fund to be able to save dollars for the future for that. We've also included funding for critical, necessary research being done at the University of Nebraska Medical Center on opioid remediation prevention and treatment. In 2022, 175 Nebraskans died of a drug overdose. Of those 175 deaths, 60% cases had at least one potential opportunity for intervention. The statistic stands out when we really, truly think about the human cost of not getting these dollars out. In the United States, 81.8% of all overdose deaths involved at least one opioid. In Nebraska, 67% of all overdose deaths involved opioids. Illegally made fentanyl was the top opioid involved in both cases. Now, LB1355 also includes Senator Ballard's LB1320, which would require any emergency medical service that treats or transports a person experiencing a suspected or actual overdose to report the incident to DHHS within 72 hours when possible. LB1355 and LB1320 were heard in committee without opposition and were voted out of the Health and Human Services Committee 8-0. I appreciate Senator Hansen and all the work he's put into it. A couple other additions in terms of what the amendment also does. It also includes a clawback portion. So if the dollars that are actually being provided to behavioral health regions will be clawed back if they're not used within two years to the opioid aid cash

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fund. There's also reporting requirements to make sure that we are monitoring the use of these funds. Again, this is all cash funds. And I want to thank you all for all your support in this work. Thank you again to the committee and for those that have been alongside me in this fight, both previously. And just want to encourage your green vote on LB1355 and AM3194. Thank you.

DeBOER: Thank you, Senator Vargas. Mr. Clerk for an amendment to the amendment.

CLERK: Thank you, Madam President. Senator Vargas would move to amend with FA312.

DeBOER: Senator Vargas, you are recognized to open on FA312.

VARGAS: Thank you very much. So as I mentioned earlier, really high level. One, this continues to make sure that dollars are used and are getting out. It's creating an opioid aid fund and an opioid infrastructure fund. The opioid aid fund will receive about \$3 million every year from the opioid settlement funds. This will get out directly to the behavioral health regions so that they can address immediate concerns regionally. And it, it provides a little bit more autonomy and flexibility for them to do what is necessary locally, and also allows us to save and set aside funds for opioid infrastructure, which allows the state to think about future projects that can be utilized to address the opioid epidemic across the state and also locally and regionally. So that's the major changes in this. So it operationalizes, it creates those two aid cash funds, creates accountability, and also creates reporting. And I ask for your green vote on AM3195. And the amendment, FA312, is a small technical amendment change that was asked from DHHS to make this operational. Thank you.

DeBOER: Thank you, Senator Vargas. Turning to the queue. Senator Conrad, you're recognized.

CONRAD: Thank you, Madam President. Good afternoon, colleagues. I just wanted to reaffirm some long-standing concerns I've had about the state's utilization of settlement funds. I wanted to note for the record that I do have a bill that carried over from last year that's still pending before the Executive Committee in regards to ensuring greater transparency, oversight, and clear appropriations power for state settlement funds by the Nebraska Legislature consistent with our powers of the purse and our sole appropriations prerogatives. I also have expressed concerns about how this-- these opioid settlement

funds are coming into the state, kind of what the current status is. I know Senator Vargas and others have worked really hard to try and make sure that these settlement funds are going to be utilized their best and highest purposes. But I, I do want to reiterate: I do feel that Nebraska is behind the curve already when it comes to this issue. Many of our sister states have acted more expeditiously to push these dollars out to the front lines for treatment and services as they were intended to. I'm concerned that our settlement dollars are being frittered away by high-priced consultants and very few of these dollars are really moving out to the front lines. Hopefully what Senator Vargas is trying to do here will make a positive difference to expedite the utilization of these funds. But I do want to note that we, we should be very, very careful and thoughtful not to cede any of our appropriations authority. And I'm going to think more deeply about how this measure is structured, perhaps today or in between today and Final Reading, but I'm uncomfortable with giving some sort of open-ended grant of authority through-- to the Department of Health and Human Services or the Advisory Committee or, or whoever it might be. These funds need to be subject to appropriations as all public source-- all public funds are. And I, I'm not sure if there's enough guardrails here. But if anybody has a sense from Senator Hansen-- who I know works a lot on these issues as Chair of HHS, or Senator Vargas or members of the Appropriations Committee-- I think it would be instructive to the body to know, how much has Nebraska received in this settlement? How much have we paid out to who? What's remaining? And, and what's the plan for what's remaining? I think that would, would definitely be appreciated. Also getting some sort of clarity about how these funds may or may not be utilized to address some of the funding cuts to behavioral health that were subject to the budget, how some of these program activities interface with what's happening at the Health Care Cash Fund or other HHS-related activities, how and if these dollars should be invested in not only treatment and services for behavioral health and, and drug treatment but problem-solving courts as well, which we know has been something that our sister states have looked at for these issues. And we know that we have before us with Senator Wayne's effort and Senator Brewer's effort on veterans courts. We need to make sure that we're scaling up those kinds of efforts across the state because they ensure better outcomes for participants and for taxpayers. So there's some restriction on how the settlement funds can be utilized, but I want to make sure they're being utilized to their best and highest purposes. I want to make sure they remain subject to appropriation. And I think the body would be well-served to have--

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DeBOER: One minute.

CONRAD: --more details in regards to this settlement fund. Thank you, Madam President.

DeBOER: Thank you, Senator Conrad. Senator Hansen, you're recognized.

HANSEN: Thank you, Madam President. I first want to say thanks to Senator Vargas for taking on this task of the opioid settlement funds. I know him and I had similar bills when we first started. I didn't end up introducing mine. And so I think he's done a great job working with the department and other senators, our committee about making sure that the funds are directed appropriately, what they were actually originally settled for. And then also, I kind of like some of the forward-thinking that we see from Senator Vargas, what's in the bill, and the department about the infrastructure portion of this bill. Like, some of these-- some of this money can then be used eventually down the road for possibly another facility to help those who are addicted to opioids actually have some programming, actually help them kind of get over their problems. So I think it's, it's, it's a dual effort here, I think, of taking care of those currently who are addicted and maybe even making sure that we can keep it out of the hands of those who potentially could be. So I will be voting green on the floor amendment and the-- or, LB1355 and the amendments below. So I encourage my colleagues to do the same. And again, thanks, Senator Vargas, for putting all this together. Thank you, Madam President.

DeBOER: Thank you, Senator Hansen. Senator Ballard, you're recognized.

BALLARD: Thank you, Madam President. I would just like to echo Se-- Se-- Chairman Hansen's words and thank Senator Vargas for his hard work on this, on this legislation. I do rise in support of AM3194 and LB1355. This is a well-balanced attempt to legislate both prevention and also treatment. So I think it's a step forward, a right step forward in, in the-- tackling the opioid crisis in Nebraska and the United States at large. So thank you, Madam President.

DeBOER: Thank you, Senator Ballard. Seeing no one else in the queue. Senator Vargas, you are welcome to close on FA312.

VARGAS: FA312, again, is a simple technical change. I urge your green vote. This is brought to me from HHS. I urge your green vote on this floor amendment. Thank you.

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DeBOER: Thank you, Senator Vargas. The question before the body is the adoption of FA312 to AM3194. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk.

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

DeBOER: It is adopted. Seeing no one else in the queue. Senator Vargas, you are welcome to close on AM3194.

VARGAS: Thank you. I just wanted to make sure Kathleen Kauth was here. We do not want to miss-- we don't want that yell happening again, so. Again, thank you to everybody-- thank you to everybody for your support on this, both compromise amendment-- and I, and I've had a good conversation with Senator Conrad. You know, the, the goal of this, again, is to make sure some dollars are getting out. We're also putting-- setting aside some dollars for infrastructure. We're trying to address the opioid crisis in Nebraska. And we are trusting locally-- local-- our partners in behavior health regions, public health, and others to do the work while also making sure our state has some flexibility to address this in the short, medium, and the long term. I urge your green vote for AM3194.

DeBOER: Thank you, Senator Vargas. The question before the body is the adoption of AM3194 to LB1355. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

DeBOER: The amendment is adopted. Mr. Clerk.

CLERK: Madam President, Senator Bosn would move to amend with AM3153.

DeBOER: Senator Bosn, you're recognized to open on your amendment, AM3153.

BOSN: Thank you, Madam President. AM3153 is LB892 committee-- with the committee amendment. It's-- updates the annual Controlled Substance Act. I want to thank Senator Vargas for letting me add this on. And I would appreciate your green vote. Thank you.

DeBOER: Senator Conrad, for what purpose do you rise?

CONRAD: Point of order: germaneness.

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DeBOER: Senator Bosn, Senator Conrad, Speaker Arch, will you please approach? Senator Conrad, you're recognized.

CONRAD: Thank you, Madam President. I withdraw the point of order on germaneness.

DeBOER: So ordered. Senator Bosn, you're recognized.

BOSN: Thank you, Madam President. I would ask to pull the AM3153.

DeBOER: So ordered. Mr. Clerk.

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

DeBOER: Senator Ballard for a motion.

BALLARD: Madam President, I move that LB1355 be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor vote aye-- say aye. All those opposed say nay. It is advanced. Mr. Clerk for the next bill.

CLERK: Madam President, next bill: LB1120, introduced by Senator Hardin. First of all, Senator, I have E&R amendments.

DeBOER: Senator Ballard for a motion.

BALLARD: Madam President, I move the E&R amendments to LB1120 be adopted.

DeBOER: Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. They are adopted.

CLERK: Madam President, Senator Hardin would move to amend with AM2952.

DeBOER: Senator Hardin, you're recognized to open on your motion.

CLERK: Excuse me, Madam President. Senator Hardin, I have a note you would withdraw AM2952. In that case, Madam President, Senator Hardin would offer AM30-- AM3029.

DeBOER: Senator Hardin, you're recognized to open on AM3029.

HARDIN: Thank you, Madam President. AM3029 simply ensures that land titles are marketable and insurable for a land purchase if in the

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past an affidavit was mistakenly not filed. Thank you, Madam President.

DeBOER: Thank you, Senator Hardin. Seeing no one else in the queue. The question before the body is the adoption of AM3029 to LB1120. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk.

CLERK: 35 ayes, 0 nays, Madam President, on adoption of the amendment.

DeBOER: It is adopted. Mr. Clerk for anything further on the bill.

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

DeBOER: Senator Ballard for a motion.

BALLARD: Madam President, I move that LB1120 be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor vote aye-- say aye. All those opposed say nay. It is advanced. Mr. Clerk for the next bill.

CLERK: Madam President: Select File, LB1108. First of all, Senator, there are E&R amendments.

DeBOER: Senator Ballard for a motion.

BALLARD: Madam President, I move the E&R amendments to LB1108 be adopted.

DeBOER: Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. The E&R amendments are adopted.

CLERK: Madam President, Senator Dorn would move to amend with AM2943.

DeBOER: Senator Dorn, you're recognized to open on AM2943.

DORN: Thank, thank you, Madam President. LB-- the amendment, AM2943, is for the emergency provider bill that we had, LB1108. It's an amendment at the request of the Department of Health and Human Services to address two aspects of the bill. First, the term "emergency medical responders" is using the amended version of LB1108. This is a specific category of medical care provider. The amendment strikes that language and inserts the broader term "medical care provider" to harmonize with the same technology already in

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statute. In other words, we'd had some different language in there, it puts it back in there-- so the broader language, "medical care provider." The second portion of the amendment adds permissive language to allow the Department of Health and Human Services to draft rules and regulations if they need to in order to carry out the provisions of LB1108. Please support AM2943 and then advance LB1108. Thank you.

DeBOER: Seeing no one else in the queue. Senator Dorn, you're recognized to close on AM2943. Senator Dorn waives closing. The question before the body is the adoption of AM2943. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 37 ayes, 0 nays on adoption of the amendment, Madam President.

DeBOER: The amendment is adopted. Mr. Clerk for anything further.

CLERK: I have nothing further on the bill, Senator.

DeBOER: Senator Ballard for a motion.

BALLARD: Madam President, move that LB1108 be advanced to E&R for engrossing.

DeBOER: Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. The bill is advanced. For the next bill, Mr. Clerk.

CLERK: Madam President: Select File, LB1169. I have no E&R amendments. Senator Conrad would move to amend with AM2944.

DeBOER: Senator Conrad, you are recognized to open on your amendment.

CONRAD: Thank you, Madam President. Good afternoon, colleagues. I stand before you as I think the, the lone no vote out of committee and perhaps the lone no vote on General File in regards to this legislation that's been prioritized by my friend, Senator Erdman, reclassifying the state agency, History Nebraska-- which has, I think for well over a hundred years, been organized as an independent entity-- to become a code agency under the direct control of the Governor due to some recent issues about leadership and mismanagement, et cetera, that I know that we are all concerned about. So while sharing those concerns about what has happened in recent years at History Nebraska, Senator Erdman and I honestly just have a, a different remedy in mind when it comes to addressing that. He's been very clear that he thinks it will help to address issues of

leadership, waste, fraud, and abuse by creating a, a code agency of History Nebraska, and that's what his priority bill before us this afternoon would do. I will absolutely keep my word to Senator Erdman. I told him I am-- from a, a principled perspective, I am opposed to this measure. I don't think that this is the right remedy to address the issues that have been before History Nebraska in recent years. I also will keep my word to Senator Erdman that I will not launch a filibuster on this. I haven't filed any hostile motions to extend or structure debate. I haven't engaged in any significant conversations with colleagues other than those who asked me about my no vote on the record. So I, I definitely am keeping my word to Senator Erdman, and I want to flag that for the fuller body. However, friends, I, I did put forward a serious amendment, AM2944, that I'll have an opportunity to get into a little bit more deeply. But it's, it's a short paragraph in terms of the actual language that retains Senator Erdman's approach to make History Nebraska a code agency under direct control of the Governor but provides protective language about how the operations of History Nebraska would be conducted. I utilized similar statutory language that helps to govern the Nebraska Arts Council to ensure a protection for free expression and for academic freedom and related issues. So there is existing precedent in our, our code book for protection of free expression where it is an issue for different agencies of state government like the Arts Council. These are some of the most significant concerns that have been brought forward by supporters of History Nebraska that are concerned that there is going to be a political interference in the work of History Nebraska, and this helps to ensure that the study, assemblage, maintenance, presentation of exhibits, objects, manuscripts, and other items of historical materials are performed in a manner that stimulates, encourages, and protects free-- freedom of expression and academic freedom essential for the appreciation and understanding of the history of Nebraska. So it is a, a short paragraph based-- modeled on language from the Nebraska Arts Council that still achieves Senator Erdman's goal in reclassifying the agency but does provide some guardrails to ensure that History Nebraska can continue to engage in their important work that they've done independently for well over a hundred years without political interference in regards to content of their work or whether or not they, they take pri-- they take place-- they, they take part in community festivals or community engagement as they see fit, which has been a consistent undercurrent from the hearing forward. To be fair-- and I know Senator Erdman will probably punch in and tell you-- he does not consider this a friendly amendment. I did bring it to him with the hope that he might give it a blessing before we had

to file it on Select File. But he's not-- he wasn't interested in pursuing it at that time. But I, I did give him a heads-up about it many days in advance of filing it and, and then did just get it filed on here today. So I think it's a, a very modest amendment that still achieves Senator Erdman's goal but does provide some statutory protection for the important and unique work that happens at History Nebraska. Madam President, how much time do I have left?

DeBOER: 4 minutes, 42 seconds.

CONRAD: OK. I'm hoping that maybe I'll have-- I might punch in again just to talk about some broader issues that, that are surrounding this and other measures before the body. But I would urge your favorable consideration of this measure. I-- colleagues, I don't think it's right to cede oversight of History Nebraska to the Governor and make it a code agency, and here's why. Please, please help me work through this together. This isn't about Governor Pillen. This isn't about an individual who happens to be the Governor at this point in time. This is-- we can and we should enjoy a warm, professional relationship whenever we can to work together with members of the executive branch and to also hold our ground as a separate and coequal branch of government. So this has nothing to do with, with Governor Pillen as a person. This has to do with the institutions between independent state agencies, the independent State Legislature and the Governor's Office. So I do not think that we should sieve-- cede oversight and control of History Nebraska to the Governor. That's why I opposed the bill in committee and on General File. But if the body is going to pass this bill and do this, I think at a minimum we should ensure that History Nebraska fulfills its promise to the state. And they have a very, very long track record and clear commitment with donors of art-- artifacts, of financial donors, of other stakeholders to carry out their, their work in a, in a special and unique way that includes free expression and academic freedom. My amendment would provide that the collections and historical properties of History Nebraska be maintained and ordered and made available in a way that facilitates and protects freedom of expression and academic freedom. Again, this is similar to language governing the Arts Council. You can see that at Nebraska Revised Statute Section 82-312. So this should not be novel or controversial. This will only provide a, a bit of additional guardrail to the Governor and the appointed director that there is not improper political interflu-- interference or influence on History Nebraska in a way that would limit free expression or academic freedom when telling the important history of this state and ensuring that the assets of History Nebraska are properly maintained,

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studied, and preserved for the people of this state outside of political interference. I'm happy to answer questions on this measure. It is a serious and modest proposal. I, I, I would appreciate your consideration of the amendment. Thank you, Madam President.

DeBOER: Thank you, Senator Conrad. Senator Erdman, you're recognized.

ERDMAN: Thank you, Madam President. Good afternoon. Senator Conrad is right about one thing. She did come and speak to me about this. She's also correct on the other thing. This is not a friendly amendment, and I will go through that in a moment and explain to you why that is. But I just want to refresh your memory on why we're doing this. We're doing this because this association, this History Nebraska, is-- been-- has been doing things with the funding that needs to be changed. And we have an opportunity today to make a difference on how the funding is cared for and the confidence that we can place back in History Nebraska. When Senator-- General Lempke came in and testified, he said-- he stated several things that I thought were very important. And he said, one of the things that brought it-- that got-- come to his attention was the foundation association is-- has a wide social network, and he has received informational feedback from both prior and current employees about the concerns about the way History Nebraska is recording history. The History Nebraska Board functioned as it is, as he observed it for the past three years, as very closed and noncommutative. To be effective, it needs to be exceptionally open to the members. In 2022, the director of History Nebraska had started a fund that was a, a, a foundation called History Nebraska, and that foundation was started with the help of a History Nebraska Board member, Dave Levy. And so the History Nebraska Board has never, ever dealt with the Auditor's report or acknowledged the wrongdoing of Trevor Jones. And so-- also, what they have is a voting element of the membership. And that program is broken. They give staff members free membership and then encourage them to vote for the preferred board members that they want to get elected. In the past, the ballot has been organized and identify the board members preferred by the candidates, and they vote for all of them in one click. The board preferred candidate information has received preferential treatment at History Nebraska headquarters. The free voting only membership category exists, but History Nebraska's website buries it. I challenge you and your staff to try to find it on the website. So I go on to tell you about this. What happened? History Nebraska, when they started this organization called History Nebraska Foundation, the board of trustees never had-- they said they did not know about that. But a couple of weeks ago, when Trevor Jones

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was in front of the Lancaster County Court, Jones said he further argues that the Executive Committee then specifically directed the defendant to deposit the money in History Nebraska's foundation account. So here we have a situation where Jones is now blaming the board for what he did. So most of the people that were on History Nebraska's foundation board are still serving on the foundation board. So now I want to speak about why Senator Conrad's bill is not needed-- or, amendment, excuse me. It says, it says in the bill-- if you read the bill, it says, History Nebraska's headquarters and museum in Lincoln shall be used as a society headquarters. And it is for the prevention, care, research, and ex-- and exhibition of research into documents, books, newspapers, weapons, tools, pictures, relics, scientific specimens, farm and factory products, and other collections pertaining to the history of Nebraska. So we already have in place exactly what she's asking us to do. And then I want to go on and talk about what the responsibility of the trustees are. It also goes on to say, in accordance with the applicable law, the powers and duties of the Board of Trustees shall be as follows. Now, these are the-- these are the directions giving in the bill to the board of trustees to elect annually among their members a president, vice president, and--

DeBOER: One minute.

ERDMAN: --second vice president and to operate in the interest in preserving the heritage and the-- of the state and its people, and required by any state statute or any prescribed by the rule or the the registration adopted [INAUDIBLE] the rules from the director of the State Historical Society. So all of those things that Senator Conrad is asking to do in her amendment are already in the bill. And so I would encourage you to vote against this amendment. And if an, if an amendment is needed, if it doesn't function correctly, you can come back in a year and make those adjustments. But unless we fix History Nebraska's malfeasance in the management of their-- not only their finances but all of the agency itself, we're going to continue to get what we've been getting. This is the answer: change it to a code agency. Thank you.

DeBOER: Thank you, Senator Erdman. Senator Brewer, you're recognized.

BREWER: Thank you, Madam President. Well, I spoke earlier on the first round and had shared some of my concerns, mostly from the conversations and the committee hearings, the, the comments by General Lempke and the fact that there are few people I know that I respect more than General Lempke. And if you go back and look at the

history of how we got to where we're at, the, the transition to History Nebraska and the three different incidents where there has been problems on the accountability and financial side, if you look at the issues that were brought up last time with items being destroyed that should have been remain-- should remain part of what they keep were concerning. But I, I received another note from General Lempke after we had our General File debate. And what he talked about was that the fiscal note was inaccurate. And I'm just going to read a little of what he sent to me. He said: The fiscal note input from History Nebraska is incorrect. The Nebraska State Historical Society Foundation has the capacity to support it. So again, you have History Nebraska, which is more the day-to-day functional part of this. It broke off from the Nebraska State Historical Society and renamed itself, although that's not authorized in code. That was never done. And so what he's saying here is that this fiscal note-- I will run through that-- said, implementing LB1169 is essential and is necessary for us to restore the donor confidence in History Nebraska. The fiscal note for LB1169 contains an input from the Nebraska State Historical Society-- History Nebraska-- asserting that the private donations will diminish with the conversion to a code agency. The input also states that the agency plans on raising \$1 million in contributions in the next fiscal year, which needs to be replaced by state funding. He goes into the different code numbers and how the money's raised. I won't go into that with you. My point is that General Lempke has been a part of that board through a lot of the tribulations. He understands that they have tried a number of different ways of fixing this broke agency, and they haven't been able to do it. And they're being ignored as the agency that raises the money to make it possible for History Nebraska to exist. So if, if we don't figure out a way of fixing the, the problems that we have, then we're not gonna be able to raise the money. And that's his true concern, that the Nebraska State Historical Society-- which has for years and years been the place where people will bring artifacts or donations-- will cease to be able to do that because there's no credibility that that is going to be used the way it's meant to be used. And with the problems that we're having now and the court case on Trevor Jones, I believe that his point of, of not being able to have the confidence to have support necessary to continue is there if we don't have oversight. And that's what LB1169 does. So I would just ask for your support on LB1169. Thank you, Madam President.

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

J. CAVANAUGH: Thank you, Madam President. Well, I rise in support of AM2944. I didn't speak on this bill the last time around. I think I'd stepped out of the room when we had the vote, so I wasn't a recorded vote, but I would have been a no vote at the-- at that point in time. But I did think Senator Erdman and Senator Brewer raised some interesting points about oversight. And I was just kind of trying to work my way through the committee-- or, the History Nebraska website to see what their corporate structure and governance is. But I, I appreciate Senator Erdman's frustration. And what, what Senator Brewer was talking about is that we basically need to get some control here. And I think it is kind of an interesting conversation to be having after the conversation we had this morning about exercising our role in the appointments. And I think Senator Erdman brings up a good point, is there have been some problems in the administration of History Nebraska, clearly. And there's maybe not a sense of urgency to fix some of those problems. And maybe you could draw a line to the lax oversight and the, the slow correction to lack of oversight. And I think that's a really good example as to why folks should have taken the conversation more seriously this morning. We had a whole conversation about an agency head that-- of an agency that has had problems from lack of oversight. And then we had concerns that were raised and everybody just wanted to move on from them. So maybe the problems experienced at History Nebraska are akin to the problems we're experiencing at HHS because the folks that are on the board are behaving much like the folks here on HHS, which is, we want to just kind of move on from stuff and not stare directly at our flaws. And the only way you really, you know, fix something is if you identify the problem and then start working on it. I appreciate that Senator Erdman has identified a problem and is working toward a solution. And as Senator Conrad said, I disagree with the particular solution he's proposed here, but I appreciate somebody taking seriously the work that we have before us to make sure that the state of Nebraska is being operated in all respects as best that it can. I support Senator Conrad's amendment because I think, within the confines of Senator Erdman's proposal, it does make it a better bill. It certainly protects freedom in terms of intellectual discussions and proposals. I'm sure a lot of folks here have been to some of the History Nebraska holdings, we'll call them. There's the museum down here on the, the mall. But there's also a facility in my district where they do historic restoration-- which, if you haven't gone, I'd certainly encourage you to go. It's really cool. They do some really interesting, advanced type of restoration. They bring in stuff from all over the country. One time when I was there, they had a bunch of stuff from the state of Missouri, I believe it was, where they had

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had a fire and they needed to do some rehab work on the, the office desks for their, their legislature. So other states are sending things in to have work done because of the level of expertise that we have. And one of the things that allows you to have historical, scientific, intellectual experts is by protecting intellectual freedom and ensuring that those folks are not going to be fired because whoever happens to be at the top doesn't particularly agree with what-- their view of some sort of issue. So I think that's a really important addition for Senator Conrad's amendment.

DeBOER: One minute.

J. CAVANAUGH: Thank you, Madam President. But I think this is a really good conversation to have. I, I actually have an amendment coming up later that I also consider is a friendly amendment. But I'm-- I don't know how Senator Erdman will take it, but we'll talk about it. But I think looking for solutions and working together is really important and-- trying to solve this pretty crucial problem. So I appreciate the, the work of Senator Erdman. And I'll push my light and talk about the other a thought that I was going to raise because I'm going to run out of time here. Thank you, Madam President.

DeBOER: Thank you, Senator Cavanaugh. Senator Erdman, you're recognized.

ERDMAN: Thank you, Madam President. So I'm going to-- I'm going to continue to explain or describe to you why Senator Conrad's amendment is not needed. And I want to continue to talk about what the duties of the trustees are, and the duties of the trustees is to create and to aid the efficient administration of the affairs and-- of the society. It's to advise the director of the Nebraska State Historical Society regarding the administration of the society. That's the job of the trustees. We're not taking that away. Their other job-- or what they're called to do-- they shall collect, assemble and preserve, classify, and exhibit the following appropriate, appropriate-- when appropriate and according to the Museum and Artifactual Standards, any book, pamphlet, any transcript, newspaper, photograph, business record, personal paper, any of those things are to be kept in good shape so the history in Nebraska-- so people can see the history in Nebraska. This will ensure that the collection of these properties of the society are maintained in good order or repaired. So what Senator Conrad is trying to do is already included in the bill. It's already in the bill. I am not trying-- I'm not going to tell you to vote for-- advance AM2944 because it's already in

the bill, those things that she's asking to do. And the first part of the bill, Section-- in Section 2, it talks about the, the, the trustees shall advise the director and perform the duties specified in the statute that I just read. So all of the things that Senator Cavanaugh [SIC] is trying to say her amendment does is already included in the bill. For the life of me, I don't understand what the disconnect is there. If you've read the bill, if you see what the language is in the bill, why you would introduce such an amendment that's already included in the bill makes no sense. And so what I said earlier on the mic is that this amendment is not needed. This bill completely confirms what she's trying to do in her amendment, and it is not needed. And so I would encourage you to vote against AM2944 and advance LB1169. The problem we're trying to solve here is the fact that the board that we currently have has been part of the problem as well, and so we need to make sure that when we have a new director, that director understands what the charge is and what they're supposed to do. And so with the advice or with the help of the trustees, they will make the decisions that are appropriate to making sure the history is kept as it should be kept. So when we have a board that has a 8-- that, that agency has a \$8 million budget, \$8 million budget, and they meet quarterly-- think about that for a moment. They have 90 employees and the staff-- the director of the History Nebraska in the past was the third highest, third highest agency director in the state. Third highest director managing 90 people. How did he get to that salary? It's because the board voted him that salary. So things are out of control at History Nebraska, and the only way to get it back into control is have an elected official be in charge of the person who is running that agency, and it has to be confirmed by the Legislature. And so what we're trying to do today is, that Senator Brewer rightfully explained, we're trying to bring some confidence back, restore confidence in History Nebraska, that people can make a contribution with their artifacts, as well as their finances, and make sure that it's well-cared for and it's spent on the things that they ask it to be spent on and their history is preserved.

ARCH: One minute.

ERDMAN: So this is an amendment that's not needed. I ask you again, vote red on AM2944 and advance LB1169 as presented. Thank you.

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

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

ARCH: Senator Erdman, will you yield?

ERDMAN: Yes.

M. CAVANAUGH: Thank you, Senator Erdman. So if, if we were to move forward with LB1169, what would be the process for naming a new director of History Nebraska?

ERDMAN: The Governor will select the new director, and he'll be resp-- that person, whether it's he or she, will responsible to the Governor.

M. CAVANAUGH: And how is that better than having a board of trustees select--

ERDMAN: Well, what happens now, Senator Cavanaugh, is the director is selected by the board. And the board has 3 people that are appointed by the Governor, 9 people-- or, 12 people that are elected by the History Nebraska people. And consequently, when they select a director, that director then is responsible to them. And that's how we got into the malfeasance of the finances. And that is how we have been mismanaging History Nebraska all this time because there's no oversight and there's nobody they're responsible to except the board.

M. CAVANAUGH: But as Senator John Cavanaugh pointed out this morning, we just rubber-stamped a gubernatorial appointee that also had financial, what could be described as malfeasance, in previous jobs and we did nothing to address that. So how-- I don't understand how moving this to the Governor is going to fix the problem that you're trying to fix if we're just going to rubber-stamp gubernatorial appointments and there's no background check required and there's no oversight required. There's just a public hearing.

ERDMAN: Was that a question or a statement?

M. CAVANAUGH: It was a question. How does, how does this improve the process?

ERDMAN: Well, first of all, if you're going to equate that to this morning, I, I'm not convinced that what you said about Dr. Corsi is correct, and so that's the issue that I take on that regard, but--

M. CAVANAUGH: You, you don't-- convinced that it's correct in that it happened or you think that it didn't happen?

ERDMAN: I'm not sure that it's exactly happened as you described it to have happened. They talked about the chair and those things, and there was an explanation for that.

M. CAVANAUGH: That he didn't know about it.

ERDMAN: That's correct.

M. CAVANAUGH: Right. I, I acknowledge he didn't-- he said he didn't know about it, which I think is a cause for grave concern. But the financial side of things is also a side for-- cause for grave concern. And I don't see how moving it to that same process is going to do anything about the financial malfeasance that happened with History Nebraska. I'm trying to understand. You want to have greater transparency and oversight, but, from my vantage point from today, shifting it from where it is to a code agency is actually taking away more transparency because the administration has worked very hard to limit transparency and limit our ability to provide oversight to state agencies. But we have that ability to provide oversight to History Nebraska now that we would no longer have as a state agency.

ERDMAN: Well, I think that's exactly what we have with History Nebraska now. There's no transparency at all.

M. CAVANAUGH: There is if we ask for it.

ERDMAN: There is not.

M. CAVANAUGH: No, we can ask--

ERDMAN: They've been doing this since 1994. And this is an--

M. CAVANAUGH: We can ask for transparency.

ERDMAN: --experiment that we tried long enough. It's time to make a change.

M. CAVANAUGH: We can ask for their records. We can ask for all the things, and they, they would give them to us. We can still ask for that stuff.

ERDMAN: But they don't give it to you. And Senator Lempke testified that in the committee that he had asked for the audit, he wanted to see the audit, and they never gave it to him. So don't say that if we ask for information they're going to give it to us because that's not been the case.

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M. CAVANAUGH: Well, did they, did they give a reason for not giving it to him?

ERDMAN: Yeah. They said it was private.

M. CAVANAUGH: So that is an instance where, like, if somebody said that to me, I would go back to them. And if it-- I would eventually--

ARCH: One minute.

M. CAVANAUGH: --bring it to the Executive Board for legal action to be taken because that is against our own laws. So the fact that they didn't do it doesn't mean that they don't have to do it. It just means that they didn't do it. And he-- and there's steps and processes that are very laborious, but they are there to go through. So I-- thank-- I appreciate you answering my questions, Senator Erdman. I'm just not convinced that this is going to lead to more transparency. And I think I'm about out of time. Thank you, Mr. President.

ARCH: Senator Conrad, you are recognized.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I-- just to echo some of the concerns that members have expressed thus far: simply by moving an agency classification from independent to code agency does not increase transparency. The same rules apply as to public records, public meetings. It, it also does not inoculate an agency from waste, fraud, and abuse. As we know, our-- many of our most troubled state agencies are, in fact, code agencies, so. That's again the principled reason why I don't understand the remedies sought in this particular measure. The other thing that I want to let you know, just from a technical perspective, are the lines that Senator Erdman quoted in regards to the initial legislation. They do not mirror my amendment, colleagues. They are about generalized duties regarding setting annual meetings, having membership classes. And then, yes, there is a line that there would be adherence to museum and archival standards. However, they're, they're not identical. It's very, very generalized, number one. So it's, it's not redundant. But let's just take Senator Erdman's argument a bit farther. Even if it were redundant, it would not do any harm to adopt AM2944-- which, of course, my amendment is not redundant. And, and you need to compare AM2944 with the lines that Senator Erdman lifted up. Additionally, what Senator Erdman I think perhaps conceded by trying to lift that out in the original legislation-- but he's saying you don't need my amendment because we're already going to protect

academic freedom and free expression. I hope that's the case. And I hope he refirm-- reaffirms that commitment on the record because the existing language in the legislation does not do that. That's why I have specific clarification and reaffirmation of that in the amendment before you. And then finally, what Senator Erdman conveniently leaves out is that the original legislation is essentially just a reshuffling of existing statutory duties and obligations for History Nebraska. However, colleagues, that reshuffling did not have specific protection for free expression and academic freedom because it was an independent agency, Senator. So there, there, there wasn't a need to have that specific protection in the language that you're quoting, which is a reshuffling of existing duties. Because it goes-- it was written and it worked when it was an independent agency. So for those reasons, I want to point out why Senator Erdman's opposition is circular and nonsensical in regards to opposing my measure. This is-- this does not disturb the remedy that he sees fit to bring forward, which I have a principled disagreement with. But the existing language, which was written at a time when the agency was independent, does not mirror my amendment. And it's more important than ever that we adopt it as we change the structure of this agency to ensure that there is not political interference with the work of History Nebraska, which should not be partisan, which should not be political, which should adhere to appropriate standards when it comes to how museums operate, how academic freedom--

ARCH: One minute.

CONRAD: --interfaces with the operations and exhibits at History Nebraska. So this really is a very modest amendment. There's, there's no reason to, to create I think a, a big opposition to it unless the motives are something other. If the motives are to ensure political interference, then you should vote against it. And you should be honest about your motives and say that you want the Governor utilizing a heavy hand to set the operations and the exhibits and the, the work of History Nebraska. Because if that's not your intent, they can still be a code agency and we can still have modest, reasonable guardrails that protect academic freedom in AM2944. Thank you, Madam President.

ARCH: Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. President. Well, I appreciate everything Senator Conrad was saying and that we should really ensure that anything we do does protect the freedom to present an accurate history of our state and our country. And I, I really do appreciate

the concerns raised by Senator Brewer and Senator Erdman. I think-- if they're mishandling historical artifacts, that is a big problem. We had a bill in General Affairs this year brought by Senator Aguilar that was about helping museums find homes for items that are not appropriate for them. It was a really interesting hearing. We had a lot of folks come from smaller museums across the state, and they talked to us about, you know, the, the challenges associated with getting items that don't quite fit their collection, but they have a moral and ethical obligation under their commitment, as you know, historians to continue to preserve these things in the appropriate fashion. And then that's becoming prohibitive. But they had this other burden of how they can, you know, send these places-- the-- to other places that maybe would be in a more appropriate home. So Senator Aguilar's bill addresses that that helps them to move these things to a, a more appropriate home. I think it actually might be on the agenda-- or, was on the agenda today-- on Select File. But folks who go into this field obviously are lovers of history and are-- have no interest in, in damaging historical record. But they do want to present an accurate record. And there are obviously folks who disagree with an accurate portrayal of history. Some people find our history to be, you know-- I guess sometimes being truthful about our history people would find to be disfavored, right? And so people push to quiet those true stories. And so as Senator Conrad correctly pointed out, if we're not worried about that, if we're worried about the other parts, we're worried about the impropriety and money spending and, and inappropriate destruction of items or loss of items or disposition of items-- if we're worried about the lack of engagement from the board, there's different solutions. And if we're only-- if we're only worried about those things, then Senator Conrad's amendment is not a problem for this bill. It does not undermine the intention of this bill because it just asserts our commitment to protecting that accurate representation of history and not politicizing it, not injecting the Governor into it. So like I said before, I support AM2944 and I had opposed LB1169 before. But I do think AM2944 improves the situation. I would-- again, I think I'm going to run out of time here, so I might push my light and talk again. But I do think there are fundamental issues of lack of oversight across the board in this state. I think the, the-- what happened this morning is, is a microcosm of this. I have stood up and opposed appointments. And, you know, to Senator Erdman's credit, he and I opposed appointments together. And we had-- we both had problems with someone. And-- engaging in that sort of oversight and making sure that people know that the Legislature's paying attention, that you, you can't be a bad actor and just get away with it. That,

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that is one of our functions, asking people questions at those hearings, not reappointing people who have been bad actors. We need to be-- take a more aff--

ARCH: One minute.

J. CAVANAUGH: Thank you, Mr. President. We need to take a more affirmative approach on these appointments to ensure that this sort of asleep at the switch sort of boards doesn't happen. A more reasonable or more intermediate step might be to reconfigure the board. Senator Erdman said three appointed by the Governor and nine appointed by the membership. Maybe that, you know, makeup is not-- is, is leading to the problem, but. Turning it into a code agency, making it entirely at the discretion of the Governor, taking away the authority or input of the board-- which is, you know, I'm sure membership of History Nebraska-- I'm not even a member of Is-- History Nebraska, sad to say-- but, sure those are people who are really invested in the success of this organization, and they are upset about this conversation we're having that it became necessary to have this conversation. So I think that there's probably an intermediate step. But, you know, like a lot of things, we are where we are right now, so let's--

ARCH: Time, Senator.

J. CAVANAUGH: Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Sorry. I was standing off to the side. I tried to not be on camera, and I got caught over there when Senator John Cavanaugh started talking. And then I realized that I was next, so. And we, for those at home, do not sit next to each other. We are on opposite sides of the room, so. OK. So. I am always a little nervous when we have legislation that is in reaction to a specific situation, although I think sometimes that is very much warranted. But there was financial malfeasance with the director of History Nebraska, and it was found, and it is going through the courts. That's good. I-- it's a problem that it happened to begin with, but it's, it's good that it's, it's been found and it's going through the courts. It's an \$8 million budget is what Senator Erdman stated. And, and if we did this, we'd be moving it under a state agency. And presumably, it would enjoy the same level of scrutiny that our other code agencies have, including the director process, which is not transparent at all. So the way a director is selected

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for a state agency is that the Governor appoints said director. That's the beginning, middle, and end of the process. That is the process in its entirety. The Governor does not have to vet this person. The Governor does not have to have 1-- release a list of names of people that they interviewed. They do not have to post the position anywhere publicly. They just get to name the person. And then that person comes in front of us and we presumably ask them questions about their hist-- their work history and their ability to do the job. And then we vote it out of committee. And then it comes to the floor and we vote it forward. And then they are confirmed. That is the process. And as we saw today, we spent less than two hours on that process. Less than two hours for a head of an agency that is \$1.6 billion. And we want to move an \$8 million agency under the administration so that they can enjoy the same level of rubber-stamp oversight. I just find that to be a hard argument for me to accept. I was initially on the fence about this bill, but the notion that we will do nothing to put in any sort of guardrails whatsoever around gubernatorial appointments and then add to who those appointees are, that is very problematic to me. This person is at least appointed by a body that is semi-elected by its own membership. Whether they did a good job on the most recent appointee or not isn't what we should be focusing on. We need government oversight. And--

DeBOER: One minute.

M. CAVANAUGH: --I'm just going to just preview another concern I have since I only have one minute left. Another concern I have of moving an agency that has a pot of money under the administration is-- wait for it-- they're going to sweep the funds and eliminate the agency because, I mean, that was an entire bill this year, was sweeping cash funds and eliminating programs and committees to do just that very thing. So that's clearly the intention of the administration. And I don't believe that that's necessarily Senator Erdman's intention, but I think that that is an intention of the administration. So I think I'm about out of time. And I will get back in the queue. Thank you, Madam President.

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

CONRAD: Thank you, Madam President. I was hoping that Senator Erdman might yield to some questions.

DeBOER: Senator Erdman, will you yield?

ERDMAN: Yes.

CONRAD: Thank you, Senator. And I know you've looked at this issue from every possible angle and that's why you brought the bill forward and that's why you made it your personal priority bill. And again, this amendment would not change the remedy that you seek. And, and I think that the bill is, is on its way to the Governor's desk this session. But there, there was a clear undercurrent at the hearing and in subsequent communications I've received from concerned stakeholders with History Nebraska that additionally prompted me to bring this specific protection for academic ex-- freedom and, and free expression in regards to the operations of History Nebraska. So let me just-- I know you're a candid person. I, I am as well. Do you, do you believe that the Governor should involve himself in decisions like whether or not History Nebraska has an exhibit on redlining, which lifts up systemic racism?

ERDMAN: Are you asking should the Governor--

CONRAD: Yes.

ERDMAN: --have an opinion on that?

CONRAD: Yes.

ERDMAN: You mean have oversight on that or have an opinion? I'm sure he has an opinion on it.

CONRAD: Sure. Exercise his authority as Governor in terms of the-- his relationship to the agency. The Go-- the Governor sets the policy for HHS, Corrections, and other code agencies. Should the Governor be able to veto an exhibit on redlining, which lifts up systemic racism?

ERDMAN: I don't think he will. I don't think he does.

CONRAD: OK. I'm, I'm not asking if you think he will or-- I'm asking, do you think he should have that ability?

ERDMAN: No.

CONRAD: OK. That-- Senator, the-- I agree. And that's why I have this amendment in here--

ERDMAN: I was trying to figure out what you were trying to ask--

CONRAD: --to, to, to protect the ability of, of the agency to move beyond political interference. And again, it's, it's not an indictment of Governor Pillen. It's, it's-- we don't know who's going to be in that office in the future. It's ensuring that there's not political interference. Senator Erdman, do you believe the Governor should be able to tell History Nebraska, if this bill moves forward, that they can't go to a gay pride celebration?

ERDMAN: No.

CONRAD: OK. That's exactly why I have this protective language in here, to protect academic freedom and free expression for the agency. Because in a code agency, the Governor literally gets to direct the director in terms of policy decisions for, for the agency. So if you agree that the Governor should not be making political decisions as to the operations or exhibits that the agency is involved in, I, I would ask you in-- aligned with the Q&A that we just worked through to, to please consider-- reconsider supporting AM2944. It's not meant to be a sneak attack. That's why I brought it to you days before I filed it. It's in line with how the Nebraska Arts Council works. And I think actually our, our goals in regards to protecting academic and free expression from political interference from that last Q&A are 100% aligned. So you're not losing anything by adopting this amendment, and I think it would alleviate some of the fears and concerns as your bill moves forward that a lot of people have brought forward to me as a committee member on Government. So I appreciate your, your yielding to questions. And, and I'll leave it there. Thank you, Madam President.

DeBOER: Thank you, Senator Conrad. Senator Cavanaugh, John Cavanaugh, you're recognized. And this is your third opportunity.

J. CAVANAUGH: Thank you, Madam President. Well, I appreciate the conversation between Senator Erdman and Senator Conrad. It was illuminating. And again, I would say I support AM2944 for the re-- very reasons that Senator Conrad had articulated it in that conversation, which is that if we have a problem at History Nebraska, it might be more in the administration and not in the projects and things they choose to lift up. And so we should enshrine the protection in the decision-making about which projects to lift up. I would say, my first year here, there was a great exhibit about redlining at the History Nebraska museum that referenced the book Evicted by Matthew Desmond and had a whole big-- I actually invited everybody here. I didn't know a lot of you at that point because it was so early, but. I went. Ended up going by myself. Not hurt that

people didn't take me up on my invitation. But just so you all know, you all were invited to join me for a tour of History Nebraska to see the redline exhibit about how evictions disproportionately affect women and particularly women of color and all of the societal ills. And you might notice that I do talk a lot about those sorts of things when I'm talking about evictions and talking about criminal justice issues because there's, you know, parallel, an equation equating to a lot of the problems that we see in our systemic problems as a result of people becoming homeless, you know, in, in a quick fashion and how that bleeds into the criminal justice system and the social safety net and all the costs associated with that. And that-- a lot of those things I talk about come from both reading that book by Mr. Desmond but also going to that museum. And so, you know, these things have value. These art exhibits, historical exhibits have value. They, they find their way into the conversation, into the policy that I have brought forward. And so I really appreciate those choices, which is why I'm interested in this topic. But I also-- to tie the two, two things together-- see the value of what Senator Erdman saying, is problematic boards. And, you know, I-- like I've said, a lot of appointees here. I have-- my-- the committee Chairs and the committees I sit in can tell you that I ask a lot of questions and I ask a lot of questions of board members. And I, a lot of times, am not-- you know, I'm, I'm candid with them, I would say, and, and let them-- make sure that I give them the hard questions. Give them softball questions too. But I think it's really important that we let people know, at the minimum, that we're watching and that you don't get a free pass on these boards. And I do think there's room for more oversight. And in that vein-- to tie the things together-- Senator McKinney and I have been working on a bill that we advanced last week that does just that, by, by-- looks to add more oversight to one particular board, which is the Omaha Housing Authority Board. We didn't change where that board is. We changed some of the requirements for meetings. We changed who-- some of the people who are on the board by requiring more input from parties that are affected by it. But we made the-- that bill kind of makes smaller changes to address the concerns that have been raised about that board. But I do think it's-- it is a good parallel to this bill and say, we recognize that there are problems and that we do need to do something. So that's why I do appreciate the work that Senator Erdman and Senator Brewer have done on this bill. And, of course, but I support Senator Conrad's proposal to protect that what is so precious about both-- well, she said this came from Arts Nebraska--

DeBOER: One minute.

J. CAVANAUGH: Thank you, Ms.-- Madam President-- to protect intellectual independence, to protect honesty in presentation of history, and making sure that these things are not stifled artificially for political purposes. And Senator Erdman said he's not interested in such stifling. So to that point, AM2944 should not undermine the intention of this bill. And so it's something that I think everyone should support. So I'd encourage your green vote on AM2944. Thank you, Madam President.

DeBOER: Thank you, Senator Cavanaugh. Senator Cavanaugh, you're recognized. And this is your last time to speak.

M. CAVANAUGH: Thank you, Madam President. I was actually going to ask Senator John Cavanaugh if he would yield to a question.

DeBOER: Other Senator Cavanaugh, would you yield to a question?

J. CAVANAUGH: Yes, and I know what it is.

M. CAVANAUGH: I'd like to give you the opportunity to correct the record of: did you in fact go to the redlining exhibit at History Nebraska by yourself or was your company so forgettable that you forget that you had company?

J. CAVANAUGH: Well-- so I went by myself and someone showed up late. And I, I thought I would spare the embarrassment of tardiness.

M. CAVANAUGH: Oh, OK. Well, don't feel like it's necessary to spare the embarrassment of tardiness. We all know that we can run late from time to time in this job getting to, to and fro on our very limited breaks. But, I mean, I did go through the exhibit with you. So much so that I remember us going to the map and taking a picture. There is photographic evidence of the two of us at this exhibit in front of our father's childhood home on the map. Anything? Would you like to correct the record, sir?

J. CAVANAUGH: Yes. Senator Cavanaugh did accompany me to History Nebraska. She did arrive a little late, but we were there together for some part of the time.

M. CAVANAUGH: OK. Thank you, Senator John Cavanaugh. I mean, I couldn't let that stand. He sa-- he did in fact issue an invitation to the full body. And I accepted that invitation. I don't remember what kept me delayed at that time. I'm sure I was in communication with him. I do recall walking back to the Capitol with him. It was very cold out. And if any of you have walked anywhere with Senator

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John Cavanaugh, you will appreciate that he walks very fast and is about seven inches taller than me. And so he walks very, very fast. And I was freezing, so I was, like, running behind him. But I would hope that I was slightly more memorable than that. I mean, we did go through the entire exhibit together, even if I was late, as Senator John Cavanaugh states. I had other things to say, but I really got derailed by that one. I was fiercely wanting to defend my attendance at the History Nebraska redlining exhibit. So thank you, Madam President.

DeBOER: Thank you, Senators John and Machaela Cavanaugh. Seeing no one else in the queue. Senator Conrad, you're recognized to close on AM2944.

CONRAD: Thank you, Madam President. Good evening, colleagues. I want to thank everybody who has participated in the debate on the mic and off the mic. I've had a chance to talk with my friend, Senator Erdman. I think debate was illuminating and showed that we were actually much closer together than we, we thought when we started the debate today. It's my understanding that Senator Erdman has reconsidered his position. He's willing to accept AM2944 as a friendly amendment. And we feel that if this amendment is adopted by the body with Senator Erdman's agreement that then my friends, Senator Cavanaugh and Senator Dungan, will be withdrawing the additional amendments that they have filed on this measure so that the measure can move forward without additional debate today. So that being said, look to Senator Erdman. Maybe he'll give you a thumbs-up. Look to his vote on the board when the time is right. But the debate was illuminating, important, and helped us to show that we were actually closer together than we thought when we started. And even though I, I still think it's the wrong remedy, I do think that this makes the bill better and will provide a great deal of peace of mind to a lot of the stakeholders involved in this important work to ensure that their important work continues without political interference. Because Senator Erdman's exactly right. We got to get Nebraska History back on track because we have a lot of beautiful stories to tell. And we need to keep the focus on the mission, not on leadership failures and classification structures and things of that nature. Hopefully this will provide an opportunity for History Nebraska to reset with protections for academic freedom and free expression so that they can tell the good stories about our, our past and present at History Nebraska. I'd urge your favorable consideration of AN-- AM2944. Thank you, Madam President.

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DeBOER: Thank you, Senator Conrad. The question before the body is the adoption of AM2944 to LB1169. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 35 ayes, 0 nays on adoption of the amendment, Madam President.

DeBOER: The amendment is adopted. Is there anything further on the bill?

CLERK: I have nothing further, Madam President.

DeBOER: Senator Ballard for a motion.

BALLARD: Madam President, I move that LB1169 be advanced to E&R for engrossing.

DeBOER: There's been a request for a machine vote. Colleagues, all those in favor please vote aye. All those opposed please vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays on advancement of the bill, Madam President.

DeBOER: The bill is advanced. Next bill, Mr. Clerk. Excuse me. Items for the record.

CLERK: Thank you, Madam President. Your Committee on Enrollment and Review reports LB1188 to Select File with E&R amendments. Additionally, amendments to be printed from Senator Linehan to LB1402. New A bill: LB1306A, from Senator Murman. It's a bill for an act relating to appropriations; changes and eliminates appropriations to aid in the carrying out the provisions to LB1306; repeals the original section; outright repeals Section 16; and declares an emergency. LB1329A, introduced by Senator Murman. It's a bill for an act relating to appropriations; appropriate funds to aid in the carrying out the provisions of LB1329; change appropriations; repeals the original section. LB1416 [SIC-- LB1416A], introduced by Senator Bostar. It's a bill for an act relating to appropriations; reprop-- appropriates funds to aid in the carrying out the provisions of LB1416. LB1300A, introduced by Senator Bostar. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out the provisions of LB1300; and to declare an emergency. LB233A, introduced by Senator John Cavanaugh. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out the provisions of LB233. LB937A, introduced by Senator Bostar. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out the provisions of LB937.

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LB1074A, introduced by Senator Slama. It's a bill for act relating to appropriations; appropriate funds to aid in the carrying out the provisions LB1074; and declare an emergency. LB1073A, introduced by Senator Slama. It's a bill for an act relating to appropriations; appropriate funds to aid in the carrying out the provisions of LB1073; and to declare an emergency. New LR: LR378, from Senator Murman. That'll be referred to the Executive Board. LR379, from Senator Bostar, also referred to Executive Board. LR380, from Senator DeBoer. And Sen-- and LR381 from Senator DeBoer. Both referred to the Executive Board. Senator McDonnell, LR382, referred to the Executive Board. LR383, from Senator Hughes, referred to the Executive Board. LR384, Senator Linehan, referred to the Executive Board. LR385, introduced by Senator Linehan, referred to the Executive Board. LR386, introduced by Senator Day, referred to the Executive Board, as well as LR387. LR388, introduced by Senator Wishart. That'll be referred to the Executive Board. LR389, from Senator Clements; LR390 from Senator Brewer; and LR391, from Senator von Gillern-- all referred to the Executive Board. That's all I have at this time, Madam President.

DeBOER: Thank you, Mr. Clerk. Next item on the agenda.

CLERK: Madam President: Select File, LB1288. First of all, Senator, there are E&R amendments.

DeBOER: Senator Ballard for a motion.

BALLARD: Madam President, I move the E&R amendments to LB1288 be adopted.

DeBOER: Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. The amendments are adopted.

CLERK: Madam President, Senator Albrecht would move to bracket the bill until April 18, 2024.

DeBOER: Senator Albrecht, you are recognized to open on your motion.

ALBRECHT: Well, thank you. I appreciate this time. Thank you, Ms.-- Madam President. Colleagues, the reason I've asked for this motion is to try to help to educate some of you on what goes on in Thurston County. And while I live seven miles away from the Winnebab-- the Winnebago, like, town where our children have gone there for preschool-- you know, we have gone to the powwows. We are-- we, we absolutely are engaged with the tribes well, but-- and I have been Tribal Chair for probably six of the eight years that I've been here.

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What I want to tell all of you first is I know that anybody that would like a bill to come before us, the tribes would get one bill to choose from. I have not yet been in a meeting when it comes to which bill we're going to select for the tribes this year. I know I've heard of the water issue, which we already addressed last week. I've heard about the regalia, which was already taken care of. So that's two bills. And now we have this third one. And I know that Macy is, is concerned about-- the Omaha Natives are concerned about the women, you know, being taken off the reservation. But knowing that we get one bill and now we're now on the third one is a concern of mine. No matter what committees, special committees they have, you're to be able to select one. But, but putting that aside, I want to-- I want to talk to you for the next ten minutes about what happens with, with Thurston County government and versus-- and not versus-- but in addition to the tribe, when they have to work things out. So subjects that are domicile on Indian-- in-- under Indian country, the United States Constitution under 18-- United States Constitution 1151 legally includes all people residing on the historic Indian reservations. That would be our family as well as them. Page 5, lines 26 through 27, states that, quote: Such do-- documentation shall clearly identify the subject, identify the revelent-- revelent-- revelent [SIC] tribe and allege the officer's belief. This statement does not identify the subject as a tribal member. Federal Indian law is complicated. Oddly, senators sponsoring this bill do not have Indian country in their districts. The stakeholders and legal experts should have included county judges, county attorneys, county law enforcement, and the state law enforcement who regularly deal with legal issues in Indian country. The bill passed through committee 8-0 because the sta-- stakeholders and the legal experts within the Indian county were not consulted or even made aware of this bill, including myself. Nebraska is a mandatory Public Law 280 state, where the state was granted civil and criminal jurisdiction over tribal members. The Nebraska Legislature and the Department of Interior returned that jurisdiction to the federal government for-- to the Thurston County tribes in 1969 and 1985 to save state resources. Changing two large bodies of state law to include a separate sovereign desires makes no fiscal, legal, or logical sense. The federal gumber-- government has a trust and a fiduciary responsibility for the tribes, not the state. Indian Health Services-- which I will be referring to, IHS-- has mechanisms for health care needs, including mental health for Indian tribes. The tribe's sole focus is to get patients the care they need in times of crisis, which is the same issue state entities have. Counties too are faced with holding sick individuals in jail or releasing them to the

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public due to a shortage of available state beds. It is not necessary to rewrite state law. The federal government should address the tribal's sole focus through the IHS, or the Indian Health Services. And-- but this bill, I believe, is truly premature in passing because there's no consultation with our local law enforcement nor was there any notice to the citizens most impacted by this bill. The county impacted most by the implementation of this bill will be Thurston County, located in District 7-- I live in Thurston County-- which is wholly considered Indian country. The bill was introduced by Senators Raybould, District 28; Senator Conrad, District 46, in Lincoln; and Senator Day, District 49, in Omaha-- with no Indian country in their districts. This bill proposes drastic changes to two large bodies of law: the Nebraska Mental Health Commitment Act and the Sex Offender Commitment Act. It changes the process currently followed by all county and state enforcement authorities and unconstitutionally subjects nontribal Nebraska citizens to tribal law and tribal court where they live and have no vote-- or, no voice. The Thurston County sheriff and the Thurston County Attorneys Office were unaware of this bill until February 22 of 2024. The local Nebraska State Patrol captain was emailed a general question back in January of 2024 about service warrants in tribal lands, but there was no reference specifically to the details outlined in LB1288. This bill is premature for passage because Indian reservation jurisdiction involves complex legal issues. Any legislative bill intending to alter that jurisdiction deserves discussion for clear understanding of the legal effect, careful consideration of constitutional rights of all parties involved, and most certainly consultation with your state government officials mostly impacted by this passage. So in January-- on January 17 of 2024, this was referred to the Judiciary Committee. January 25 of 2024, the notice of hearing for February 1 was posted. February 13, 2024, State-Tribal Relations priority bill. February 20, placed on General File. February 23, 2024, Senator Raybould amended and filed. This bill expands the tribal jurisdiction over nontribal members in violation of a federal law. The language subjects domiciled within Indian country legally encompasses all citizens of the ser-- of Thurston County whether they are members of an Indian tribe or not. This bill provides that all subjects domiciled within Indian country, as identified by 18 United States Constitution 1151, page 2, line 23, are placed under the jurisdiction of tribal court and tribal law for the mental health and the sex offender proceedings rather than the state process followed in all counties for state citizens who are not members of a federally recognized Indian tribe. And then subjects for the mental health is 71-912, and it applied to this bill: Subject means any person

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concerning-- any-- means any person concerning whom a certificate of petition has been filed under the Nebraska Mental Health Commitment Act. Subject does not include any person under 18 years of age unless such person is emancipated minor. Domiciled is a legal definition-- definition in the Black Law Dictionary: the place at which a person has been physically present and that the person regards as home, a person's true fixed principal and permanent home to which that person intends to return and remain. So Indian country is 18 U.S.C. 1151: All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent and including rights-of-way running through the reservation, all Indian allotments and Indian titles to which have not been extinguished--

DeBOER: One minute.

ALBRECHT: --including rights-- thank you-- rights-of-way running through the same. As written, this bill does not distinguish tribal members from tribal citizens domiciled within the historical boundaries of the, the Indian reservation. All Thurston County is considered Indian Country, as 18 U.S.C. uses its, its historical 1800 boundaries from the Indian treaties. Subject acts of Congress encouraged nontribal people to purchase original reservation surplus and allotted lands over a hundred years ago. Many of these nontribal people were immigrants solicited by the government to settle in Thurston County and become farmers. Over 60% of the land in Thurston County is owned in fee patent by Nebraska citizens, many of whom are third and fourth generation farmers. They are not members or affiliated with the Indian tribe. They do not receive tribal benefits. And they and their ancestors have paid state taxes on this property since owning the land in fee patent. Using the term subjects--

DeBOER: Time, Senator.

ALBRECHT: Thank you.

DeBOER: Thank you, Senator Albrecht. Senator Raybould, you're recognized.

RAYBOULD: Thank you, Madam President. Good evening, colleagues. I can tell that it is clearly Senator Albrecht's attempt and wish to kill this bill, which is her right to do so. But I cannot stress enough how extreme that option is for a bill that only allows for the recognition of orders to hold, commit, or place an individual in

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emergency protective custody. I want to give you a little bit more of the history of this bill. It was presented before the Judiciary Committee, and it passed out of Judiciary Committee 8-0. During the hearing, no one spoke in opposition to this. I'd like to ask Senator Day a few questions, if I may.

DeBOER: Senator Day, will you yield?

DAY: Yes.

RAYBOULD: Senator Day, could you tell us a little bit about the process? After it was execed out of Judiciary Committee, it was taken up by the Tribal Relations Committee. Could you tell us the process that you went through, the meetings that were held, and who was in attendance and how the decision came about--

DAY: Yeah.

RAYBOULD: --to make it-- to make it your priority bill?

DAY: Yes. So I'm the Chair of the committee. And because it's a special committee, we do not take an official vote to make a decision on a priority. We did have two Executive Sessions, both of which Senator Albrecht was invited to and she was made aware of. She did not show up to either one of them. We collectively made the decision to make LB1288 our priority bill in discussion with the rest of the committee, and it was agreed upon by everyone that attended the meetings in which we made that decision. I even went up to Senator Albrecht after we made the decision to make it our committee priority and I made sure to tell her about it to let her know this is the decision that was made. And she said at that time that she had planned to support the bill. So I-- it's, it's an unfair framing of the discussion to say that she was not aware of the meetings or discussions that we had within the State-Tribal Relations Committee to make this our committee priority bill. She chose not to show up to the Executive Sessions.

RAYBOULD: Thank you, Senator Day. I want to just even give you additional references. The bill inception came about after Senator DeKay and Senator Day and myself visited with the Omaha Tribe in Macy's. We had a beautiful day spent with the tribal leaders. After lunch with them, we sat down and asked, OK. What are your concerns? What are your issues? And we thought it would be dealing with methamphetamine or other matters that are critically impacting their community. And they said their number one priority bill over and over

and over again, their priority concern was that their tribal judges' EPC orders are not recognized for those that are experiencing a mental health crisis. And oftentimes, their tribal members are detained in a jail or they're forced to be transported to another facility 200 or so miles away to get the treatment they need. And so that was the inception of the bill. I worked last summer with the Nebraska Supreme Court thinking that they might be able to come up with an administrative solution because all the other orders issued by a tribal judge are recognized throughout our entire state of Nebraska. And their orders are also respected throughout the entire United States. So it was a-- truly a quandary why these EPC orders were not recognized. And so that became their major concern. So we went forward with--

DeBOER: One minute.

RAYBOULD: Thank you, Madam President. We went forward with that concern, worked with the Nebraska Supreme Court. They had meetings involving tribal leaders as well as the justices to try to come up with a solution. Ultimately, they returned back to me that it's going to be a legislative solution to help resolve this, and, and we support that and wish you luck. And so I wanted to say also that this is not something that, that just impacts the communities that have tribal reservations on it. You may think it doesn't impact your community because Indian territory only exists in a few of the districts of our colleagues. That could not be further from the truth. My heart really goes out to any person in a mental health crisis. Someone experiencing suicidal ideation is in need and deserving of our help. Every Nebraska family wants that for their loved one. And when I get back on the mic, I'd like to dispel some of the misinformation from Senator Albrecht.

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

M. CAVANAUGH: Thank you. I yield my time to Senator Raybould.

DeBOER: Senator Raybould, you're yielded 4 minutes, 57 seconds.

RAYBOULD: Thank you, Senator Cavanaugh. You know, we passed out an LB1288 fact sheet on the very first time this was presented to-- on General File. I want to be very clear about what this bill contains and what it does not contain. This bill only impacts tribal members living on tribal lands. That's on page 5, line 26 and 27 of the green copy of the bill. It states the relevant tribe to be documented.

Next, the bill does not allow a tribal court to place a nontribal member domiciled in Indian country under an emergency protective order or hold order. I want to say that again in case anybody didn't understand as clearly as I said it the first time. The bill does not allow a tribal court to place a nontribal member domiciled in Indian country under an emergency protective order or hold order under the Mental Health-- Mental Health Commitment Act or Sex Offender Commitment Act regardless of whether they are domiciled in Indian country or not. Next, there is no expansion of a tribe's jurisdiction in LB1288. That-- they do not have that. Stat-- the, the state of Nebraska does not have that statutory authority. It only comes from the federal government. And there's no language in this bill that even remotely comes close to deliberating that. Tribal jurisdiction is inherent but restricted by federal law. A state cannot expand tribal jurisdiction. Again, the language subject domiciled within Indian country is used to distinguish from tribal members who are not domiciled with Indian country. So for a tribal member not domiciled in Indian country-- say someone in Lincoln, Nebraska-- an EPC or mental health commitment would be handled under our state law, just like every other individual in our state of Nebraska. Next, the tribe is responsible for the costs of treatment and services and transportation. In LB1288-- I marked up the sections that clearly talk about where the tribe is responsible for the payment of the EPC, the transportation costs, as well as the treatment. It's on-- it's in the bill seven times, and it's on page 4, page 9, page 11, page 19, page 21, 22, and 26. So the tribe is responsible for the costs of treatment and services and transportation. For nontribal members, the state is already set up and works regardless of where they live in the state. The gap is regarding tribal members domiciled on reservations. Arrangement for the payment of treatment services or conveyances for tribal members under LB1288 will be established under a memorandum of understanding. This is similar to memorandums of understanding utilized by tribes and law enforcement regarding traffic patrol on state highways that run through tribal land. The tribe's sole focus has been to get patients the care they need in times of crisis. Thank you, Madam President.

DeBOER: Thank you, Senator Machaela Cavanaugh and Senator Raybould. Senator Dungan, you're recognized.

DUNGAN: Thank you, Madam President. And good evening, almost, colleagues. I do stand today opposed to the bracket motion and in favor of LB1288. I just want to take a couple of moments to, I guess, further clarify or discuss what is and what isn't in the bill. First of all, Senator Raybould's been an absolute champion for this bill

since the beginning, and I want to laud her and Senator Day and the others who have pushed this forward. In addition to that, I want to also, I, I guess, point out the fact that I think that Senator Raybould's done a great job already of articulating what is and what isn't in this bill. When this bill first came before the body the last time this was around on debate, there was a lot of discussions around-- a concern that this expanded the ability of the tribal courts to have jurisdiction over people they don't already. I will echo Senator Raybould's sentiment that my reading of this bill multiple times and discussing it with experts in this field is this does not do that. LB1288 does not in any way, shape, or form change who the tribal courts have jurisdiction over. The reason for that-- which has been, I think, talked about already a little bit-- is that is a, a-- who, who they have jurisdiction over is an issue that we don't necessarily have authority over. The U.S. Supreme Court has outlined very specific criteria as to when a tribal court does have jurisdiction over somebody in a civil matter, which is what this ultimately is. It's a civil matter. And-- I'm not going to bore people paying attention or listening at home with going through the entirety of those cases, but rest assured there is a very specific and, and set-out process for determining when jurisdiction does or does not exist. This bill doesn't have any actual change or modification of that. What this bill seeks to do is simply to make sure that if an emergency protective custody order, an EPC order, has been issued by the tribal court, that it is also honored by the state of Nebraska in those other facilities in the event that the individual who's been subject of that EPC needs to be transported somewhere else by virtue of not having a facility nearby or by virtue of maybe those facilities being full. And so this is addressing a, an issue in our law where, right now, if somebody has a valid EPC issued against them by the tribal court and they are being taken for that emergency protective custody over to a state facility-- or, another facility outside of the, the tribal lands, they could be turned away. And that's a really, really big problem for both the individuals who need that emergency protective custody and also our community as a whole. The point of these EPC orders-- for those who don't know at home-- is it's essentially an order that is enacted if such person is deemed to be essentially a harm to themselves or others. Right? So if somebody's having a very severe mental health crisis and it doesn't rise to the level that they've broken any laws and they haven't committed any crimes and so they don't need to be taken to jail because, certainly, jail's not the right place for somebody suffering from an-- a mental health crisis. But out of an abundance of concern and care for either themselves or the protection of others, it's

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made-- the determination is made by the courts that that person needs to be taken somewhere. So the EPC is trying to keep both that individual as well as other members of the community safe from somebody who is suffering through an episode or an issue. And so what this simply does, LB1288, it really is more of a cleanup than anything else. It seeks to say, if a tribal court has issued such an order-- as we do with other things ordered by tribal courts, such as civil judgments, child support, any number of other things that are recognized-- the state of Nebraska then must also recognize that emergency protective custody order, the EPC, the same way they do everything else. This harmonizes the current statute with the way that things work in other circumstances. A good example of this is, I believe, under federal law if you receive a protection order in, like, a domestic violence case from a tribal court, that, that protection order--

DeBOER: One minute.

DUNGAN: Thank you, Madam President-- that protection order is recognized by the state courts as well-- or, out-- out-- outside of the tribal land. We are simply trying to harmonize the EPC statutes in order to ensure that it's also being recognized the same way. So, colleagues, rest assured. I, I understand the concerns that are being raised. We certainly don't want to modify massive swaths of law with regard to what jurisdiction is and isn't for certain courts. This does not do that. LB1288 simply says that we as the state of Nebraska will recognize those orders from the tribal courts. So I don't have any concerns about the expanded jurisdiction. I do think that there's been a lot of effort and work put into this from experts in the field, from individuals who certainly know more about it than I do with regards to what it does and doesn't do. And so I am confident, colleagues, that, if we adopt LB1288, we're simply solving a problem that currently exists. And I don't have concerns that we're cr-- we're creating other ones. So with that, I'd encourage your green vote on LB1288. And I'm opposed to the bracket motion. Thank you, Madam President.

DeBOER: Thank you, Senator Dungan. Senator Erdman, you're recognized.

ERDMAN: Thank you, Madam President. Good evening. So as I'm, I'm listening to the debate-- and, and I tried to figure out what this bill did the last time that we had it up for discussion. So I was wondering if Senator Albrecht would yield to a question.

DeBOER: Senator Albrecht, will you yield?

ALBRECHT: Yes.

ERDMAN: Senator Albrecht, I was reading over the transcript. And I was-- I began to look at the testimony. And, and one of the-- one of the testifiers said, the authority, the authority rightfully belongs to the tribes under the inherent sovereignty of the federal government and under its trust. So legal responsibility to provide health care to Indians, LB1288 does not. And is made-- and it is made clear by the Eighth Circuit that cannot-- the state cannot grant-- the-- cannot be granted to state authority and other tribal law that the tribal members in crisis are protected through the federal trust responsibility to the tribe. So is, is this what your issue is with the bill, is the fact that we as a state don't have authority over the tribes? Is that what you're trying to tell us?

ALBRECHT: They are their own sovereign nation, and the federal government is, is the one that has the trust and responsibilities. As I've said earlier, that-- they have a beautiful hospital. I mean, I'm not going to stand up here and, and boo-hoo the whole bill. But I'm telling you, there is a beautiful facility that-- it would be a whole lot easier if we would open that up to have doctors and mental health professionals come into the facility than to have to transport.

ERDMAN: OK.

ALBRECHT: Because we, we don't even have enough facilities for that. But that was built by the federal government for the tribes.

ERDMAN: OK. So then the issue is we can't get people to that hospital. Is that the issue?

ALBRECHT: Well, they, they say that they don't hold them there because they don't have the mental capacity to help the mental health patients there. When it comes to the sex offenders, that's a completely different story.

ERDMAN: So how does LB1288 solve the issue that you're talking about?

ALBRECHT: I believe they would like to have somebody be able to transport them off the reservation to Omaha or western Nebraska, central Nebraska, wherever they would find help. But we in our county do not have the resources, even though they say they will pay for it. We don't even have the per-- personnel to be able to do so, so.

ERDMAN: OK. So, so LB1288 is not the answer because of the description you just gave me?

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ALBRECHT: Yes.

ERDMAN: So what would be the answer, in your opinion? How would we solve this?

ALBRECHT: Again, I really believe that they should utilize the facility they have. I think they should engage with the federal government, their federal delegation, and figure out a way to make that facility that they currently have that both Omaha and the Winnebago can go to-- so could Santee. Santee right now goes up to South Dakota with their, with their folks. So they're not truly a part of this conversation. It's truly the Winnebago and the Omaha Nation that would be asking for these services.

ERDMAN: I appreciate that. That gives me some clarity there. I appreciate that. Thank you for answering my questions. Thank you.

DeBOER: Thank you, Senator Albrecht and Senator Erdman. Senator Sanders, you're recognized. Senator Sanders.

SANDERS: Thank you, Madam President. I yield my time to Senator Albrecht.

DeBOER: Senator Albrecht, you're yielded 4 minutes, 44 seconds.

ALBRECHT: Thank you, Madam President. Thank you, Senator Sanders. I do want to continue to talk a little bit more about some of the comments because I can go into all of the laws, but, you know, I'm not an attorney. I'm simply reading from the passages that I have and the information I have in my office. So-- but, again, I know that they've been working with DHHS-- Senator Raybould has been in discussions with DHHS and the tribe. For two years, the stakeholders impacted most were not consulted. And Thurston County is the only county that is entirely Indian country. And we are also the poorest county in the state. There are reasons that that is the way it is. Senator Dungan does-- it does nothing to expand the jurisdiction set by the federal law. It must be done by the tribe. Funding worked out between the tribe and other groups. Federal governments pay the bill. Already have established mechanisms to pla-- to put into place to pay hospitals by the federal government. And I will just give you a quick example. Our Emerson-Hubbard Fire District just went into a memorandum of understanding with the tribe to back them up if there's-- if something should happen that they are not able to, you know, be able to fulfill the obligation to get to the, the fire or to an accident or whatever. And it's great when you can work those out

and it works. But we have not been approached, and that is the, the big issue here. But more importantly, I know the state of Nebraska does a lot for the tribes when it comes to mental health. There are a lot of programs that they have. There's a lot that they're doing right now. But when you ask to take them off of the tribal grounds and, and escort them wherever they want to go-- even in the fiscal note-- I mean, it talks about paying people, but it doesn't-- it talks about having \$29,460 at the Lincoln Regional Center or \$45,987 for a community-based hospital for these EPC services for one individual. That does not talk about transportation, getting them to and from, and where are you going to put them in the meantime if you can't put them in their local hospital and-- and/or if they're a sex offender and they've been charged, you can't put them in jail. They want you to take them directly to one of these facilities. But again, it's, it's about being able to communicate with one another, work together as we need to to make these things happen. But tribal law is complicated. Yes, tribes are sovereign. And yes, they have their own courts. And yes, we need to recognize the, the legitimacy of the tribal courts. Why? Because the federal government has trust and fiduciary responsibilities for tribes, not the state of Nebraska. The State-Tribal Committee and the Omaha Tribe met last fall. This was one of the number one issues that they brought up. Their own court and judges issue EPC troubles with transportation. We even have trouble with transportation in our own county. In our neighboring county, Dakota County, they've called me. They have trouble. I mean-- but it takes a law enforcement agent-- agency to, to put someone who is sworn in as an officer to take these people to these facilities. And Senator Brewer gave an example even of his, his brother taking a, I think it was a child, under 18, down to Omaha just to, to find out that they didn't have any room for that child.

DeBOER: One minute.

ALBRECHT: So then they have to bring them right back. So again, troubles with transportation, no authority to transport. And it has-- it's not recognized-- or, the hospital doesn't recognize the EPC. The hospital's responsible-- the tribal hospital's responsible for tribal health care issues. It truly is a beautiful hospital in Winnebago, and it's only open to tribal members. And the funding is to come from the federal government. So the testimony from the Winnebago Hospital employee, 72 suicide-- they had 72 suicides cases. And, and in the hospital, they had 62 that had to be transported to other facilities. So I'm not sure what they're doing right now, but if they, if they have their own tribal police and they also have the BIA, those would

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be two options for them to, to take. But I believe that this is more of a policy issue for our state--

DeBOER: Time, Senator.

ALBRECHT: Thank you.

DeBOER: You are also next in the queue, Senator Albrecht.

ALBRECHT: Perfect. So again, I feel like that this is more of a policy issue than it is something to be recognized in state law because we cannot, we cannot ask for a facility to take them just because, you know? If they, if they have the ability and they have a bed-- we have a huge problem in our state in general being able to take people with mental issues to a facility anywhere. And then when you load transportation on top of it-- it's one thing if it-- you're in Sarpy County and you have 200 deputies, but it's certainly a different story if you're in Thurston County with 4 to 6. We just don't have the capacity to be taking people from one spot to another. And, and I have to stand here and defend my county and, and our officers and our sheriffs department because they are the ones that have to, to, to say yes to this and to agree to it. So I don't believe that even the money should be involved in our state statutes, that they would pledge this much money because it could be more, could be less than-- I mean, we don't need to be an agent of how they're going to, to take care of those things. Let's see. I think it was-- [INAUDIBLE]. OK. So I think Senator Bosn, Bosn had problems with the bill with payments and the EPCs without more of an agreement with someone or the discharges under the wording of the bill when it says treatment facilities may discharge but tribe may disagree with the treatment. And then the firearms, the logistics of that. There's nothing keeping the hospital and, and Winnebago from contracting with the state facilities on behalf of the tribes. Changing state law is an extreme measure, you know, for the stated goal of LB1288. Again, Senator Dungma-- Dungan responded to some questions. Funding doesn't need a process or a procedure to receive payments, as agreements are already in place. And that's-- falls from a county that is entirely Indian country. And, and the discharge authority on page 16, lines 17 through 23 only requires the administration at treatment facilities to talk to the tribe before discharging the pa-- patient. And it doesn't give tribe authority-- tribal authority to say no. And that is false. Discharged is authorized only with the consent of the tribal hospital, and consent equals permission to do so. The federal law about guns. We shouldn't have to put a law in-- the, the federal law has to be followed. And we can't kick issues down the road, as it

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is an immediate problem. Placement is an issue for all counties too. Again, it's the problem for the federal government, not for our state. I believe-- so the state-- let's just say that the state of Iowa was having issues placing their mentally ill patients in a facility. Would the state of Nebraska change its state law to create a process for the Iowa citizens to utilize Nebraska facilities when Iowa would already have their own budget to address the issue? I mean, this bill I don't believe is necessary. I think it should be a memorandum of understanding between whoever they want to do business with, and the state of Nebraska should not be a part of it. Thank you, Mr. President.

DeBOER: Thank you, Senator Albrecht. Senator Raybould, you're recognized.

RAYBOULD: Thank you, Madam President. I stand against this bracket motion. And I encourage everyone to vote against this bracket motion. If there is any doubt in anyone's mind, we have an amendment to add. It's AM3106 that again reiterates and tightens up any further misgivings that specify that only a member of a tribe or eligible membership in a tribe qualify. For civil matters, tribes only have jurisdiction over nontribal members if the individual consents. I also want to say that-- you know, they, they-- the tribal members don't have to go to Thurston County. In fact, some of them don't. They go over to South Dakota to get the immediate care and treatment that they need. Guess what? The state of South Dakota recognizes the tribal judges' EPC from our state of Nebraska. And also, they're happy to accept payment from the Santee Sioux for the services that they have done an MOU and agreed upon. Senator Albrecht also mentioned the Winnebago Tribe. They don't have the capacity in their wonderful new hospital because they haven't opened up a psychiatric ward or the appropriate care ward to do that because, guess what? We're having a behavioral and mental health labor shortage in our state of Nebraska, in other states as well. We're-- it's extremely difficult to recruit. We've passed bills to make it easier to recruit and retain those licensed mental health therapists. It is a challenge. It's very difficult. Madam President, I would like to yield the rest of my time to Senator Brewer.

DeBOER: Senator Brewer, you are recognized for 3 minutes and 5 seconds.

BREWER: Thank you, Madam President. I got to tell you, I am not happy about being in the middle of this fight here. I, I think there is a issue that needs address that we're trying to do in LB1288. So to

bracket it does not address the issue. I just got off the phone with my brother and I said, you know, what's your feelings on this? And he goes, you can't put them in an island. You can't say that this place is unique and that we're going to sort certain human beings from other human beings because of, of a rule that will somehow prevent you from taking care of them. If, if there's a mental health issue, we got to figure out how to get them care. Now, does the sheriff always get reimbursed? He said, no. He said, there's times they transport and they don't. But he said, you, you can't put them in a position where they're treated different, where they're not going to be taken care of because of someone not wanting them to go in a particular direction or, or because it's inconvenient to have certain people transport them. He goes, he goes, if, if this LB1288 is, is something that's worthwhile then what it needs to do is figure out how do you get them help. Now, it's a great idea. Just say you're going to put a mental health wing in a hospital, but that's also not realistic to do in a very short period of time. Finding the psychologists and, and the special staff that's needed for that is hard. And, and finding that in big facilities is, is a challenge. So I'm going to stand in opposition to the bracket because I think LB1288 is something that we have to take action on to fix because it's, it's a real problem. And, you know, when my brother put it that way, that, that we can't put them on an island and give no options to figure out a way to help them, it really hit home that, that that's essentially what we're saying, is we don't want to do what we need to do to make sure that a particular group of people are not left out in this mental health challenge.

DeBOER: One minute.

BREWER: Thank you. But he said, the other thing you guys need to wake up and realize is this whole EPC system is broken. It's broken horribly all across Nebraska. He said, if you were starting in the Legislature next year, I tell you your eight, eight-year mission is to figure out how to unscrew that mess because he said, all law enforcement has a challenge with it. And he said, there's people dying because we're not able to get them where they need to be to get treatment. So that's a challenge I think we have down the road. But for now, I stand in opposition to the bracket and in support of LB1288. Thank you, Madam President.

DeBOER: Thank you, Senator Brewer and Senator Raybould. Senator von Gillern, you're recognized.

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von GILLERN: Thank you, Madam President. I wondered if Senator Raybould would yield to a question.

DeBOER: Senator Raybould, will you yield?

RAYBOULD: Yes.

von GILLERN: Thank you. Senator Raybould, I'm looking at the committee statement-- and I'm trying to get caught up here and make sure I've reconciled the amendments in the original bill. The second to the last line in the committee statement talks about Section 29. It says it would amend to require state hospitals to includ-- include persons subject to tribal commitment orders as priority admissions when such hospitals lack sufficient capacity. I've looked in Section 29. I'm really not seeing that verbiage there. Would you like to comment to that, please?

RAYBOULD: Yes. Thank you, Senator von Gillern. There is nothing-- there is nothing in LB1288 that indicates tribal members have priority over any other Nebraskan waiting to be admitted for treatment to any mental health medical facility at all. There is nothing in this bill that says that. They do not have priority over any other Nebraskan because we know that many facilities don't have any available beds for anyone.

von GILLERN: So, so the committee statement regarding Section 29 is not accurate?

RAYBOULD: That is not accurate.

von GILLERN: OK. Thank you. I yield the remainder of my time to Senator Albrecht.

DeBOER: Senator Albrecht, you're yielded 3 minutes, 37 seconds.

ALBRECHT: Thank you, Madam President. Thank you, Senator von Gillern. I am certainly not wanting to separate people as-- for who they are. I mean, this is, thi-- this is in my district. My district has asked me to please not-- let them, let them negotiate with them what they want to do. These people are currently obviously getting to where they need to go even though there isn't a bed where they're taking them sometimes. But we are here talking about my district with the Natives that live on-- in, in our particular county. And we are always there to help. We've gotten so many different things taken care of. I mean, it's a, it's a great relationship. It's amazing what they can get done. You know, I, I just have spent a lot of time on

the reservations and, and a lot of different committees that they've asked me to come visit with them, whether it's the, the tribal-- the village or the, the, the Natives that get together-- and, and everybody has their own projects that they're working on. And I have gone to the-- you know, whenever they come down and tell us what their, what their different things are that are important to them. But trust me, I have worked with them over the eight years that I've been here. And, and they, they will find a way and-- but I don't believe that this is the vehicle to get to where we need to go. If they can come and do an-- a memorandum of understanding over a fire truck, we can certainly figure out how to do the memorandum of understanding for mental health and/or sex offenders. I will definitely take issue with sex offenders that they, they just don't want them in a jail. But I'm sorry. They're-- I mean, I don't know where else that-- they would be taking someone. But if they are truly convicted of a sex crime, I would definitely think that, that they'd have to sit there for a while. I mean, I can't imagine that a judge is not going to have them-- because I know in the Thurston County Jail, we do have a lot of different folks that are sometimes held there because they're, they're-- if there's not a bed available where they, they'd like them to go, then they have to go somewhere. And I think they're treated very well. No different than anyone else. But I have to stand with my district on how they feel about this particular bill. And, and will we work with them and will we try to find an answer? Again, I think that the facility that they have is pretty fabulous. I mean, it's been there--

ARCH: One minute.

ALBRECHT: --for some time. And I would implore you to, to think about what our needs are in my county as well, not only with the Native tribes, but we have-- I mean, the taxes that we pay in, in our area-- I mean, we don't have the money that other counties have. We just don't. We're the poorest community for a lot of different reasons. But this has just got to be something-- even if they asked Dakota County, they would-- the sheriff up there would tell you the same thing. They don't have the people to take them. And they don't even have places to take their mental health cases as well as-- I'm sure they do whatever they do with their sex offenders. But everybody needs to take a step back and understand that if you're domiciled in, in the Native-- Indian country, then I, I would hope that if there's an amendment up here that it is changed to be-- to just recognize--

ARCH: Time, Senator.

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ALBRECHT: Thank you, sir.

ARCH: Mr. Clerk for items.

CLERK: Mr. President, new A bill: LB1331A, introduced by Senator Murman. It's a bill for an act relating to appropriations; appropriate funds to aid in the carrying out the provisions of LB1331; and declare an emergency. New LR: LR392, from Senator Hansen. That'll be referred to the Executive Board-- as well as LR393 from Senator DeBoer. That'll also be referred to the Executive Board. That's all I have at this time, Mr. President.

ARCH: The Legislature will now stand at ease until 6:30. When we return, Senator Albrecht, Senator Raybould, you are next in the queue.

[EASE]

_____ : Attention, senators. The Legislature will reconvene in five minutes.

ARCH: The Legislature will now reconvene. Mr. Clerk for items.

CLERK: Thank you, Mr. President. Series of items. Your Committee on, Committee on remol-- Enrollment and Review reports LB1393, LB1088, LB1031, LB1306, LB876, LB1030 to Select File, some having E&R amendments. Amendments to be printed from Senator Slama to LB1073 and from Senator Clements to LB196. That's all I have at this time, Mr. President.

ARCH: Senator Raybould, you are recognized to speak.

RAYBOULD: Thank you, Mr. President. I was hoping to-- that Senator Albrecht will yield to a question, please.

ARCH: Senator Albrecht, will you yield?

ALBRECHT: Yes. Yes. Hello?

RAYBOULD: Thank you. Senator Albrecht, have you had a chance to, to look over my AM3601-- or, AM3106?

ALBRECHT: No.

RAYBOULD: You haven't. OK. So I wanted to point out to you that there-- you have raised a number of concerns-- or, questions. And I wanted to let you know that we have addressed a lot of those

questions. I know you had concerned about individuals that are domiciled in Indian country. There is additional language that reinforces the language that's already in the bill that continues and adds who is a member of a tribe or eligible for tribal membership. So it really clarifies succinctly so that there can be no misunderstandings on that. It also extends the time for the different tribes to negotiate the MOUs. We talked about MOUs. Some of them have already long-standing agreements, some don't. But for, for those that want to solidify a, a type of financial commitment by the tribe, it gives them till October 1 of 2024 to work out those type of agreements. And it also references discharge from the hospital that the tribal judge just needs to be notified. I just wanted to make sure that you were aware. If you take a look, I think that those may address most of your concerns. Good evening, colleagues again. Thank you, Senator Albrecht. Good evening, everyone. Good evening, colleagues. I do stand in opposition of the bracket motion. I want to just reiterate the one thought that I keep saying that-- you may think that this is-- does not impact your community because Indian territory only exists in a few of the districts of our fellow senators. You know, that cannot be further from the truth. If someone is in a mental health crisis, if there is a dangerous sex offender, we want to make sure that that person is in the appropriate facility that they need to be. When a tribal court identifies an individual at risk of harming someone else, that someone may live in your community. They may, they may live in mine. We don't know. And if we don't take the opportunity before us today to advance this bill and my amendment, something bad could happen because a tribal court order was not recognized, that individual was released. That will be on all of us. So I ask you: please do not vote based on false information. Vote for this bill to protect people in need of mental health care and to protect people from individuals who may harm them because of their own mental health condition. I also wanted to read a statement from one of the tribal judges as they watched the debate on General File. They wrote: As a tribal court judge, I can write an order for custody and child support, and the tribal member can take that court order to a child support enforcement, and the state will recognize it and will begin the process for collecting child support. I can distribute property in a--

ARCH: One minute.

RAYBOULD: --divorce decree-- thank you, Mr. President-- and that property distribution is recognized. I can marry two individuals, and the state recognizes that marriage without the couple having to do anything special. I can grant an order for protection, domestic

violence or otherwise. And if that defendant violates a protection order in any county anywhere in the country, county sheriffs will come out to enforce the order or make an arrest for violation of that order. I can do an order for custody. And if a noncustodial parent is violating that order, state law enforcement will enforce that order as well. I can write an order for guardianship, and, with that accompanying paperwork, the guardians can take that order to DHHS for a guardianship subsidy. The only thing I can't do is write an EPC and then have that order enforced. His comment was: Weird, right? Thank you, Mr. President.

ARCH: Senator Blood, you are recognized to speak.

BLOOD: Thank you, Mr. President. Fellow senators, friends all. I have concerns about the bracket and do not agree with it, but I do support the underlying bill. With that, I would ask that Senator Raybould yield to question, please.

ARCH: Senator Raybould, will you yield?

RAYBOULD: Yes.

BLOOD: Senator Raybould, one of the concerns that we talked about in the hearing and I'm not really seeing-- hearing it today on the floor that I'm hoping you can help me address is that, what do we-- how, how does this help when it comes to sexual predators? Is the responsibility really going to fall on the shoulders of the Legislature if we don't act on this when it comes to people who can endanger the lives of children and them not getting the help that they need?

RAYBOULD: Thank you, Senator Blood. Well, I hate to think that something like that would happen, but when you don't issue an EPC order for someone who is a sexual predator, that-- those-- that individual can go free. That individual can be in your community. It can be in my community. The concern is that these type of orders that involve mental health and dangerous sex offenders, they give that authority to the tribal judges so that they can take action and take the necessary steps to keep that individual safe from harming themselves and harming others, and that includes sexual predators.

BLOOD: And at the time-- it's my understanding from the hearing-- there really is not that option unless we pass a bill like this, that it, it, it sees no boundaries. We can't, we can't help get that person off the streets and get them-- not that you can cure a

pedophile, but you can help them in their behavior. We want to make sure that people are not the victims of this person because we didn't act appropriately. Would you say that that was accurate?

RAYBOULD: Yes, I think that is accurate.

BLOOD: OK. What is you-- your biggest concern when it comes to pedophilia and child sexual assault? And this would also pertain to things like incest as well, wouldn't it?

RAYBOULD: Yes, it would. And it-- my, my biggest concern is that-- the tribal judges have a tremendous amount of legal authority, just as any district court judge, county judge. And it's important to recognize that the work that they do for their members in-- on the reservation is critical to make sure that they are doing everything they can within their scope of authority to keep their community safe. And I think that is one of their-- as we-- or, I-- as I expressed before, when we met with the tribal elders-- with the Omaha Tribe in Macy, and then on subsequent Zooms with several of the other tribes-- many of the tribes came out in support of this. They want the tribal judges to have their EPC orders recognized to keep their community safer, to keep those sexual predators off the streets and in the appropriate facility, be it a jail facility or a treatment facility, and for those that have a mental health crisis to, to get the mental health and behavioral health care that they need.

BLOOD: So a bill like this would not only help those in crisis but the victims as well?

RAYBOULD: I-- you know, Senator, you raised a very good point. I'm, I'm not sure if it addresses the issues of the victims.

BLOOD: I mean in reference to removing the people that have caused them to be victims--

RAYBOULD: Yes, I--

BLOOD: --out of the environment.

RAYBOULD: I guess you're right. You're absolutely--

BLOOD: For clarification.

RAYBOULD: --right when you say it removes the individual commi-- causing harm to another person. Yes, you're absolutely correct.

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BLOOD: And thank you very much, Senator Raybould. I appreciate your time on the mic.

ARCH: One minute.

BLOOD: With that, I would yield any time I have back to the Speaker.

ARCH: Senator Bostelman, you are recognized to speak.

BOSTELMAN: Thank you, Mr. Speaker. There's a bigger issue, I think, that we need to deal with, with this right now. EPC and, and bed space is the number one issue we have, the lack of it in the state. I've been on the mic before and I've talked about the problems we have with EPC. Just because we have an order doesn't mean that individual is going to be put into a hospital for help. Just because of an order, if that person goes to a hospital, they can refuse the treatment and they can be let out. I've talked before on the mic where one of my probation officers in my district-- in fact, the chief probation officer in my district several years ago-- had a young lady, a juvenile female, that was suicidal. She was with her in the vehicle for I think it was 30-something hours. She went to multiple facilities, hospitals to have them EPCed because a probation officer cannot EPC anyone. It has to be a law enforcement officer or judge. She went to multiple facilities and was denied. And the reason-- part of it was was-- denied when they asked the individual, how are you? Oh, I'm fine. I'm not suicidal. I'm fine. Couldn't get her-- [INAUDIBLE] her EPC [INAUDIBLE] 30-something hours into this thing. In the van that she-- that they were in, she tried to hang herself, and then she got EPCed. The issue we have in the state on EPCing and finding help for individuals is bed space. The issue we have in the state is to have providers be able to provide that baid-- bed space when we do have individuals that need to be EPCed. Because it's up to that individual and that discussion of whether or not they need that help. And if they say the right words, they won't be EPCed. Even though the person in this case, the probation officer who knew the individual and knew where she was at and knew she was suicidal, once she went to the hospital, when they took her to the hospital, she told law enforcement, oh, no. I'm fine. So this bill will not fix the problem of EPCing and the lack of room in our state. I think MOUs could be done to help out, but it's still going to come down to lack of bed space across the state for our mental health, especially in the EPC area, in order to provide those services that are needed. I think that's what we all need to always remember with this and keep in mind. We have a limited number of spaces. We did away with regional facilities a long time ago. This body did. When we did away

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with those regional-- with the regional facility, we did away with the bed spaces. The challenge we have now is to build that back. The challenge we have now is to provide those facilities so we have enough room for individuals that do need the help when they need the help at the time they need the help. Because no matter what, when they take them to the hospital, if they say, we're fine. They don't need to be-- well, you can't EPC them. So as you continue to listen on this bill-- again, the challenge is-- to me, the challenge is we have a lack of facilities to meet the need. Thank you, Mr. Speaker.

ARCH: Seeing no one in the queue. Senator Albrecht, you are welcome to close on your bracket motion.

ALBRECHT: OK. I'm just going to stand and rise so that we can get on with our business. And I'm going to pull this bracket motion. But what I want people to understand is, today, they are taking these people somewhere and somebody is getting them there. If they want to make it a memorandum of understanding with the hospitals in the state of Nebraska, they can sure do so. If they want to make an-- a, a memorandum of understanding with the sheriffs department, they can sure do so. But this is a policy issue that does not belong in state statute in the state of Nebraska. Thank you, Mr. President.

ARCH: Without objection. So ordered. Mr. Clerk for an amendment.

CLERK: Mr. President, Senator Raybould would move to amend with AM3106.

ARCH: Senator Raybould, you're welcome to open.

RAYBOULD: Thank you, Mr. President. Thank you for the debate on the floor. I did want to just address something that Senator Botelman said about the facilities. There's no doubt we need more facilities. We need to really fund the regional centers that we do have and the funding that they need for mental health services instead of cutting their budgets. We know the need is real. But with-- when a tribal judge issues an EPC order and they want to take that individual to a hospital in Norfolk that has a bed available-- which I understand is a, a, a, a prized commodity-- that individual cannot be admitted. That individual is detained and must wait until he gets another EPC order from an appropriate county judge in Madison to be able to be treated in Norfolk. This is the dilemma. This delay is putting your family member, your loved one who's in crisis, instead of getting the treatments, they're most likely held in a jail. That's what the tribal elders said that is so discouraging. They have become

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accustomed to traveling distances to find a hospital that has a bed available. But then when there is a bed available for treatment and care, they're told, you have to get an official EPC order from the county in order for us to admit this patient. I want to thank so much the senators that supported the first amendment that was introduced that really clarified a lot of the concerns that were outlined by Director Green. Director Green participated in the first amendment that was written, and that's the one that you approved. We followed it word for word. For AM3106-- makes three simple changes to iron out a few issues raised on General File. And I do want to thank Senator Bosn for asking all these great questions. She too asked a lot of questions about gun control. And we tried to, to really clarify that individually with a lot of senators. Concerns about gun purchase laws are regulated by the Gun Control Act in federal law. Persons subject to involuntary custody following a mental health commitment are disqualified from purchasing or possessing a firearm pursuant to law. This is for every EPC issued in our state of Nebraska. This, because it's federal law, under the Gun Control Act, this would also apply with the tribal judges' EPC rules. Again, this bill that only a member of a tribe or eligible membership in a tribe qualify. This is not for members or Nebraskans domiciled in Indian country. It does not apply to them. Again, the three things that I want to say that AM3106 changed, it's-- number one, regarding discharge. It removes references to discharge upon consent or in consultation with the tribe by striking lines 17 through 23. And it says that the, the hospital will notify the tribe. Not in consultation, but they will notify the tribe of the hospital discharge. Number two, it-- regarding the definition of subject under this bill-- again, AM3106 clarifies that the bill only applies to tribal members by adding who is a member of a tribe or eligible for membership in a tribe on pages 3 and 15 of the bill. Number three, regarding the effective date to allow time for the execution of the necessary standards, forms, and processes, AM3106 adds an operative date of October 1, 2024. Both the department and tribes feel this operative date would allow the time needed for them to finalize any memorandum of understandings or any agreements on that. I want to again stress that this amendment, as well as AM2695 adopted by General File, satisfies all the concerns raised by Director Tony Green with DHHS at the hearing on LB1288. And I urge you to vote green to adopt AM3106. And on the verge of being so repetitive but to make sure we're crystal clear, it allows for recognition of emergency protective custody orders, hold orders, and commitment orders issued by tribal courts under the Nebraska Mental Health Commitment Act and Sex Offender Commitment Act. These are individuals at risk of harm to themselves or others who have gone

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through an existing process that largely mirrors the process used by county mental health courts. The lack of recognition of these orders is rare and inconsistent. Orders such as civil judgments, child support orders, and others are acknowledged by the state and carried out regularly without concern or objection. It establishes that the tribe is responsible for all costs. Let me say that again. It establishes that the tribe is responsible for all costs for the treatment and transportation of individuals under these courts. Number three, it applies only to members of a tribe subject to orders by a tribal court judge. Here is what the bill does not do: it does not-- it does not apply to anyone who is not a member or eligible to become a member of a tribe. It does not force a facility to accept a patient. Facilities accept patients as they have the capacity to do so. It does not impose any costs to the county or facility for treatment or for transportation. The tribe is responsible for all costs incurred. This is spelled out seven times in the bill. Number four, it does not open floodgates for treatment or transportation. This only applies to a small number of people in need of help who refuse it voluntarily. Most people accept help when it is offered. Anyone who will get up and say this bill isn't needed does not understand what is at risk. Listen to me when I say that we are talking about individuals who are at risk of harm to themselves or others. When someone wants to cause harm, that can come to anyone or in any community. We need to take mental health crisis seriously. I have taken up this issue because I don't see any logical reason why we would want to refuse an individual to be held or transported for treatment when we can protect them from harming theirs-- of harming themselves or someone else by passing this amendment, AM3106, and by passing LB1288. I want to thank you all very much for listening to this debate and for understanding that this is essential to the tribes. This is something that they have urged us to take up. And we hope that you will vote in support of the amendment and LB1288. Thank you, Mr. President.

ARCH: Seeing no one in the queue. Senator Raybould, you're welcome to close on AM3106. Senator Raybould waives close. Question before the body is the adoption of AM3106. All those in favor vote aye; all those opposed vote nay. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 27 ayes, 3 nays, Mr. President, on the call of the house.

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ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Wishart, Senator Walz, Senator McDonnell, please return to the Chamber. The house is under call. Senator Cavanaugh, may we proceed? Senator Raybould, the vote was pending. Do you accept call-ins? We are accepting call-ins. Mr. Clerk, please record.

CLERK: 22 ayes, 0 nays, Mr. President, on adoption of the motion-- or-- excuse me-- adoption of the amendment.

ARCH: The amendment is not adopted.

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

ARCH: I raised the call. Senator Machaela Cavanaugh. You are recognized to open on the motion.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, trying to save people time and not go send the Red Coats over to the Governor's mansion to drag three more people over here. Was really kind of hoping that two more people would just put their thumbs up so we could proceed. Unfortunately, you're not feeling collegial tonight, so we will continue on this road. And then we will have to do a reconsider of this vote when we have everyone present, so. That's what just happened. We could've moved forward, but unfortunately we weren't feeling collegial. So I would like to yield the remainder of my time to Senator Raybould. Thank you, Mr. President.

ARCH: Senator Raybould, 9 minutes, 10 seconds.

RAYBOULD: Thank you, Mr. President. Again, I want to start off thanking all the senators that participated in the General File on getting this bill moved forward to Select File. I want to thank Senators Day and DeKay for, you know, reaching out and hearing the tribe's concerns and working with us on trying to enact legislation that would help address their concern and, and get recognition for their EPC orders. I want to thank the Nebraska Supreme Court for their input and feedback on, on how to get the legislation moving forward and the appropriate language to use. I want to thank all the different tribes that have helped craft language and have their legal counsel review the language that we have put in. I want to thank, certainly, Senator Bosn for asking a lot of great questions and

helping us make the bill better. I want to say thank you to Senator Albrecht for even challenging me repeatedly on a number of issues, and I hope I fulfilled her concerns and questions with all the right answers so that I can get your support. I know as a new senator-- I guess this is my second year-- sometimes it's really difficult to predict what issues will be raised on the floor when we take up a bill. And I want to acknowledge the senators that have been great mentors and teachers on this, but asking great questions. And I know that when this bill was advanced from Judiciary Committee, we did not have that amendment quite ready because, at that time, we were working with Director Green of DHHS to list all their concerns and clear up any misgivings and clarify everything that they raised. We worked with their language. And sometimes because of that amendment process, we don't know where it's going to land or where it's going to land on the debate schedule. But I want to assure everyone that this product was-- this amendment, this bill was a product of conversations to address all the concerns raised by Director Green of DHHS, who said a redline amendment. The department was satisfied with the amendment and asked for no further changes. I encourage any of you who have questions to please ask them of me before you vote. I know that some people have raised some concerns. Again, we have addressed in multiple times what the bill will allow and what it doesn't allow. And I don't want to take up any more of your time, but if, if I have to, I will. But I am concerned that we have these safeguards in place. It doesn't just impact Thurston County. It doesn't just impact other counties where there is an Indian reservation and are tribal members there. It impacts all of us when we have someone who needs care. Without recognizing the tribal judges' EPC, that care is delayed. And oftentimes, that individual is either kept in jail or they're released. That's not good for our community and that's not good for our state. This is a modest step forward in doing the right thing for our tribal members. If tribal judges' orders on other matters are recognized not only in our state of Nebraska but throughout our entire country, why wouldn't we want this to take place so that we can keep family members and everyone in our communities safer? It has been a challenge to make sure that we convince all of you that this is needed. I was truly surprised when we heard it from the tribal elders that this was their priority and they wanted us to place urgency on this. After multiple conversations with them and Zoom meetings, I understand now how critically important it is. Yes, we have a capacity shortage, but when there is a bed available and that individual presents himself-- whether a nontribal member or a tribal member-- we want them to get the care they need to keep them safe and to keep our communities safer. So

again, I ask you to reconsider your vote and support this amendment. It addresses Senator Albrecht's concerns multiple times over that we have addressed or her misinformation on this bill. All federal laws apply, just like they do for any other EPC. All gun control measures apply because they're federal statutes that all the state has to comply with on all the EPCs. This is no different. Indian country language is incorporated in decades of federal laws and statutes, as well as Nebraska law and statutes. This bill has made it abundantly clear it does not impact domiciled members that are not tribe members in Indian country. It does not impact them. It impacts tribal members only. And it's important. Why? Because the tribes are telling us this matters to them. Out of all the issues-- they didn't bring up water issues. They brought up this issue. And the tribes agree this is essential to the well-being of their community and to keep our communities safe. So again, I ask you to reconsider and support this motion so that we can vote on AM3106. Thank you.

ARCH: Senator Dungan, you are recognized to speak.

DUNGAN: Thank you, Mr. President. And good evening, colleagues. I do rise in favor of the motion to reconsider-- obviously, still in support of LB1288 and of the amendment, AM3106. This motion to reconsider is-- I, I-- to put it simply, a legitimate motion to reconsider. There are a number of people that I think were unable to make it into the room before we voted on this who I do believe would have voted in support of the AM. And so this is simply, I believe, providing time for them to get back over here to ensure that we can actually take a vote on this and, and attach this amendment. Colleagues, to put it simply, I'm a little bit surprised that we're even having this debate and that we're even having this discussion in such a way. I, I, I think it's always important, obviously, to have a policy debate when we disagree about things. And I think it's well within our rights to stand and to say what we do or don't agree with on a bill and how we could potentially make it better or change. But I guess I'm a little bit surprised at the fact that these are things that need to be done. We're hearing from the tribes and the tribal leaders and the experts in this field in order to close certain loopholes and problems. But there's such pushback. And I think Senator Bostelman hit the nail on the head when he talked about the bigger issue here is that our EPC system is a little bit broken and that we could be doing some things to fix that. Senator Brewer I think echoed those same sentiments, that we currently have an entire system that needs to be reworked. And I, I completely agree. I've worked in and around that system for years and I've represented clients who have been EPCed. So I've seen just how problematic the

entire process can be. But that being said, LB1288 is a part of that solution. The people who work in this field who understand what they're talking about with regards to the interplay of tribal law and our state courts have identified this essentially loophole where, unlike a number of other kinds of orders that can come from the tribal courts-- like custody orders and things such as that, which are recognized by the state of Nebraska-- this simply is not. And so what LB1288 seeks to remedy is this problem that's been identified by the people who are living and existing in this world. And we're questioning that? We're saying, we don't think you understand this. We don't think you're correct. We don't think you-- I frankly find that somewhat condescending. And I think it's important for us to listen to the tribal leaders and listen to the experts in this field who Senator Raybould's done a great job of meeting with and talking to in an effort deter-- to determine what the actual problems are that they're trying to-- that, that they're facing that we're trying to fix. So I, I sort of start with that. With regards to AM3106: colleagues, if you have issues or troubles with the underlying LB1288 because you're worried about who this affects or you're worried about the discharge orders, AM3106 attempts to fix that. So Senator Raybould listened to the debate and the concerns that were raised on General File. And people had concerns when they read this law. They said, I'm worried that this is going to affect people who are not members of the tribe; or, I'm worried that somebody can only be discharged from a facility with the approval of the tribe, which isn't best practices. So, colleagues, this amendment changes the language of the bill in order to accommodate and take into consideration those concerns. And so if you were worried about those problems, if you have continued to express concern about the overreach of LB1288, then you should be in favor of AM3106 because it is literally an amendment to fix those problems. And if you are wanting to try to make it better, I would recommend-- even if you're opposed to LB1288 in theory-- that an adoption of AM3106 fixes some of the issues that have been raised on both General File and Select File. And so I just want to make that very clear. And I think most of our colleagues understood that. But it's getting late at night. And we've obviously been talking about this for a while, so I think it bears repeating from time to time what the actual amendment does. I would also just rise--

ARCH: One minute.

DUNGAN: Thank you, Mr. President. I would also just rise to say that I think, in general, this is a very complicated issue. I understand, as we've talked about before, tribal law is very complicated. I'm not

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an expert in it. I don't know if we have many experts in the interplay of civil and criminal tribal law when it comes to jurisdiction here in the Legislature. But there are many people out in the Rotunda who do know about this. And in speaking with experts from that area, they've acknowledged yet again that the underlying language of LB1288 does not have unnecessary overreach. And so I understand the concerns that were raised. If you share those concerns, please vote green on the motion to reconsider. Please vote green on the amendment because I do think it addresses the underlying problems that were brought up at both levels of this debate. Thank you, Mr. President.

ARCH: Senator Day, you're recognized.

DAY: Thank you, Mr. President. I'm going to be brief because I know we want to get to a vote here. I just want to stress one point that we need to make very, very clear about this. Right now, the status quo, if we do not vote for this bill and we do not advance it and make it law, what is happening right now is emergency protective custody orders are being issued by tribal judges and tribal courts for people who are in a mental health crisis, suicidal, but also for people who are a danger to others. Violent and dangerous sex offenders are being sent back to their communities because they are being turned away from facilities. That is what is happening right now. If you lived next to someone who an EPC was issued on, they took them to the hospital, and they said, sorry. We can't help you. And they sent them back to their house and they subsequently assaulted you or someone in your family and you found out that was because state senators didn't vote to move this bill forward, how would you feel about that? If you are not voting yes on the amendment and the underlying bill, you are voting to send violent and potentially dangerous sex offenders back into our communities with no help. Let me make that very clear. I would like to yield the rest of my time to Senator Brewer.

ARCH: Senator Brewer, 3 minutes, 10.

BREWER: Thank you, Mr. President. Well, we've went back and forth on the bill. I'll just remind folks-- I, I'm voting for the reconsider and for the AM and the bill. But I guess on a lighter note, since we were talking about History Nebraska today and we're trying to finish up this last little bit of time before we revote, just so you understand, as far as history is concerned, on this day in 1879, Chief Standing Bear was arrested in Nebraska after he had trekked from Oklahoma. There's been a few of the senators that told me that,

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you know, our reservation system is broken. I agree. It is. But understand, we never asked to be put on those reservations. So kind of hard to blame the people that are forced to be on Indian, Indian reservations for some of the, the issues. But if you historically think about where Standing Bear plays now in Nebraska history: 145 years ago, he was arrested just outside of Omaha, put in prison for three months before they had his trial. So I'll just share that little bit of history and we'll move on to get a vote here. Thank you, Mr. President.

ARCH: Seeing no one in the queue. Senator Machaela Cavanaugh, you're welcome to close on your reconsider motion.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, this is to reconsider because there were people missing. So if you voted green on AM3106, I would ask that you vote green on LB1306 and then vote green again on AM3106. I will note that I was looking over at the last votes, the last round of debate, and apparently we gained some people in the body to support this bill. And then we lost three people who were in the Chamber when we took the vote on AM3106. And so we just need everyone who voted for it tonight plus two more people to please vote and we can move forward with our evening. Thank you, Mr. President.

ARCH: Question before the body is the motion to reconsider. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 26 ayes, 7 nays to reconsider, Mr. President.

ARCH: The motion is successful. Senator Raybould, you are welcome to close-- to open on your AM3106. Senat-- Senator Raybould raise-- waives close-- waives open. Seeing no one in the queue. Senator Raybould, you're welcome to close on AM3106. Senator Raybould waives close. Question before the body is the adoption of AM3106. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 28 ayes, 1 nay on the adoption of AM3106.

ARCH: AM3106 is adopted. Mr. Clerk, next amendment.

CLERK: Mr. President, Senator McKinney would move to amend with AM3096.

ARCH: Senator McKinney, you're welcome to open.

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McKINNEY: Thank you, Mr. President. AM3096 is a amendment for a bill that I introduced, LB923, which deals with tribal enrollment cards, which was voted out of J-- out of the Judiciary Committee 8-0. And I brought this bill after talking to members of the tribes about trying to make sure tribal IDs are recognized the same as state IDs and also because now, due to the changes with the voter ID law, tribal IDs are a allowable ID. And at the hearing, it was-- it was a good hearing. I don't believe there was-- there was no opposition. And on the Secretary of State website, says: A document issued by a Native American tribe or band recognized by the federal government. So, for example, there's the Omaha Tribe, Ponca Tribe, Santee Sioux, and the Winnebago Tribe. I think this is a great bill. I think, you know, especially with the changes in the voter ID law, this is something that's needed. But I think it's something that's needed because we're all on a stolen land. And I don't think a bill like this should be needed, but it, it is a bill that is needed to make sure that we recognize tribal IDs and state IDs. And with that, I'll ask for your green vote. Again, this was voted out of the Judiciary Committee. There was no opposition at the hearing. And thank you.

ARCH: Seeing no one in the queue. Senator McKinney, you're welcome to close. Senator McKinney waives close. Question before the body is the adoption of AM3096. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 35 ayes, 0 nays on adoption of the amendment, Mr. President.

ARCH: AM3096 is adopted. Mr. Clerk for the next amendment.

CLERK: Mr. President, Senator Blood would move to amend with AM3114.

ARCH: Senator Blood, you're welcome to open.

BLOOD: I'd like to withdraw AM3114.

ARCH: Without objection. So ordered.

CLERK: Mr. President, Senator Blood would move to amend with AM3209.

ARCH: Senator Blood, you're welcome to open.

BLOOD: Fellow senators. Thank you for the opportunity to bring forward AM3209, originally LB911. I thank Senator Raybould and Chair Day for the opportunity to introduce this amendment with her bill. The Indian Child Welfare Act is a 43-year-old federal law protecting the well-being and best interests of Indian children and their

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families. The ICWA makes sure Native children are connected to the-- to their communities and do not lose a sense of their heritage by reaffirming the rights of tribal nations to be involved with child welfare cases in regards to Indian children of their tribe. A priority goal for the ICWA is to keep Indian children within their indigenous communities, as, prior to its inception, there was enough disturbing evidence to suggest that Native children are being taken away from their tribes without much legal merit. LB911 gives the responsibility to the Department of Health and Human Services and Office of Probation Administration to ensure records are kept on each case, including the Indian Child Welfare Act, and those records are available for analysis. These records will include whether the child involved is considered an Indian child under the federal and Nebraska Child-- Indian Child Welfare Act and which tribes the child represents. Records of testimony for each case will be accessible as well. These records of delin-- delineated data will be provided to the Commission on Indian Affairs annually by DHHS and the Office of Probation Administration. We understand DHHS reports on these cases already, but it expands on what they track to get a more important picture of what is happening under the ICWA. I'd like to note that earlier I did pass out a handout from the U.S. Department of Health and Human Services, who recently announced a new rule that is asking all states to do this. So by passing this bill, we are basically codifying what's to come. I did meet with PRO and DHHS over the lunch hour to talk about the language, which is why we have a different amendment. So it's a concept that is to be supplemental legislation to the Indian Child Welfare Act and provide transparency to Nebraska tribes on the what, when, and how of each case involving children of their tribes. Nebraska tribes deserve to be updated on cases involving their children, as their connections to the tribes' culture and families is often at stake. And clearly, Nebraska would now be matching the federal trend. [INAUDIBLE] ready when that change happens in the-- at the end of this year. With that, I thank you for your time. And I ask that you please vote green for AM3209.

ARCH: Seeing no one in the queue. Senator Blood, you're welcome to close. Senator Blood waives close. Question before the body is the adoption of AM3209. All those in favor vote aye; all those opposed vote nay. There has been a request to place under the-- to place the house under call. Question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 29 ayes, 3 nays to place the house under call, Mr. President.

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ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Bosn, Senator Brewer, please check in. All unexcused members are now present. Senator Blood, there was a vote open. Will you accept call-ins? We're now accepting call-ins. Mr. Clerk. Record, Mr. Clerk.

CLERK: 23 ayes, 0 nays, Mr. President, on adoption of the amendment.

ARCH: AM3209 is not successful. Mr. Clerk, any other?

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

ARCH: Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB1288 be advanced to E&R for engrossing.

ARCH: All those in favor say aye. All those opposed say nay. L-- LB1288 advanced for E&R Engrossing. Mr. Clerk for items. I raise the call.

CLERK: Mr. President, your Committee on Enrollment and Review reports LB262 as correctly engrossed and placed on Final Reading, as well as LB607, LB834, LB839, LB867, LB894, LB906, LB1004, LB1200, LB1204, LB1215, LB1313 all as correctly engrossed and placed on Final Reading. Amendments to be printed: Senator Hughes to LB686; Senator Blood to LB932; Senator Wayne to LB1344; Senator Murman to LB1092. New A bill: LB1402A, introduced by Senator Linehan. It's a bill for an act relating to appropriations; appropriate funds to aid in the carrying out the provisions of LB1402; and declare an emergency. New LR: 9-- LR394, introduced by Senator Holdcroft. That'll be referred to the Executive Board. LR395, from Senator Bosn. And LR406, introduced by Senator McDonnell. Those will all be referred to the Executive Board. Notice of public hearing for the Nebraska Retirement Systems Committee. Name adds: Senator Vargas, name added to LB253; Senator Blood, LB686; and Senator Day, LB807. Finally, Mr. President, a priority motion: Senator Moser would move to adjourn the body until Tuesday, March 26 at 9:00 a.m.

ARCH: You've heard the motion. All those in favor say aye. All those opposed, nay. We are adjourned.