

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Executive Board March 13, 2025

**HANSEN:** Good afternoon and welcome to the Executive Board. My name is Senator Ben Hanson. I represent 16th Legislative District in Washington, Burt, Cuming, and part of Stanton Counties, and I serve as chair of the executive board. I would like to invite the members of the committee to introduce themselves, starting at my right with Representative Clements.

**CLEMENTS:** Rob Clements, District 2.

**McKINNEY:** Terrell McKinney District 11.

**BALLARD:** Beau Ballard, District 21.

**DORN:** Myron Dorn, district 30.

**JACOBSON:** Mike Jacobson, District 42.

**FREDRICKSON:** John Fredrickson, District 20.

**HANSEN:** Also assisting the committee is our legal counsel, Benson Wallace, our committee clerk, Natalie Schunk, and our committee pages Sam and Jacob. A notice about our policies and procedures. Please turn off or silence your cell phones. We'll be hearing two bills and we'll take them in the order listed outside the hearing room. On the table near the door to the hearing room, you'll find green testifier sheets. If you're planning to testify today, please fill one up and hand it to the page when you come and testify. This will help us keep an accurate record of the hearing. If you are not testifying at the microphone, but want to go on record as having a position on a bill being heard today, there are yellow sign-in sheets at the entrance where you may leave your name and other pertinent information. Also a note, if you are not testifying, but have an online position comment to submit, the Legislature's policy is that all comments for the record must be received by the committee by 8 a.m. of the day of the hearing. Any handouts submitted by testifiers will also be included as part of the record as exhibits. We would ask if you do have any handouts, that you please bring 12 copies and give them to the page. We use a light system for testifying. Each testier will have three minutes to testify. When you begin, the light will be green. When the light turns yellow it means you have one minute left. When the light turns red, it's time to end your testimony, and we ask that you wrap up your final thoughts. When you come up to testify, please begin by stating your name clearly into the microphone, and please spell both your first and last name. The hearing will begin with each introducer giving an opening statement. We will then hear from supporters of the

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bill, then from those in opposition, followed by those speaking in a neutral capacity. The introducer of the bill will then be given the opportunity to make closing statements if they wish to do so. On a side note, the reading of testimony that is not your own is not allowed unless previously approved, and we do have a strict no prop policy in this committee except for hats worn for Saint Patrick's Day. With that, we will begin today's hearing with LB221, and welcome Senator Cavanaugh to open.

**M. CAVANAUGH:** Thank you, Chairman Hansen and members of the Executive Board. My name is Machaela Cavanaugh, M-a-c-h-a-e-l-a C-a-v-a-n-a-u-g-h. I represent District 6 in west central Omaha. And I am here today to introduce LB221 regarding vacancies of boards and commissions. Nebraska has more than 230 statutorily created boards, commissions and other similar entities. Among the many tasks assigned to them, boards provide oversight of governmental programs, regulate licensed professionals, carry out studies, oversee implementation of new programs, advocate for certain constituencies, and advise state agencies. It is an excellent way to get shareholder and public input. 45 boards have members who must be confirmed by a majority vote of the Legislature. The boards are identified in table five at the end of-- Do you have my report?

\_\_\_\_\_ : No, no.

**M. CAVANAUGH:** I'll get you a report. There's a report coming. When, when seats on these entities are left unfilled, it can cause a lack of a quorum and cause their work to be delayed or even prevented. Multiple boards have been in this situation recently and are distressed about it enough to call my office to voice concern. They tell me they are aware of volunteers who have applied through the governor's office to be on these boards, but the seats are not filled. The Primary Care Investment Council is one example. This council has-- was statutorily created in 2022. It has 15 voting members appointed by the governor, as well as the Director of Insurance and the Director of Medicaid, who are ex-officio. Among the duties of the council are to develop a definition for primary care investments, measure current spending by the public and state payers, compare Nebraska spending and outcomes with surrounding states and at the national level, develop target levels of investment and recommend strategies to achieve them using alternative payment methods, identifying potential health benefits and cost savings, and identify solutions to barriers. The statute reads, beginning on November 1, 2023, and continuing through November 1, 2028, the council shall provide and submit an annual report to the governor and to the Executive Board of the Legislative

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Council, yourselves, which contains the council's findings. The council must convene at least once a year through 2028 to review the state's process in meeting the established primary care investment target level, update data, and, as necessary, revise the strategies to achieve the target level of primary care. The council terminates on July 1, 2029. With enough seats on the council filled with the appropriate members, the time limit given to the council is counting down-- oh, sorry, without enough seats, is counting down without the ability to do what they were statutorily charged with. LB221 is a suggestion on how the Legislature could fill the seats after they have gone unfilled for a certain amount of time. This council is relevant, and part of the duty is to help the state to try to save money on health care services. So we need to make sure that we're filling these seats when we have applicants available. LB221 provi-- proposes that when one of these seats are vacant for six months or more, the committee of jurisdiction may take applications for the vacant seats and forward recommendations to the governor. If after another three months goes by and the seat is still vacant, the executive board may make an appointment. Some may worry about a separation of powers issues. Not all boards, commissions or councils are required to be gubernatorial appointments. Some board seats are filled partly by the governor, partly by the Legislature. So I would contend that when the governor does not fill the seats, the Legislature needs to see it-- that it gets done. We could go back and change the statutory language of all 200 plus boards to ensure this. Or we can make a blanket statement that would allow the Nebraskans who are willing to do their civic duty the ability to fulfill the duties they want to perform when they volunteer for these boards, commissions and councils. I would ask that you seriously consider LB221 and the duty we have as members of the Legislature to enable our civic-minded volunteers to be involved in our government process. Thank you.

**HANSEN:** Thank you. Are there any questions from the committee? Oh, Senator Fredrickson.

**FREDRICKSON:** Thank you, Chair Hansen. Thank you, Senator Cavanaugh. I think you have the record for the most Exec Board bills this year. Perhaps [INAUDIBLE].

**M. CAVANAUGH:** I can't believe it.

**FREDRICKSON:** A quick question for you. I was-- you ki-- I think you kind of addressed this towards the end, but is there any-- I'm just thinking about kind of constitutional concerns about this being

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something that the Legislature would step in to do over the executive branch, or--

**M. CAVANAUGH:** I mean, I think that there might be some issues that we-- I think we could address how that is. So really, the reason for this is that we have all of these positions open and, and they're not getting filled, and they don't really know why they're not getting filled necessarily. But trying to find some sort of solution to that problem. And, you know, this is, this is an idea that I-- Margaret [PHONETIC] in my office and I have been working with for a while, and this was what we came up with most recently, and thought we'd, you know, bring it forward. It might have some constitutional problems. If it does, I think we'd have to, you know, work with AG Hilgers and figure out some language that would be helpful to address that.

**FREDRICKSON:** Yeah. Not to put you on the spot, because I think, I think the intent of the bill and the goal of the bill is actually really, really good, we want to have, obviously, people in these positions and--

**M. CAVANAUGH:** Right.

**FREDRICKSON:** So.

**M. CAVANAUGH:** Another option, as I was reading my own remarks and I was thinking about the quorum, is that we could look at what we're requiring for the quorum or for the appointment, how many people are appointed. And maybe we can say however many people are appointed, that is what the quorum, the ratio for a quorum is. The majority of whoever is currently appointed could make a quorum. So that would be one possibility. Not to discourage the appointing of other positions, because, as you all know, when we have these commissions. There's specific categories like regional with all the congressional districts or professions being represented. So I wouldn't want to eliminate the actual positions that were set forth in statute. But maybe that's something in a memo we could think about that wouldn't be constitutional problems, is that however many members are currently serving on the board, the quorum is the majority of those. You know, spitballing here.

**FREDRICKSON:** Thank you.

**HANSEN:** OK. I thought I had a question, but now I can't think of it.

**M. CAVANAUGH:** I answered them all.

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**HANSEN:** Maybe. OK. All right. Maybe I'll think of it later. Any questions? All right, seeing none. Is there anybody wish to testify in support of LB221?

**EDISON McDONALD:** Hello. My name is Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d. I'm here representing the Arc of Nebraska. We advocate for people with intellectual and developmental disabilities. We're here today in support of LB221, and has seen this play out in a variety of entities. I want to bring up two examples in particular. The, the first one that we've really had concerns about is the governor's DD Advisory. Due to delayed and unfilled appointments, the committee has struggled to achieve quorum, limiting its capability to "consu--" conduct essential business. Prime example of one of those essential functions was Senator Arch's comprehensive DD system study that was in Senator Cavanaugh's LB376 was delayed several times due to a lack of quorum. I've personally witnessed this issue as a past member of the committee and have seen qualified candidates, including myself, a previous member, wait for months or even years without a response regarding appointment consideration. Even as the committee struggles to fulfill its mandate, it has been listed as a target for elimination previously, further limiting the voice of individuals with disabilities and processes that impact their lives. This is not an isolated case. Another prime example is one that is particularly salient at this time. The Nebraska Statewide Independent Living Council is a federally mandated body that is required for the state to receive critical federal funds for disability services without timely appointments, Nebraska risks losing essential funding that supports independent living programs, directly impacting the ability of Nebraskans with disabilities to remain in their communities with the necessary supports. This delay not only affects individuals, but places additional financial strain on the state by increasing reliance on more costly institutional care. I just note, as Senator Cavanaugh stated, there are some alternatives. I think the alternative that she mentioned is a great idea. Another one is to really look again at the requirements regarding the open meeting statute and expand the ability to leverage remote meetings, particularly for our members who are people with disabilities. It's been very difficult to make sure that we can always get them to those locations. Sometimes they like to have, you know, meetings in person. They try to leverage kind of the split that the Legislature came up with a couple of years ago, but still struggle to get quorum. With that, I'll close. Thank you.

**HANSEN:** Any questions from committee? Senator Dorn.

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**DORN:** I do have one question. I, I thought you said and talked about two committees or something that were-- there-- they hav-- they haven't been filled. How long of time have those been open?

**EDISON McDONALD:** Yeah. So the governor's DD Advisory, they're, they're starting to get it refilled, but it's been a number of years that they have had significant vacancies, edging to the point where they aren't able to easily get quorum. And then the Statewide Independent Living Council has been kind of steadily decreasing, and especially since they switched fiscal agents from the university to DAS, they've struggled, it seems, more to get appointments and now have dwindled to a significantly lower number of members.

**DORN:** Thank you.

**HANSEN:** Any other questions? Senator Fredrickson.

**FREDRICKSON:** Thank you, Chair Hansen. Thanks for being here and your testimony. So I, I don't want to put you on the spot, because this was just kind of spitballed by Senator Cavanaugh, but I actually think it's maybe not a terrible idea about the idea of having quorum be adjusted for the majority of members who are currently appointed. Do you have any initial reaction to that?

**EDISON McDONALD:** No, I think that's, I think that's another great idea. And yeah, as I said, I think there are a variety of options that could be looked at that could help to alleviate some of these issues. And I think that that would be another great example.

**FREDRICKSON:** Thank you.

**HANSEN:** Any other questions? Seeing none. Thank you very much. Anyone else wishing to testify in support? Anyone wishing to testify in opposition? Anybody wishing to testify in a neutral capacity? Seeing none, Senator Cavanaugh waives clo-- closing on LB221. And we did have nine letters in support, two letters in opposition, zero in a neutral capacity. So with that, that will end our testimony, our hearing on LB221. And we will welcome up, welcome up, Senator Holdcroft, to open on LB356.

**HOLDCROFT:** Yes. Scintillating. Thank you, Chairman Hansen and members of the Executive Board for the Legislative-- Executive Board of the Legislative Council. For the record, my name is Senator Rick Holdcroft, R-i-c-k H-o-l-d-c-r-o-f-t, and I represent Legislative District 36, which encompasses west and south Sarpy County, 80,000 acres of the best farmland in Nebraska. I am here today to speak in

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support of LB356, first introduced last year by the General Affairs Committee chair. This bill removes the requirement for legislative approval of appointees to the Nebraska Arts Council. The Nebraska Arts Council is a state agency dedicated to promoting and supporting the arts for all Nebraskans. Established in 1974 by the Legislature, it is overseen by a 15 member board appointed by the governor to three year terms. The General Affairs Committee has identified the time and effort required for the Legislature to appoint and reappoint these 15 members as a concern. In recent years, the committee has had a limited number of hearing dates and a considerable number of gubernatorial appointments to consider. For example, in 2023, the General Affairs Committee only had five hearing dates, and one of those hearing dates was used for 13 gubernatorial appointments, six of which were Nebraska Arts Council members. This bill would alleviate the administrative burden on the committee and free up valuable hearing time. Chairman Hansen and members of the Executive Board of the Legislative Council, thank you for your consideration of LB356. The re-- well, we were going to have the executive director here. He is in support of this bill. Unfortunately, he got his times mixed up and will not be able to appear.

**HANSEN:** All right. Any questions? Senator McKinney.

**McKINNEY:** Thank you. Thank you, Senator Holdcroft. I do have a simple solution to this. Just send them to the Urban Affairs Committee. You'll get no, no appointments at all. Seriously.

**HOLDCROFT:** Have you meetings on Monday or Tuesday?

**McKINNEY:** Tuesday.

**HOLDCROFT:** Tuesday. Yeah, so you have more days avail-- Monday is tough because of course that's when, typically when we have holidays and/or we have recess days on Mondays, and that really cuts down on the number of opportunities. So we'll certainly consider that, but I think the-- I mean, it's-- they're, they're appointed by the governor, the-- we really don't have any expertise on the General Affairs Committee or in the Legislature to, to, you know, say that this is a good representative or a bad representative to the Arts Council. It's just a, a cost-saving, time-saving effort. And Senator Lowe is, is really the, the onus behind bringing this. He tried to get it through last, last year.

**HANSEN:** Well you know what we all think of the General Affairs Co-- liquor, cigarettes, and arts.

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**HOLDCROFT:** And cannabis.

**HANSEN:** Oh yeah, that too now, yes. That's right.

**HOLDCROFT:** Yes.

**HANSEN:** And let it be noted that Senator McKinney and the Urban Affairs Committee will take any gubernatorial appointments now.

**HOLDCROFT:** OK.

**HANSEN:** Any other questions from the committee? Senator Clements.

**CLEMENTS:** Thank you, Mr. Hansen.

**HOLDCROFT:** I think we'll need another million dollars a session if we continue to do this. [INAUDIBLE]

**CLEMENTS:** Right. Well, is there a shortage of members on the committee currently?

**HOLDCROFT:** On which? On the General Affairs Committee?

**CLEMENTS:** Arts, Arts Council, excuse me.

**HOLDCROFT:** No, no, we have 15 members. And they're, they can be appointed, reappointed. But their term is only three years. So we see them often, either new or reappoint-- appointments. There's no shortage.

**CLEMENTS:** Do they need 15 members?

**HOLDCROFT:** Probably not. But they do try to oversee art, promote art across the-- across Nebraska. So they do come from different regions and to be able to cover the whole state. That's probably why we have as many as we do.

**CLEMENTS:** All right. As a comment to the chair, the Appropriations Committee does have the Arts Council come before us every budget cycle. And if, if we're not approving the members and they get out of line, we do have the power of the purse to encourage them to do better. So I would--

**HOLDCROFT:** They do a lot of grant, a lot of grants. And I mean, in schools, they have a program for promoting artists and, you know, the public's interaction. They promote the Nebraska Poet as far as that tour goes. And they have a grant for school buses to take kids to the,

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you know, to the art, art galleries, so it's most of, most of their job is management of grants.

**HANSEN:** Senator Jacobson.

**JACOBSON:** I really have no opinion on this because I believe my wife is appearing on Monday for her confirmation hearing, so I better just stay out of this.

**HOLDCROFT:** I'm sure we'll [INAUDIBLE].

**HANSEN:** Any other questions from the committee? Seeing none. And you're going to waive closing?

**HOLDCROFT:** Oh, yeah, I'll waive.

**HANSEN:** OK. Anybody wishing to testify at all on this bill? Seeing none. Thank you, Senator Holdcroft, and Senator Holdcroft waives closing on LB356. And that will end our hearing. Oh, yes, there was, oh sorry. There was three letters. Zero letters in support of LB356, three letters in opposition, and zero in a neutral capacity. So with that, that will end our hearing on LB356. Thank you. And that will end our hearings for today.