

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 18, 2025

**KELLY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-seventh day of the One Hundred Ninth Legislature, First Session. Our chaplain for today is Pastor Jim Keck, First Plymouth, Lincoln, Nebraska, in Senator Dungan's district. Please rise.

**JIM KECK:** Will you bow with me? Loving God, we pray your blessings on the One Hundred Ninth Nebraska Legislature as they work together for the common good. Loving God, as we bow our heads, we give thanks for the life and service of Trooper Kyle McAcy. We offer him into your arms. Loving God, we thank you for the moral impulse you have put in each person as we seek to respect the dignity of every other person to reduce suffering in our world. We thank you for the goodness in each one of us. And we pray at this moment now for anyone in peril or harm's way at this hour. And now we thank you for this new day filled with infinite possibility. We thank you for the many religions of the world that help inspire that goodness within us. All these things we pray, O God. Amen.

**KELLY:** I recognize Senator Sorrentino for the pledge.

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

**KELLY:** Thank you. I call to order the twenty-seventh day of the One Hundred Ninth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

**KELLY:** Are there any corrections for the Journal?

**CLERK:** I have no corrections this morning, sir.

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

**CLERK:** There are, Mr. President. Your Committee on Natural Resources, chaired by Senator Brandt, reports LB105 to General File. Additionally, notice of committee hearings from the Appropriations Committee and a communication from the governor concerning a gubernatorial appointment to-- of Lisa Roskens to the Nebraska Game and Parks Commission-District 3-Independent. That's all I have at this time.

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**KELLY:** Thank you, Mr. Clerk. Senator Fredrickson would like to recognize the physician of the day, Dr. Steve Williams of Omaha. Please stand and be recognized by your Nebraska Legislature. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR41, LR42, LR43, and LR44. Mr. Clerk, please proceed to the agenda.

**CLERK:** Mr. President, first item on the agenda. Senator Ibach would move to withdraw LB708.

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

**IBACH:** Thank you, Mr. President. Today, I ask for your green vote to allow me to withdraw LB708. After further discussion with all the stakeholders involved, it's been determined that this bill is no longer needed. In the interest of everyone's time, I'd really like to just withdraw the bill. Appreciate your green light.

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

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. I rise in support of Senator Ibach's motion to withdraw. This happens from time to time for a variety of good reasons when a senator introduces a bill in good faith and then finds out upon introduction that perhaps it is duplicative of other legislation that's been introduced, it had unintended consequences, or perhaps it was not ready for prime time. That, that does indeed happen. And we've had a few of those instances this session already. The other thing to note, though, on a motion to withdraw is that it does provide clarity in the public record to explain both the issue and the reason. Colleagues, the motion to withdraw also brings to mind another issue that's been circulating through legislative discussions over our long weekend. My good friend Senator Lippincott circulated his most recent newsletter column, which has generated a lot of significant and tough conversations about DEI, employment, air safety, and racial justice. I believe it contains factual errors and provocative language. I assume that my friend Senator Lippincott brought forward that newsletter and the legislation that he cites to ban DEI that he has introduced to start a conversation. And indeed it has. The proper remedy for speech that we find distasteful is more speech, and, thus, we should use our voices at this point to raise awareness and call attention and stand with our colleagues of color and Nebraskans of color who are committed to seeing fairness and equity and thoughtfulness from their state leaders. The newsletter has caused a great deal of disappointment and

pain and dialogue. Senator Lippincott's bill that he brought forward seeks to stifle free expression, academic freedom, and the teaching of truth about some of the most painful aspects of our history, which is important because we should not rewrite or whitewash history from a factual perspective so that we can do as we have always done, to individually and collectively learn from mistakes of the past and ensure they are not repeated. Think of some of the darkest chapters in our history, from slavery, to Jim Crow, to Japanese internment, to the Trail of Tears, to redlining, and the list goes on. When senators utilize their platform, as it is their right, to make statements and publish newsletter, it does provoke discussion amongst our colleagues. And the discussion we had this weekend was hard and painful, and it hurts our ability to build trust and develop relationships. Trust and relationships are key ingredients in forming good public policy in this institution to help us work together to solve challenges facing our beloved Nebraska. And I know my friend Senator Lippincott works very, very hard to build relationships, and this undercuts that intentional effort. Upon this motion to withdraw, perhaps we can find an opportunity for dialogue and perhaps an opportunity for either retraction or apology. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. I was sitting here listening to Senator Conrad's comments, and I know it's Tuesday morning, our Monday morning, it didn't, it didn't feel like they were being heard or received this morning. And so I wanted to just get back in the queue to kind of call attention to what Senator Conrad is trying to highlight this morning. And I believe she's back in the queue as well. But she was referencing a newsletter that Senator Lippincott sent out about DEI in aviation. And, and the conversation, I guess, that it has brought forward. I-- I'm struggling a bit with what to say about it myself. There's been a lot of conversations on a national level. Mr. President. Thank you, Mr. President. I'm not saying anything of particular note or importance, but I would like, colleagues, for you to at least tangentially engage in this conversation as it was brought forward by one of our colleagues in a very serious manner. And I believe that unintentionally, some harmful language was used. And, and I think it's an important conversation for us to have. It's hard as a white woman of privilege to know what to say in these moments. But I also think that it is important as a white woman of privilege to stand up and speak out and call out speech that I don't feel is inclusive or sharing of equality under the law. So I just wanted to, to get up and

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Floor Debate February 18, 2025

maybe recenter and refocus our attention on, on the topic that Senator Conrad brought up this morning. And, colleagues, I hope that you will engage in this conversation because it has been initiated by one of our colleagues in a newsletter. And so I think it is up to us to engage together collectively and to find a way forward that brings harmony and integrity to our state. Thank you, Mr. President.

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

**SPIVEY:** Thank you, Mr. President. And good morning, colleagues and folks that are watching online. I appreciate Senator Conrad and Senator Cavanaugh bringing up these points and creating space for us to have this important dialogue. I think that we have seen, both on a federal level and now in our State Legislature, that there is an attempt to provide information that is not fact based. There is an attempt to create a boogeyman out of people that are your neighbors, your colleagues, and your friends. And it's detrimental. It's detrimental to why we are in office and the role that we are set to serve. I was very disappointed to have received this newsletter and the information that was contained in it. There were some things, and as I sat with how to bring it to the floor for dialogue, what, what did that look like within my disappointment and my own emotion? And then, again, making sure that we have a solutions-based conversation that allows us to prioritize and support all Nebraskans, not ones that we pick and choose. In this newsletter, there was lots of information about, and using the terms melanated people, DEI hires, and that this is why LB552 was introduced because of Senator Lippincott's personal experiences, experiences that he uplifted. I wanted to call attention to a specific piece of the newsletter where he talked about. In June 2023, Keith Washington was appointed to head the FAA by President Joe Biden, even though he had zero past experience in aviation. None. However, he did have a high amount of melanin in his skin. And so I wanted to uplift that, that Keith Washington was actually never head of FAA. That is factually wrong. He was an undersecretary for the Transportation Department. He was a career civil servant, had worked in government, and he was the chief of staff. And so I would also point out that he also served 4 years, not only under-- he served not only under President Biden, but also the Trump administration. And so, again, I bring up this specific fact point in that when you say things that are not factually accurate and you say that someone was hired because of the color of their skin, which that's what the intended meaning of having melanin, that is detrimental. I, as a black woman, have never been hired or got a job because I was black. I actually been fired because I was black and I had natural hair. And that is a

fact that was uplifted in the news nationally and is why, as a policy advocate, I worked with Senator Machaela Cavanaugh, as well as Senator McKinney, to pass hair protections in the workplace as well as in schools so that people cannot be discriminated based on the color of their skin or natural attributes. There is more information within the newsletter that talks about Steve Dickinson [SIC] on the subject of aviation safety and what does that look like? And the, the information that was given is not factually accurate. Based on the experience that Senator Lippincott uplifted, there was an investigation launched. It was not at the, at the, the hands of Steve Dickinson [SIC]. He was vice president of flight operations and there was a whole whistleblower and retaliation process. The newsletter really outlined that he had this negative experience with someone that was appointed and that they were a DEI hire because they had melanated skin. So that means they are of color, some, some, some race and ethnicity that he did not specifically describe. And that's why that he has this bill that would further remove information like black studies, Latino studies, understanding impacts around racial inequities like redlining, Jim Crow from institutions of postsecondary education, which are integral to the education of our community. So that non-fact-based information like this doesn't get out. And so it is very disappointing as a colleague in this body that you would have someone specifically say information that is not factual or relevant or even an important piece of what our job is to do here. This has nothing to do with how you legislate for an entire state that is made up of people with melanated skin. There are folks here that are black.

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

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

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

**M. CAVANAUGH:** Thank you, Mr. President. Would Senator Spivey like more time? Yes. I will yield my time to Senator Spivey. Thank you.

**KELLY:** Senator Spivey, you have 4 minutes, 50 seconds.

**SPIVEY:** Thank you. As I was stating, it's important as we think about who we represent in our job here as a legislative body, that we would make sure that we are uplifting and represent all interest of all people and that we do not say reckless, harmful information that is not rooted in fact or information. And so I would love if Senator Lippincott would yield to a few questions, please.

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**KELLY:** Senator Lippincott, would you yield to some questions?

**LIPPINCOTT:** Yes.

**SPIVEY:** Thank you, Senator. I would like to first ask what was the intention behind the newsletter that you sent out? What were you hoping to achieve with this information in the newsletter?

**LIPPINCOTT:** Well, it wasn't a newsletter. It was a newspaper article that I sent out.

**SPIVEY:** OK.

**LIPPINCOTT:** Yep.

**SPIVEY:** And so what was your intention behind the newspaper article that you sent out?

**LIPPINCOTT:** Well, since my background was aviation and we've had some aviation things in the news lately, I thought it would be appropriate to bring up that subject.

**SPIVEY:** Thank you. So as I uplifted already, there is a place that you talk about Keith Washington, in June 2023 that was appointed to be the head of FAA by President Joe Biden. And as I fact checked that he was never the head of FAA. He-- that was not his role. He was the chief of staff and he also served under the Trump administration. So could you speak to the, the statement that you made of that he was appointed and that he had melanin in his skin and that's why he was appointed, yet, the documents of his employment show that he was not head of FAA?

**LIPPINCOTT:** Are you talking about Keith Washington?

**SPIVEY:** Yes.

**LIPPINCOTT:** OK. And what about him?

**SPIVEY:** So my question to you is that you specifically made a statement that he was appointed to head of FAA by President Joe Biden and that he had zero experience. None. These are your exact words. However, he did have a high amount of melanin in his skin. And so when I checked the facts around who Keith Washington was in his role, he was not the head of FAA. He did not serve in that position. He was the chief of staff. And he had worked in government for a number of years, over a decade in multiple positions. And so this specific statement that you made is factually untrue. So I'm trying to understand, how

did you arrive that he was in this position that you said and that you didn't check the facts that that was true and why you made a point to say that he had a high amount of melanin in his skin?

**LIPPINCOTT:** The point in my writing that was the contrast between an appointee who was the head of the FAA under Donald Trump, Steve Dickson, who's a friend of mine and a former colleague at Delta Airlines, a graduate of the Air Force Academy, number one in his class, went on to Delta Airlines after he served as an F-15 pilot in the Air Force, became the chief pilot at Delta Airlines under 14,000 pilots. And at the same time, went to law school, graduated number one in his class, and then served as the FAA Director under Donald Trump. And the contrast that I was making in the article is his qualifications with Keith Washington, which was quite stark in terms of his ability to lead the FAA, which, obviously, like any organization, needs strong leadership at the top.

**SPIVEY:** What I'm saying is, Keith Washington did not lead FAA. So that is factually incorrect. So how did you arrive at that was an actual fact and what does him having a high amount of melanin in his skin have to do with his employment is my question to you.

**LIPPINCOTT:** The article also went on to say that-- I've had a flight one time, I was going from New York to Los Angeles. I was going through Cleveland Center. I had a radio conversation back and forth with the controller out of Cleveland Center. His behavior and his conduct on the radio was very unprofessional, not like any of the other FAA controllers. Once I got to my hotel room in Los Angeles, I called Cleveland Center and talked to a supervisor. And he told me, quote, that this individual was a DEI hire. They pulled the tapes. They found him to be very unprofessional.

**KELLY:** That's time, Senators. Thank you, Senators Lippincott and Spivey. Senator Dungan, you're recognized to speak.

**DUNGAN:** Thank you, Mr. President. Good morning, colleagues. I rise in support of the motion to withdraw LB708 for Senator Ibach. But the reason I punched in is I've been listening to some of the conversation we're having today, and I, I think it's really important that we listen to this as colleagues and we listen to this as Nebraskans who are at home watching this right now. There's been a large, we'll call it a, crusade against this phrase DEI that we continue to hear about. I think DEI gets wrapped up in this larger conversation as the latest acronym or set of letters that scares people. When I was running for office, it was CRT, and then it became SEL, and now it's DEI. And we

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Floor Debate February 18, 2025

continue to hear these arguments that these things are bad. Critical race theory, social emotional learning, diversity, equity, inclusion. I think it's important that we talk about what these things actually mean. We, as Nebraskans, should cherish the idea of diversity. And we, as Nebraskans, should cherish the idea of equity. And we, as Nebraskans, should cherish the idea of inclusion. There's nothing wrong with ensuring folks are included. If you think back to when you were a kid, if you didn't get picked for a game, you felt bad. When you think back to when you wanted to join in with a group of people and they didn't want you there, you felt bad. Inclusion is not something to be ashamed of, but there's been this larger, overarching crusade against the idea of DEI because it's a wedge issue to scare people. DEI is not the idea that we're just hiring people willy-nilly because of some reason to try to, you know, fill a, a spot in a job. DEI has its roots in the 1960s civil rights movement. That's not something we should be ashamed of. And I think it's really embarrassing, frankly, that we, as a body, aren't more upset about this. And I think it's a little bit embarrassing that we're not pushing back on some of the rhetoric that we've been hearing. I'm very proud to be a member of this Nebraska Legislature. But with that, I think comes certain responsibilities. And I think one of those responsibilities is that we have to stand up and say what we believe is right and we have to stand up and say what we believe is wrong. I, I believe the words that were included in the email or the, whatever this is, this missive, from Senator Lippincott were wrong. And I believe that those ideas are not ideas that we should be espousing as the Nebraska Legislature. Now, let me be very clear, you always have the right to say what you want. Free speech is paramount, and I will always defend the rights of my colleagues to say how they feel and what they want. But in the circumstances that the things that are being said are problematic or offensive or just downright mean, it's also our job to stand up and use our speech to push back on that. And so I think this is a really legitimate conversation. This is not some filibuster. I know people have been talking about just dragging out the time. This is something that we need to stand up and talk about. And I'm really thankful that I have colleagues like Senator Spivey talking about this, others who I hope to hear from as well, who I think can bring a, a really good perspective to these issues. But, colleagues, I would encourage you to listen. I, I think that as a body, it needs to be our job to stand up against some of these things that we're hearing both locally and nationally. I don't know if I'm going to punch in again. I want to listen to more of this conversation about this issue. But I would encourage all of my colleagues to listen very closely to some of the things that are being said in here. We

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Floor Debate February 18, 2025

can't be afraid of each other. And right now, there's a lot of people in the country that are operating out of fear. There's a lot of companies that are operating out of fear. There's a lot of federal organizations that are operating out of fear. There's a lot of schools that are operating out of fear. And a lot of your constituents, colleagues, right now are operating out of fear because they're afraid of bodies like us hurting them. They're scared of us and what we're going to do. So we need to stand up. We need to say what we stand for. I, for one, stand for inclusion. I don't think there's anything wrong with that. And I hope the rest of my colleagues listen to this conversation here today, because this is important. Thank you, Mr. President.

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

**HUNT:** Thank you, Mr. President. Colleagues, in this Legislature, we have an opportunity because this-- we have the most people of color in this Legislature ever in the history of Nebraska. And it's been a long-time coming. I think the, the diversity in the Legislature has never reflected the actual identities and experiences of Nebraskans. And so when people stand up and talk about how our words affect them and how those words kind of belie and explain or give way to the kind of policies that we end up supporting, that's a really important thing to pay attention to and listen to. And I've been very impressed with the words of my colleagues. Senator Danielle Conrad, I, I thank you for lifting this up. She-- Senator Conrad shared that email with me this weekend because I have not received Senator Lippincott's emails for, you know, many, many months, maybe over a year. I think I gave him some negative feedback about an email once, and instead of having a conversation, he removed me from the list. So I hadn't received an email in a long time from him, but. And, and it's also true that the remedy for speech you don't like is more speech, not censorship, not book banning, not firing people. You know, it's just more speech and it's making sure people understand the impact of that speech and that it's not harmless, especially when the people making that offensive speech or ignorant speech or bigoted speech are elevated to positions of power where they can make laws that affect people in Nebraska when you look around this room and you see we really don't reflect the identities of most Nebraskans on average. I think-- you know, so everyone has said, like, very smart things, very intelligent things, and I've enjoyed listening to it. But I think when we talk about DEI, this is just the new CRT, which is the new woke, which is the new affirmative action, which is the new politically correct. And it just feels like Republicans and conservatives running out of euphemisms for

the N-word, honestly. All this whining about DEI, CRT, woke, affirmative action, political correctness through my entire lifetime, it's just another attempt to put black people and people of color in their proper place. What is it about diversity, equity, or inclusion that is so scary or harmful? And maybe you say, oh, well, it's that we don't want people to be elevated to positions of power who haven't earned it. We want everything to be merit based. Well, look around you in the world, look around you in this country, and the people who have been raised to positions of power in this Legislature, do you think you're all here based on your merit? People who experience marginalization, whether that's economic, whether that's racial, whether that's based on gender or sexuality, whether that's based on religion, we've never had a muslim state senator. According to my research, I think we've only had one Jewish state senator. And that was-- was it Zorinsky? Yeah. So we have a long way to go for inclusion in here. And when people finally break through those glass ceilings and they reach positions of power and positions of representation that actually reflect the American people and the American experience, they often had to work so much harder to get to that position because there were so many steps of the way where they ran into someone like Senator Lippincott who said this is a DEI hire. What does that even mean? It's a euphemism for black. It's a euphemism for a person of color. Instead of talking about their merits, instead of talking about their qualifications, instead of talking about what they have done and the experiences they've had to earn that position, we dismiss it with just the phrase DEI. And it's embarrassing. It's sad because the world is bigger than this. The world is bigger than Nebraska. The world is bigger than the white bubble that we-- most of us here have been raised in. Most of us in this body. And we have the opportunity for the first time in this Legislature to learn from colleagues who are people of color, who have experienced those things. And I think that all of Nebraska is going to be better for that and benefit from that.

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

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

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

**ROUNTREE:** Thank you, Mr. President. Colleagues, members of our Nebraska Legislature, I rise today. I normally don't get on the mic, but I rise today. As I look around at each one of you, I want to tell you that I hold you with the highest regard and the greatest of respect. But in reading that particular article, I found out that my

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Floor Debate February 18, 2025

melanin put me in a category where I might not be respected. Now, that's nothing new to me. I've-- born and raised in North Carolina. I've come through a lot of things. But as I read that particular article and I tone in on some of the words that were spoken that DEI really means division, exclusion, and ineptitude. Ineptitude. Ineptitude and the melanin. So melanin and ineptitude. There is really nothing that bothers me and I don't sleep. But this really bothered me and I haven't slept really well since I read that because it really bothered me. But I remember what the word of God says, "know those who labor among you." And so I'm thankful. So since we talked about division, exclusion, ineptitude, and we are in the last days of our Black History Month, I just wanted to bring a couple of things to the floor and just honor some of those who were-- had melanin like myself, who did great things. Also in that article, it was referenced to one that had traveled to the moon and some of the Apollo missions. But I want to talk about Dorothy Vaughan. Dorothy Vaughan was born September 20, 1910, in Kansas City, got a BA in mathematics at Wilberforce University in 1929, and she was hired by NASA in December 1943. So this is from her biography. It said: In an era when NASA is led by an African American man, that was back in 2016, and when recent NASA Center Directors come from a variety of backgrounds, it is easy to overlook the people who paved the way for the agency's current robust and diverse workforce and leadership. Those who speak of NASA's pioneers rarely mention the name of Dorothy Vaughan, but as the head of the National Advisory Committee for Aeronautics' segregated West Area Computing Unit from 1949 to 1958, Vaughan was both a respected mathematician and NASA's first African American manager. Ineptitude. The group's original section heads, first Margerey Hannah, then Blanche Sponsler, were white. In 1949, Dorothy Vaughan was promoted to lead the group, making her the NACA's first black supervisor and one of the NACA's first female supervisors. Diversity. The Section Head title gave Dorothy rare laboratory-wide visibility, and she collaborated with other well-known, these are white computers, like Vera Huckel and Sara Bullock on projects such as compiling a handbook for algebraic methods for calculating machines. Vaughan was a steadfast advocate for the women in West Computing, and even intervened on behalf of white computers in other groups who deserved promotions or pay raise. She stood for all. It didn't matter about the melanin, but she stood for all. She fought for their pay raises and their deserved promotions. Engineers valued the recommendations as the best-- as they call it here-- girls for a particular subject and for challenging assignments. They often requested that she personally handle the work. My time is waning and I will go on to one that's current and our own United States Air Force, of which I'm a retiree

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 18, 2025

after 30 years of honorable service, and I've dealt with many things during that service. But I want to draw your attention to one major general that's a 2-star general, Alfred K. Flowers, Major General Alfred K. Flowers retired from the United States Air Force with 46 years of active-duty service, making him the longest-serving airman in Air Force history and the longest-serving African American in the history of the United States Department of Defense. Ineptitude. He was raised in tobacco fields as myself.

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

**ROUNTREE:** Amen. Thank you so much, Mr. Speaker.

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

**M. CAVANAUGH:** Thank you, Mr. President. I will yield my time to Senator Spivey.

**KELLY:** Senator Spivey, you have 4 minutes, 55 seconds.

**SPIVEY:** Thank you, Mr. President. And thank you, Senator Cavanaugh, for yielding me your time. And I just want to uplift and thank you, Senator Rountree, for your remarks and vulnerability around how our colleagues' actions and words have impacted you as we try to work together to solve some of the most complex issues our state is facing. I would like Senator Lippincott to yield to one last question, Mr. President.

**KELLY:** Senator Lippincott, would you yield to a question?

**LIPPINCOTT:** Yes.

**SPIVEY:** Thank you, Senator Lippincott. Can you please explain ideally in a minute or less what you mean by a DEI hire? What do you understand that to mean?

**LIPPINCOTT:** Well, you would have to ask the individual who said it. That was told to me on the telephone by an ATC controller out of Cleveland.

**SPIVEY:** You repeated it, though, in your letter to say that that person that you are naming was a DEI hire. So are you saying that someone said something to you, you repeated it, and you don't know what it means?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 18, 2025

**LIPPINCOTT:** What he inferred was, is that individual was not doing a very good job.

**SPIVEY:** And so that's what you understand to be a DEI hire to mean as someone that does not do a very good job?

**LIPPINCOTT:** In this case, he was hired, but he was-- apparently was not qualified for the job he was doing.

**SPIVEY:** So a DEI hire means someone is hired and not qualified for the job that they're doing?

**LIPPINCOTT:** In this particular instance, that's what that individual meant.

**SPIVEY:** Thank you, Senator Lippincott.

**LIPPINCOTT:** Thank you.

**SPIVEY:** So I think the piece that you don't want to say out loud, but you said in your written testimony, is that they were hired because they were of color and they did not do a good job. As Senator Rountree mentioned, you use specific words around incompetency, ineptitude. You repeatedly used the word melanated in your article. And so I want to be clear that when people say DEI hire, which the term was not popular, when you stated in 2009. As Senator Dungan mentioned, affirmative action and quotas and hiring around making sure that there is representation in workplaces have been around since the '50s and got popular in the '70s and '80s, and most people that benefited from those programs were actually white women, not people of color. And so the term DEI hire has just gotten popular with the new executive leadership in office. And this bill that you have brought, LB552, mimics what we are seeing on the federal level around attacks to ensure that there is representation and that there is addressing of inequities within our social systems. As Senator Dungan mentioned, yes, people have freedom of speech. I was the former board president of ACLU. I believe in freedom of speech. I believe that people can say what they want, even if I do not agree. However, there are consequences and actions for what you say. And I think that's the piece that we need to sit with. You can say whatever you want and, and experience what you want, but there are implications and impacts to what you say, especially when they are rooted in non facts. And that is my biggest issue with this article. The things that were named in this article around who was the head of FAA, the work that they did is actually not a fact. If you fact check it, it shows that the person of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 18, 2025

color that was hired was not actually hired for that position. I think, you know, as we sit around this room and I appreciate folks attempting maybe to have conversations, it feels business as usual, right? Like people are under the balcony meeting, folks are talking to other senators, on their computers working, when we're really talking about something that is important and impacting the people that you have been sent here to represent. So I would hope that you are like me and can potentially multitask or that you are understanding the impacts of the conversation and the root of why this is so important. Diversity, as defined, means differences. That's literally what it means. You have diversity without even trying. You can-- if you look across this room, we don't all have the same experience. We were not raised the same way. That is what diversity means. Equity means meeting people where they are. Not everyone needs the same level of opportunity, access, or resources. So based on their experience and identities that they hold, you give an equitable opportunity, an equitable piece of resource so that they can have what they need to be successful. Inclusion means that everyone feels like they are valued and adding value to whatever is in front of us. So when you say DEI, it's not this boogeyman of I'm going to give this person an opportunity that they don't deserve. It means, no, I'm going to recognize that there are systemic inequities that have not allowed this person to be successful in whatever it is that they're doing. And we're going to right size that because as elected officials that make policy--

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

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

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

**HOLDCROFT:** Question. Call of the house.

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

**CLERK:** 17 ayes, 3 nays to place the house under call.

**KELLY:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. The house is under call. All

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 18, 2025

unauthorized personnel, please leave the floor. Senators Strommen-- Senator Strommen and von Gillern, please return to the Chamber and record your presence. The house is under call. Senator Strommen, please return to the Chamber and record your presence. The house is under call. Senator Holdcroft, we're missing Senator Strommen, how do you wish to proceed?

**HOLDCROFT:** Proceed.

**KELLY:** Members, the question is-- the question was called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 31 ayes, 11 nays to cease debate, Mr. President.

**KELLY:** Debate does cease. Senator Ibach, you're recognized to close and waive. Members, the question is the motion to withdraw. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 44 ayes, 0 nays on the motion to withdraw, Mr. President.

**KELLY:** The motion is adopted. I raise the call. Mr. Clerk.

**CLERK:** Mr. President, some items. Your Committee on Government, Military and Veterans Affairs, chaired by Senator Sanders, reports LB266 and LB135 to General File-- excuse me-- and LB529 with LB135 and LB529 having committee amendments. Additionally, your Committee on Banking, Commerce and Insurance, chaired by Senator Jacobson, reports LB326, LB457 to General File. Your Committee on Health Human Services, chaired by Senator Hardin, reports LB84 to General File. Notice of committee hearings from the Education and the Business and Labor Committee. That's all I have at this time concerning items, Mr. President. Mr. President, priority motion, Senator Conrad would move to reconsider the vote taken on the motion to withdraw.

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

**CONRAD:** Thank you, Mr. President. Friends, as I noted in my opening comments on the motion to withdraw, I do support Senator Ibach's motion to withdraw, but feel that this is an appropriate place to have an important dialogue. I was not voting on the advancement because I wanted to file a motion to reconsider to continue dialogue on this important discussion that has been started this morning. I saw that my good friend Senator Holdcroft was in the queue and so I know as is his tendency in strategy, sometimes he jumps in when he perhaps believes there has been enough discussion on a matter. That's why I filed the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 18, 2025

motion to reconsider. At the time the question was called, there were six or seven people in the queue, including some members who've not yet even had a chance to speak on this issue and this dialogue that has been started today. I think any Nebraskan of goodwill would be hard pressed not to be touched by the heartfelt statements that many of our colleagues had already shared and expressed this morning. We're barely at 40 minutes or so of debate when the question was called on a critical issue and more colleagues were wishing to join the conversation. My good friends, I understand that you are annoyed that there are senators in this body that perhaps hold different political points of view on certain issues than you do, and you've expressed that annoyance by bending institutional norms and traditions from the first day on leadership votes to the next substantive effort before this body to comprise our committee assignments, to the next substantive debate before this body, to set our rules, to inflict pain on minority viewpoints being expressed according to the introducer. We're a few weeks into committee hearings where Nebraskans, our second house, have the opportunity to come forward and share their perspective on critical bills impacting their lives and their businesses and their families and their schools. And the committee chairs that you have empowered have already started to cut off senators who are engaged in legitimate questioning on relevant issues before their bills, before their committees, and primarily directed toward senators who have a different point of view and which is out of alignment with the free expression and the autonomy that this institution has always supported each individual member the ability to represent their constituents and serve as a constructive member of committees as they see fit. And now, as we had an opportunity to delve into some substantive issues in our floor debate, there are successive strategies to call the question and to limit debate, which, of course, as a basic tenet of parliamentary procedure, these issues are always afforded a deliberation and a decision by the full body as to how to structure our debate and how to conclude it. So I understand that you are annoyed, different people have different points of view and are working hard to ask questions, raise issues, and use our platforms, our speech, our voice, which is all we have left in this institution, to engage in a dialogue that Senator Lippincott asked us to engage in. So we'll spend as much time on this or subsequent bills as we need to so that individual members who want to engage in the dialogue have an opportunity to do so. And if you haven't yet had an opportunity to join the dialogue, my question to you is this: Have you read the newsletter? Are you fine with it? Is your silence an admission? It'd be very interesting and important to know that. So you can limit our ability to participate and balance committees. You can limit our

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 18, 2025

ability to chair committees. You're seeking to impair our ability to ask basic questions of the bills that come before our committees. And now, as is pattern and practice, you'll rush debate and silence voices whenever you see fit. That is your prerogative. That is your right. We will utilize tools as we have available to represent our constituents to raise issues however we see fit. I want to thank my colleagues, particularly Senator Spivey and Senator Rountree, for sharing their points of view in regards to this inflection point which has been thrust upon our body, not due to their work or their intention, but another, colleagues. Over the long weekend, which was supposed to be restful and an opportunity to reconnect with family and friends and catch up on additional work and citizen legislators and prepare for the bills that are before us this week, we had colleagues that couldn't sleep. We had colleagues that couldn't sleep because of the harm that these words brought forward. And there's no humility from those are hear-- that are hearing that pain and that harm and those words to say, oh, I didn't realize that. Perhaps, that wasn't my intention. There's been some defense and there's been a lot of silence. So how are we supposed to build relationships and trust when colleagues are telling you that how you utilize your platform has hurt relationships and has hurt their ability to serve? It is not the duty of the colleagues who have been harmed by this rhetoric to resolve the situation. And I want to thank our colleagues who've had a chance to lend their voice and to engage in expression, which is the appropriate remedy in these instances. There have been no calls for censure. There have been no calls for any other sort of punishment because that would not be the appropriate remedy for speech that we find distasteful or harmful. But if there is always an opportunity to continue a dialogue amongst colleagues, amongst colleagues we care about deeply, we should have a dialogue that allows them to be called in, not out, to sort through the situations before us, and to build relationships. We can't do that when people jump in the queue and call the question because they're annoyed that somebody has a different point of view or somebody was harmed by the actions of another member. So we'll stay on this motion to withdraw and the motion to reconsider to continue debate so that all colleagues who want an opportunity to talk about these issues have an opportunity to talk about these issues. Our voice, our voice and our vote is one of the few things that we have left as members who are in a minority position. This once proud institution which afforded concern and consideration based on merit, has now befallen into bitter partisanship. And that's disappointment. And this today, this, this morning to start off our week is yet another example of that pattern and practice. Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 18, 2025

**KELLY:** Thank you, Senator Conrad. Senator DeKay, you're recognized for an announcement.

**DeKAY:** Thank you, Mr. President. And good morning, colleagues. As many of you may know, State Trooper Kyle McAcy was tragically killed in the line of duty yesterday while responding to a traffic accident along Interstate 80 between Ashland and Greenwood. He was a 10-year veteran of the Patrol, having served in a patrol division, carrier enforcement, and as a crisis negotiator. He was stationed out of Omaha. Closer to my home in my district, I also wanted to recognize the recent passing of Holt County Deputy Sheriff Steven Binkerd, who died last Wednesday, February 12. Deputy Binkerd was an off-- was off duty and returning to Holt County when he was involved in a one-vehicle accident and was tragically killed. Deputy Binkerd was a well-regarded investigator, sheriff's deputy, and a friend in the Holt County community and beyond. I just want to say thank you to both Deputy Binkerd and Trooper McAcy for all their years of service in law enforcement and contributions to their communities. And let's all keep the State Trooper McAcy and Holt County Deputy Sheriff Steven Binkerd and their families in our thoughts and our prayers. Let's just remember, while we are here, our first responders are risking their lives day in and day out to help people and keep our communities safe. Thank you, Speaker Arch, for allowing me to speak on this. Thank you, Mr. President.

**KELLY:** Thank you, Senator DeKay. Returning to the queue, Senator Spivey, you're recognized to speak.

**SPIVEY:** Thank you, Mr. President. And, again, good morning, colleagues and folks that are watching online. To pick up where I left off, so I actually had a consulting practice for a number of years doing diversity, equity, and inclusion work and making sure that organizations and businesses understood the impacts of what does it look like when you have this type of strategy? I also led a strategy for U.S. Bank around black wealth creation and entrepreneurship on the heels of George Floyd's murder. And the bottom line again is that DEI has been around and it was a business case. You know, when you look at consumers, no matter what business that you're in, that their lived experience, the identities that they hold, make and drive decisions based on their culture, their community, and how they shop and spend dollars. And so the, the initiative and the movement that originally started decades ago around DEI was about getting more revenue for businesses. How can they make sure consumers were able to utilize their product-- their products, and that they were able to continue to make money? Out of that, you see, for example, employee resource

groups. Buick, for example, was able to create the Enclave truck from their black employee resource group to help make sure that their black consumers were able to utilize a vehicle that they could see themselves in and that they would again spend money on. And so you see that not only the fiscal impact that DEI has on our bottom line in our economy, but, again, making sure that people feel like they can add value to the space. I think, and what this conversation, for me, really centers in is accountability. I would much rather spend my time on the mic talking about the pressing issues facing my community, like childcare, like economic development, like understanding jobs and wages and transportation, health care access, all of these things I would much rather be spending time on, but instead, because there's a lack of accountability in this body around saying factless information that is harmful to the people that we have sent here to represent, I am now spending more time having to address this. So I want to be clear on my intentions and my work with, with inside this body. I was sent to Lincoln to provide resources to District 13 to ensure that the working people's voice is heard, to assure that we can live and access the good life Nebraska has to offer. That's why I'm here. That's why I balance this work with a full-time job running a \$3.6 million organization while I manage two kids and my husband. Because this work is so important and integral to the sustainability and viability of Nebraska. But because colleagues in this body think that they can say things that are not rooted in fact and that there is no accountability, we are now spending more time on this issue versus the issues that are in front of us as a state. I gave everyone for Black History Month a EJI calendar because I don't expect everyone to have the same level of understanding or learning or empathy or information that I have, right? I've had a very different and very beautiful learning experience about who, who am I in this world and what does it mean to work alongside people that are different from me, have shared values, don't have shared values, and how I show up again to create space where everyone can feel like that they belong. And so on that calendar, I implore my colleagues to just read it, hang it up in your office. Everyone has one, and each day it has an actual fact, not a subjective statement that I've made up, but is an actual fact around racial equity. And what does that look like? So a part of LB552 and why Senator Lippincott said that he submitted this article was to promote his bill, LB552. If you are at home watching, you can go to [nebraskalegislature.gov](http://nebraskalegislature.gov), and then you can search the bill so you can get some information on it. And I want to draw your attention to page 3. Page 3, he specifically talks about describing structures, systems, relations of power, privilege or subordination of the basis of race, gender, color, gender identity, ethnicity, as well as power dynamics.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 18, 2025

And so I want to talk about institutional inequities and why this bill is harmful, along with the rhetoric that was not rooted in fact, but subjective statements around melanated people. I want to talk about, and I will get back up and punch in, around the GI Bill, because we, we love our veterans. We love folks that have sacrificed for our country. And I want to make sure that I give everyone facts here that they can relate to on why we should hold our colleagues accountable for saying statements that are not true and that-- thank you, Mr. President.

**KELLY:** That's your time, Senator. Thank you, Senator Spivey. Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. Well, I rise in opposition to the motion to reconsider. I voted for LB708 or I voted for the motion to withdraw LB708, and I stand by that. So I'm opposed to the motion to reconsider. I've been listening to the conversation this morning, colleagues, and I appreciate the points that have been raised by a number of folks. I was-- particularly, Senator Spivey and Senator Rountree's comments were very moving to me and I actually hadn't punched in. I was thinking about what I would say. I didn't get this email or newsletter from Senator Lippincott, but then I did take a look at it. I got it from somebody else and took a look at it. And it, it does have a lot of the things that have been brought up in there that are concerning in terms of the perspective that are being pushed out by a, a sitting senator. And I did want to just sort of hone in on one point, which was the point that Senator Lippincott made about that there's this terrible accident in Washington, D.C., flying in a national airport and didn't want to jump to conclusions about what happened there. But this is a dangerous thing that the reason he elevated air traffic controllers and his view of what DEI means in that context is to imply that it is a result of something like that which has already other people jumping to conclusions about what happened there, has led to endangering the lives and safety of people who work in this, that both fly the helicopters, the airplanes, and the air traffic control in that particular area. Saw stories on the national news about that very danger. And so this rush to make some sort of tragedy fit your preconceived narrative is dangerous. And then to promulgate that through your official position is, again, dangerous. I appreciate the conversation folks have engaged in about the importance of diversity. And I always talk about not just the diversity that of, of people's race, ethnicity, ethnicity or religion, but diversity of opinion, which Senator Spivey hit on, which is that we have a body of 49 people here. And it's, it's the, the strength in that diversity of opinions of our experiences that are important, and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 18, 2025

so diversity, of course, brings value and to, I think, be so reductive as to say that someone's race or skin color is the reason for anything is, is, is problematic. And Senator Rountree hit on it, I did not pick up on it in the letter the first time. I guess I glossed over the-- what, what Senator Lippincott's interpretation of what DEI means was and I thought-- so I appreciate Senator Rountree elevating that part and I don't remember it off the top of my head. And then, of course, I have Senator Spivey's question to Senator Lippincott about what he thought that individual meant. And I thought that was particularly concerning as well to impute to someone else what they are saying when they say something. And I have no idea what this-- what the truth of this story is of this flight through CTA and what this individual said. But the assumption that someone is unqualified for a position based off of what someone else has said about their appearance, I guess, is a concern. So I, I appreciate the conversation. I, obviously, don't have the same lived experience as other folks in this body, and I appreciate that opinion and perspective that they bring to this. And so I just wanted to rise in support of the conversation. And I would-- oh, I'm going to run out of time. I was going to yield time. I guess I'm too talkative. I appreciate what Senator Conrad was talking about, that people need an opportunity to speak. I was in the queue when the question was called on this and didn't have an opportunity to get up and, and raise my concerns about how we behave towards each other, how we represent ourselves as a body, and the sometimes hurtful ideas that we put forward. And I, I agree with all those who have said that you need speech with speech. And I think that, yes, we are entitled to our opinions, our perspectives, and it is our obligation as elected officials to speak and to represent those opinions and perspectives. But don't be mistaken that that does not mean it doesn't have consequences. And the consequences are often being called out for those hurtful and, and wrong-headed opinions that you so freely share. So I was going to yield my time, but I'm going to be out here so I'll maybe punch my light again.

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

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

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

**FREDRICKSON:** Ooh, shocked. Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. I rise in opposition to the reconsider motion, and I will support Senator Ibach's motion to withdraw. But I did want to get into the queue and speak a little bit

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 18, 2025

about the conversation that we've been having this morning, because I've certainly been moved by it and have found a growing sense of appreciation both for Senator Rountree and Senator Spivey for being willing to share their experiences with, with this letter that, that went out. And a few things I, I, I want to touch on here. One is that I understand that conversations like this can be difficult and uncomfortable, but I don't believe that we as a legislative body should avoid these types of conversations just because they make us uncomfortable. These are opportunities for learning and they're opportunities for growth. And we've been seeing, I think, a growing and, frankly, concerning trend for allowing and almost brushing off behavior that, quite frankly, is, is quite egregious. And I would implore all of us in here to think hard when we hear these sort of catch phrases like CRT, DEI, gender-affirming care, these, these sort of like flashes in the pan. Emails like what was sent out show a genuine lack of understanding and awareness of our country's history and how this history impacts all of us. I think a lot about-- there's an author named Isabel Wilkerson who has done incredible journalism, and she speaks to America as this old, old, beautiful house that we all live in together. And we've inherited this home and none of us who live in this house currently were here when the home was built. So none of us living in the home currently, maybe, have anything to do with the shaky foundation or the roof that leaks, but it doesn't change the fact that the home still has issues. And it's in all of our interests who are living in this home not to ignore these issues, not to ignore the leaky roof or the cracked foundation, because when we do that, we do so at all of our peril. So I'm going to continue to listen to this conversation to hopefully learn. And I would ask my colleagues to also do the same. And if you're feeling a little bit of discomfort, that's OK. We can grow out of discomfort. I don't know how much time I have left, but I will yield the remainder of it to Senator Spivey, should she be interested.

**KELLY:** Senator Spivey, 59 seconds.

**SPIVEY:** Well, thank you, Senator Fredrickson. And I, and I appreciate your words, especially around leaning into the discomfort. I think this is why we are here. We were sent to be the voice of our community. We were sent to have a high level of discretion in decision-making and to sit in spaces that everyday people are not always afforded the opportunity to. And so I appreciate those remarks as we are-- continue to dive in. I will save my current remarks for when I have a little bit more time, but, again, want to continue to uplift that we are having these-- this conversation because of the lack of accountability of saying things and statements that are

factually not true about, in quotes, melanated people that was in this article. That is why we are having this conversation, because it is detrimental to our work.

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

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

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

**DUNGAN:** Thank you, Mr. President. Colleagues, I, I rise also opposed, I guess, to the motion to reconsider. I, too, was in favor of the motion to withdraw. And I do appreciate Senator Ibach taking care of that. I wanted to punch back in and, and make just a couple more comments regarding this subject, because I've actually found myself very moved by the conversation. A number of my colleagues in here are just incredible when they get up and are willing to share their, their perspectives. And so I, I want to say thank you to those who are engaging in, in this conversation. What strikes me about this is I think far too often in the conversation about DEI or, or CRT or whatever, race, when we're talking about race in a lot of these circumstances we, as a country, I think forget how recent our original sin of slavery actually was. And we try to talk about these things like they exist in the far distant past and try to pretend like we've moved on. People try to act like this isn't a problem anymore. These aren't issues that we currently deal with. I can tell you these problems are incredibly real. I don't have the lived experience of some of my colleagues and constituents do, but I do work in the criminal justice system. And I will tell you that we are not past a number of the issues that we dealt with 10 years ago, 20 years ago, 50 years ago, hundreds of years ago. We act like this is ancient history. We talk about things like the civil rights movement, like it's something that came and then went. And we talk about the individuals in the civil rights movement like they're mythological figures. We talk about people like Emmett Till, who was lynched for whistling at a white woman as though it's somebody that you can only find in a book. But I'm reminded that his cousin, who was with him that day, is still alive and shares the story as recently as I found a video from a few months ago talking about what it was like to be with Emmett Till that day. And I think that that is a good reminder that these things are not behind us, that racism does exist. And Senator Fredrickson is exactly right, these conversations are uncomfortable. People don't want to have these talks. People don't want to talk about these issues because it makes people, I think, feel guilty. It makes people feel

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 18, 2025

like they're going to say the wrong thing. But I couldn't agree more that it's our job as legislators to have these conversations and to look at the ways that we still deal with race in a really real way in not just our country, but in our state. I know Senator Holdcroft had made some comments the other day, which I really appreciated, talking about the prison population and talking about some of the issues we have with regards to overcrowding. But I did disagree with one of his comments. He made the comment that we don't have an over-incarceration issue. He said we have an overpopulation issue. And I would posit that those things go hand in hand. I would also further say that when you look at the effect of race in Nebraska on incarceration, you see a real problem. In the United States, the average incarceration rate for black persons versus white persons is six times higher. Six times higher. When you look at Nebraska's, it's 9.1 times higher. That puts us at about ninth in the country for disproportionate over incarceration of black people when compared to white people. Now we can get into all of the ins and outs of that, we can talk about the, the systemic problems, we can talk about all of the issues that lead to that, and I think we should, but on the face of it, that's a problem. And I say that not to just sort of berate a certain statistic, but to highlight that this is still an issue that we deal with every single day. And so when I talk to some folks who are opposed to things like DEI, they oftentimes say that we've gotten past these issues or gotten past these problems. But the reality is, colleagues, this is a real problem that we still struggle with and deal with every single day. And we should never shy away from trying to be more inclusive. And we should never shy away as a body or as a state from encouraging diversity, because it's that diversity of opinions, backgrounds, race, religion, gender, sexual orientation, all of those things that makes us who we are. And I think we should always encourage that interaction and not be afraid of each other. Thank you, Mr. President.

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

**DeBOER:** Thank you, Mr. President. Good morning, colleagues. Well, it's a very rare occasion that I think I want to get on the microphone and talk about things that have nothing to do with the underlying motion. Now, from time to time that happens. But we here at the Legislature, we're not just a lawmaking factory where we churn through the laws and make all the laws. We're also leaders of the state. And this is a conversation worth having. And sometimes that leadership of the state part of our job is more important than getting all the laws through the process as fast as possible. And I have learned recently, if you

bury an infection, it will fester. You have to open it up and get the infection out or it will get worse. So I've had an opportunity now to read what Senator Lippincott wrote. And I've heard my colleagues and they say that it was factually mistaken and hurtful, etcetera. And I think Senator Lippincott made a mistake, but I believe in him. I think he said some things that are problematic and that I take extreme exception to. But I believe in him. I'm not going to cancel him or turn away from our friendship or anything like that. I'm going to ask him to listen to our colleagues and to do better next time. And I hope that when he knows better, he will do better. And I'll ask Senator Lippincott and those listening on the outside, don't close your hearts to us. Because you hear Senator Rountree, he said he couldn't sleep. And I know that couldn't have been your intention. So I think this conversation, even if it gets in the way today of lawmaking this morning, it's worth having. And so this issue of DEI-- you know, diversity, equity, and inclusion is a principle. Diversity is a principle, equity is a principle, inclusion is a principle that's put in place to make our system more merit based, not less merit based. More merit based. In fact, what it says is if we want a truly merit-based system, then we have to remove obstacles from people that have nothing to do with merit. If you are talented or smart or whatever it is and you work hard, then whatever other obstacles there are because of history, because of where you grew up, because of any of those things, the smartest person in the room doesn't necessarily speak English, doesn't necessarily look like you or I. So recognizing that what we really want to do is promote a meritocracy of those who actually have merit by giving opportunities to kind of level the playing field on those non-merit based obstacles which do exist. Sometimes folks slip through the cracks. Somebody might not be as good as someone else. And that doesn't matter who you are. That can happen to anybody. I think we need to "retalk" about DEI and about how this actually is trying to get the most meritorious people to the jobs that they do. So, Senator Lippincott, I am still your friend, and I hope you keep your heart open to us. And when we all learn better, we all do better.

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

**GUERECA:** Thank you, Mr. President. I rise in opposition to the reconsider motion and in support of the motion to withdraw. I was listening to the conversation and I didn't know if I was going to punch in or not. I, like Senator Spivey, represent a hardworking community. And I believe they sent me here to bring resources and opportunity back to them so they could have a fair shot at achieving

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 18, 2025

their American dream and achieving the good life. Legislative District 7 for over a century has been a gateway to America, where people have come from Bohemia, from Italy, from Mexico, from Guatemala, from South Sudan, in search of a promise. The promise of this nation, where if you work hard you're given a shot at achieving your version of the American dream. So when I read this newsletter, I thought to myself, I'm the child of two Mexican immigrants, does that make me a DEI hire? Am I a DEI senator? Does that make me less than? What does that mean? But then I thought back to the countless hours I spent knocking on doors, going to community events, the hours I spent fundraising money, hundreds of thousands of dollars to represent 40,000 hardworking Nebraskans that every single day show up to work, that love their family, that pray, that give back to charity. So, no, I am not a DEI senator, that I will work hard every single day to help my constituents achieve their American dream. I yield the rest of my time to Senator McKinney.

**KELLY:** Thank you, Senator Guereca. Senator McKinney, you have 2 minutes, 35 seconds.

**McKINNEY:** Thank you, Senator Guereca. I've been listening all morning. Although I haven't been here, I've been listening to the conversation and it's been a good one. You know, just thinking about DEI and the conversation around DEI, just as a black man in America, you know that you have to work two, three times as hard to get a position that somebody doesn't. You just know that reality. So when black individuals get into spaces and they call them DEI hires, it's kind of funny, because go check their resumes. I will almost guarantee you their qualifications trump those who are judging them because you have to work twice or three times as hard to get into a position. Every black man in America knows that. Every black woman in America knows that. So these conversations about DEI hires, it's kind of funny because if you compare the resumes, a lot of times they're not comparable. And then we quote Dr. King: My children will be judged on the content of their character, not the color of their skin. But that's a very convenient quote. But we don't quote Dr. King when he says: Whites, it must frankly be said, are not put in a similar mass effort to reeducate themselves out of their racial ignorance. It is, it is an aspect of their sense of superiority that white people of America believe they have so little to learn. The reality of substantial investment to assist Negroes in the 20th century adjusting to Negro neighborhoods and genuine integration is still a nightmare for all too many white Americans. These are the deepest causes for contemporary abrasions between the racists. Loose and easy language about equality, resonate resolutions about brotherhood fall pleasantly

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 18, 2025

to the ear. But for the Negro, there is a credibility gap he cannot overlook. He remembers that with each modest advance, the white population prominently raises the argument that the Negro has come far enough, each step forward accents an ever-present tendency to backlash. Those conversations happened this year about money. I introduced a bill for youth employment--

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

**McKINNEY:** I'll get back on the mic later.

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

**M. CAVANAUGH:** I knew that was going to happen, that it was going to shock me. Thank you, Mr. President. Colleagues, I'd just like to say that while I am always holding you in my hearts, today I am especially holding Senators Spivey, McKinney, Rountree, Juarez, Guereca, and Sanders in my heart. I cannot even begin to imagine what this conversation is like for all of you. I'm grateful to have you in my life and as my colleagues, I'm proud to serve with each and every one of you. And I hope we all can learn from this conversation today. With that, Mr. President, I'd like to yield the remainder of my time to Senator McKinney.

**KELLY:** Senator McKinney, you have 4 minutes, 15 seconds.

**McKINNEY:** Thank you, Senator Cavanaugh. And what I was saying is the question of is that enough, have you guys had enough has already come up this year when I introduced a bill about trying to provide some jobs for youth employment in my community, because we have senators in this body that want to lock up youth at 12-year-old. And we know statistically speaking, most of those kids are going to be black because the population of the Douglas County Youth Correctional Facility is 80% black or minority. That's why it's never going to be enough. Then want to, you know, continue to quote Dr. King: Again, we have deluded ourselves into believing that the myth that capitalism grew and prospered out of the Protestant ethic of hard work and sacrifices. Capitalism was built on the exploitation of black slaves and continues to thrive on the exploitation of poor, both black and white, both here and abroad. That is still true today. That is what capitalism is, exploitation of people, black people. This country was built on the backs of my enslaved ancestors who were involuntarily brought to the Americas for free labor to build this country up. And we have yet to receive reparations, 40 acres and a mule. We haven't

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Floor Debate February 18, 2025

received that. But you want to talk about a DEI hire? Want to talk about, is that enough? This country was built on free labor. A lot of people are still thriving off that free labor to this day. And black communities across this country are still impoverished because this country has yet to pay for that original sin. And it's really not the original sin, because the original sin was when they came here and colonized this continent and took the land away from the Native Americans. That's the problem. You all are scared to have these real conversations. This country wasn't built on righteousness. It was built on murder, spreading of disease, exploitation of people going over across to Africa and taking men and women from their families, looting natural resources. You talk about Africa, the reason Africa, the way it is, is because colonization from European countries and, and this country. Greatest man from this state had to finally be inducted 2 years ago into the Nebraska Hall of Fame. And that was an uphill battle. It took-- almost missed it by one vote. Really, a DEI hire? Diversity, Equity, Inclusion. Let's say that, set's say a diversity, equity, inclusion hire. Let's, let's stop using the letters and say, say what you dislike. Say I dislike diversity, I dislike equity, and I dislike inclusion. Say that, don't say DEI. Say I dislike diversity, say I dislike equity, and I dislike inclusion. Let's just be honest so we can move on and stop being fake. Thank you.

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

**ROUNTREE:** Thank you, Mr. President. Members of the house and our Legislature and all those that are still watching on today, this will be my last time coming to the mic to speak today as we continue to honor Black History Month. I got as far as Major-General Alfred K. Flowers before my time ran out the last time and the longest person of color that has served in a uniform in the whole Department of Defense. And, you know, a friend of mine, one I've played basketball with, one we won championships with, but also one that I highly respect, one that took our United States Air Force through a time of sequestration, budget issues that, like, we're dealing with in the state right now, but one who was highly, highly, highly qualified and one that is greatly respected. I also want to talk about Mary Jackson and also about Katherine Johnson. The other three-- the other two of the three hidden figures. Their great work in mathematics and great work working with NASA helped enable successful space exploration. And so they were not inept. If I don't say anything else, I would say that we're not inept. And that is the one word-- I don't mind about the DEI, but that ineptness tells us that because I have melanin that I am inept. Now, Senator Andersen, he's an Air Force retiree as well. He'll know that

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Floor Debate February 18, 2025

we do career development courses. When I took my first end of course test, I made a 91, Senator Andersen, and my boss came and said, Airman Rountree, I didn't know colored people were that smart. That was his words to me because I got a 3-day pass. So we've been fighting the uphill battle, but I thank God that we are here today. District 3-- I'm here to represent District 3. And as I campaigned, I told each one, I said not just District 3, but I'm here to represent and do what's right for all Nebraskans. I said, when I leave the state and come back in this state, I see that sign that says Nebraska: The Good Life. And that's what we're here for. We have a lot of work to do. We have a lot of legislation. And so with that said, as I get ready to close on this, I want to say, Senator Lippincott, I appreciate you. I want to tell you that I need you. I need you. I can't get any legislation done without all of you. Mr. Speaker, I need you. We need each other to do what's right for our Nebraskans. As each one of you, our pages come in each day and they watch and observe us. But they're just preparing to sit in the seats that we're occupying now. So learn and learn well, that attention to detail I talked about. We need you, so let's come together as this Legislature, all the subliminal things that's running under the surface, let's put those aside and let's come together and take care of the business of our Nebraskans. Each one of us got here the same way. And that was by the vote at the poll. That's because our constituents had confidence in us to be able to come and do the work for Nebraskans. Senator Holdcroft over in Sarpy County with me, I've learned from him since I've been here. I've learned when he gets up and he states facts when he talks about education. And so I stand today just to educate on what our people of melanin have done and the great capacities still yet to be done because there is more that binds us together than what divides us. More. And that's what we want to concentrate on. And, lastly, as I go to my seat as a young senior airman over in RAF Bentwaters, England. First time I've been outside of the country, and when I was called a bloody yank, and for you all, you know that's, that's cussing for them. But I was a bloody yank. I was not a black man, but I was an American in a foreign country and I got discriminated against because I was an American. That was the first time I had not been discriminated against because of the color of my skin, but because I was an American. And you know what? It felt good. It felt good. An American. So let's do the work that we have to do. We need one another. Let's accomplish and get our legislation done and take care of our Nebraskans. Thank you.

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

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Floor Debate February 18, 2025

**McKINNEY:** Thank you, Mr. President. This conversation is a great conversation to have. You know, especially-- you know, I'm reading these words: in June '23, Keith Washington was appointed to the head of the FAA by President Joe Biden, even though he had zero experience in aviation. None. However, he did have a high amount of melanin in his skin. This is, by contrast, his predecessor. Why didn't he say, by contrast, his white predecessor? Why does his skin color matter? Why didn't he talk about his resume? What else was in his resume that-- although he wasn't even the head of the FAA-- but let's talk about what else might have been in his resume to get him appointed or hired to that position. Why does his skin matter? Why is that being brought up? It's just interesting. And, you know, since we're in the business of quoting Dr. King, I have another one that I think is really true and important, because I think this country and this state is headed down this road. And, you know, it, it says: The price that America must pay for the continued oppression of the Negro and other minority groups is its own destruction. That's the price. And I feel like after November, we're headed down that road. Whether someone will like to agree with me or not on that, I think we're headed down the road of destruction as a country and as a nation because of racism, systematic racism, white supremacy, people feeling like we can't, we can't move forward because we have to make America great again, which is funny in a lot of ways. It's not even funny, it's kind of-- it's, it's not funny. I shouldn't say that. It's really frightening and it's frightening for a lot of people because when I look back at history and I spent all day yesterday, I was at home, I did some cleaning, I was chilling, and I started to watch some documentaries from the past on Malcolm X, Marcus Garvey, Louis Armstrong, and just looking at a lot of the things they were dealing with. And I started to think, when was America great for a black man? Because all three of those individuals I've, I've just mentioned dealt with racism. Although they, although they were great, they dealt with racism. Marcus Garvey just finally got a pardon from the President and he's been passed for how many years? It's just this notion that we're going to go back to something great. But for black men and women and kids and children in this country, that was terror. That was an era where lynchings were happening, happening. That was the era where crosses were being burned in people's front yards. The Lytle [PHONETIC] family had to leave Omaha, Nebraska, because they were too radical for the community of Omaha, Nebraska. His father was killed. They drove his mother crazy. Was that great? Was that history great? Was it great that Tulsa, Oklahoma, was burned down? Was it great that Rosewood was burned down? I'm just trying to find the greatness in a country that oppressed and did this to its people, a, a country that enslaved Africans for free

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Floor Debate February 18, 2025

labor and never provided them any reparations or anything and still denies it to this day. Because, can't you just move on? Where's the greatness in that? I'm trying to find it, and I can't. And I, and I don't think anyone can and nobody can justify it without having some cognitive dissonance. It's just a problem that people are trying to ignore. And we have bills trying to do so. So thank you.

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

**HUNT:** Thank you, Mr. President. I just wanted to share a couple of thoughts and then I'll yield the remainder of my time to Senator Spivey so she can share a few more thoughts as well before we adjourn. But I just want to make the point, when we talk about DEI, whether it's DEI, CRT, woke, affirmative action, political correctness, whatever term, we're not talking about actual policy. We're not talking about decisions lawmakers are making or about the way we live. We're talking about power. And it's just a modern-day repackaging of the same old resistance to racial progress. In the '50s and '60s, opponents of civil rights said that they were just fighting special treatment for black people. And that's the same thing that people say about DEI today. They said that desegregation was government overreach, and that's the same things that they say today. And the same people who resisted integration, who cried for states' rights, are now using parents' rights to erase books about black history and racism from our classrooms. And the bottom line is that this is about control. It's not about fairness. And when white men dominated every boardroom, newsroom, and university, nobody called it identity politics. Nobody called it special treatment. But when black people, women, and other marginalized groups start gaining ground in this country, suddenly there's a problem about merit and fairness. So I want you to interrogate that within yourself. I don't think anybody in here thinks they're a racist person. But have you examined the tendency to say these things that hold these beliefs and what that really means? Sit with that. Think about it. And, Mr. President, I'll yield my time to Senator Spivey.

**KELLY:** Thank you, Senator Hunt. Senator Spivey, you have 3 minutes, 13 seconds.

**SPIVEY:** Thank you, Mr. President. And thank you, Senator Hunt. I want to take you back to intention versus impact. And I appreciate the words of Senator Rountree and Senator DeBoer around this conversation. As I mentioned, I am a master facilitator. I had a consulting firm. I facilitate folks in strategic planning and relationship building and

to, to do the things that they need to do in order to accomplish their mission. And part of that work is always creating the container from which we work in. Senator or Speaker Arch, excuse me, has done a lot of work around that in terms of decorum in this body. Our freshman class did a lot of work around that, of how do we work together, how do we work across our differences. And so this conversation that I am having is not about Senator Lippincott's character. It's, it's not about who he is at his essence. It's about intention versus impact. He specifically put out an article that had a specific impact to melanated people, which we are knowing are people of color, and around what does it mean to be said that you are given a position, not hired for merit, but given a position based on the color of your skin, which is actually not rooted in fact. What he named in his article and what he is using to support his LB552, is what my conversation is situated in. So I want to be clear around that, that this is a conversation around intention versus impact, and that I'm committed to working with everyone. This is bigger than me and how I feel as a black woman in this space. When my community sent me here to be a voice for District 13, that's black, brown, red, yellow, gender-nonconforming folks, heterosexual couples, elderly, young people, the gamut of all of our diversity and the experiences and identities that we hold, I represent them. So this is bigger than my ego of I don't want to work with Senator Lippincott because he said some inaccurate things. No, I am here and will continue to work within this body despite these types of conversations, because my job as an elected official is to create the best circumstance through policy for my constituents. However, because I can walk and chew gum, I can have two conversations. Multiple truths can exist. And so there should be accountability around our role as elected officials and how we-- what we say and, and how we say it, as well as what is the job in front of us. And so I want to make sure that we underscore bold and exclamation mark that, that this conversation is an intent versus impact and how we work together and the language that is used that is not fact based and is actually inaccurate causes harm to the people that we are sent here to represent and to pass policy that best supports their well-being and their growth. As I mentioned, that when we talk about DEI hires and what does that look like, that there is actually a history of inequities in our country that we are working to address, and that is the basis around diversity, equity, and inclusion. And so when you look at, for example, the GI Bill, that was given to World War II veterans around education.

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

**SPIVEY:** Thank you, Mr. Speaker.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 18, 2025

**KELLY:** Thank you, Senator Spivey. Mr. Clerk, for items.

**CLERK:** Thank you, Mr. President. Your Committee on Enrollment and Review reports LB38 placed on Final Reading. Additionally, your Committee on Enrollment and Review reports LB51, LB52, LB72, LB85, LB91, LB167, LB182 as correctly engrossed and placed on Final Reading. Your Committee on Revenue, chaired by Senator von Gillern, reports LB355. Your Committee on Enrollment and Review reports LB118, LB148, LB98, (LB196), LB22, LB41, LB160 to Select File, some having E&R amendments. Amendment to printed from Senator Hallstrom to LB229. Notice of committee hearings from the Governor, Military and Veterans Affairs Committee, as well as the Urban Affairs Committee, and the Revenue Committee. And report from the Appropriations Committee pursuant to Rule 8, Section 3, the preliminary report on the biennial budget. Name adds: Senator Conrad, name added to LB42, LB108, LB117, LB140, LB174, LB192; Senator Ballard, LB193; Senator Conrad, LB303, LB319, LB547, and LB710. Finally, Mr. President, a priority motion, Senator von Gillern would move to adjourn the body until Wednesday, February 19 at 9:00 a.m.

**KELLY:** Members, you've heard the motion to adjourn. All those in favor say aye. Those opposed, nay. The Legislature is adjourned.