

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate February 21, 2023

**KELLY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-first day of the One Hundred Eighth Legislature, First Session. Our chaplain today is Senator Murman. Please rise.

**MURMAN:** Thank you. I thought I'd open the prayer-- with prayer today, the prayer that is prayed in the chapel at George Washington University. It's a prayer by, by our founder, George Washington. Almighty God, we make our earnest prayer that thou wilt keep the United States in thy holy protection, that thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally, that thou wilt most graciously be pleased to dispose us all to do justice, to love mercy and to demean ourselves with that charity, humility and pacific temper of mind, which were the characteristics of the divine author of our blessed religion, without a humble imitation of who's example in these things we can never hope to be a happy nation. Grant our supplication, we beseech thee. Through Jesus Christ, our Lord. Amen.

**KELLY:** I recognize Senator Albrecht for the Pledge of Allegiance. Senator Lowe.

**LOWE:** Please join with me in the Pledge of Allegiance. 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 thirty-first day of the One Hundred Eighth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

**KELLY:** Thank you, Mr. Clerk. Are there any corrections for the Journal?

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

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

**CLERK:** There are, Mr. President. Notice of committee hearings from the Education, Urban Affairs and Government, Military and Veterans Affairs Committee. Additionally, notice from the Governor on the withdrawal of

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Lou Leone to the Crime Victim's Reparation Committee and a withdrawal of David Begley as a member of the Nebraska Power Review Board. That's all I have this time, Mr. President.

**KELLY:** Thank you, Mr. Clerk. Senator Hughes would like to recognize the physician of the day, Dr. Patrick Hotovy of York. Please stand and be recognized by your Nebraska Legislature. Senator Clements would like to recognize the following guests under the south balcony: his wife, Peggy Clements of Elmwood; Sarah Mayo, his daughter, of Lincoln; and Eleanor and Jocelyn Mayo, granddaughters. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk, first item.

**CLERK:** Mr. President, Senator Wayne would move to withdraw LB790.

**KELLY:** Senator McKinney, I understand you've been recognized-- authorized to take this matter.

**McKINNEY:** Yes. Thank you, Mr. President. Senator Wayne introduced the same bill twice and that's why he's withdrawing LB790. Thank you.

**KELLY:** Senator, Senator McKinney, you're recognized to close. Senator McKinney waives. The question is, shall LB790 be withdrawn? All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

**CLERK:** 32 ayes, 0 nays on the motion to withdraw.

**KELLY:** The bill is withdrawn. Mr. Clerk, next item.

**CLERK:** Mr. President, the next item: Senator Halloran would move to withdraw LB780.

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

**HALLORAN:** Thank you, Mr. President. Good morning, colleagues. The request to withdraw LB780 and LB781, which you will hear subsequently, dealt with an issue of a school in my district which has had an extraordinary increase in special education costs due to an unexpected influx of special needs students. Other legislation introduced by a colleague will, thankfully, address my concerns by creating a fund to assist schools, school districts in covering large and often unexpected increases in special education costs. Conducting public hearings on my two bills will not be necessary, and I want to respect-- be respectful of the committees by withdrawing these two bills. I ask for your support for my motion to withdraw LB780. Thank you, Mr. President.

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**KELLY:** Thank you, Senator. Senator Halloran, you're recognized to close. And waive closing. The question is, shall LB780 be withdrawn? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 40 ayes, 0 nays on the motion to withdraw.

**KELLY:** The bill is withdrawn. Mr. Clerk, next item.

**CLERK:** Mr. President, the next item: Senator Hardin would move to withdraw LB594.

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

**HARDIN:** Thank you, Mr. President. Colleagues, this morning I am asking for your green vote to pull LB594. After looking at the landscape in the current environment, I feel it's better to pull this bill, do some more homework and look at the issue again in the future. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hardin. Senator Hardin, you're recognized to close. Senator Hardin waives closing. The question is, shall LB594 be withdrawn? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 40 ayes, 0 nays on the motion to withdraw.

**KELLY:** The bill is withdrawn. Mr. Clerk, next item.

**CLERK:** Next item, Mr. President: Senator Wayne would move to withdraw LB476.

**KELLY:** Senator McKinney, you are authorized to speak for Senator Wayne.

**McKINNEY:** Thank you. Senator Wayne is withdrawing LB476 because Senator Halloran has the same bill and it's already been heard in committee. Thank you.

**KELLY:** Thank you, Senator. You're recognized to close. Senator McKinney waives closing. The question is, shall LB476 be withdrawn? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 39 ayes, 0 nays Mr. President, on the motion to withdraw.

**KELLY:** The bill is withdrawn. Mr. Clerk, next item.

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**CLERK:** Mr. President, next item: Senator Halloran would move to withdraw LB781.

**KELLY:** Senator Halloran, you're recognized to speak.

**HALLORAN:** Thank you, Mr. President. Good after-- good morning again, colleagues. For the same reason that I asked to withdraw LB780, there are very similar purposes for these bills. I'm asking the body to withdraw LB781.

**KELLY:** Thank you, Senator. You're recognized to close. Senator Halloran waives closing. The question is, shall LB781 be withdrawn? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 40 ayes, 0 nays on the motion to withdraw.

**KELLY:** Thank you, Mr. Clerk. The bill is withdrawn. Mr. Clerk, next item.

**CLERK:** I have nothing further at this time, Mr. President.

**KELLY:** Speaker Arch would like to recognize some guests under the south balcony. From the Nebraska State Bar Foundation, President Steve Seglin, Secretary Steve Gealy and Executive Director Doris Huffman. From the Nebraska State Bar Association, President Jason Grams and Executive Director Liz Neeley. Please stand and be recognized by your Nebraska Legislature. And we'll stand at ease for a moment.

[EASE]

**KELLY:** Senator John Cavanaugh for a motion.

**J. CAVANAUGH:** Mr. President, I move that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary address.

**KELLY:** Will Senators Conrad, DeBoer, Holdcroft, Ibach and McKinney assemble in the rear of the Chamber to escort the Chief Justice? Senator Walz wants to recognize some visitors today from the Nebraska chapter of American Physical Therapy Association and students from Creighton University, College of Saint Mary, Clarkson, UNMC, Southeast Community College and Northeast Community College, approximately 100, in both the north balcony and the south balcony. Please stand and be recognized by your Nebraska Legislature.

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**SERGEANT AT ARMS:** Mr. President, your committee now escorting the Chief Justice of the Nebraska Supreme Court from the great state of Nebraska, Mike Heavican and members of his Court.

**MICHAEL HEAVICAN:** Mr. President, Mr. Speaker and members of the Legislature. Thanks to all of you, particularly Speaker Arch, for inviting me to address you again this morning. As always, it is an honor for me to report on the annual accomplishments of our Judicial Branch and to discuss our upcoming plans with you. With me in the Chamber today are my fellow Justices: Justice William Cassel of O'Neill, Justice Stephanie Stacy of Lincoln, Justice Jeff Funke of Nebraska City, Justice Jonathan Papik of Omaha and Justice John Freudenberg of Rushville. Justice Lindsay Miller-Lerman of Omaha could not be with us today. Notwithstanding-- standing the pandemic and other challenges, we have had many successes and accomplishments in 2022 and we look forward to 2023. Today, I will highlight some of our accomplishments, including our response to ongoing staff shortages, our access to justice initiatives and what's new with probation, problem-solving courts and the Office of the Public Guardian. I will first speak to you about our outstanding Judicial Branch workforce. We have staff and judges working in all 93 of Nebraska's counties, including county court clerks, probation officers, court reporters and associate public guardians. Our staff are hardworking and loyal. However, similar to other state employees in this post-pandemic era, many have retired and some have been lured away by better paying jobs in county or city governments or the private sector. We are grateful to this Legislature for funding salary upgrades for approximately one-third of our workforce last year, based on a comprehensive salary survey conducted in 2021. But of course, we need to complete the further recommendations of that survey for the remaining two-thirds of our, our workers, including our probation officers and support staff. In July of last year, up to 12 percent of our 1,600 Judicial Branch employee positions statewide were vacant. To fulfill our mission of providing access to justice for all and protecting the public safety of Nebraska citizens through the work of our probation officers, we have implemented extraordinary measures. Along with new-- with the new and partially implemented comprehensive salary study, we began giving hiring and referral bonuses, as well as retention benefits. We also upgraded our Judicial Branch education opportunities to improve skills and encourage advancement to leadership positions. And we continue to improve our court system's efficiency by upgrading technology. I call special attention to our probation officers and probation administrators. Nebraska's probation system has always been part of the Judiciary. Trial court judges initiated probation in Nebraska over

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100 years ago. We often speak of probation as "the right hand of our judges." Originally, all the expenses of our trial courts, including local probation officers, were paid out of local property tax dollars. As part of property tax reform efforts, probation officers' salaries were shifted to the Supreme Court's budget in 1985. However, counties still pay for office space and supplies for local probation offices. Under the supervision of the Supreme Court, probation has been transformed in the last 25 years into the dynamic, forward-looking, proactive organization it is today. It is guided by evidence-based practices and the long-standing credo that "probation works for the judges." More than a decade ago, probation ceased being a place where probationers simply checked in. Instead, probation became an organization that actively case manages its clients. It is also an organization providing job training, substance abuse treatment, mental health treatment and behavioral modification. Innovative programs in recent years have included the Specialized Substance Abuse Supervision Program, the navigator programs used in post-release supervision and day and evening reporting centers. We currently have 17 reporting center locations in Nebraska including: Bellevue, Nebraska City, Lincoln, Omaha, South Sioux City, Kearney, Lexington, Gering, Columbus, Norfolk, Grand Island, Beatrice, Hastings, North Platte and Fremont. Nebraska's probation system, under Supreme Court supervision, has received national acclaim. It has an enviable, community-friendly recidivism rate for both adults and juveniles. It was because of the above that this Legislature chose to remove the Department of Health and Human Services from its role in juvenile justice supervision in 2013, invest that role with probation; and why this body placed post-release supervision with probation rather than the Executive Branch in 2015; and why this court has probation do the bulk of problem-solving court supervision. We are especially proud of the innovations probation used to supervise probationers during the pandemic. Like police officers, medical personnel and other essential services, including the courts themselves, probation had to remain open and supervision had to continue. Largely by utilizing technologies such as Zoom and modified electronic monitoring, probation succeeded in its supervisory and public safety roles. We are also proud to point out that because of the efficient and economical management of both adult and juvenile probation, the Nebraska Supreme Court has returned over \$35 million to the state General Fund in the last two bienniums. Please contrast that to returns received from any part of the Executive Branch. I reiterate what I've said in earlier State of the Judiciary speeches. On any given day in Nebraska, there are approximately 14,000 adults and approximately 2,500 juveniles on probation. The average annual cost of supervision of an adult

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probationer is \$5,500 per year. Compare that to the cost of incarceration in the-- Nebraska's prison system, which is approximately \$42,000 per year. If even a fraction of the 14,000 adult probationers were instead incarcerated, this body would need to build more than one new prison. I have also spoken to you in past years about technology in the courts. I have stated that the future of our courts is technology. The pandemic accelerated our reliance on technology and the future became the present. The mandate in our Constitution that the courts must remain open would have been an empty charade without Zoom and WebEx hearings, e-filing in our clerk's offices and enhanced use of our electronic case management system. A year ago, e-filing became mandatory for lawyers in this state. While that rollout was not without some glitches, thanks to the cooperation of our clerks, judges and Nebraska's lawyers, the system is working well and the efficiencies and conveniences are many. A court working group consisting of clerks, court reporters, judges and technology staff is now refining the implementation of a uniform system of filing electronic, electronic trial exhibits. Thanks to all involved for their work on that complex but promising project. Also, as part of the Court's technology initiative, we have begun to install modern, standardized courtroom audio-visual technology in all of our, our trial courts across the state. The project goals are that all courts will have the ability to hold quality remote and hybrid hearings and be better equipped to handle the aforementioned electronic exhibits. The courts will also have the ability to capture higher quality digital recordings of proceedings. Standardizing courtroom technology throughout the state makes it easier for judges, court staff and attorneys to do their jobs. Heeding this body's quest to reduce property taxes, these upgrades are being accomplished without using county property tax dollars. In keeping with the theme of technology and transparency in the court system, I direct your attention to the annual report in your packet. There you will find that we celebrated the fifth anniversary of cameras in trial courts this year. In 2008, Nebraska Public Media installed permanent cameras in the Supreme Court and Court of Appeals courtrooms in this state Capitol building, from which we livestream our argument sessions to the public. Five years ago, our trial courts followed suit and began allowing the media fuller audio and visual access to court proceedings. One of our judges even broadcasts all of his proceedings on a YouTube channel. In other words, access to the courts in the 21st century means more than the courtroom door is unlocked. I now report to you on our other access initiatives and the Access to Justice Commission. The Access to Justice Commission is in the second phase of a three-phase initiative focused on equal access to the courts. This initiative is designed to

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engage the public in an ongoing discussion of equal access by learning directly from Nebraska court users what we might do better. Phase I was a statewide court user survey that measured current perceptions of access and fairness among those using our state courts. Phase II is underway and will convene focus groups with community leaders across the state to learn about local and regional concerns impacting equity in Nebraska's court and probation systems. Phase III will consist of public engagement sessions that facilitate a statewide discussion of the various concerns developed in phases I and II, The Nebraska Judicial Branch's primary strategic goal is to provide access to swift, fair justice. To achieve this goal, we continuously examine our court processes and outcomes and ask whether there is a way we can do it better. We appreciate the efforts of the Access to Justice Commission, Commission and its standing committees as we work to improve access to justice for all Nebraska court users. Last summer, as part of our annual tour of courthouses in greater Nebraska, this court and our Access to Justice Commission completed a series of focus group hearings with Native Americans and their interaction with our courts. Those hearings took place in Scottsbluff and Rushville. The hearings complemented Native American focused hearings we had in 2019, prior to the pandemic, in Omaha, Macy, Winnebago and Santee. These hearings are all part of our larger consortium begun in 2018 of state, tribal and federal courts working specifically on access issues of Native Americans. I also speak to you annually of language access in the courts. The Language Access Program recruits, trains and certifies court interpreters. It also coordinated-- coord-- coordinates the appointment of qualified professional interpreters across the state to help limited English proficient court and probation users understand their court proceedings regardless of what language they speak or the type of case involved. This service is mandated by this Legislature to be cost-free to all court users. Forty-six different languages were interpreted in Nebraska's courts last year. Spanish continues to be the most commonly interpreted language, but the courts and probation offices across the state interpreted a broad range of spoken languages, including Kunama, Indonesian, Pohnpeian, Turkish and Uzbek. The Language Access Program also coordinated American Sign language interpreters, certified deaf interpreters and assistive listening devices for the deaf and hard-of-hearing community members who appeared in court either as a party or witness or to serve on a jury. Although most court-appointed interpreters were from Nebraska, our interpreter program leveraged resources from across the country to meet our language access needs. Interpreters from an additional 14 states supplemented our Nebraska interpreters. Our contract interpreters are hopeful this body will fund an increase in their



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daily rates this year. I speak to you now about the Office of Public Guardian, Guardian, or OPG. In 2022, the Office-- the OPG began its eighth year of service. This Legislature created the OPG in response to the discovery of widespread financial malfeasance and neglect by a professional guardian who had over 200 court-appointed wards across Nebraska. The Nebraska OPG provides guardianships and conservatorships for individuals that had been deemed by a county court to be incapacitated and have no other individual who can serve as guardian. Individuals who are under guardianship can suffer from mental illness, dementia, chronic, debilitating physical ailments, have developmental disabilities or struggle with substance abuse and addictions. A review of the individuals served by the OPG during the last eight years reveals that OPG wards have, on average, at least three of those listed conditions. The wards the OPG serves have complex, pervasive issues made worse by poverty, homelessness, exploitation, abuse, isolation and neglect. The Office of Public Guardian completes a comprehensive annual report each year, and the 2021 report has been provided to you. The activities of the past year can be summarized as challenge and commitment. The challenge was exacerbated by COVID. The population the OPG serves, serves suffered the most during the pandemic: the elderly, those in congregate care, the chronically ill and the mentally and physically fragile. The COVID crisis continued to impact the OPG in 2022 with additional challenges, such as staff shortages, an expanding waitlist for OPG guardianships, nursing home closures and increased demands for ward services. In addition, private and family guardian support and education for certification of new private family guardians has increased. The most difficult challenge, however, for the Office of Public Guardian has been the continuing shortage of appropriate mental health services. Despite the reality of the challenges, what stood out even more was the amazing commitment of individuals working for the OPG to ensure the most vulnerable adults received the care and services they deserved. Notwithstanding the vacancies of five associate public guardians throughout most of 2022, the 15 associate public guardians working for the OPG committed to additional demanding workloads to safeguard and care for wards. They spent hours seeking, advocating and demanding that facilities, providers and agencies respond to the critical needs of their clients. Thanks to this Legislature for supporting the commitment of OPG's dedicated staff. The OPG will continue to work to improve the care and empowerment of Nebraska's most vulnerable citizens. I turn next to Nebraska's Court Improvement Project. It is largely federally funded and focuses on the needs of children, youth and families involved in the juvenile court system. The program provides high-quality education to judges, attorneys,

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probation officers, caseworkers and other court participants and searches for ways to make our, our juvenile courts work better. In 2022, the Court Improvement Project hosted a children's summit in Kearney, where over 500 professionals learned from national experts how to better engage children, youth and families to support positive behavioral change and family reunification. At the conference, special recognition was given to a Douglas County project which focuses on court responses to victims of domestic violence and their children. Recognition was also given to the local Through the Eyes of the Child teams in Saline, Jefferson, Gage and Fillmore Counties, which provided gift bags containing essential items to children who were removed from their homes because of, of abuse or neglect. At the behest of the Court Improvement Project, our Commission on Children in, in the Courts and our probation staff this past year, the Supreme Court adopted best practice guidelines for practice in our, our juvenile courts. Last year, we also had the juvenile probation programs in Lancaster County evaluated by national experts. The experts made recommendations to enhance the, to enhance juvenile justice practices and will continue to provide technical assistance to prioritize and implement these recommendations statewide. The recommendations include better screening and assessment practices, better court order implementation and enhanced mental health and substance abuse treatment. The Court and the Court Improvement Project also continue to encourage and work with the University of Nebraska College of Law and several programs to improve lawyers' skills and services in our juvenile courts. These programs are recognized nationally. One program began as a clinical project with soon-to-graduate law students representing clients as guardians ad litem in Lancaster County Juvenile Court. This program continues to raise the standard for guardian ad litem practices in our juvenile courts across the state. The University of Nebraska has also implemented a fellowship program for practicing attorneys to provide extensive training, expert case consultation and best practice enhancements to transform legal representation for vulnerable children, again, across the state. In this presentation, I have made several ref-- references to the diff-- difficulty of obtaining behavioral health resources for various court users and wards of our courts. In criminal cases, our judges are frequently confronted with defendants who have mental health issues. Our judges turn to their probation officers, both adult and juvenile, to find services for such individuals. Probation has attacked the problem systematically. In September 2022, probation and the Supreme Court sponsored a behavioral health conference in La Vista. The conference was attended by over 900 participants, including Nebraska's state, county and municipal employees, providers from around the state

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and other providers and government employees from surrounding states. Nebraska Probation highlighted various accomplishments, including our first mental health court in Sarpy County and our cooperation with other state agencies, most especially the Department of Health and Human Services. In that regard, we meet regularly with DHHS to improve mental health and substance abuse provider services, particularly in greater Nebraska. Thanks again to this Legislature for increasing provider reimbursements, a very helpful step. We will continue to seek the help of psychiatrists, psychologists, behavioral health technicians and other medical staff to expand the availability of provider services, particularly 24-hour-care facilities for the mentally ill. Unfortunately, county jails are the default 24-hour facility if such services are lacking. I would also call your attention to the ongoing and longstanding problem of mental health competency determinations for criminal defendants to stand trial. The Lincoln Regional Center currently has a six-month backlog to perform such evaluations. This problem has festered for years and needs a resource supplement. Every year, I also give you an update on problem-solving courts. In the past year, both the mental health court in Sarpy County and the DUI court in Lancaster County had their first graduations. Our budget request this year includes adding a veterans treatment court in Sarpy County and a drug court in Platte County. I would invite you all to visit your local problem-solving courts or attend a problem-solving graduation in person. In closing, you are also invited to visit our local probation offices, especially those day and evening reporting centers where our probation officers carry out the orders of our judges. And of course, please view our Supreme Court oral arguments either live or by webcast. Again, thank you so much for inviting me to speak to you today. Please be assured that Nebraska's Judicial Branch is always striving to find ways to do it better. Thank you. [APPLAUSE].

**KELLY:** Will the Escort Committee please escort the Chief Justice and the Associate Justice [SIC] from the Chamber? Mr. Clerk.

**CLERK:** Mr. President, some items quickly. Notice of committee hearing from the Health and Human Services Committee. Additionally, amendments to be printed from Senator Hunt to LB140. Mr. President, next item on the agenda: LB628, introduced by Senator Jacobson. It's a bill for an act relating to corporations and other companies; amends several sections within Chapter 21; redefines terms; changes provisions relating to professional service by limited liability companies and professional corporations; harmonizes provisions and repeals the original section. Bill was read for the first time on January 18 and referred to the Banking, Commerce and Insurance Committee. That

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committee placed the bill on General File with committee amendments, Mr. President.

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

**JACOBSON:** Thank you, Mr. President. I rise to introduce LB628 on behalf of the Secretary of State. LB628 modifies the definitions of professional services in the limited liability statutes to mirror the definition of professional corporation statutes. There is a grandfather clause to the limited liability corporations that don't, that don't want to make the change, are not required to do so. There are a few other changes in the statutes related to the professional services. Number one, clean up of the use of ancillary services in the limited liability corporation professional entity statutes. Number two, recognize outside certifying organizations or compacts recognized by the regulatory body. Number three, requires regulatory bodies that use the electronic access process for verifying licensures to work with the Secretary of State's Office to create an automated process for us to electronically access and verify licensing records. And fourth, strikes the requirement for the professionals to list their residence address in the filing with the Nebraska Secretary of State Office.

**KELLY:** Thank you, Senator Jacobson. As stated, there are committee amendments. Senator Jacobson, you're recognized to speak.

**JACOBSON:** Thank you again, Mr. President. AM175 is a minor technical amendment to LB628, which seeks to clarify some language in the bill. It does three things. First, anywhere where "all members" is found in the bill is changed to read "all of those members." Second, in one section where "a limited liability company" was stricken and replaced with "applicant," the original language will be reinstated. Third and lastly, in one section where it states that "professional services means any professional services rendered," it will be changed to read "professional services means any personal service rendered." All of these changes found in LB175 were recommended to the Committee for Banking, Commerce and Insurance by the Nebraska State Bar Association.

**KELLY:** Thank you, Senator. Senator Hansen announces the following guests: eight members from the Nebraska Grocery Industry Association in the north balcony. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. I would ask if Senator Jacobson would yield to a question.

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**KELLY:** Senator Jacobson, will you yield to a question?

**JACOBSON:** Yes, I will.

**M. CAVANAUGH:** Thank you, Senator. I'm reading over-- page 6. So I was looking at the committee statement, and on the second page at the top, it says that it amends Section 2 to remove the residential address from the filing requirement. And I was wondering if you could speak to what the reasoning is behind that.

**JACOBSON:** Yes. I, I think the concern was is that they really didn't want their personal residence out there. That, of course, that could change. What they're really looking for is that they would likely use their professional address, their office address, for the filing. And that's what the cleanup was.

**M. CAVANAUGH:** OK. So would it still be required then to have a Nebraska address?

**JACOBSON:** Yes.

**M. CAVANAUGH:** That doesn't eliminate the Nebraska address requirement?

**JACOBSON:** No. They just, they just want to eliminate their personal address, but this would be for professional limited liability companies that would be operating in Nebraska, with an office here.

**M. CAVANAUGH:** OK. Thank-- I appreciate that. Thank you.

**JACOBSON:** Thank you.

**M. CAVANAUGH:** I have an additional question if you don't mind.

**JACOBSON:** Absolutely.

**M. CAVANAUGH:** OK. So I'm just kind of curious if this is model legislation. And if it is, where does it come from and did it take into account changes between Nebraska and where it may-- might have come from?

**JACOBSON:** Well, thank you. And that's a good question. Keep in mind that we have statutes out there today for professional corporations. And there's a separate statute, and I can get that statute for you, but what we're doing is we're basically harmonizing the two. So if you take the statutes that refer, refer to professional corporation and it lists all of those different entities that could be or professions

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that could qualify for a professional corporation, we're now having the professional limited liability companies have the same definition. And it would be, basically, the same entities would be involved. Right now, you could actually get other professions outside of the list for professional corporations who could apply for a professional limited liability company. So it's eliminating that. So you're not going to have hairdressers and others coming in getting a professional limited liability company. Only those that are listed currently, today, in statute, for professional corporations would qualify for a professional limited liability company.

**M. CAVANAUGH:** OK. How many more times can we get you to say professional limited liability company?

**JACOBSON:** I think that's about the limit for me.

**M. CAVANAUGH:** Thank you for answering my questions. Thank you, Mr. President. I think that the address was really my main concern, so I appreciate that. And I yield the remainder of my time to the Chair.

**KELLY:** Thank you, Senator. Senator Jacobson to close on AM175. Senator Jacobson waives closing. The question is the adoption of AM175. All those oppose-- all those in favor vote aye; all those opposed vote nay. Mr. Clerk.

**CLERK:** 39 ayes, 0 nays Mr. President, on the adoption of the committee amendment.

**KELLY:** The amendment is adopted. Senator Jacobson to close on LB628. Senator Jacob-- Jacobson waives closing. The question is to advance LB628 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 39 ayes, 0 nays on advancement of the bill.

**KELLY:** The bill advances. Senator John Cavanaugh would like to recognize some guests seated under the south balcony. They are Jerry Lucas, a, a cousin from Broomville [SIC-- Broomfield], Colorado, and Nina Lucas, a cousin from Broomville [SIC], Colorado. Please stand and be recognized by your Nebraska Legislature. Next item, Mr. Clerk.

**CLERK:** Mr. President, the next bill: LB51, introduced by Senator Briese. It's a bill for an act relating to state government; amends Sections 81-1120.27; changes provisions relating to use of state telecommunication system; repeals original section. The bill was read for first time on January 5 of this year and referred to the

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Government, Military and Veterans Affairs Committee. That committee placed the bill on General File. There are no committee amendments, Mr. President.

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

**BRIESE:** Thank you, Mr. President. Good morning, colleagues. I rise today to introduce LB51. LB51 was introduced by myself at the request of the Clerk of the Legislature. The bill simply repeals obsolete language regarding the use of the state's telecommunication systems by members of the Legislature. In December of last year, the Executive Board updated and modernized various policies of the body, including our telephone policy. As part of that update, the board removed outdated language that referred to the practice of state senators making long-distance calls on the state telecommunications systems using state credit cards, which has not been the practice since at least the 1990s. LB51 would simply repeal similar language to the language that was removed from our policy manual that refers to this outdated practice. LB51 received no opposition testimony and was advanced by the Government, Military and Veterans Affairs Committee on a unanimous 8-0 vote. I would ask for your support and a green vote on LB51. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I would like to first make a personal note that Jerry and Nina Lucas are, in fact, also my cousins. And really, if we want to get specific, Jerry was my cousin first, since I am the elder Senator Cavanaugh in the body. So Senator John Cavanaugh wanted to take claim for these two wonderful guests of ours, but they are also my cousins, and I am so thrilled that they are here. Nina is in town looking at universities in Nebraska, so we could recruit somebody to move here from Colorado to go to college. I hope that we are going to show her our best face today. Very excited to have them both here today. I rise in support of this bill, but I, I think that this is a great opportunity to talk about an issue that is something that I've had a lot of concern about. And actually, just this morning, received an email invitation yet again for a prayer group from a staff member during business hours. This continues to be a prevalent issue in the Legislature of staff time being used for religious purposes. And I am a very strong believer in prayer. It is something that I do myself on a regular basis and think that it can have very healing properties and is an important part of daily life for myself. However, it is still a

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religious action and I don't believe that it is appropriate for taxpayer dollars to be spent in support of prayer in the building and I think we should be more judicious about our time and resources. So we need to, we need to work as a body, and perhaps something the Executive Board can take up, to figure out a way to not use staff time and government resources to organize these prayer groups, whether it be using personal emails or if we're using our legislative emails, then be-- using them not during what are clearly office hours. 10 a.m. is-- there's no dispute that it's an office hour time. And so, I appreciate that this is something that is important to many people in the body. It is something that is personally important to me in my own way. And I don't want to hinder anyone from having the option to have a prayer group, but it is not appropriate for us to be doing this during work time, taxpayer dollars. It really is something that-- it, it may seem harmless in and of itself, but the reality is, is that it's becoming very pervasive. And we shouldn't be infusing our own religion into the everyday practice of this business. So I think that this is something that we should continue talking about, and perhaps we even need to take action at the Exec Board level. So thank you, Mr. President. And I yield the remainder of my time.

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

**HUNT:** Thank you, Mr. President. I wasn't planning on speaking on this bill, but this line of conversation made me think about some of the work that I've tried to do in this Legislature throughout my time here, including this year. I introduced a rule change in the beginning of the session to say that the prayer that we say at the beginning of each day when we convene would no longer be a part of our official agenda. I, I know that there's very little that we can do to change the outcome of things in this, this Legislature. The truth is that the Republican Party, which is not really the Republican Party, it's a Christian nationalist party, plus a few wealthy donors, run most of you on this floor, control most of the people on this floor. And so, Nebraskans want to look at what we do and say, OK, these are the deliberative minds that we've elected to come to Lincoln and represent us and think this way and that way about the issues and use their judgment to come up with the best answer. Oh, we're weighing things on the left, we're weighing things on the right, we're listening to the evidence and making a choice. Nebraskans, that's literally never what's going on here. Of course, when you look at the Constitution and you look at the First Amendment and you look at the, the history of Supreme Court decisions that have come down, Marsh v. Chambers, for one, in the Supreme Court, where Senator Ernie Chambers went all the way to the Supreme Court to take up the issue of the prayer before



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each legislative session. What the Supreme Court found in that decision was, actually, that prayer is protected speech, but the Legislature could not have a prayer that favors one denomination over the other. It had to be a nondenominational benediction, you know, every single day. And that was the decision of the Supreme Court. Is that ever what happens? No. Of course, that's literally not what happens. Just this morning, Senator Murman gave the prayer. And I'm never on the floor for the prayer because I don't use my presence or my body in this space to validate the way you guys are, are corrupting a space that is supposed to be democratic, that's supposed to welcome everybody. And then, you use that to support your Christian nationalist view of politics, of the world, and that's the way it comes down every single morning. But even Senator Murman this morning invoked the name Jesus Christ, which is obviously making it a Christian prayer. So that is not in line with the findings and the decision of the Supreme Court. But it would be the height of naivete and disingenuousness to say that the issues that are put before us are weighed fairly, that we think about what they mean and we use our best judgment to make a decision. That's not true at all. That's not true at all. We know that there should not be a prayer before we convene. Of course you are-- you can pray on your own time. Many of you do. You absolutely should. You know, if we ever come to a place where we have a Muslim state senator or a Buddhist state senator or a Jewish state senator, I think that we would be having a very different conversation. But the fact is, in Nebraska, we haven't elected people like that. And in that sense, it makes us a laughingstock to this nation when we talk about diversity, when we talk about the cultural offerings that we have in this state. And then they just look at the people who are making the decisions for this state and none of that is embodied by those, by those principles. I see Senator Murman's in the queue.

**KELLY:** One minute.

**HUNT:** Thank you. I see Senator Murman's in the queue, so maybe he has a response to my-- what I mentioned, about the Supreme Court decision saying that prayers should be nondenominational and his prayer was not. Should he be taken all the way up to the Supreme Court? Should they think about that case again? I think prayer is absolutely protected speech, but it cannot be state-sanctioned speech. It cannot be the Christian nationalist state coming down on one side and saying, this is the type of prayer that we're supporting, to the exclusion of everybody else. Thank you, Mr. President.

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

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**MURMAN:** The prayer this morning was a direct quote from George-- our first president, George Washington. Direct quote. So if you have something against our first president, what he said, you know, I-- I'm not sure if this is a place to say it. And I do move to strike Senator Hunt and Senator Cavanaugh's comments since they are not germane to today's bill, to LB51. And-- give back to the Chair. Oops.

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

**BLOOD:** Thank you, Mr. President. Fellow Senators, friends all, I stand in support of Senator Briese's bill. And I also want to thank Senator Briese because he actually took action in reference to this prayer group, where Mr. Hess had free access to all of our secure floors and was dropping off information to our staff, inviting them to the prayer group, which was highly inappropriate. So thank you for that, Senator Briese. I appreciate someone actually listening and following through. I was really happy to see Senator Cavanaugh bring this up today. Earlier, I had sent Senator Arch, our Speaker, an email. And I think it's highly inappropriate to utilize staff on things like this. And I'm concerned about the motion that was just made on the floor because I was pretty confident that it has to be in writing, but perhaps I'm wrong. For those of you that didn't see it, January 20, the Nebraska Examiner, Paul Hammel spent all summer long researching the Capitol Studies prayer group. And one of the things you may or may not know, for those that are actually listening today-- maybe I'll speak louder so we have people listen. For those of you that are actually listening today, you'll know that there was a call to have Arin register as a lobbyist because it's been said on this mike before. Senator Steve Erdman was one of them. He was-- has praised Hess as a great encouragement and someone sent by God, has introduced a bill the past two years calling for the posting of the national motto, In God We Trust, in prominent places in each school building. So we know that there is some influence when it comes to policy, but we also know that this is not a state-funded organization. But yet, they utilize the Capitol, they utilize, apparently, senators' staff and our email system. And although you can compare it to something like a constituent sending you an email, there is a big difference, because this is a constant presence. And quite frankly, I've never asked to receive emails. I've asked that I not get the emails. But yet, I continue to get emails. And not because I don't believe in God. I believe in God. But I think it's a bad message when we assume that everybody worships the same god. And with all due respect, we are all taxpayers. We are all Nebraskans. We should all have equal rights, but those are not the rights that we are addressing. What we're addressing is a demographic of how we see the world and that's what we choose to

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support. And that's not good representation. So we know that if we allow this to continue to happen, we are wasting taxpayer dollars, just like many of you probably think we're wasting time right now on the mike. But if we don't get this on record, it's going to continue to be ignored year after year after year. I do know that Senator Erdman and Senator Murman are regular attendees of the Capitol Studies meeting. And they've rejected the idea that Hess should engage-- is engaging in lobbying. But I know for a fact, based on some of the things that have been said to me after those prayer groups, that that is indeed what he is doing. And they may very well be providing good Christian morals and values as what your quote says, Senator Murman. And you don't feel that that's influencing legislation and that's fine. But who-- what are Christian morals and values? And why can't you do this outside of this building and without staff? If you want to pray, no one prevents you from praying. Senator Cavanaugh and I both pray in our own offices. We are both Catholic. When I have a hard day, I make sure I say the rosary.

**KELLY:** One minute.

**BLOOD:** But I don't invite others to participate, because that's between my faith and me. And so the fact that we are willing to, to do this in a way that everybody looks the other way is wrong. We're not saying shut it down. We're saying don't use state resources. You worship who and what you want to worship. I can respect that. But when you have to bring everybody into the fold, I cannot support that. And I will continue to be a noise maker when it comes to utilizing state tax dollars, utilizing staff, utilizing space that tax dollars pay for so you can go and pray as a group. Thank you, Mr. President.

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

**ERDMAN:** Thank you, Mr. President. Good morning. I don't know how we got here. We were talking about long distance or telecommunication, so I guess speaking to God is long distance. But the good news is he's never on a busy signal. He always listens and I appreciate that. So my name was used in vain this morning by Senator Blood. Let me share with you about Arin Hess. Arin Hess has never brought a bill to me or encouraged me to do a bill. I introduced the In God We Trust bill to put it into public schools and his personal opinion is he agreed with that. So there must be a rule or a law against agreeing with somebody. I would invite anyone in this room, including Senator Cavanaugh, Hunt and Blood, to join us for Bible study at any time. You're welcome to come. We have breakfast. And you'll be welcomed like all others are. So let's speak about Paul Hammel for a moment. Paul Hammel writes the

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article about Arin Hess. Fails-- maybe he just neglected to talk to anybody who was involved in the Bible study to see if, in fact, he has brought legislation to us or encouraged us to introduce legislation. He just goes to those people that are opposed to the Bible study and they suppose what happened there. They make an assumption. Well, we all know what happens when you assume, right? And so instead of coming to those of us who attend the Bible study to find out what actually does happen, Hammel just writes whatever he thinks will help him sell his paper or his thoughts to other people to read. So I invite Paul Hammel. He can come and sit in if he would like as well. So should Arin Hess register as a lobbyist? I will say this. If Arin Hess is guilty of lobbying, it is because he is lobbying for Jesus. And if there is a law against that, and there very well soon could be according to some in this room, he's guilty of that. Other than that, I have never heard him speak about a bill, encourage me to do a bill or anything of that nature. So to drag Arin Hess's name up here this morning and lead the public, public to believe he's doing something illegal or underhanded is totally wrong. What we are doing here this morning is wasting time. We see it. I understand it. And what I was going to do when I stood up until some other people made comments, I was going to call the question. It's time for us to move on and quit wasting time. And you put up the smokescreen that you're interested in the bill and you ask questions about the bill and we understand exactly what you're trying to do. So it's not news to anybody in this room. You're not fooling us at all. Leave Arin Hess out of this discussion. He should not be included and he should not have to, to register as a lobbyist. Thank you.

**KELLY:** Thank you, Senator. Senator Hunt, you are recognized to speak.

**HUNT:** Thank you, Mr. President. Senator Erdman and Senator Murman, you have been provoked this morning into putting on a show for the guests that we have in the balcony. You have been provoked into confirming all of the worst stereotypes about this state, about the extreme, conservative, Christian nationalist viewpoint that dominates the work that we do in this body. And that's your choice. I know I'm invited to your Bible study. I get the emails too. I know that would be your dream for me to join you in the Bible study. Your dream would be for me to be captive in a room with you, with donuts and coffee, so you can tell me what your, you know, prosperity gospel, whatever interpretation of the Bible is that makes you think that it's right to be wealthy, that makes you think that billionaires are ethical people, that makes you think that you can drive around with a Choose Life license plate but you don't do anything to actually support children who are in need in our state. You don't do anything to expand

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Supplemental Nutrition Assistance Program. You don't do anything to address the school-to-prison pipeline. We come in here with real ideas for reform and you shoot them down because the Republican Party and the couple of wealthy donors who bankroll you told you it wasn't OK. That's not what would Jesus do? Your party is your religion because nothing you're reading in that Bible study is coming through in your actions on this floor, through the legislation you bring, through the way you comport yourselves to me. And it shouldn't be for me to, to stand up here and tell you what, what Jesus would have taught or would have wanted. I don't care if you move to strike, you know-- for the transcribers, question mark, question mark, question mark-- move to strike anything I say on this floor. I don't care if you listen to anything I say on this floor. I don't care if nothing I ever say as a lawmaker during the short stint in the tiny slice of the pie chart of my life that I get to be here doing this pee-wee job that so many of you have killed yourselves over to come in here and do somebody else's bidding and never think for yourself. I don't care if you ever listen to what I say or if it's ever written down or if it's ever read again, because the point is that, right now, I'm talking to Nebraskans and I'm talking to you. None of that needs to be saved for posterity. None of it needs to be in the record. You can strike it, not strike it, whatever. But the fact that Senator Murman stood up and used his time in this body of Democratic thought and principles and freedom of speech to say, to strike somebody's words from the record, says a lot more about him than it does about me. This bill, LB51, has to do with using government resources for communication, for records, for anything that government resources can be used for. And this has opened up a valid conversation among some members of the body who happen to be in the political minority, coincidentally or not, talking about how we use government resources. I was provoked into this conversation by Senator Cavanaugh talking about using state resources to encourage Bible study. We can have a, a good faith, spirited discussion about the ethics of that and the morality of that. And then, Senator Murman and Senator Erdman were provoked into the discussion by what I said, but they used their time on the record to try to silence us. Senator Murman used his time on the record to say, I think we--

**KELLY:** One minute.

**HUNT:** --should stop all debate. There are still people in the queue who have not yet spoken. Senator Conrad is waiting to speak. It looks like Senator Lowe is waiting to speak. He certainly won't call the question and try to stifle more debate, I'm sure. Because colleague, what happens when we get to a bill that actually has a lot of

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substantive discussion? We're going to have a lot of those coming up. These horrible bills about using taxpayer dollars to fund private schools. That's going to be a robust debate. The abortion ban. That's what all these bills are really about. That's what all of you were sent here to do. The way abortion has corrupted this Legislature seeps into every single thing we do and that's your choice. That's because you have chosen to take all of the oxygen out of the room and make this whole session about that topic. And again, it's not because of your morality or your values or your principles, it's because politics is your--

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

**HUNT:** --religion instead of your actual religion. Thank you, Mr.--

**KELLY:** Senator Ben Hansen announces the following guests: 25 members and one teacher-- students and one teacher from the business and law class, Blair High School, Blair, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I want to address a couple of things. One, if there was some misunderstanding, I wasn't talking about the prayer on the floor this morning-- morning. I was talking about a staff email that went out at 10 a.m. today about prayer group. I disagree with the prayer on, on the floor in the morning because, again, staff time is, is during that and the staff that's in the Clerk's Office is required to be on the floor and sit through that. And I don't think that that is appropriate, but not, not a battle I'm going to pick at this point. Senator Erdman, I did ask questions on Senator Jacobson's bill this morning because I genuinely wanted to know if, by removing the residential address requirement, were we allowing out-of-state corporations and companies to set up here. Because we have an issue, especially in the housing industry here in Nebraska, of out-of-state businesses and we can't serve them anything. We can't serve any subpoenas or anything like that because they're out of state. And I don't want to be lessening our access for legal recourse when it is necessary in the state. So that was an extremely legitimate concern and I appreciate Senator Jacobson taking the time and addressing it for the record for me. But I can take time if I want to and I can talk about what I want to talk about. And I will take time when I want to and I will talk about what I want to talk about. I legitimately saw LB51 on the, on the agenda when I saw that email come through from that staff member. And I thought, this is a good opportunity to raise this concern, this ongoing concern of

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mine, because we're talking about staff time and staff resources with LB51. And I completely agree with what we're trying to do with LB51. And I think that it is appropriate and a more effective use of administrative time and resources, but it also was a time for me to bring up a con-- ongoing concern that I have about staff time being used for religious purposes in this body. And I think that that is completely germane to the conversation, because we're talking about staff time and staff resources with LB51, and that's exactly what I'm talking about. If Senator Erdman would love-- like to get in the queue and call the question, I would love that so much. Every time you all call the question, it is a gift for me. It is such a wonderful gift because it takes up time for me. I don't have to do anything. It takes, like, 30 minutes. When you call the question and then you motion to over-- the Chair has us vote or makes a ruling and then we motion to overrule the Chair and then we do a call of the house and then we do a vote and then we do a roll call vote and then we do another vote, it is like a whole procedural thing that is just a gift to me. Please do it as often as you like. It makes me so happy. Thank you, colleagues. Seriously. Thank you. Please call the question more often. Because then, as you can tell in my voice-- I'm losing my voice. I can talk less. So, go for it. Go bananas. It'll be fantastic for all involved. Senator Hunt talked about taking time. Yeah. H-E-double hockey sticks. Yes, indeed. I want to take time, because so many people in this body decided to introduce bills that are essentially clickbait. They're not public policy. They're not good for Nebraska. They don't move forward tax policy. They don't move forward our economy. They don't address the need-- the essential needs of everyday Nebraskans. They are talking points on cable news networks. Clickbait. And I don't want to have that on this floor. I would rather we not pass--

**KELLY:** One minute.

**M. CAVANAUGH:** --a single bill this year, not a single bill, than pass these policies that hurt Nebraskans. We are legislating mean into our state statutes and I am here to fight it every day. And as long as I even have a little squeak of a voice, every minute of every day, I am going to fight legislating mean. And since I only have a few seconds left, left, I just want to once again reassure the LGBTQ youth and people of this state that you are loved, you are seen, you are important, you matter. And there are those of us in this body that will fight for you. Don't give up on us. We're not giving up for you. Thank you.

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

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**CONRAD:** Thank you, Mr. President. And good morning, colleagues. I actually wasn't planning to speak on this measure that came before the Government Committee a few weeks ago, but I was intrigued by the trajectory that the debate carried on through after Senator Murman's unfortunate entree into the debate, wherein he utilized his powers and ability outside the scope of an appropriate or correct application of our rules to try and bully and try and silence other senators from conducting their due diligence. And I think that's disappointing and part of a pattern in practice as we've seen in this Legislature over the last 30 days. So here we go again. And what's really disappointing is that this is all governed in our rules, the rules that we adopted unanimously, together. If an item is not governed by a specific rule, our norms and customs and traditions are next in line in terms of priority for how we conduct ourselves. And if we can't find the answer there, then, of course, we can direct ourselves to the Mason's Legislative Guide. So there is an incredibly long history in the Nebraska Legislature, according to our traditions, norms and customs as the only deliberative body in the state of Nebraska to enjoy and appreciate and embrace a robust debate on a host of different topics impacting the state and impacting this Legislature. There are decades of precedent wherein senators have utilized various legislative vehicles to spark attention or debate to current events that they are reading about in the headlines, to issues popping up from their constituents, to engage in debate with other senators after something piqued their interest from another senator's time on the mike. And that's a good thing. To-- my friends, Senator Murman, Senator Erdman and others involved in quickly calling the question or a refusal to answer questions or trying to bully senators with inappropriate, out-of-order motions regarding germaneness in an attempt to strike things from the record: how ironic to have a big government solution grounded in silencing and censorship and bullying. The antidote for a speech that you disagree with is more speech. It is not government censorship. It is not utilizing the power and privilege of your office in this institution to protect your egos or fragility from something that you don't want to hear, that's too painful to hear. If you don't want to hear it, you can organize your time in another way. If you don't want to go down that path, you can hit your light and talk about the measure as you see fit to debate. But there is nothing out of line or out of order as delineated in our rules, traditions, history and custom to debate, to deliberate, to enjoy an opportunity to have a robust discussion of ideas and questions. So whether it's calling the questions excessively as we saw last week, which, again, is counterproductive and takes more time and anathema to our, our rules and traditions, or whether it's clumsy attempts to raise a question--



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**KELLY:** One minute.

**CONRAD:** --of germaneness and try and strike something from the record, which shows a lack of appreciation and understanding for the rules which we unanimously adopted together. Whether it's senators, these same senators in committee denying my opportunity to ask other senators questions about their bills, whether it's senators coming before committees, throwing up their hands and saying, I'm too tired. I don't want to answer questions anymore. So here we go again with yet another unfortunate example, a pattern in practice by the tyranny of the majority to not just win, but to silence and to censor and to tear down the institution, this proud institution and its history, at all cost. That, my friends, is scorched earth politics and that has no place in the Nebraska Legislature. I will continue to extend an olive branch and work constructively on any critical issue with any member at any time, but it's disappointing that members--

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

**CONRAD:** --would conduct themselves in this manner. Thank you, Mr. President.

**KELLY:** Senator Hunt, you're recognized to speak, and this is your third time on this matter.

**HUNT:** Thank you, Mr. President. Well, there you have it, if you listened to Senator Conrad. I am always willing to extend an olive branch, but somebody has to be there on the other side to take it. What Senator Cavanaugh originally brought up-- Senator Machaela Cavanaugh originally brought up, but I don't know if it was said, is that we don't allow our staff members to take time on the clock to go testify in front of committees on bills. There have been many times where I sat in a committee and somebody's legislative aide or administrative assistant came in and testified on a bill. That's totally OK. It's a little bit unusual, but to me, it's encouraging when we see staff members exercising their First Amendment right, exercising their ability to weigh in on a subject on the record, because, honestly, for staff, it's kind of a risk sometimes. There's a lot of pressure among, you know, most staff members to stay pretty neutral. You know, our staff is often the back channel that works together to help us cooperate as lawmakers, as state senators when, when we're not, frankly, getting along face to face. Oftentimes, it's our staff that kind of helps bridge that. And so, staff relationships are very important with each other and with this institution. So when a staffer takes their own time to weigh in on an issue, come testify

on something, that means a lot to me because I feel like they're, they're taking a risk there. They're putting themselves out there in a way that could have blowback for them, and I really respect that. But we do have a rule that, in order to do that, they cannot be doing this political speech on taxpayer time, on state time. So they're required to not log those hours for work when they are testifying. Why shouldn't the same thing be true for time spent in Bible study? Bible study or the study of any religious text is not relevant to the work that we do here, necessarily. The way that you all do it is certainly not relevant to the work that we do. You might argue that it is, but everyone-- it's, it's basically understood that that's not the purpose of what you're doing. You're not studying the teachings of Jesus Christ so you can be more like Jesus Christ in the votes that you cast. That we know for sure. Senator Murman, you know, defending the prayer that he did this morning that was completely denominational. You know, it was, it was a bald face, you know, obvious Christian prayer, as they are almost every day. You know, I don't mean to pick on him, but he's the one who drew the straw today. He did the prayer today. And I was amused that his defense of it was, well, these are the words of George Washington. So if you don't like George Washington, then I don't know what to tell you. Maybe you're in the wrong place, this and that. You know what? I don't like George Washington. When he died, he had 153 slaves. And there's a, a myth that he freed his slaves when he died. He freed one slave who was a Revolutionary War celebrity, basically. He kind of had to free him because he became very famous during the Revolutionary War, this slave. And the other 152 slaves he gave to his wife, Martha. Martha kept the slaves until she died and they passed them down to their children. So he did not free his slaves. He owned humans. And I don't admire George Washington. I think that just because someone is a founding father or something, we don't need to venerate them, necessarily. We don't need to revere their words. And we don't need to repeat their words in the form of an invocation before we convene every day. When I talk about Christian nationalism--

**KELLY:** One minute.

**HUNT:** --you know, I think about-- I was reading this article in The New York Review of Books, and I wanted to share this part from the article. It's by Linda Greenhouse, and the title is Victimhood and Vengeance. And she's talking about the creep of Christian nationalism into our politics. One example: in November 2022, celebrating his reelection, Oklahoma's Republican governor, Kevin Stitt, offered up his state to Christianity. Quote, Father, we just claim Oklahoma for you, he intoned. Every square inch, we claim it for you in the name of

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Jesus. Father, we can do nothing apart from you. We just thank you. We claim Oklahoma for you as the authority that I have as governor, the spiritual authority and physical authority that you give me. And it goes on and on that he's claiming his state in the name of the Christian deity, Jesus Christ. This is what all of you would like to do.

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

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

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

**M. CAVANAUGH:** Thank you, Mr. President. Senator Hunt, thank you for bringing up George Washington. I was thinking the exact same thing. I don't like George Washington. So I didn't hear the prayer this morning. I had no idea what was said in the prayer in the Chamber. I oftentimes don't hear it. I usually only make a point to listen to the prayer if somebody who's giving the prayer asks me to. And then I will try and make a point to listen in. But I genuinely-- generally skip the prayer because I find that the prayer that is being spoken and the word-- the lips that are speaking them do not honor the words that they are saying. And so for me, that's a disservice to prayer. And, and if you're not going to even make the smallest attempt to live the actions that you are praying that God gives us grace and intercession to have, then it's hard for me to listen to it. So I usually opt to not listen to the prayer, because I take prayer very seriously. And if the prayer this morning was quoting George Washington or a prayer from George Washington, I'm glad that I missed it because George Washington owned human beings. All of the things that Senator Hunt said. And I don't need to hear that, I don't need to honor that, I don't need to pay respect or reverence to that. I understand the time that George Washington lived in is-- was a time of slavery. There's never an easy time to do the right thing. It's not easy now to do the right thing. It wasn't easy then to do the right thing, but it's also not hard at any point in time to recognize that owning another person is the wrong thing. So I'm not going to pay deference or respect to George Washington for leading the revolution when he owned human beings. We should hold even our historical figures to a higher standard than we do. We shouldn't have the rosy glasses. Yes, he led the revolution. Yes, America is free. He also owned people, and that is problematic. I honestly really only intended to talk on Senator Jacobson's bill this morning. Like, genuinely had a question about the address. Wanted to ask it, asked, answered, yielded my time. But I saw LB51. I viewed it

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as an opportunity to speak about an issue that is important to me that I view as something that we have just allowed, passable, permissible, in the Legislature. And I, I thought this was a good opportunity to talk about it. But Senator Erdman and Senator Murman have renewed a fire in me this morning and I am excited to just keep on keeping on this morning because I was like, you know what? I don't care about anything that's on this agenda, but I can find things to care about. I can find things to talk about on this agenda. So that's what I'm doing. I'm just sitting over here. I got the bills coming up next, LB252, and I'm reading over them. I got the fiscal note. I got the committee statement. And I'm just going to take time because the more time I take on the bills here, the fewer bills we get to. So, this is my last turn on the mike. That was Senator Hunt's last turn on the mike. So this is probably going to move forward with this bill. I would encourage everyone to vote for this bill. I didn't even know that this was a thing we did. So, appreciate Senator Briese and the committee for moving it forward. I don't actually even know what committee it came out of. Committee statement-- Government. Came out unanimous. That's great. So I think that it's a fantastic idea that we should all get behind and support. I don't vote for bills that are in the queue on General File out of committee unless I have a strong feeling about them. Literally no one in here comes to talk to me about their bills, so I'm not voting for them unless it's something that I'm like, yes, we need to do that. So this is a bill that I'm going to vote for because, yes, we need to do this. And anything we can do to make the life of staff a little bit easier, I'm here for. But just typically, for people who are watching at home and wondering, why is Senator Cavanaugh not voting on anything? Well, probably the introducer didn't talk to me, so we'll start there. And I don't see it as an urgent need. And I'm not going to vote for people's bills that are supporting bad things. You all don't need me. That's fine. I'm going to just keep working on reading the bills that are in front of me to talk about. Thank you.

**KELLY:** That's your time, Senator. Senator Geist announces two guests under the south balcony: Addison Scofield, a student at Lux Middle School; Wyatt Scofield, a student at Pyrtle Elementary School. They are the grandchildren of Jayne Scofield, the manager of the Legislature's Technology Center. Please stand and be recognized. Senator Briese, to close.

**BRIESE:** Thank you, Mr. President. And good morning again, colleagues. Just to circle back, this bill was brought to me by the Clerk of the Legislature. It's simply intended to eliminate obsolete language relative to the use of the state's telecommunications system by

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members of the Legislature. I would ask for your green vote. Thank you.

**KELLY:** Thank you, Senator. The question is the advancement of LB51 to E&R Initial. All those opposed-- or all those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

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

**KELLY:** The bill advances. Mr. Clerk, next item.

**CLERK:** Mr. President, if I could, quickly, some items. Amendments to be printed from Senator Machaela Cavanaugh to LB77. Additionally, a new resolution: LR41, from Senator McKinney. That will be laid over. Next item, Mr. President: LB252, introduced by Senator Brewer. It's a bill for an act relating to veterans; amends several sections within Chapter 80 and a section in (Chapter) 81; changes reference to the veterans' home; change provisions relating to veterans aid, Department of Veterans' Affairs Offices, and duties of the director of Veterans' Affairs; eliminates an obsolete provision; repeals original section and outright repeals Section 80-336. The bill was read for the first time on January 10 of this year and referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with committee amendments, Mr. President.

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

**BREWER:** Thank you, Mr. President. I introduce LB252 on behalf of the Nebraska Department of Veterans' Affairs. The purpose of this bill is to update statutes related to the Department and some of the facilities. This is a nine-page bill with some very minor changes. It updates reference-- references to the director of the Department. It allows the director to use the director's designee for certain purposes. It removes the old requirement that the Department of Veterans' Affairs is located inside the Capitol building. It changes the facility name for the former Grand Island Veterans' Home to Central Nebraska Veterans' Home. These are just some small updates that were necessary for the Department of Veterans' Affairs. Thank you, Mr. President.

**KELLY:** Thank you, Senator Brewer. There are amendments. Senator Brewer, you're recognized to open.

**BREWER:** Again, thank you, Mr. President. All right. AM153 corrects an oversight by Director Hilgert when we worked the base bill up. Currently, we have a list of qualified factors that can be used for

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public higher education, tuition waivers, waivers for service-- a service member's dependents, and that includes a parent who died of service-connected disability, died after discharge from the service-connected injury or illness, is permanently or totally disabled as a result of military service or is classified MIA, POW during their time in service. Somehow in this, we left out "died while on active duty." A child of a fallen service member deserves these benefits. AM153 corrects this oversight. AM1-- sorry. LB252 was heard on the first day of hearings and came out 8-0 out of committee. I urge your green vote on both AM153 and LB252. Thank you, Mr. President.

**KELLY:** Thank you, Senator Brewer. Senator Vargas announces about 20 people from the NSEA, retired, in the south balcony as his guests. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, a bill I wasn't planning on speaking on, but here we are. I, I am curious if this will change the fiscal note. I'm trying to figure out if it will. There is currently no fiscal note and I'm, I'm guessing that it probably won't change the fiscal note, but I would ask if Senator Brewer would yield to a question.

**KELLY:** Senator Brewer, will you yield?

**BREWER:** Yes.

**M. CAVANAUGH:** Thank you, Senator Brewer. Do you think that this will-- this change will change the fiscal note at all?

**BREWER:** No. I mean, there's probably a factor here that's hard to determine and that would be the number of servicemen that die.

**M. CAVANAUGH:** OK. All right. Thank you. I appreciate that. And I appreciate you bringing this bill. Doing anything to support our veterans is something that is very near and dear to my heart. And I am grateful to Senator Brewer for bringing bills and-- to the end of making their lives easier and honoring their service, something that is really important to me. I have numerous family members that are veterans, including my father-in-law and my brother-in-law on my husband's side and, and-- in addition to family members on my own side, a long history of dedicated service and I just want to take this opportunity to thank them and let them know that they are very much appreciated for the service that they have given to our country and all veterans. I would also like to take this time to say to our

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veterans that are part of the LGBTQ+ community, thank you for fighting to defend our country and representing Nebraskans. I hope that we can do a better job of fighting for you and your rights and your civil liberties as we move forward in this session. I know that there is a lot of bills that have been introduced that attack the LGBTQ community's rights and civil liberties. And I think some of my colleagues might forget that service members are also part of that community. So when we attack LGBTQ community, we're not just attacking the LGBTQ community. We're also attacking service members and veterans. So, I don't really have anything more to say on this one. So I suppose we'll get to a vote on it. I appreciate the bill. I appreciate Senator Brewer's service to our country and to our state. I yield the remainder of my time.

**KELLY:** Thank you, Senator. Senator Brewer, to close on AM153. Senator Brewer waives closing. The question is the adoption of AM153. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

**KELLY:** The amendment is adopted. Senator Brewer to close on LB252. Senator Brewer waives closing. The question is to advance LB252 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

**KELLY:** The bill advances. Mr. Clerk, next item.

**CLERK:** Mr. President, The next bill: LB136, introduced by Senator Geist. It's a bill for an act relating to motor vehicles; amends several sections within Chapter 60; changes provisions related to Motor Vehicles Certificate of Title Act, the Motor Vehicle Registration Act and the Motor Vehicle Operator's License Act as prescribed; and repeals the original section. The bill was read for the first time on January 6 of this year and referred to the Transportation and Telecommunications Committee. That committee placed the bill on General File. There are no amendments, Mr. President.

**KELLY:** Senator Geist, you're recognized open.

**GEIST:** Thank you, Mr. President. LB136 allows for owners of ATVs and UTVs to title their ATV or UTV in any county with a county treasurer. Section 2 and 3 harmonizes the term United States Government Certificate to obtain title for former military vehicles. It adds this

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term to the list of documents that may be submitted with an application for Certificate of Title for a motor vehicle which has not been previously titled in Nebraska. Section 2 also allows for a person to check the National Motor Vehicle Title Information System or the Nebraska Crime Information System, in addition to the National Crime Information Center, to conduct an identification inspection of a vehicle. Section 4 changes a term from "damaged" to "branded" to allow for all brands from out-of-state titles to be carried forward to Nebraska certificates of title. Section 5 allows the director to suspend, revoke, cancel or refuse to issue or renew a registration if the applicant is registering an apportioned vehicle has committed a violation of the International Registration Act [SIC] or the rules or regulations under that act. Then Section 6 eliminates outdated and obsolete language relating to restricted commercial driver's licenses. It increases the seasonal period of validity for a restricted commercial operator's license from 180 days to 120 day-- or 210 days. During the hearing, Director Lahm testified in favor of the bill and there was no opposition. I urge you to vote green on LB136.

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

**M. CAVANAUGH:** Thank you, Mr. President. Chip, chip, chipping away at time. So this is a bill, if you look at the committee statement, which you can either get a copy of from the bill room or you can find it online, you will see that I was present, not voting. So you're going to see this coming out of committees for me pretty frequently this year, unless I'm a "no" vote. But I'm not going to vote for bills for colleagues, for all of you. I'm not going to vote for your bills just because. I'm not going to vote for your bills because you're a nice person. I'm not going to vote for your bills because you worked hard on it. I'm going to vote for your bills if I think that they're important and necessary, if I think that they advance something significant for the people of Nebraska. But I'm not going to be nice. My first two years, I voted for, like, everything unless I, like, actually opposed it. I voted for everything. And-- because I was like, well, I, I mean, I don't have an issue with this. This person's nice. Why would I not vote for their bill? I'm not doing that anymore. Because the reality is that as long as you are supporting policies that hurt people in Nebraska, you're not nice. And the majority of people in this building, in this room support policies that hurt Nebraskans. So when I'm present, not voting on your bills, it's because I think that you're not nice. If it's a bill that gets 40-some votes but Senator Machaela Cavanaugh doesn't vote for it, it is because I think that you are not nice. If I don't speak on your bill



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and I don't vote for your bill, it's because I don't think that you are nice. I am trying to send a very clear message to you, colleagues. You're not as nice as you think that you are. You're not as well liked as you think that you are. There's at least one person in this room that does not think that you are nice. I do not think that you are kind. I do not think that you are compassionate. I do not think that you have the best interests of Nebraskans at heart of your public service. I think that you are supporting legislation that is malicious at its core, that you are subjecting the people of Nebraska to hurtful testimony that attacks their personage, and I'm not going to be tolerant of it. And I'm going to take lots of time on the floor as a result. What I think we should be doing is working on the economy. We are in an economic crisis and the people of Nebraska are hurting. We have seen record gas prices and low-income wage earners can't afford milk and eggs and gas. But instead, we are talking about how we can hurt people, how we can hurt children, instead of how we can lift them up and lift them out of poverty and support them. How can we best utilize our enormous wealth that we have at this moment in time to make the greatest positive impact in the lives of Nebraskans? We are so upside down in what we are focusing on that I don't know-- I don't recognize us. I don't know how the rest of you--

**KELLY:** One minute.

**M. CAVANAUGH:** --do. We're a fiscally irresponsible body. We're a morally questionable, at best, body. My constituents wanted me here to work on tax policy and improving the lives of Nebraskans. I don't know what everybody else's constituents wanted, but if you are doing what your constituents wanted, they wanted some really strange things, because we are not working on improving the lives of Nebraskans and tax policy. Those are not things we are doing. It's disappointing. Every single day is a disappointment in this place. But here I am for four more years, so I guess I'm stuck with you and you're stuck with me. Try the best to get along as best that I can, but it's hard when I'm surrounded by people that I think don't have compassion for their fellow man and don't hold kindness at the forefront of your hearts.

**KELLY:** That's your time, Senator. Senator Geist, to close. Senator Geist waives closing. The question is the advancement of LB136 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 26 ayes, 0 nays on advancement of the bill.

**KELLY:** The bill advances. Next item, Mr. Clerk.

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**CLERK:** Next bill, Mr. President: LB138, introduced by Senator Geist. It's a bill for an act relating to motor vehicles; amends several sections within Chapters 60 and 75; adopts updates to federal law and updates certain federal references; changes provisions of the Motor Vehicle Operator's License Act as prescribed; changes certain civil penalties; and repeals the original section. The bill was read for the first time on January 6 of this year and referred to the Transportation and Telecommunications Committee. That committee placed the bill on General File. I have no amendments at this time, Mr. President.

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

**GEIST:** Thank you, Mr. President. LB138 is a simple and annual update bill governing the federal regulations under which the Nebraska State Patrol and the Nebraska Department of Motor Vehicles operate. This bill updates the statutory references of most recent version of federal laws and regulations in effect as of January 1, 2023. In short, it makes our statutes reflect federal laws and regulations. During the hearing, Director Lahm, again, and Lieutenant Mike Maytum testified in favor of the bill and there was no opposition. Again, I urge you to vote green on LB138.

**KELLY:** Thank you, Senator Geist. Senator Geist to close. Senator Geist waives closing. The question is the advancement of LB138 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 28 ayes, 0 nays on advancement of the bill.

**KELLY:** Next item, Mr. Clerk.

**CLERK:** Mr. President, LB140, introduced by Senator Brandt. It's a bill for an act relating to motor vehicle registration; amends several sections within Chapter 60; changes-- provides for Czech Heritage Plates; provides powers and duties; harmonizes provisions; provides operative dates; and repeals the original section. The bill was read for the first time on January 6 of this year and referred to the Transportation and Telecommunications Committee. That committee placed the bill on General File. I have nothing pending at this time, Mr. President.

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

**BRANDT:** Thank you, Mr. Lieutenant Governor. And good morning, Nebraska. Good morning, colleagues. Today, I'm asking for your green

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vote on LB140, which will seek to create a new specialty license plate, one that recognizes and celebrates Czech heritage. As you know, many Nebraskans have and claim Czech ancestry. In the late 1800s and early 1900s, tens of thousands of Czechs made Nebraska their home, our rural areas reminding them of the golden fields of Bohemia and Moravia, settling in Wilber, Milligan, Prague and many other places throughout Nebraska. We are very fortunate to have many ways to celebrate Czech heritage and culture year round in Nebraska, with August Czech Days and Wilbur being among the most popular. Czech heritage is an integral part of Nebraska's history. And in that spirit, I am introducing a bill to allow for the purchase of a Czech Heritage specialty license plate. The specialty plate would be designed by the DMV in consultation with the Czech Honorary Consul of Nebraska, who at this time is Mila Saskova-Pierce. Once the plate is released, it would cost \$5 to purchase a Czech plate or another \$40 if the plate is personalized. The money raised would go to the DMV Cash Fund, not any Czech foundation. This bill was heard in the Transportation and Telecommunications Committee and came out of the committee 8-0 and had many supporters of Czech heritage and no opposition. With that, I would ask for your green vote on LB140. Thank you.

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

**ERDMAN:** Thank you, Mr. President. Normally, I probably wouldn't be in favor of a specialty plate, but in light of the current plate that is issued to us by the state of Nebraska, I would be in favor of any design other than the one we have. I got a call from a lady in Dawes County last week and she asked me if I had seen the new license plates, and I said I had. And she said, I have six vehicles. And if you think I'm going to put that ugly plate on my vehicles, you're crazy. She said, I'm ordering specialty plates for all six vehicles. So, Senator Brandt, I'm going to vote for your bill because I would like to have any plate besides the one I do have. What we need to do, and I spoke to my staff about this, we need to introduce legislation that would formulate a permanent Nebraska license plate, one license plate, and take that authority away from the Governor or whoever makes the decision. It is peculiar how we decide the designs. So, Senator Brandt, will you yield to a question?

**KELLY:** Senator Brandt, will you yield?

**BRANDT:** Yes, I will.

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**ERDMAN:** Senator Brandt, do you have any idea how many specialty plates we have now?

**BRANDT:** Yes, I do. There are 44 specialty plates.

**ERDMAN:** I looked at the website and it showed 93. There's 93--

**BRANDT:** They're, they're--

**ERDMAN:** --different, different plates. You mean specialty plates that the state has designed? Is that what you're saying?

**BRANDT:** --yes.

**ERDMAN:** OK.

**BRANDT:** Ninety-three plates would include commercial plates and--

**ERDMAN:** Right.

**BRANDT:** --and not for hire-- I mean, that would be all of the license plates, but--

**ERDMAN:** Right.

**BRANDT:** --if you want to go in and select a specialty plate, you have 44 choices for the most part. Some of those are, like, POW, Pearl Harbor-- I mean, they're very specific to very specific people. But we have some, some very nice plates out there.

**ERDMAN:** I agree. So the other issue is, there are other design plates that one can order but they're not at \$5. And so, the total number goes up to 93. So who did you say was going to design the plate?

**BRANDT:** The DMV always designs the plate, usually in consultation with whatever group is sponsoring the plate. So I'm sure when they did the, the, the corn plate, it was probably with the Corn Growers. Or when they did the beef plate, it was probably with the Nebraska Cattlemen, so they'll-- they will work with the group that is, that is sponsoring the plate.

**ERDMAN:** OK. Are you from a Czechoslovakian descent?

**BRANDT:** I-- unfortunately, no. It's, it's kind of like being Irish on St. Patrick's Day. If you're, if you're anywhere close to Wilber that first week in August, everybody is Czech.

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**ERDMAN:** OK. All right. Thank you for your time.

**BRANDT:** You bet.

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

**M. CAVANAUGH:** Thank you, Mr. President. I support LB140. I have some issues with the hearing, in that there were no kolaches, which is very disappointing. But any bill that gets Senator Tom Brandt to come in costume, I think we all should be behind. I appreciate that he brought this bill and I also appreciate Senator Erdman's statements. I, I don't have a problem with the, the state license plate, but I do think that the process of making our license plates should be clearer. But also, Senator Erdman, I did want you to know that you're in company with Jane Kleeb, so you might want to check your temperature, see if you're doing OK. I yield the remainder of my time to Senator Hunt.

**KELLY:** Senator Hunt, you have 4:12.

**HUNT:** Thank you, Mr. President. Thank you, Senator Cavanaugh. I have an amendment to LB140 that should get read across here in a minute and introduced, then we'll move on to that. LB140 opens up a section of statute that deals with our license plates. A lot of states around the country do not allow customized license plates. They don't allow organizations in the state or senators or, or lawmakers in the state to design license plates and have different things going on. A lot of people, you know, believe it or not, see a license plate as, basically, a billboard advertising for a state. When any of us are on a road trip or, you know, even driving from place to place in our own cities, you look around as you're driving and you see what plates the other cars have. You see if there's a vanity plate. Maybe it says something funny or interesting. I know a lot of you have interesting license plates, my favorite one being Senator Erdman, whose license plate says "old." So that's my favorite one, and my child really likes that one too. But when you're driving from place to place and you see different license plates, you notice what those say about that state. Some states have a license plate that says the state motto on it or it has an interesting color, color combination or there are some license plates, where even if I'm several cars back from a car, I can tell what state it is a couple cars ahead of me because they have a really recognizable license plate. Once in a while, you see even a Hawaii or an Alaska license plate, the Hawaii one that has the rainbow on it. And so, what we put on our cars, you know, the little piece of metal that we screw to the front and the back of our cars, isn't just

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portraying a message that might be in that license plate. It's actually representing the state. And, you know, generally, license plates that we have approved, once we started having these special license plates in Nebraska, which we didn't always have, for the most part, they're fairly non-controversial, in the sense of you can get a plate celebrating Nebraska's 150th birthday or you can get a license plate saying Down's Syndrome awareness or-- I'm looking at the, at the bill here, just looking at the statute. There are plates you can get to support mountain lion conservation or Native American cultural awareness, Nebraska Cornhusker spirit plates. All of the license plates in statute are in order alphabetically and not, as you might think, in order of when they were passed and introduced. So as you look through LB140, you see the section of statute that it opens up and all of the different license plates that we have. I have always been against specialty license plates, but given that this is the direction things have gone, I introduced a specialty plate last year or a--

**KELLY:** One minute.

**HUNT:** --few years ago-- thank you, Mr. President-- to express support for the arts. This license plate was part of a bill that I worked on to allow the recognition of arts districts in Nebraska. At the time, we were one of only two states that didn't recognize any arts districts in Nebraska. Every other state did. And so, I introduced a bill to say that the Nebraska Arts Council would have the authority to grant grants, to give grants, to collectives around the state that wanted to identify themselves as an arts district. And the idea was that this was something that neighborhoods could do to increase tourism, to increase economic activity. Sometimes they wanted to do different improvement projects like decorating bus benches or putting up murals or even just sidewalk beautification, just repairing sidewalks and--

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

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

**KELLY:** Mr. Clerk.

**CLERK:** Mr. President, Senator Hunt would move to offer AM470.

**KELLY:** Senator Hunt, you're recognized to open on AM470.

**HUNT:** Thank you, Mr. President. So I introduced this bill to allow arts districts to be recognized throughout the state. And it allows

the Nebraska Arts Council to distribute grants to districts that are recognized around the state for their support of the arts. When I introduced that bill, there was a problem, naturally, of how we were going to fund it. And whenever we introduce something in the Legislature that has a funding aspect, that makes it really difficult to pass, even if it's a really good idea. So although I do not like specialty license plates, I really don't, I introduced a license plate bill to generate funds to go toward grants for arts districts. And that is Section 51 of this statute, Support the Arts plates, pursuant to Sections 60-3,251 and 60-3,252. There are many specialty license plates in this statute that are non-controversial, that go to support really good causes, but there is one license plate in here that is fairly controversial. And it continues to concern me that we are using state resources to put the state's name and a stamp on such a controversial issue, and that's Section 7, the Choose Life license plates. The Choose Life license plate was created before I got here, I think the year before I was elected. And what this plate did was it put explicitly political speech, sanctioned by the state, onto vehicles. And the reason I have a problem with that is that we don't have any other kind of really controversial political speech endorsed by the state to be on our license plates. We don't have anything that even says, like, support the First Amendment, to say nothing of support the Second Amendment or-- I don't know, any, any of the, like, very controversial things, you know: gay people shouldn't adopt, migrants shouldn't have driver's licenses. Like, this is, to me, the level of political speech that we've chosen to put on our license plates by having the Choose Life license plate. My amendment, AM470, would strike the Choose Life license plate section of this statute. The reason for this is what I've already outlined, but also the fact that, this year, we're debating an abortion ban. And after we pass this abortion ban, which, by all accounts, we probably will. I don't really see that we have the votes to stop it right now. And, you know, I hope that changes and anything can ever change. But given that we're looking down the barrel of an abortion ban in Nebraska, it doesn't feel appropriate to me that we have a license plate that says choose life, because what we're doing is we're actually taking away the ability of people to choose. We-- it makes no sense to have people say, choose life, when the Nebraska Legislature is no longer allowing them that choice. I wrestled with this decision a lot over the interim. If you recall, over the interim, we were likely, possibly, to go into a special session to ban abortion because once the Dobbs decision came down and Roe v. Wade was no longer the law of the land in the United States, Nebraska was left, to the embarrassment of many of you, without a trigger bill to ban abortion after Roe v. Wade was

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overtaken. So because of that, because we didn't have a trigger bill in Nebraska, abortion is still legal up to 20 weeks in Nebraska. We have abortion providers in Nebraska who are still offering care and are offering care, by the way, to people from all different states, all over the country. When you-- I volunteer at, at different abortion clinics across the state. And when you're in those parking lots, you see cars coming in from Texas, you see cars coming in from Oklahoma, Ohio, all over the country. And you talk to these women who come out of the vehicles and a lot of them just found out they're pregnant, weren't able to get an appointment in their state. They had to drive-- the longest I talked to was 16 hours to Nebraska because that's the closest and soonest appointment they can get to end their pregnancy. And then they have to go through all of the trap laws that we put in place to make it more difficult for them to obtain care. We make sure that they have to have an ultrasound. They have to, you know, look at the ultrasound-- all of these laws that we passed to make it more difficult for people to make decisions about their own bodies in our state. And a lot of these people don't have any money either. And that's why they've actually found an appointment in Nebraska, because they've used something like an, an abortion fund or an abortion resources network, where they call in, and then the people who run those networks help connect them to the nearest, soonest, possible appointment. These networks also often give patients money for travel, for hotel-- not a lot of money, not extra spending money or anything, but just enough for them to get the procedure that they need and they can get back home. Unfortunately, with Roe v. Wade no longer being the law of the land, this is how Americans are accessing healthcare. We're no longer trusting doctors and patients. We're no longer trusting the American Medical Association. We're no longer putting our trust in the, the brilliant students and doctors and physicians that come out of Nebraska Medicine or Creighton Medicine or anything like that. We're saying these 49 lawmakers in this body who are selected to represent you know more about your health and your wellness than anybody else. And they're the ones who are going to be making the decisions about your body, about your fertility, your reproductive health and your reproductive future. And Nebraska, evidently, would like to be a part of that. Nebraska, evidently, would like to be a part of the system, nationwide, that causes women to have to phone an abortion network hotline, say, where in the country can I get an abortion soon as possible, as close as possible? And you colleagues, you would like to have these women who are desperate, who are often in horrible medical situations, who are facing emergencies, you want them to have to travel to other places in the country to get the care that physicians here are able to provide, that we can trust physicians to



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provide here. So when we have that, colleagues, on a license plate, Choose Life, and there's people driving around in the state that doesn't allow them to even have that choice, to me, it's the height of hypocrisy. I think that abortion opponents should look at their work over the last 20-plus years, pat themselves on the back and claim victory. You should be proud of yourselves that you won. Roe v. Wade is overturned. Remember when getting a Choose Life license plate was like the best thing you could hope for? Like, that was the abortion bill that year. It was 2018 or '17 or something. That was the abortion bill. And I remember being so opposed to it as a constituent, as a regular Nebraskan. And I'm watching the Legislature and I'm reading the news, reading the, the World-Herald and learning about what my Legislature is doing to represent me. And I see they're spending days and days arguing over what to screw on the front and back of your car and whether it should support abortion or not, when there are all kinds of other things that we can be talking about: utility trailer license plates, well-boring apparatus and well-servicing equipment license plates, wildlife conservation plates, Sammy's Superheroes license plate for childhood cancer awareness, Purple Heart license plates issued, repossession license plates, prostate cancer awareness plates. Colleagues, we could make a license plate for every issue under the sun and I'm not sure that we won't, frankly. As the years go by, you're going to see this section of statute expand more and more and more so that everybody's issue is in here. And this is going to be the way that we're fundraising--

**KELLY:** One minute.

**HUNT:** Thank you, Mr. President. This is going to be the-- end up being the way that we fundraise to provide for government. That's why I had to introduce and pass the license plate bill, not because I think they're so great. I think they should all be done away with. I introduced a license plate bill last year or a couple of years ago because that was the only way to fund the creative arts district grants that Nebraskans were asking for. And those have been a great success. That bill was really a gift to my district, District 8, in the northern part of midtown Omaha, where we have Dundee. We have Benson. We have First Friday, we have the Benson Theater that was just newly renovated and funded with a really nice donation from Chip Davis from Mannheim Steamroller. And we have a lot of really great galleries in that area. And I know it's the same thing in Scottsbluff, in Norfolk, in Kearney, in Fremont--

**KELLY:** That's your time, Senator. And you're next in the queue.

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**HUNT:** --thank you, Mr. President-- in Fremont, in states all-- in cities all over the state, it's the same exact thing. And these are the kinds of services and programs that ought to be supported by taxpayers, I believe. I mean, we can have differences of opinions about that. But, you know, when I was growing up in Blair, Nebraska-- it was really great to see the students from Blair High School here. I grew up in Blair, Nebraska. And I went to college in Blair, Nebraska at Dana College. I had an amazing experience in both high school and college. If you go to Blair High School, I would be remiss to say, you will actually find me in the School Hall of Fame. Not because I'm a state senator or something. I know some high schools, they, they do their Hall of Fame based on, like, accomplishments of the adults and stuff. And at my school, you get in the Hall of Fame by getting a perfect score on the ACT or SAT or by winning state at something. And I won state in journalism for column writing and feature writing, and so I am in the Hall of Fame there at Blair High School. And it was great to see those students there. But the way my parents actually met, in Blair, Nebraska, was doing theater. They were both very active in the Blair Community Theater. Senator Murman has a bill to make a lot of the, the performances that were put on by the Blair Community Theater and many other community theaters around the state illegal. I know that my father had to wear makeup and tights for some performances, not because he was dressing as a woman, but because that was what was called for in the play. And under Senator Murman's bill, that would be made illegal in this state. So you can really see the way things have gone. And that's representative of these state senators in this body, not representative of how Nebraskans really feel about things. But growing up in Blair, Nebraska, what I really liked about living in that small town was the arts culture. We had amazing arts teachers. We had an amazing local community theater that I was a part of as well. My parents met doing theater. I grew up doing theater with my brother and my parents and lots of other friends that I had in the community. And if you go to Blair now, they don't have that anymore. They don't have Dana College. They don't have a robust local economy of, you know, college students and professors and educators and, and the staff and the faculty that have to run that institution. The theater closed. There is not the same type of cultural engagement that was there when I was growing up. That's not to say that there isn't any, but it's certainly less. And I no longer live there, so I can't really speak about, you know, taking any ownership of the growth of that or whatever. But what I do feel like I was able to contribute, as a lawmaker, finally, you know, in this position I find myself in, is a way to find grant funding and provide some funding for the arts, for culture. Nebraska has three strikes

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against it off the bat. You know, the, the Senators Cavanaugh, they had some cousins here today. I'm convinced that everyone on Earth is a cousin of a Cavanaugh. Like, I can't have a single conversation without finding out who's related to who and who went to the baby shower and who is the godmother and then, they were the cousin, and then, they went to college together. Everyone is related in this family. But when people are thinking about where to go to college, where to move, where to put down roots and start a family, have a job, they look for different things in a state, and Nebraska has three big strikes against it. First--

**KELLY:** One minute.

**HUNT:** --thank you, Mr. President-- first, is the geography. We don't have mountains. We don't have ocean, and there's nothing we can do about that. Second is the politics. You know, it's extremely conservative and becoming more so. And once again, this conservatism is not in itself, to me, offensive. It's not, it's not bad. What's bad is the way Christian nationalism and extreme far right ideology has been embodied by your party and the way that you put those values and that embodiment above your actual Christian values. That's what's no good, and that doesn't represent most Nebraskans. Most Nebraska Republicans are not like those of us here. So that's a second strike. And then, the third strike is simply the culture. You know, you look at big cities around the country, St. Louis, even New York City-- I guess New York City has access to the ocean.

**KELLY:** That's your time, Senator. You're recognized to speak and it's your third time.

**HUNT:** Thank you, Mr. President. What these cities have-- even Des Moines. Des Moines has an incredible local culture. I would not move from Nebraska to Des Moines. To me, that would be, like, a lateral move, but culture is what we are really lacking in Nebraska. So what I have tried to do is pass a license plate bill by holding my nose, because this is the only way that we're funding programs and services in Nebraska anymore. If you'd like to do something to solve the problems that we have in this state that are preventing people from investing in what we have here, you're not going to be able to find any funding in the General Fund. We have a veritable punch bowl of federal funds that everyone has their hands in, everyone's got their hand in the candy jar trying to get these ARPA funds for their special projects. And the majority of people in this body want to blow it all on tax relief anyway, when, last year, we ostensibly passed the biggest tax relief package in the history of our state. Did we ever

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think it was going to be enough? No. We're coming back year after year. Now we're here in 2023 trying to pass another tax cut instead of investing in programs and services that actually improve the experiences of people in Nebraska. So what we're learning from this is the way to actually get these things funded, the way to make any kind of change, is to pass a license plate bill. License plate bills have become the backdoor funding mechanism for any kind of service or program that we would like Nebraskans to have. My arts grants are supported by the Support the Arts license plate, and that plate has raised money for arts districts, for local theaters, for local galleries, for neighborhood beautification efforts that these people in these small towns in Nebraska, like Blair, where I grew up, are trying to just do something to hold on to their young people. They've got kids who are in high school drama, who are in high school speech and debate and choir, show choir, band, jazz band. These are artistic, creative kids. Now, some of them are gay, so I know you don't like that part. But these are creative kids and they are running out of the state as fast as their legs can carry them because we don't have culture here that they're looking for. Oh, and we're also about to have an abortion ban. In a way, the Choose Life license plates are anti-economic development, anti-job, anti-Husker because we know that there are people who have been recruited to teach at the University of Nebraska, people who have been given offers-- you know, I talked to friends of mine who are professors at the university and they're struggling to hire. They're on, like, their fourth or fifth job candidate that they've made an offer to that's been turned down. People apply for these jobs in Nebraska, at our university. They apply to lots of jobs around the, the country. But then they apply to the university, Nebraska makes them the job offer and they decline. So then the department goes, OK, let's go down to the next person who applied for the job, and that person declines. And they're trying to hire people of color. They're trying to hire women. They're trying to hire people from historically marginalized communities. And every time-- talk about affirmative action-- they end up getting to the eighth or ninth candidate to work at the University of Nebraska and it's a white guy. It's an old white guy. Of course. And this just contributes to the problem that's driving people out of the state as well. Now, why couldn't we--

**KELLY:** One minute.

**HUNT:** --get the people of color here? Thank you, Mr. President. Why couldn't we get the women here to move their families to Nebraska, get a job in our state, and invest in our culture here? Because of the decisions we are making in this body. Because people don't want to

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live in a state where abortion is illegal. And when you don't have the backstop of Roe v. Wade to give you, what's the word, to give you an excuse, to give you some, some comfort or some reassurance that it's OK to pass an abortion ban, as we've done increasingly through the last 20-plus years. We passed a 20-week ban. We passed ultrasound regulations. We've passed all kinds of trap laws affecting physicians and doctors. We've passed regulations on mifepristone and misoprostol, the abortion medication pills. We've had bills introduced around that.

**KELLY:** That's your time. Senator Hunt--

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

**KELLY:** --you're recognized to close on AM470.

**HUNT:** Thank you, Mr. President. We've had bills introduced for the past 20-plus years, more than ever before that in the history of the Legislature. If you look at a timeline of the history of the Nebraska Legislature and the bills that were introduced to control women's fertility and reproduction, almost all of those bills are in the last 15 years or so. And there's a ton of them. So this doesn't reflect an increased need. It doesn't reflect an increased interest in Nebraskans for controlling people's reproductive destinies and futures. It reflects the will of the Christian Nationalist Republican Party, who would like to control all women's bodies. And this is why people don't want to live in our state. Real talk. No young woman, no person of reproductive age would come to Nebraska and, and see this as a place where they can have a good future. And we know this because they tell us. And it's not just a women's issue. This affects men as well. It affects men when we can't hire the best people for the-- for our jobs. It affects men when they can't find any cool women to go out with because none of them want to live here. It affects men when they know that they're trying to start a family, but if their wife experiences a medical emergency or a fetal anomaly, they know that they can't get the care they need in this state. It doesn't matter how good our University of Nebraska Medical Center is. It doesn't matter how good our graduates from Creighton Medical School are. None of that matters if our physicians in Nebraska can't provide the standard of care. If I were a physician coming out of one of these medical schools, which are excellent, excellent, excellent, I would not see Nebraska as a place where I could work in good conscience, because I wouldn't be able to use my best medical judgment here. And it's one thing to have Roe v. Wade as a backstop, as the law of the land, so that you can pass barriers to abortion care because, you know, oh, they'll just go to another state. They can get it. They can get care in, in South Dakota

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and Colorado and Iowa. Well, guess what? Look around. They're all banning abortion too. There's going to be nowhere for people to go. There's going to be nowhere else for people to go. And the deaths of women, the deaths of pregnant people in our state is going to be on your conscience. I think that you should have a Bible study where you look into that, look into what you're supposed to be judging people for. You are not elected here in the Nebraska Legislature to be the judge and jury on people's personal healthcare decisions, their decisions about who to love and who to marry. None of these things are actually up to you. And there's nothing in the Bible that, that tells you that's what you should be doing either. License plates are something that are looked at in other states. And we have a very low population in Nebraska. And some of our license plates may not make it very far throughout the country. And sometimes, these license plates carry a connotation, whether that's economic development or tourism. They're basically advertising billboards for the state. I have no problem with a Czech Heritage license plate. I have a problem with a license plate that's going all over the country, that has the name of Nebraska on it, that says Nebraskans can choose life. In Nebraska, they will not be able to choose life.

**KELLY:** One minute.

**HUNT:** Thank you, Mr. President. They'll be forced to carry pregnancy. So I'll introduce an amendment that changes the Choose Life license plate name to "Forced Gestation" license plate. Because what we need to do is accurately reflect the culture and the laws that we have in Nebraska. For the last, you know, 50-plus years, maybe a Choose Life plate made sense, because people in Nebraska did have the chance to choose if they wanted to carry a pregnancy to term or not. Of course, if women do choose to give birth, if they do choose to carry a pregnancy to term, as you're all asking us to do, we turn our backs on those women as soon as their children are born. We turn our backs on those babies as soon as they come into the world. We don't do anything to help them with affordable healthcare. We don't do anything to help them with affordable education. We don't do anything to help them with affordable food.

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

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

**KELLY:** The question is, shall AM470 be adopted? All those in favor vote aye; all those-- request for a call of the house. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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**CLERK:** 13 ayes, 16 nays to place the house under call.

**KELLY:** The house is not under call. Call of the house. Senator Machaela Cavanaugh, that's out of order. The question is the adoption of AM470. All those in favor vote aye; all those opposed vote nay. Request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar voting no. Senator Albrecht. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood. Senator Bostar. Senator Bostelman not voting. Senator Brandt voting no. Senator Brewer voting no. Senator Briese. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad. Senator Day. Senator DeBoer not voting. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan. Senator Erdman voting no. Senator Fredrickson voting yes. Senator Geist voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney. Senator Moser voting no. Senator Murman. Senator Raybould voting yes. Senator Riepe voting no. Senator Sanders. Senator Slama. Senator Vargas. Senator von Gillern voting no. Senator Walz. Senator Wayne. Senator Wishart not voting. Vote is 4 ayes, 26 nays on the motion to adopt Senator Hunt's amendment.

**KELLY:** AM47-- AM470 fails. The question--

**CLERK:** There's been a replace-- there's been a request to place the house under call.

**KELLY:** There's been a request to place the house under call. Senators, all those in favor vote aye; all those opposed vote nay to place the house under call. Record, Mr. Clerk.

**CLERK:** 7 ayes, 17 nays to place the house under call.

**KELLY:** Motion fails. Mr. Clerk, items.

**CLERK:** Mr. President, amendments to be printed from Senator McDonnell to LB205. Additionally, name adds: Senator Jacobson to LB563, Senator Slama to LB568, Senator von Gillern to LB606, Senator Kauth to LB805. Notice from the Judiciary Committee: there will be a meeting in room 1113 for an Executive Session now. Judiciary Committee will be meeting in room 1113 for an Executive Session now. Motion to be printed:

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Senator Hunt to AM470, a reconsideration vote. Additionally, a motion to adjourn from Senator DeBoer. Senator DeBoer would move to adjourn the body until Wednesday, February 22, 2023, at 9:00 a.m.

**KELLY:** The question is, shall the Legislature adjourn for the day? All those in favor say aye. Those opposed, nay. We are adjourned.