

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 22, 2022

FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-ninth day of the One Hundred Seventh Legislature, Second Session. Our chaplain for today is Pastor Wilson Metz of the Word of Hope Lutheran Church in Ashland, Nebraska, Senator Bostelman's district. Please rise.

PASTOR METZ: The Apostle Paul writes in the Book of Romans: Every Christian ought to obey the civil authorities, for all legitimate authority is derived from God's authority, and the existing authority is appointed under God. To oppose authority then is to oppose God, and such opposition is bound to be punished. Lord, I thank you for these men and women who have been raised up to serve here in this assembly. The awesome responsibility to govern is on their shoulders and they are put in place by you, according to the Scriptures. As they join together on behalf of our great state of Nebraska, I pray they seek the wisdom that you generally-- generously offer to each one. I pray they govern with wisdom, compassion, justice, and a desire to make this continue to be the great state that it already is. In Psalm 20, this is a real blessing: May the Lord answer you when you are in distress. May the name of God of Jacob protect you. May he send you help from the sanctuary and grant you support from Zion. May he remember all your sacrifices and accept your burnt offerings. May he give you the desire of your heart and make all your plans succeed. May we shout for joy over your victory and lift up our banners in the name of our God. May the Lord grant all your requests. Now this I know. The Lord gives victory to his anointed. He answers him from his heavenly sanctuary with the victorious power of his right hand. Some trust in chariots, some in horses, but we trust in the name of the Lord, our God. They are brought to their knees and fall, but we rise up and stand firm. Lord, give victory to the king. Answer us when we call. And it is a privilege and honor to stand with this assembly today, to recognize and remember our Presidents and veterans. Thank you for that. Amen.

FOLEY: Thank you, Pastor Metz. I recognize Senator Slama to lead us in the Pledge of Allegiance.

SLAMA: No, I-- I recognize Burdette to lead us in the pledge.

BURDETTE BURKHART: Please join me in the Pledge of Allegiance.

FOLEY: Thank you, Burdette. I call to order the twenty-ninth day of the One Hundred Seventh Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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CLERK: I have a quorum present, Mr. President.

FOLEY: Thank you, Mr. Clerk. Are there any messages, reports, or announcements?

CLERK: I do. I have a resignation letter from Senator Michael Groene, effective 11:59 p.m., January--or, excuse me, February 21; a communication from the Speaker addressed to the Governor regarding that resignation letter. Your Committee on Judiciary reports LB1184 to General File with amendments. Agriculture Committee reports LB802 and LB235 to General File. I have a confirmation report from the Judiciary Committee. Priority bill designations: Senator Bostelman, as Chair of Natural Resources, selects LB1045 and LB809; Senator Cavanaugh, John Cavanaugh, selects LB921; Senator Day, LB853; Senator Hilkemann, LB981; Senator Flood, LB927; Senator Brewer, as Chair of the Government Committee, selects LB843 and LR268CA; Senator Pahls, LB803. That's all that I have at this time, Mr. President.

FOLEY: Thank you, Mr. Clerk. I neglected to ask if there-- are there any corrections for the Journal?

CLERK: I have no corrections.

FOLEY: Thank you, sir. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR296. Senator Clements would like us to recognize some special guests who are with us today up in the north balcony. We have with us from the American Legion Commander Dan Benes of Valparaiso; Senior Vice Commander Dan-- excuse me, Don Suchy of Valparaiso; Assistant Adjutant Brent Hagel-Pitt from Eagle; and National Executive Committeeperson Fred Craigie from Lincoln, all of the American Legion. Those guests are with us under the north balcony. If they could please rise, we'd like to welcome you to the Nebraska Legislature. Senator Clements, you're recognized for an announcement.

CLEMENTS: Thank you, Mr. President. If the Legion members would please remain standing, I'd like to make a few comments about the American Legion. The American Legion is a military veterans organization. It was started in 1919, after World War I, as a way for veterans to join together, and they do many good things for people. I'd like to describe a few. The Legion brought the GI Bill to Congress in 1944 to help veterans go to college. My father was in college at that time. They work to help veterans receive other benefits. They assist VA hospitals and clinics, do a lot of volunteering at the VA. The Legion provides honor guards for military funerals. My father was a 76-year

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member of the American Legion in Elmwood, joining when he was honorably-- honorably discharged in 1946. The Elmwood Legion Post provided an honor guard at his service this month and presented a flag in his honor. I wanted to recognize them because freedom is not free, and we have military deployed around the world now, and I just wanted to say a thank-you for those veterans. Thank you, American Legion, for your service. I'd like to thank them once more.

FOLEY: Thank you, Senator Clements. Senator Hughes, you're recognized.

HUGHES: Thank you, Mr. President. Good morning, colleagues. I want to speak this morning to provide some factual information on the workplace harassment complaint against former Senator Groene. This is still an ongoing investigation, but given that the complainant has made her name public and agreed to a formal investigation under our policy, it is appropriate to share additional details. In addition, there have been-- there has been much speculation over the last few days, portions of which are inaccurate. I feel it is important to provide you with as much of an update as I can at this time. First, the Legislature has a written workplace harassment policy that dictates the process that I must follow, and that process has been followed. The policy provides two avenues for the Chair of the Exec Board to follow when a workplace harassment complaint is received from an employee. The first option is that the Chairman can contact both the complainant and the accused party to seek an informal resolution of the complaint by bringing the offensive behavior to the attention of the accused party and by securing an agreement acceptable to the complainant. Confidentiality is a major part of an informal agreement in order to protect the complainant. If efforts at an informal resolution are not successful, the Chairperson is required to immediately ensure that the allegations are promptly and thoroughly investigated in a process also set out in our policy. With the complainant-- complaint against former Senator Groene, the policy required prompt action and the opportunity for an informal resolution. That is the process that I followed. I met with the complainant and the legal counsel of the Executive Board to see if an informal resolution was possible. During that process, the policy requires that I keep the complainant confidential. This requirement is to protect the complainant from retaliation, additional workplace harassment, and to respect his or her privacy. I had many senators ask me about rumors and other things that may have-- they may have heard regarding a potential complaint about Senator Groene. The policy does not give me the option of unilaterally releasing the information about the complainant during an informal investigation. After my meeting with the complainant, Senator Groene was asked to take several actions,

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including legislative IT to search his laptop to determine whether any copies of pictures were shared. IT staff then proceeded to search his laptop, including his emails and hard drive and his cell phone. Last Friday afternoon, the complainant advised me that the informal resolution was not agreeable and to proceed with a formal investigation. That is her choice and her right under our policy. Accordingly, and as required by the policy, I immediately contacted three members of the six-member special personnel policy, which I had named at the beginning of last year. These three members are Senator Wishart, Senator Arch, and Senator Briese. They met this morning to begin a formal investigation, and they will hire an outside investigator as authorized by our policy. This formal investigation will be thorough, prompt, will continue to protect the complainant's rights while also ensuring the Legislature and the public has confidence in our process. It is important for their work to be transparent, and I have asked the panel to prepare a report that can be shared with the public and the body. I want to stress that if the panel uncovers any evidence of any potential criminal activity, that information will be referred to the Attorney General's Office for appropriate action. Further, while the information to date has shown that Senator Groene acted alone and that no other senators or staff were aware of his actions, if the formal investigation uncovers that more individuals were involved or were aware and did nothing, appropriate action will be taken. The initial focus of the panel needs to be on the investigation itself. If appropriate, the panel will also identify recommendations to improve our policy for the Executive Board to consider. There has been discussion about whether the process should be updated or revised. While it has been my obligation to follow the process laid out by the Legislature, I believe that the panel will provide an important service by making recommendations, if any, on how to prove-- to improve the Legislature's process for these kind of complaints. While we all hope nothing like this happens again, it is our responsibility to find ways to improve our policies. I want to be very clear that the Executive Board will provide the panel with whatever resources they need to complete their work. Finally, I want to address some of the speculation over the last several days. Specifically, there has been some speculation that certain senators may have discouraged the complainant in some way. Others have speculated that there was evidence that pictures were forwarded to other senators or staff. While this investigation is ongoing, I believe it is important information that these two points as the allegations are very serious. First, I am aware of no evidence that any senator, whether on the Executive Board or otherwise, or any staff, discouraged the complainant from exercising her rights under

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the policy. In fact, the policy dictates that a complaint was handled by me as Chair of the Executive Board. All of my communications with the complainant were with legal counsel of the Executive Board present. Her rights under the policy were explained and respected. Second, I'm aware of no evidence that any senator or staff were involved in, shared, or received pictures from Senator Groene. As I mentioned, legislative IT staff searched Senator Groene's laptop and his personal cell phone, including his emails and hard drives. They discovered no evidence that Senator Groene sent pictures to any third party and not to any senator or staff. If the special panel or the-- the outside investigator find any evidence suggesting that pictures were shared and that anyone attempted to discourage the complainant, then we will take appropriate additional action. There is no place in any workplace, let alone the Nebraska Legislature. The legislation will provide the final-- the investigation will provide the final details that can be shared with the public, and I have asked the panel to act comprehensively and swiftly. Given some of the incorrect facts and erroneous speculation over the previous few days, I would ask the body to allow the panel to do its work and judge the facts when their work is done and the report is complete. A copy of my remarks will be handed out to you shortly. Thank you, Mr. President.

FOLEY: Thank you, Senator Hughes. Speaker Hilgers, you're recognized.

HILGERS: Thank you, Mr. President. Good morning, colleagues. With the resignation of Senator Groene, I have had a number of individuals ask me what happens to his bills, and I want to provide a brief update on that. When a senator resigns, the bill-- any bill that that senator introduced loses its principal-- principal introducer. Any member of this body has the option of requesting the ability to be the new introducer and sponsor for that particular bill. I have asked members to provide me, no later than adjournment this morning, given where we are on the schedule and with committee hearings coming around the corner on some of these bills, no later than this morning at adjournment, to notify me and my staff if you have an interest in sponsoring or becoming the principal introducer on one of Senator Groene's bills. You do not need to have that read across the Journal, but you-- please email me and Laurie in my office to make sure that your request is submitted. There is one bill on the agenda that is currently Senator Groene's. I have had at least one senator ask to carry that bill. However, because of some of the paperwork and other issues, we are going to pull LB786 off of today's agenda. LB786 will be pulled back for now. Last, unrelated to that issue, we have our Speaker-- I'm sorry, senator and committee priority deadline today at adjournment, which is just over an hour and a half away. We have a

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number of senators and committees that still have priority bills that have not been designated. You have about an hour and a half to both get that to my office and have your request or your designation read across for the Journal. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Senator Albrecht would like to recognize Dr. David Hoelting of Pender, Nebraska, who is serving as today's family physician of the day. Dr. Hoelting is with us under the north balcony. Doctor, if you could please rise, we'd like to welcome you to the Nebraska Legislature. And Senator Machala Cavanaugh would like us to recognize a large delegation from the Nebraska chapter of American Physical Therapy Association. We have 120 students and practitioners from Creighton University, Southeast Community College, Northeast Community College, College of St. Mary and Clarkson. All those guests are with us in the south balcony. Could you please rise so we can welcome you to the Nebraska Legislature? Moving to the agenda, legislative confirmation reports, Mr. Clerk.

CLERK: Mr. President, the Education Committee, chaired by Senator Walz, reports on the appointment of Dennis Headrick to the Coordinating Commission for Postsecondary Education.

FOLEY: Senator Walz, you're recognized to open on your confirmation report.

WALZ: Thank you, Mr. President. Dr. Dennis Headrick of Lincoln retired from Southeast Community College in 2020 after a career that included 25 years as area vice president for instructional services and 17 years as campus president of SCC-Beatrice campus. As area vice president, Dr. Headrick was responsible for overall leadership, management, coordination of all credit and noncredit academic programs, including budgeting, staffing and scheduling, development of new programs, and evaluation assessment of all existing programs. Prior to his tenure at SCC, Dr. Headrick spent a decade as business manager of the Beatrice State Developmental Center and four years as a business instructor at coach-- and coach at Wolbach and Palmer Public Schools. Dr. Headrick received his associate's degree from SCC and bachelor's degree in business education from the University of Nebraska in Kearney; his master's in public administration from the University of Nebraska at Omaha; and his Ph.D. in education administration from the University of Nebraska at Lincoln. This is Dr. Headrick's first appointment to the commission. And with that, I would ask a green vote for the confirmation of Dr. Dennis Headrick.

FOLEY: Thank you, Senator Walz. Mr. Clerk.

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CLERK: Mr. President, Senator Machaela Cavanaugh would move to recommit the Education confirmation report back to committee.

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

M. CAVANAUGH: I would like to start with a call of the house.

FOLEY: There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay.

M. CAVANAUGH: And I have ten minutes for my opening?

FOLEY: Record, please.

CLERK: 14 ayes, 6 nays to place the house under call.

FOLEY: The house is under call. All members, please return to the Chamber and check in. The house is under call. All members, please return and check in. Senator Morfeld, please return and check in. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Mr. Lieutenant Governor. Good morning, colleagues. Good morning, Nebraska. We've heard a lot over the weekend about things that happened in this body, and I did a call of the house to say to the men in this body, you need to listen. From now until noon, you need to listen to your colleagues, you need to listen to us. So I'm sure the call will be lifted at some point. The Lieutenant Governor can do it at his discretion. But I sure hope that not a single one of you gets up because you need to listen to us. I rise today to address the systemic problem in the Legislature. Since my orientation, I have seen repeatedly how poorly staff is regarded in this body, starting with the discovery of an empty bathroom stall chosen as the mother's room to learning that staff working for individual senators have no human resources department to oversee work-related questions and concerns. Never has that lack of HR been more significant than the past several weeks. I've struggled where to start with my remarks today. Over the long weekend, so much was unearthed in the public light about this institution. The historical sexual harassment in any government entity has often been met with attempts to cover up the transgression because someone has decided that the work is too important, it would be inconvenient, or we don't want to ruin somebody's life. What we as a society do not do is prioritize victims of harassment. On Friday, Kristina Konecko turned the tables on the power dynamic of this institution. She did something

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that leadership in this body should have done on her behalf. She created actual consequences for Mike Groene. And please stop calling him "Senator" because he isn't a senator anymore. By using her voice to advocate for herself and sharing her story with Nebraska, the courage of one woman to go to the press is the only reason I believe Mike Groene faced consequences at all. It makes it harder on her and actually harder on Mike Groene, though I don't care, that the-- without consequences, the only recourse someone has is to go to the press, and that not only is it awful for the person involved, but it's also bad for the institution. When the Legislature won't hold one of its own men accountable for this abuse of power against a subordinate woman, how are we as women ever supposed to believe that the body has our best-- best interests in mind when they're discussing legislation that affects us, such as we will have this week? There are so many questions demanding answering. I will only start with a few, and these need to be answered in the public, not behind closed doors. How many times have staff made reports about abusive behavior by Mike Groene? Not this year. He has served for eight years. If it's been more than once, why was never anything officially done? Who knew about these reports? Will these reports be shared with the Legislature? Are there any other reports of sexual harassment that have been handled in this matter? Why haven't you consulted with the Attorney General's Office the moment you were shown those photos? Your hands were not tied by the handbook. Why is there a secret committee? Who gives-- who gives the Executive Board Chair the authority to appoint the committee? What are the qualifications and qualities required to serve on the committee? And why are we working under a policy that we as a Legislature have not adopted? Senator Hughes, your hands are not tied. This is just a document. There's no binding to doing this document, but you are required to seek an Opinion about the legality of what happened, as is Speaker Hilgers. You two men, men in this body, the leadership of this body, have failed, and if I could impeach the two of you, I would. I will yield the remainder of my time to Senator Hunt if she would like it.

FOLEY: Senator Hunt, you're recognized for 5:30.

HUNT: Thank you, Mr. Lieutenant Governor. Thank you, Senator Cavanaugh. I wasn't expecting to get this time, but I'm happy to speak on this issue. At best, members, this incident is another routine, typical, and all-too-common situation of a young woman experiencing boorish, inappropriate, unwanted behavior from a male superior in power. Tale as old as time, right? At worst, it's possible that-- that a criminal act occurred. I would understand if some people were thinking, oh, Senator Groene has resigned, let's move about our

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business, let's move on. But I think that we need to have some closure in this body. Nebraskans are looking for some closure, and they're looking for some leadership from the people here in the Legislature, not just to acknowledge and address what happened, but to make sure that there is accountability for those actions, not necessarily for-- for Senator Groene or for anybody in the Executive Board or anything like that, but accountability institutionally to ourselves. One thing I firmly believe is that the status quo works and systems work because they're working for somebody. And when the culture puts people down and it doesn't work for everybody, it's not because there's a problem with the system, because the system is working perfectly well for somebody. And all of us in here, with the power and privilege that we have, the system is working for most of us, for more than 50 percent of us, for sure. But we have to have the strength and the self-possession to turn and look at the system instead of just being swept away in it and allowing it to carry us away into the status quo, which is how things like this happen. Colleagues, can we have the strength to turn and look at the system and the institution and what has happened here to create, you know, a-- a-- a fertile ground for problems like this to occur? The institution is this way because people make choices for it to be this way. And it would be just as possible, not as easy, just as possible for us to be a little bit more self-critical, to listen to the people who do not feel included and do not feel recognized by the system and say, what can we do to bring those people in? And that's what I think the people of Nebraska today would like to see from us, and that's what in the future they would like to see as a resolution from this issue, is that we have taken a look at the institution, acknowledged the faults that we have perpetuated within it, and made a commitment to improve it. I don't know if there has been any acknowledgment from Senator Groene that he did something wrong. In his own comments to the media, he engaged in classic victim blaming. To the Omaha World-Herald he said, I'm just sad that she didn't tell me about it first. So somehow it's her fault. So it's her fault that she didn't want to go to her boss and confront him about something very embarrassing that she wasn't trying to find on his laptop. It's her fault that that happened, he says. To the Nebraska Examiner, Senator Groene said, well, she's kind of a straitlaced person. So, again, it's her fault because she's uptight and she can't take a joke. And I know--

FOLEY: One minute.

HUNT: --thank you, Mr. President-- I know every woman, and maybe most people in this room, knows how it feels to be blamed for something that someone else did to you. And what we need to do as an institution

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is take measures to make sure that the blame is never put on the people who come forward, on the people who report. The shame belongs on the people who put these people down, who oppress, who harass, who abuse. The shame never belongs on the person who comes forward to report it. My concern is that Senator Groene has run away from this. I don't think he needed to resign. I think that he is missing an opportunity to make amends, to self-reflect, and to play a leadership role in improving the institution. Thank you, Mr. President.

FOLEY: Thank you, Senator Hunt. Senator Pansing Brooks.

PANSING BROOKS: Thank you, Mr. Lieutenant Governor. I thought I would-- I was getting a lot of calls this weekend as the female-- one of the female members of the Executive Committee, wanting me to speak directly to all of this, and I decided I did not want to ask-- answer every specific question regarding the former senator and regarding the issue at hand. Part of the reason was because I did not have direct knowledge about all of this as a member of the Executive Committee. So I'm going to read to you what I sent to the press, just so you all know, and then make a couple comments. I wrote: I feel it is my responsibility as the senior woman in the Legislature-- and I-- I am the only woman in the senior class, so I am the senior woman in the Legislature-- and as a member of the Executive Board, share my concerns about the effectiveness of the process in place regarding workplace harassment in the Legislature. The Legislature needs to look at next steps, which at a minimum should come from-- include an outside formal investigation and an interim study to examine human resources using an outside consultant. I find it disturbing that, as a member of the Executive Board, I found out about this situation first through hearsay and rumor. When I approached our legislative leaders, I was told workplace harassment claims cannot be discussed. Two days later, there were media reports. I understand the necessity for privacy during an investigation like this. That privacy was violated by others through disclosure to the press. How did the press get this? Somehow, it came out of the leadership, went through the entire rumor mill, because it was going on all last week, and then the press got it. So I wasn't directly told as a member of Exec Board. And that's fine. There's some special committee that's been created with three men [SIC] and a woman. Again, I am concerned about this. Our staff, if they have a claim, are to go to-- to Senator Hughes and possibly Senator Hilgers, both fine, upstanding people. But I, as a woman, would not feel comfortable, especially a woman in a position, a staffing position, I would not feel comfortable going to these men to explain what was happening to me in the workplace. So now we've created a new committee of three men [SIC] and a woman, and I'm sure

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they'll be very-- they'll listen very hard. But three of those people have never experienced workplace or sexual harassment, three of them, but they're going to come forward and tell us how we should feel about what happens to us when people touch us, when people make jokes about us. And now people are going to say, oh, this is terrible, because now-- now we're-- you know, we can't take a joke. That's not it. This is more than a joke. This is beyond a joke. I'm going to continue with what I wrote to the press. I understand the necessity for privacy during an investigation like this. That privacy was violated by others through disclosure to the media. Clearly, we need to ensure that privacy doesn't mean that serious issues get swept under the rug and aren't properly and seriously and forcefully addressed until leaked to the media. It is concerning that the timing of this resignation only came due to the media reports, despite the fact that some members of the Legislature apparently knew about this earlier, beyond the Chair of the Exec Board. Workplace harassment--

FOLEY: One minute.

PANSING BROOKS: --is too serious and prevalent to allow it to be governed by politics. And so again, in 2017, we had many of these same discussions, we had many of these same issues, and Senator John Kuehn talked about creating an ethics committee, talked about getting an independent group in to be able to be an entity where staffers who are concerned can go. That didn't happen. We went on. We all know that the workplace harassment program is considered a joke, that people say, oh, we have to go to that again, oh, this is because women always want us to know what's going on. And some of you aren't like that. I understand that some of you aren't. But I am telling you we need to do something. We've-- we've had two wake-up calls, and this is our second in four years. I expect the Legislature, I expect the citizens of the Legi-- of Nebraska--

FOLEY: That's time, Senator.

PANSING BROOKS: --expect us to do better. Thank you, Mr. Lieutenant Governor.

FOLEY: Thank you, Senator Pansing Brooks. Senator Blood.

BLOOD: Thank you, Mr. President. I want to thank my peers for their eloquent words. I'm going to take it in a different direction. When I came to the Legislature, the thing that was made clearly to me is that the Legislature and how it runs its HR policy when it comes to senators and their staff is really a lot of what I experienced in the

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workforce in the 1970s. We've never really caught up to this decade. And because we do have term limits now, you have this rotating door of people who don't know the policies and don't understand the history of respect that we're to give each other and how we're supposed to treat each other, especially, by the way, pertaining to social media. Many of us know, that have gone to those in power, that when we have concerns and sometimes complaints, that the response is usually, well, that's just how that person is, that's just how that person is. So if that person was abusive to you, if that person was continually unnecessarily kind because at some time perhaps you perturbed them and they want to make your life hard, if that person thinks it's funny to body shame you, if that person thinks it's funny to-- to do innuendos that are sexual, that's just how that person is and, well, you know, boys will be boys. And then I revert back to the 1970s, where bosses were allowed to make unnecessary and unwanted comments about your body, about your appearance, about what they did the night before and who they did it with. And I really thought at age 60, I truly thought at age 60, after decades of fighting for women in the workplace and fighting for minorities in the workplace and fighting for our fellow men in the workplace, that it had gotten better, and it has in the corporate world in many cases, and it took litigation and it took a lot of lawyers and it took a lot of rallies and protests. So here we are, leaders in the state of Nebraska. We are leaders in our communities. We are leaders among certain minority groups. So how are we going to lead now? Are we going to lead to make a better Legislature for everybody, not for one person, not for somebody who's a favorite of the Governor, not for somebody who never causes trouble? Are we going to do better, and is doing better just having a small group? Because we've seen that happen before, right? Handpicked people put something together; here's the new policy. Or are we going to work together as a body, bring this back up to 2021, and start acting like people expect us to act? Senator Groene is just a mirror of what's been systemic. We know this stuff's been going for a long time. I've heard a lot of people in this body, whether you admit it or not today, be you not just women but also men, that you feel your voices aren't heard when you have a complaint, and then the people who are causing those complaints continue to have the bad behavior. But, hey, get over it, toughen up, that's just how it is. Frankly, friends, I think we can do better. I'm not going to sit here and pontificate about Senator Groene. Senator Groene told me I was disgusting.

FOLEY: One minute.

BLOOD: He told me I was a fool and he never wanted to talk to me again, until he needed me to help him with one of his bills, so I

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don't have a lot of respect for the guy, but I do have respect for this body and I'm looking at all of you. We can do better for everybody in the body, not just the women, not just our staff, not just minorities, but we deserve to do better and Nebraskans deserve better. Thank you, Mr. President.

FOLEY: Thank you, Senator Blood. Senator Hunt.

HUNT: Thank you, Mr. Lieutenant Governor. And, colleagues, thank you for being here. Thank you for listening. I think that a lot of experiences that some of us have had in the Legislature, me included, has eroded the trust that we have in each other. My trust has certainly been eroded in many of you, and that makes it hard to work together. But the fact that you're here listening, I know we're under call, but even though, you know, you could be working on other things, you could be ignoring the conversation, I appreciate that most of you are not. One thing I want to, you know, be careful that we don't say is that there aren't men who have experienced harassment and assault. Of course there are, and of course there are all kinds of indignities and abuses that-- that men go through. And I think a lot of that is borne of the system that values that tough masculinity above everything. And so whether you're a man or a woman, you know, as a-- as a woman in that system, you learn that that's where your place is. As a man in the system, if you ever rebel against that kind of expectation, you get put back in your place, too, especially people of an older generation. And so I-- I think that the problem that we have, of a culture that leads to this kind of harassment, is one that people have to make a choice to leave behind. And it's-- because it's not something they're-- they're taught to do. I don't think it's anything that most of us were brought up to reject. It's something that-- that raised us and-- and formed us as we were growing up, and so to make a choice to listen and a choice to reject that kind of expectation is really good. So when we talk about the special personnel committee and the makeup of that committee, how it's mostly men-- I think it has one woman maybe. I think it has one woman. I think it's just Senator Wishart. Yeah? People are nodding, yeah. Do I think that's great? No. Do I think it's possible that there are men on the committee who can be compassionate and understanding about experiences of sexual harassment? Yes, I think it's possible, but I think that this goes back to the problem of trust that we have that when you look visually at this committee, not knowing what-- what the experience is of the men on that committee, it doesn't look like a committee that-- that we can trust. It doesn't look like a committee that I would be comfortable going to if I had a problem. You know, when we look at our-- at our personnel policies about harassment, I would-- I would

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have to go to the Chair of the Executive Board, which is Senator Hughes. That's not something I frankly feel comfortable with. Or to go to the Speaker, Senator Hilgers, that's not something I feel comfortable with. So one thing I hope comes from this process is that we look at the procedures that we have in place and hopefully adapt them to the reality of the people who actually experience harassment and get real and say, OK, if somebody is hypothetically experiencing harassment, is this the chain of command and the process that they're going to want to go to to get justice for themselves and for the people who are perpetrating this? Probably not. So once again, this is the system working for people in power, and it is that way on purpose because it works for somebody. And I'm asking us to turn and look at the process skeptically and with an open mind and say, could we make this better, not could we make it easier for us, but can we make it better for the people it's supposed to serve? I also want to say that I have some doubts about the intentions of--

FOLEY: One minute.

HUNT: --thank you, Mr. Lieutenant Governor-- I have some doubts about the intentions of the people who have a heightened interest in this case. And I think that some people are more interested in Senator Groene's political demise than in transforming the systems that got us here and that continue to foster an environment where harassment is possible and where harassment is normalized. And so, you know, I want to tell Nebraskans that I'm looking at this soberly, I think that many of my colleagues are, too, and that I want to avoid turning this into, you know, some kind of trauma porn or, you know, taking advantage of the pain of the staffer and the pain of Senator Groene when really we can be taking this opportunity to reform and improve an institution that is still going to be a part of this after today. Thank you, Mr. Lieutenant Governor.

FOLEY: Thank you, Senator Hunt. Senator Machaela Cavanaugh.

M. CAVANAUGH: Thank you, Mr. Lieutenant Governor. So we have this policy and it's dated 2008-- '18, sorry, 2018. So I was sworn in in 2019 and I've been here for a full term now this year. So first of all, this hasn't been updated in the entire time that I've been here. Second of all, Senator Pansing Brooks, would you yield to a question?

FOLEY: Senator Pansing Brooks, would you yield, please?

PANSING BROOKS: Yes, thank you.

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M. CAVANAUGH: This year-- or last year, actually, at the start of session last year, did you as a member of the Exec Board vote to adopt this policy?

PANSING BROOKS: I don't remember doing that, but--

M. CAVANAUGH: OK, thank you. I've asked some others and I-- I-- maybe I-- I will certainly stand for correction. But if the Executive Board did vote to adopt this policy, it was not then, like this confirmation report, reported out to us to then also adopt. So this is a completely nonbinding report or policy. It is words on a page that somebody in 2018 put down. In this report or in this policy, one of the people you can report to is the affirmative action officer of the Nebraska Legislature. Does anyone know who that person is? No? I'm not seeing anybody shaking their head yes. So if you don't feel comfortable going to senators, you can go to this person that we won't tell you who they are. That is very logical. This policy is just the beginning of the problem. The fact that there is no way for us, as senators who don't agree with this policy, to do anything to change it besides legislate it, I guess. I guess I could write a policy into law. But this policy doesn't do anything. But for somebody who wants to be the Attorney General in this state to not address this egregious action by a sitting senator with swift authority, and to say that it's because of a nonbinding policy, is disgusting to me. Again, how can we, as women, expect you to have our backs if you don't use every tool in your toolbox to help us when we need it the most, when we are the most vulnerable, when a man in a position of power is taking advantage of us? I'm looking at all of these wonderful faces up front, and I always think how we're always on display. There is always somebody watching what we do in here, and these pages today are watching this moment and how are we going to rise to this moment, because they are the future. So many people who are in this body now even started out as a page. I've told stories before about workplace harassment. When I was 22 and working in Washington, D.C.--

FOLEY: One minute.

M. CAVANAUGH: --thank you-- I got onto an elevator, just elevator in the Hart Senate Building, with a senator, not my boss, and his staffer, and he groped me in front of his staffer. And when I talked to people about it, they said, oh, you don't get on an elevator with him. That was it, the beginning and the end of it. You don't get on an elevator with him. I hope that this body would be better than that. We aren't there yet. We need to rise to this occasion. We need to take

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seriously the need for an ethics board, and additional HR. I will yield the remainder of my time and get back in the queue.

FOLEY: Thank you, Senator Cavanaugh. Senator DeBoer, you're recognized.

DeBOER: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I do want to point out that I am pleased that on the special committee, there's a minority person on the special committee, because I think that that lends a perspective that we need to have on that special committee. So I want to say thank you for that, that they not only have Senator Wishart as a woman, but Senator Wayne on the committee as well. Oh, I thought he was on the committee. Anyway, this is-- this is not political. None of this this morning is political. And if it becomes political, it's gone wrong. Those making it political, stop. It's not political. It's not even totally gendered. As others have said this morning, it's not enough to say, was the protocol followed? I'm grateful that it was. We also have to ask whether the protocol is working, whether it's sufficient. I'm glad to hear that the committee will be asking that question. I want to talk about something slightly different this morning, colleagues. When something like this happens to you, if-- if you haven't had something like this happen to you, you may not understand the gravity of the situation; you may not understand why everyone's making a big fuss about this; it may seem like too much fuss being made. But when something like this happens to you-- it happened to me years ago, and what happens is that your basic trust level of the world is disrupted. Someone who you thought owed you at least a normal level of respect and trust, when suddenly they do something that is outside of that, it isn't just the event that happens. Then you start to go through in all your other interactions and you do risk assessments. Can I stand this way? Is it OK if I wear this color? And these are risk assessments that you do over and over again because something happened to you that violated your trust. And when-- when you're busy doing those risk assessments about every little thing, you're not doing the other things you could be doing with your life, forwarding your career, getting better at what you're doing. So there's an outsized effect when someone you trust breaks your trust, and especially when it's an egregious way, especially when you don't expect it, then suddenly you're going through the world and you're having to do the work, through no fault of your own, through nothing you did, of having to rebuild that trust that you can, in my case, take a cab again, that the next cab driver won't attack you or your next boss won't or your next colleague won't. When we had our harassment training, there were a lot of people who made jokes to me about it afterwards, a lot of

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good people who said things like, oh, ha-ha, if I say you have a good color on today, is that harassment? And I understand--

FOLEY: One minute.

DeBOER: --where that comes from. That's part of that-- just a tiny shadow of that risk assessment that you're doing when you say, I don't want to do something improper. We've all done mistakenly something improper. I get the anxiety from that. One time I poked someone in the side. They turned around. It was a stranger, not who I thought it was. We've made mistakes. I get the-- I get the anxiety, but imagine doing that about every interaction. I should have said more on this floor when someone said something about a sitting senator, made implications they shouldn't have. I said something. I didn't say enough. That's another example of when trust was broken. This keeps happening here. It keeps happening and we need to do better. Thank you, Mr. President.

FOLEY: Thank you, Senator DeBoer. Senator Hunt.

HUNT: Thanks, Mr. Lieutenant Governor. Senator DeBoer, thank you for-- for sharing that. I know that you thought about what to say. And we've talked about this privately a bit, and I think that was very well said and kind of touched on an aspect that I don't even always think of. But you're totally right, you know, that you're always asking yourself, if something happens to you, is that going to be your fault? Is someone going to say it's your fault? Are they going to go in the newspaper and say, well, she's really strait-laced, or, I wish she would have just come to me when I was harassing her? Like, please, get real. As I was saying before my-- I stopped talking my last time on the mike, I want to be clear about the intentions of me. And I reject the intentions of people who have an interest in this case because they want to see the political demise of somebody or they take pleasure and entertainment in hearing other people talk about their traumatic experiences. The goal here is to transform the system that got us here and transform the system that continues to foster an environment where harassment is normal, where it's ignored. And in a just world, we wouldn't have resignations. We would have a transformative approach to dealing with claims of sexual harassment and violence where a survivor's story is given fair consideration and a survival is-- is made whole by a process that supports both accountability and healing. And this is extra important when the outsized dynamics of power are involved, when we're talking about a boss and an employee, you know, when there's any kind of subordination happening in the power dynamic. But that process is not what we have right now. What we have right now is a zero-sum game where absolutely

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no one wins, in part because most people weighing in on the issue don't actually care about transforming a culture of sexual violence. Many people are only interested in this story because they're interested in the trauma of others or because it has the potential to be politically expedient or useful with no real regard to the survivor or the problems within the system that got us here. What is the system that got us here? Well, this is a system where we have people introducing bills to ban things like sex education, things like teaching consent, teaching healthy relationships, teaching how to have maturity in your relationships as you get older. This is the body that says we shouldn't even be doing that in public schools and then, oh, my God, shock and surprise when something like this happens in the adult world. Where do you think those seeds are planted, people? This is the body that takes every opportunity to take away the medical decisions of a woman, whether she wants contraceptives, whether she wants to have a tubal ligation and not become pregnant anymore, or whether she is pregnant and doesn't want to be pregnant. We think it's the place of government to get in those decisions. And at the back end of every single one of these things that create culture, it's about controlling other people. And I'm aware that I live in a system of control and that if I don't allow myself to be controlled--

FOLEY: One minute.

HUNT: --then that's a subversive behavior. Thank you, Mr. Lieutenant Governor. The conversation about harm shouldn't be about whether or not someone is a good guy, he didn't know better, he made a mistake. And in this case, Senator Groene didn't have to resign. Instead, he could demonstrate what it looks like to be both accountable and what it looks like to evolve past the place where he committed these mistakes, these actions. At a minimum, someone accused of harassment needs to acknowledge their demonstrated learning curve around boundaries with women, which have been well-established with this person, and they need to acknowledge that these claims are plausible, that it really happened. No matter what you believe, all of us have the right to expect more of this institution. Thank you, Mr. Lieutenant Governor.

FOLEY: Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized for your third opportunity.

M. CAVANAUGH: Thank you. Do I have a close or is this it?

FOLEY: No, you also have a close later.

M. CAVANAUGH: OK, thank you.

FOLEY: There's others in the queue.

M. CAVANAUGH: Thank you. Thank you, Senator DeBoer, for your comments. I hold you in my heart and I love you and you are an amazingly strong person. I want to take this opportunity to tell the men in the Legislature, any time you are interacting with a woman, any woman, just assume she's been assaulted. Approach the conversation as though you know for a fact that she has been assaulted and move forward from there, because the chances are very good that she has been. I don't think I have the strength that Senator DeBoer has to share my story today, but maybe I will get there, because it's not just being groped on an elevator. This body, this leadership has failed me so many times. So many times this body has told me that I am not good enough for the rest of you because I care too much, I fight too hard, and I'm a woman. I literally explained something to senators last week that they wouldn't believe me until they verified it with a male senator, said that to my face. And guess what? I had explained it correctly. I just didn't have a penis. The leadership in this body does not stand up for women. The leadership in this body perpetuates the problem. I think it just points to the fact that we need to discover what is the route for impeachment of senators, because people kept asking me, well, what's going to happen to him, what's going to happen to him? I'm like, nothing. They're not-- I mean, he chose to resign. We can't make him resign. We can't make him do anything. Why do we not have the authority to make somebody resign when they commit a crime, a sexual crime? If a male senator took pictures of another male senator or a male staffer, it would explode. There's no way anyone would think that a dozen or more photos of another man on a man's phone or computer were anything other than sexual. It would be considered sexual from the start because you would see it as subversive and indecent. But when it's a woman, it takes weeks and her going to the press--

FOLEY: One minute.

M. CAVANAUGH: --for you to see it as inappropriate. We need to be better than this. I am always working on myself, trying to be a better person, trying to be more calm, try to listen more. But I don't see a lot of the men in this body making an effort. I don't see men in this body taking me as I am. I take so many people-- actually, I take everyone as you are. You come to me as you are. I'm not going to try and change you, but I have to change for you. I have to dress a certain way, I have to talk a certain way, I have to act a certain way for you to--

FOLEY: That's--

M. CAVANAUGH: Thank you.

FOLEY: That's time. Thank you, Senator Cavanaugh. Senator Slama.

SLAMA: Thank you, Mr. President. Good morning, colleagues. I-- I didn't plan to speak at all today, but I do feel it's my duty as the youngest woman in this body to stand up today and join this discussion. I am grateful that we're having this debate and have relatively steered clear of the political side because I do think we need an apolitical discussion on our current procedures in the body. And I'd just like to provide some thoughts on the context of the process we're working through. Senator Pansing Brooks raised Senator Kuehn's efforts with LB1099 in 2018 to create an independent ethics committee, which would have saved us from the convoluted process we currently have. LB1099 was brought before the Executive Board for consideration, where opposition to it was led by former Senator Bolz, who edited the current standing policy during that interim, which I-- I clearly believe did not serve anyone well, especially staff. You can-- if you don't want to take my word for it, just go through and look at the committee transcript. You can see the debate word for word. I rise today and I-- I really do think it's rich that some of this debate on the treatment of staff is being led by Senator Machaela Cavanaugh, who in 2020 threw a stack of papers and swore at a member of my staff on the floor. She was there to assist me with the bill under consideration. So when we're looking at misconduct within this body, we all need to take a long look in the mirror at our own actions before we take the moral high ground and pretend that we're holier than thou. That process was handled according to a policy set forward by the Executive Board. I'm grateful for the leadership of Senator Hughes in following the policy as written, but it's clear the policy needs to be overhauled. I'm willing to help with that overhaul using Senator Kuehn's ethics committee framework to better protect our staff. Early on, when I got into politics at age 22 in Nebraska, I was groped at a political event by someone who is not a member of this body and not a current or former officeholder. I buried it because I'd gone through a worse trauma in college and tried to minimize it, just as I tried to minimize it when I've been touched inappropriately on this floor and in committee by members of this body. And most of you were on the floor when a member who on the mike talked about raping me on the floor of the Legislature. That doesn't even get to the rape threats, the death threats, and sexual comments directed towards me on social media. Our policies definitely don't protect staff, and they definitely don't protect female senators. There is a process to

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censure and expel members of this body for misconduct, but according to the written policy, that is the only recourse that female senators have if they ever do go through something, either on the floor or in committee. You know why I don't talk about it that often and at most times I really don't come forward when it happens? Senator DeBoer got to this point pretty well. It's because as a young female, you worry that it's going to be the thing that defines you. Journalists reach out and push stories wanting to know details on things that you're coping with and getting the most hits and clicks on a story that have nothing to do with how I'm doing my job, the bills I'm supportive-- supporting, the ways I'm serving my district. Nope, just about whatever way someone has tried to paint me as a victim this session. To any female working in this building, just know I stand with you as an ally in the fight against sexual harassment. I'm all in. Let's fix this policy with the framework proposed by Senator Kuehn with an ethics committee. I think our leadership is doing--

FOLEY: One minute.

SLAMA: --thank you, Mr. President-- I think our leadership is doing a good job of following the policy as written, but it's clear that these policies need to change and they needed to change years ago. Thank you, Mr. President.

FOLEY: Senator Vargas.

VARGAS: Thank you very much. I will keep this brief, largely because-- well, quite honestly, I've been listening, and I think we've all been listening, and I think it's a more important time for our female colleagues to express everything that needs to be said and also that we need to hear. Honestly, the only reason I'm rising is because I serve as a member of the Executive Board and I serve as the Vice Chair, and I wanted to make sure that people heard from me as one individual person, not placing blame on anybody or any institution or entity, that I am committed to working through our existing internal policies and procedures to address this and actually not just Senator Groene's actions. As Senator Hunt said, it's not just Senator Groene's actions, it's the culture. I'm honestly listening to people-- and I-- you know, we had that sexual harassment training and I heard people joke about it. I-- I know we can do better. Honestly, I wanted people to know that. I know I'm speaking as a male member of this body and do not want to insert myself in this conversation just to, but I also didn't want people to think that individuals like myself are not listening or don't care or also don't want to make sure that this workplace is safer. Doesn't matter what the circumstances are, I care

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very deeply about whether or not people feel safe in the workplace, safe-- feel safe to share that, not just with Senator Hughes or myself. The fact that this is-- conversation is happening is evidence enough that people don't feel safe enough to have that conversation. And if any of you were thinking that that is-- it's OK, it's clearly not. Policies and procedures will be very, very helpful, don't get me wrong. We need to revamp them so that people can always go and talk to somebody that they feel safe inherently to talk with and share that, that it's going to go through that process. I just wanted to make sure people heard that from me. Our Executive Board isn't always perfect in what we do, and in this instance, we have a procedure and a process and the accountability does fall on whether or not that process works from right now. I will tell you, if it doesn't work, we're going to have to do something about it. And I know that others in this body will hold our Executive Board accountable to making sure that it gets better. But I just wanted to stand up to make sure that the colleagues, pages, and staff know that-- and I have said this in the past with other instances that have come up. I've-- I've heard stories from individuals. It's why we've worked through different subcommittee structures within the Executive Board, and we clearly have more work to do and I'm committed to then being part of that solution. But in the end, I hope people were listening to these conversations because, I will tell you-- and again, the most salient one is that we just had the workplace harassment training, and I know we can do better even from that training that we had and how seriously we took it, all of us, myself and all of us. And I just wanted people to hear that from a different member, from a different identity. Thank you.

FOLEY: Thank you, Senator Vargas. Senator Pansing Brooks.

PANSING BROOKS: Thank you, Mr. Lieutenant Governor. I-- I'm proud of the people who are speaking here today. I hope that you can hear the pain in many of the voices who've spoken so far. I also know there are some women in this body that haven't spoken because they cannot talk about it. They do not feel strong enough to talk about it because of their own experiences. So just think about that, and then think about-- I-- I understand the process and that-- that-- that the Chair of Exec followed the process that he has. Clearly, the process is not sufficient, clearly. And clearly, people don't trust it because people think people are being political. People think that if a staffer comes and complains about a senator who's on the same side as-- as-- as Senator-- as the Chair of Exec, then people don't trust that they're going to get a full, fair deal. I'm not saying that that's true. It's just the reality. It's the reality of what we have in here. And another reality that's now coming to fruition is that three men [SIC]

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and one woman are going to review the entire situation. Have we not heard from the women about the pain, about the problems that are going on, about the difficulty even communicating about sexual harassment in our past? So why-- does anyone here think that three men [SIC] and one woman is a good representation? I feel like asking Senator Arch and Senator Briese and Senator Hughes if-- if you three feel that you can clearly walk in our shoes and can clearly understand what we've gone through and what our needs are in the-- in regard to this issue? I'm not going to call you on the mike to do that, but I feel, in your hearts, I feel I know what your answer is. You cannot walk in another's shoes, at least in this instance, unless you, too, have been harassed, sexually harassed. The other thing I want to talk about is definitions. I kept being-- the-- the rumor kept coming and I kept hearing it's workplace harassment, but then it's pictures of very suggestive areas of a staffer. People are minimizing it by saying, oh, it's just workplace harassment. It's sexual harassment. When you're taking pictures of a body, that is sexual harassment. Let's be clear. And I don't understand why people were minimizing it in the entire rumor mill that I was hearing last week as a member of Exec, hearing from non-Exec members and, actually, spouses at different events about this before I was allowed to know about it by the Executive Committee. Remember, I was elected to the Executive Committee. I'm the senior woman on the Executive Committee. But I wasn't trusted with this information and somehow it got out. And-- and I have talked to somebody who said, well, that the-- that the victim started talking about it. That victim did not start talking about it early-- early last week. It was coming out from other places. And that's just to be-- that's normal. I am not surprised--

FOLEY: One minute.

PANSING BROOKS: --that it came out from people in this body. But that's the-- that just shows why we need an independent review. We need somebody else to be able to have the-- the victim go to that person and say, here's what's happened. The other-- my other question is, once that victim came and showed people the pictures, was that computer confiscated at that point or was it allowed to go back to the office in order to allow that senator to have it and delete the pictures? Just another question I would like the committee of three men [SIC] and one woman to answer. Thank you, Mr. Lieutenant Governor.

FOLEY: Thank you, Senator Pansing Brooks. Senator Hunt, you're recognized for your third opportunity.

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HUNT: Thank you, Mr. Lieutenant Governor. This morning has actually flown by, and I wanted to get to read into the record this request for an investigation that I sent to the Attorney General and to State Capitol Security, and I'll read that. If I run out of time, I would take some more time, but before the-- the day is over, I wanted to get this into the record. This was dated February 19, 2022, and it was addressed to Attorney General Doug Peterson, Colonel John Bolduc and Captain Lance Rogers with the State Troopers here. Gentlemen, like many in state government, you learned that State Senator Mike Groene announced on February 18, 2022, that he would be resigning his legislative seat after it was discovered that he had taken and shared nonconsensual photographs of a member of his legislative staff. According to news reports, which I have included for your reference, Senator Groene apparently took several photographs without the knowledge or consent of his female staffer. He then apparently shared some of these photos with others and purportedly shared these images with accompanying sexualized or crude commentary. I'll pause here and add that since this letter was sent, the reporter, the-- the staffer said that she did not see evidence that those pictures were shared, but this is what, at the time of writing the letter, had been reported in the news. It is not clear from media reports, but it seems to be that these photographs were possibly taken or stored using a state-owned computer. It does seem that the photographs of the staff person were taken at the workplace on state property in Senator Groene's state office in the Capitol Building. It also seems that a number of other senators may have known of Senator Groene's actions prior to it becoming publicly known. Finally, senators in leadership positions may have communicated with the female staffer who was objectified by Senator Groene's actions and after she had lodged a formal complaint with the Legislature. The situation presents possible criminal wrongdoing. From my review of the attached news stories, there are several criminal laws that may be implicated. Depending on the type or nature of the photographs that Senator Groene took, they could be a violation of Section 28-311.08, unlawful intrusion, which makes it a felony for any person to photograph or record an image of an intimate area of another person without their knowledge or consent. This is a Class IV felony, and if a person is convicted, they have to register as a sex offender. Section 28-311.08 also provides that sharing or distributing nonconsensual images is a Class IIA felony and is also a registerable offense. If the pictures were taken with or saved and stored on a state-issued laptop computer or some other state computer, then this is probably official misconduct or misuse of state property in violation of Section 28-924. I have not read all of the rules and regulations relating to senators' use of computers, but I am

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sure that it is in no way permissible to take and/or store surreptitious pictures of young female staff with state computer equipment. If Senator Groene or any other state senator-- excuse me-- tried to dissuade or encourage the staff person to withhold any testimony, information, document or thing or not cooperate in an investigation relating to the complaint she made against Senator Groene, then this could be witness tampering in violation of Section 28-919. This is not an exhaustive list, as I have only done a cursory review of the statutes. I urge you to investigate this matter promptly and thoroughly. You represent the leadership of our state's law enforcement and staff security--

FOLEY: One minute.

HUNT: --in the Capitol Building. This issue deserves your attention in the highest priority. Respectfully, Megan Hunt. Colleagues, how can we be trusted by Nebraskans to pass a budget when we can't even be trusted with a state laptop computer? And this is not the first instance of that happening, you know. How can we administer ARPA money? Some of us can't even be trusted with a device that takes pictures. How can you expect to pass laws that limit what women can do with their own bodies when you cannot be trusted to be alone with women? The system is this way because it's working for the people at the top. I am asking us to choose to change that. Thank you, Mr. Lieutenant Governor.

FOLEY: Thank you, Senator Hunt. Senator DeBoer.

DeBOER: Thank you, Mr. President. I'm sorry, colleagues, I-- I wanted to say one more thing the last time on the microphone and-- and having a little trouble getting all my logic trains going today exactly right. I wanted to say I appreciate all of you who are listening today. The fact that our board is lit up green with everyone sitting here is-- is hopeful to me because it shows that we're taking this seriously and-- and I appreciate that very much. As you've heard, there are problems in our culture here. Too many of us have had things that have happened to them that shouldn't have happened to them. We're supposed to be leaders of our state, and when we get it wrong, well, it has an outsized effect. I appreciate Senator Slama and what she said about wanting to try and fix our system. I want to say right now, I will support you, Senator Slama, in your efforts to make this place safer and better for staff and for senators. Anyone else, I-- any-- everyone who's been speaking today, I'm sure I will join you to try and work on this. I do want to talk one more second about when we minimize the kinds of things that happen. I spoke to you earlier about

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this lack of trust and the break of trust and how that makes you do all these risk assessments all the time. And you see yourself making these risk assessments and you see your friend that's not. And so one of the things that happens to you is you say, what's wrong with me, why am I having a reaction to this? I'm on the tail end of the generation where we just push it under the rug. We don't talk about it. We just grit our teeth and bear it. We just get through it. If somebody dehumanizes you, you just get through it. But that's not a very good way of going through things, and it takes a lot of emotional energy. So when we minimize our harassment training, when we minimize, well, it was just some pictures or something like that, or it was just anything that involves the word "just" in front of it, how it-- how it affects someone who's doing that calculus, that risk calculus all the time, they don't stop doing the risk calculus. They don't stop having an emotional reaction to what happened. They don't stop feeling less human because of what happened. Now they just feel guilty because they feel that way. So-- so I want to say to all the folks in this building and beyond this building who've had something happen to you and you're having an emotional reaction to it because your-- your trust has been broken, because something caught you off guard, because you were gobsmacked by something, that your feelings are valid. It's hard for me to say that because I-- even right now, I'm shaking saying it because-- because we minimize these things so often that I feel like there's something wrong with me for not just--

FOLEY: One minute.

DeBOER: --brushing it off and moving past it, for not thinking it's just X. Well, it's not just whatever it is, so when things like this happen to you, you're allowed to feel your feelings. You don't have to feel guilty about it. And I know I'm not someone who comes up here and talks about my feelings a lot, and I'm sorry to do it this time. But I thought maybe-- I thought maybe it would help people to understand the dynamic, and I wanted to reach out to everyone who has these kinds of feelings and say it's OK. Thank you, Mr. President.

FOLEY: Thank you, Senator DeBoer. Senator Pansing Brooks, you're recognized for your third opportunity.

PANSING BROOKS: Thank you, Mr. Lieutenant Governor. I wasn't going to stand up again, but I found out that I need to correct the record because it's two men and one-- one woman, the committee. Senator Hughes is not on that committee. It is Senator Arch, Senator Briese, and Senator Wishart. But my-- my concerns still remain with the majority being my male colleagues. I guess I want to say one more

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thing about all-- this body. This is my last year. I adore so many of you and I appreciate you're sitting here today. And while we don't always agree on politics, you know we're friends. And I don't want you to all think, oh, gosh, well, I-- now I can't hug Patty anymore, because she's going to come up and want to hug me and I know that's true. And if you're uncomfortable, then please tell me that you're uncomfortable because I am a hugger. Even with Senator Lowe, I kick him and then I hug him, so. [LAUGHTER] But I just want you to know that I think you all understand what we're talking about, the seriousness of the issue of harassment and sexual harassment. There's a line there, but then there's also a line of friendship, and there's a line of knowing that we are colleagues, that we are adult human beings, that we can respect one another and that we can care for one another, because that is the precious joy of this body. So I want us to remember that, yes, there's a line, but I think all of you are bright enough to figure out that line; and I think you're all knowledgeable enough to recognize that we need to have a different system. And I appreciate Senator Slama for standing up. And her-- her discussion was courageous. You could hear the pain in her voice. This is not a partisan discussion. This is a discussion about a process that is not appropriate or not fully appropriate, not that anybody didn't use the process that they were supposed to use, but the process isn't sufficient. It's clear now. We need to move on. Senator Slama said she'd help on an ethics discussion, an ethics committee. Again, please, look to the women for-- for leading on some of this unless you, too, have been sexually harassed. It doesn't make sense not to have the people who understand it most personally involved and leading on this issue. If we have to then vote on the decision that's made, all the men can weigh in and determine whether you can live with whatever's decided by whatever committee. But to me, it doesn't make sense not to have the people most fully affected-- Senator Slama, Senator DeBoer, Senator Hunt, Senator Cavanaugh-- the people that have been most directly affected in their lives by sexual harassment, uninvolved. And-- and Senator Wishart may have been. I don't know. And she had to be gone today. But I'm telling you, we are colleagues. I still adore almost all of you. I think I adore all of you, but I really want you to understand that there is the line and we don't have to cross-- just-- just put up a barrier from our friendship and not be able to move forward together. So I want you to understand we're still friends and I want you to understand that we admire so much about each of you, even though we all drive each other crazy a lot of the time.

FOLEY: One minute.

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PANSING BROOKS: But we still need to move forward together. We have to recognize we have improvements to make, no question. And we have-- we have the power to change things, change things for our staff, change things for the female members of the body and those males that may have felt any kind of harassment. We can do that pretty simply. So I'm proud of this body, to be a part of it. I'm not proud of some of the actions that have occurred. But each of us is not perfect and we can-- we can be determined together to move forward in unity, kindness, compassion, move forward together to help the people around us. Thank you, Mr. Lieutenant Governor.

FOLEY: Thank you, Senator Pansing Brooks. Senator Day.

DAY: Thank you, Mr. President, and good morning, colleagues. To be totally honest, I had a whole lot of things prepared that I wanted to say this morning, but it kind of all went out the window because I clammed up a little bit. This conversation makes me very emotional, makes me very nervous, but I do want to add my voice to the conversation this morning. I think what Senator DeBoer just mentioned about minimizing these types of things, I wanted to reinforce that point in terms of, I think, if you talk to any woman in this body, she will tell you that these types of things have been happening to her to varying degrees from the time that she was a little girl and are probably still happening to her today. My story is no different. I won't go into the details, but I had an incident when I was a teenager, and following that for, you know, 13 to 15 years of my life, I spent a lot of that time inflicting any type of self-harm that I could find in order to try to deal with the pain that resulted from the incident. And finally, when I got the appropriate treatment and found a partner in life who would support me in that, I have healed and-- and here I am today. I also want to echo what Senator Slama said in terms of I-- I appreciate her being brave enough to share her story and mentioning not being a victim. Again, this happens to so many of us, and I don't think that any of us feel like we're victims, but it does-- it does push me in certain directions in terms of policy. It-- it helps me understand where we have gaps in our social safety net and the things where we need to support people better. It's why I advocate for mental healthcare as a senator. And so while I don't see myself as a victim, I do believe that it does propel me in certain directions in terms of making sure that we're taking care of other people so we can prevent these types of incidences. And if they do happen, we can support them in better ways. And the last thing that I wanted to say was that I often get frustrated with the conversations that, oh, you know, as Senator DeBoer said, it's just photos or that's just the way he is. As a mom of two boys, I resent and I reject the idea that boys

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and men can't do better than that. My boys will be raised very differently. And I think that that narrative is not only harmful for women in terms of the behaviors that we become subjected to, but it's harmful for the men in this body as well. I know you all are better than that and I know that you can be held to a higher standard, and I think that the men deserve better and the women deserve better. And I will yield the rest of my time back to the Speaker. Thank you.

FOLEY: Thank you, Senator Day. Senator John Cavanaugh.

J. CAVANAUGH: I'll yield my time to Senator Megan Hunt.

FOLEY: Senator Megan Hunt, five minutes.

HUNT: Thank you, Senator Cavanaugh. And thank you, Senator Day, for speaking. And thank you to everybody who's been-- who's been listening, even if you haven't spa-- haven't spoken-- almost said "spake." Spake is fine too, I guess-- even if you haven't spoken and are-- and are thinking about this in your mind and processing it. When we talk about the stories of survivors, we trot out these survivors to share the gory details of what's happened to them so that people in power can trade on the labor of them telling that story over and over and over again. They trade on the value of that without taking into account what that does to the people who are sharing those stories, how much that takes out of you, how much it takes out of you to tell your story and see that the world doesn't care, that the world doesn't change, that you bear yourself, that you-- that you cut yourself open and you share the most vulnerable thing about yourself and nothing changes. Those in power don't care. Those in power know what we've been through. They've heard the stories, they've heard the testimony, they've heard the people on the floor of the Legislature, they've read the news stories, and they still try to ban sex education, which we know can change the culture of harassment and sexual violence that people learn to accept and perpetuate and normalize from a very young age. The world knows; people in power know; they hear us; they're well aware; there's no awareness that needs to be raised, and they still try to ban abortion, to take away the right of a survivor to reject being tied to her rapist for the rest of her life through a child. People are lying when they say they have to hear the stories, they have to hear the experiences and know how this has affected somebody before they can decide how to act. People know how to act. People are aware. And if they say they need us to bare our souls and share our pain and be this vulnerable, they're lying. None of us actually need to do that. I have a problem with the expectation of the use of painful personal testimony as a way to validate experience that we

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know happens. I have a problem with baring our souls like that and being so vulnerable as a way to validate the need to change our country and our-- our state and our institutions' handling of sexual harassment. We're asking survivors to peel back their trauma, to perform it again and again and again. And even as we do that, the train keeps rolling along, nothing changes, and people keep performing the same oppressive behaviors that lead to the problem in the first place. We get annihilated anyway. So saying that we want a conversation about this is a horrible goal. We need to have a conversation but above all, we need action. We need the process to change. I think we need an ethics committee. We know how slow things move in here. We-- we're-- I think we're-- we can expect some interim studies about the best way to report harassment and assault going forward, who should be on that review board, should it be independent. And while that is happening, we need to make sure the Attorney General and the State Patrol and anybody else concerned--

FOLEY: One minute.

HUNT: --thank you, Mr. Lieutenant Governor-- investigates what happened here in this case to make sure that no criminal wrongdoing occurred. There's a moral issue, there's a legal issue, and there's an institutional issue that all of us bear responsibility for. I feel incredibly responsible for it. The time that we get to have here in the Legislature is such a tiny slice of our lives, but the power is so great. And for us to not leave this place better than we found it by making sure that our staffers are safe, honestly, that the public is safe, that the public watching us and coming into the Capitol to engage with us knows that they're going to be safe, that is incumbent upon us. And what we should see this as is an opportunity to make those changes and to do it in a very, you know, multipartisan, agreeable way-- it sounds like we have a lot of bipartisan agreement about the problem--

FOLEY: That's time.

HUNT: --and let that be the start of a stepping stone that we can use to change this. Thank you, Mr. Lieutenant Governor.

FOLEY: Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized to close on your motion.

M. CAVANAUGH: Thank you, Mr. Lieutenant Governor. Thank you, colleagues, for your attention this morning. Senator Hunt, I think, summed up a lot of the most important points moving forward. This

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isn't a one-and-done thing. This is something that we need to fix, that should have been fixed a long time ago, but we can't go backwards. We can only go forwards. This staff needs an HR department, not an accounting office. This staff needs to be allowed to join the State Employees Union. This body needs an ethics committee, and this body needs a process for expulsion of a senator. It should be a very high threshold, but it needs to exist. It exists for our other elected offices. It exists for the Governor. It exists for the Attorney General. It needs to exist for this body. We need to be held accountable. Our actions matter. Our crimes are still crimes. And the leadership in this body, all I can say is that you have failed us. This body has completely failed leadership. The two people who wield the most power in this body pretend like an unbinding document is why they couldn't do the right and legal thing. That is patently false. As we go forward and learn more about the transgressions of Mike Groene over the years, I am certain we are going to find that there have been people in this body, people in our leadership seats, that allowed that behavior to continue without ever doing anything formal. And I just really hope somebody sues the state over this, because how else are we ever going to learn? If we aren't penalized by money, how else are we ever going to learn? If we aren't shamed publicly, how else are we ever going to learn? I'd also like to echo Senator Day's comments about her boys. I have five brothers. I have five wonderful brothers. They're all amazing human beings, so I know I grew up with men that weren't bad, with men who were always in my corner, with men that I could count on, with men that I do count on. So I know it's possible to be better than that. And you all have the great honor and privilege of serving with one of them, so maybe take some lessons from Senator John Cavanaugh. If you want to know how to be a supporter of women, you've got a great role model sitting right there. I will pull my motion to recommit so that we can go to a vote on the confirmations, Mr. Lieutenant Governor. Thank you.

FOLEY: Motion is withdrawn. Is there any discussion on the Education confirmation report? Senator Hunt. She waives the opportunity. Is there any discussion on the confirmation report from the Education Committee? I see none. Senator Walz, you're recognized to close. She waives closing. The question before the body is the adoption of the confirmation report from the Education Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 41 ayes, 0 nays on the adoption of the confirmation report, 42 ayes.

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FOLEY: Confirmation report is adopted. I raise the call. Items for the record, please.

CLERK: Yes, Mr. President, I do have some items. Your Committee on Government, chaired by Senator Brewer, reports LB964 to General File; LB1165, General File; LB988 [SIC], General File with amendments-- LB908, General File with amendments. Urban Affairs reports LB724, LB799--

FOLEY: Excuse me, Mr. Clerk. Members, we are not adjourning. Continue, Mr. Clerk.

CLERK: --to General File; LB1024, LB1065, and LB1073 to General File with amendments. Education reports LB1112 to General File with amendments. Confirmation reports, Senator, by the Natural Resources Committee. Amendments to be printed: Senator Friesen to LB1147; Senator Ben Hansen to LB567. Senator Gragert offers new resolutions, LR301 and LR302. Both of those will be laid-- I'm sorry, Senator Gragert, LR301; Senator John Cavanaugh, LR302. That'll be laid over. And priority bill designations: LB1010, Senator Geist; LB1073, Matt Hansen; Senator Linehan, LB730, is a Revenue bill; Senator Hughes, Exec Board, LB686 and LB897; Senator Slama, LB977; Transportation Committee, LB750 and LB1144; Senator Wishart, LB598; Senator Dorn, LB1261; Senator Pansing Brooks, LB717; Senator Lathrop, LB353; Judiciary Committee, LB922 and LB920; Senator Aguilar, LB919; the Business and Labor Committee, LB780 and LB512; Senator Walz, LB852; Senator Lowe, LB1086; Senator Bostar, LB964; Senator Moser, LB984; Senator Friesen, LB873.

FOLEY: Members, I'm informed that not all senators have yet designated their priority bills. We're going to stand at ease for a few minutes. Please get your letters in to designate your bills for priority status, please.

[EASE]

FOLEY: Additional items for record, please.

CLERK: Mr. President, thank you. Priority bill designations: Senator Wayne, LB917; the Planning Committee, LB792. I have amendments to be printed-- motions, actually: Senator Cavanaugh to LB695-- Carol, is that LB695? Excuse me, LB685; and to LB708. Announcements: The Natural Resources Committee will be holding an Executive Session tomorrow following the conclusion of their hearing. Urban Affairs will have an Executive Session today after their hearing in Room 1510. Agriculture

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Committee will have an Executive Session today at 2:00 in Room 1003. Senator Slama would like to add her name to LB933 as cointroducer. And, Mr. President, Senator Halloran would move to adjourn the body until Wednesday, February 23, at 9:00 a.m.

FOLEY: Members, you heard the motion to adjourn. Those in favor say aye. Those opposed say nay. We are adjourned.