

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

ARCH: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighty-third day of the One Hundred Eighth Legislature, First Session. Our chaplain for today is Reverend Jason Gantz from Gordon Berean Church in Gordon, Nebraska, Senator Tom Brewer's district. Please rise.

REVEREND GANTZ: Well, thank you. It's an honor to be here with you today. I wanted to read out of Ephesians Chapter 6, starting with Verse 10. It says: Finally, my brethren, be strong in the Lord and in the power of his might. Put on the whole armor of God that you may be able to stand against the wiles of the devil. Stand against the wiles of the devil. Let's pray. Father, we know that this is a spiritual battle that we see going on in our world, in our country, in our state. Father, we, we understand that the enemy does have strategies and he is attacking and he wants to divide and he wants to conquer. And Lord, he wants to keep us from anything that is of you. So, Father, I, I pray today for our senators, Lord, for these men and women who have willingly given up their time, their, their efforts, time with family, Lord, to, to serve in this way. Father, I pray that you would give them the strength to stand, because we know that only when we stand in your power, in your might to stand for what's right, Lord, will you honor and bless us. And so, Father, we, we pray for these men and women today, Lord, that even as they make decisions, that they would, that they would do those-- that the decisions they make would be in-- Lord, that they would bring honor to you and it would go stand with your principles. And so we, we, we thank you, Lord. We pray that you would work and we pray this in the name of Jesus Christ, who alone can save. Amen.

ARCH: I recognize Senator Moser for the Pledge of Allegiance.

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

ARCH: Thank you. I call to order the eighty-third 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.

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

CLERK: I have no corrections at this time, sir.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

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

CLERK: There are, Mr. President. Single, single amendment to be printed from Senator Blood, AM1923 to LB50. It's all I have at this time.

ARCH: Senator Bosn would like to recognize Dr. Rachel Blake of Lincoln, who is serving as the family physician of the day, located under the north balcony. Welcome, Dr. Blake. Thank you, Mr. Clerk. We will now proceed to the first item on the agenda.

CLERK: Mr. President, Select File, LB243A, introduced by Senator Briese. Priority motion, Senator Machaela Cavanaugh would move to bracket the bill until June 9, 2023.

ARCH: Senator Cavanaugh, you're welcome to open on your motion.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. It was nice to have a little break yesterday. OK. So this is-- article, yesterday, in the Nebraska Examiner. Nebraska Governor Jim Pillen signs abortion/gender care restrictions into law. Opponents vow to fight and filibuster into 2024. Let's see here. Oh. Got to make this a little bigger. LB574, proposed by state Senator Kathleen Kauth of Omaha, passed 33-15 last Friday, on the final round of debate. The measure includes an approximate 10-week abortion ban, 10 weeks gestational age and restrictions on transition surgeries, hormone therapies and puberty blockers for youth. Today is an extraordinary historic day for the state of Nebraska, Pillen said, in a signing ceremony. It's a day where we really simple-- where it's really simple: protect our kids so that our state has a bigger and brighter future. Under the law, the chief medical officer in Nebraska Department of Health and Human Services will be charged with setting the rules and regulations around the puberty blockers and hormone patients. May I have a gavel? Colleagues, you don't have to listen to me, but it's extremely loud in here. You don't also-- you also don't have to stay. We're not under a call of the house or Final Reading, so you can come back in 30 minutes. Thank you. Today is about celebrating. The abortion restrictions will become law after one legislative day, approximately at midnight on Tuesday, according to legislative rules. State Senator Joni Albrecht of Thurston, who led the original six-week abortion ban that failed by one vote on second reading, choked up Monday as she thanked her colleagues and Pillen for sticking by her in getting more restrictions into law. The current law allows abortions up to 20 weeks post-fertilization or 22 weeks gestational age. LB574 included exceptions for rape, incest and life

of the mother. Today is about celebrating and protecting the unborn and allowing our children to grow, Albrecht said. I look forward to the day when every child is protected from conception, conception to elective abortions. One thing that I find interesting about this bill is that Senator Riepe, at numerous times, expressed his concerns over the rape exception, that it was going to lead to more reports of rape so that people could get the healthcare that they needed. And that's why he didn't vote for the six-week ban. But that's in this ban. And that is exactly what's going to happen, because if you don't file criminal charges for sexual assault when you get your abortion, then your doctor's probably not going to perform it. So yay for retraumatizing victims. Way to go, your Nebraska Legislature. The gender care restrictions will become effective October 1. Oh, that's right. Yesterday, yesterday, that all became effective. Awesome. So, that's fun. Because abortion care is healthcare. And even if you don't like the word abortion, when you have a miscarriage, your medical chart says an abortion. You don't have to like the term, but that is the medical term. Miscarriage is not a medical term. So, let's just keep traumatizing those patients, shall we? LB-- the, the gender care restrictions will become effective October 1, and youths who previously received transition medications before that date can continue. However, opponents said it's unclear whether the law allows patients to receive blockers, for example, to receive-- to then receive hormones. What I find fascinating about all of this is the rhetoric around how LB574 was all about protecting kids, yet you put a grandfather clause in for these therapies and surgeries. So do they need to be protected? Because if they did, why are we not stopping it entirely? Or did we just need to protect future kids and not current trans kids? It's all very confusing because we are allowing for the treatments to continue, mostly because there was an acknowledgment that it would be hugely detrimental to their healthcare and well-being to discontinue them. But if we didn't do that, then people wouldn't have voted for it so we had to do that. But those same people were like, you know what? Just do something fake for me. If you could just put a fake thing in to protect kids for me and then I can vote for it. Because then, I can say we're not hurting the kids that are currently doing this, even though you're totally hurting them. And we're really, we're protecting those kids that need this care by stopping them from getting this care, because we're acknowledging that this care is acceptable enough to have a grandfather clause. If it's acceptable enough to have a grandfather clause, then maybe you should hit pause mentally and think about it. It might actually be acceptable then to have it as care. Just putting that out into the universe for the three people who apparently voted for LB574 because of me, not because it

was good policy, not because it was-- they thought that if we didn't do this, kids were going to get hurt. No. Three people voted for it because they were being petty. That's what Senator Slama said. It's a great reason. It's a great reason to take away people's rights. Pettiness. I don't like a lot of you. That doesn't mean that's going to impact how I vote for stuff. If I don't like you, I'm probably not going to actively vote for your stuff unless I like it. But unless I dislike it, I'm not going to vote against it either. I'm just not going to vote for it. And under normal circumstances, I wouldn't filibuster your stuff if I didn't like you. And I'm actually-- I guess this is-- I'm also not filibustering your stuff if I don't like you, I'm filibustering your stuff because I don't like LB574 and what this body collectively did, but not because I don't like someone. I'm just filibustering to filibuster at this point. And some people are like, well, why-- I mean, it's day 80-- 83. Why still filibuster? The bill passed. It's day 83. There's, what, seven days left of session? Well, there's next year. And I am worried about next year and what this body is going to do out of pure pettiness and idiocracy. So, the less we pass this year carries over to next year. And then we start next year with the things that carried over from this year and we have to decide what of those things matter. It's day 83 and we haven't yet passed any tax cuts. And on day 80, we passed the budget. The last day that we possibly could, we passed the budget. Why? Why has it taken us so long to do these things? Because this body collectively decided that taking away healthcare from Nebraskans was more important than anything we were sent to do, anything that we heard on the campaign trail that we were sent here to do. A bill that didn't even--

ARCH: One minute.

M. CAVANAUGH: --exist in your own minds was more important. A bill that had nothing to do with your constituents' concerns was more important than addressing the reasons you were sent here. So there we are, day 83, and we haven't passed any tax cuts. What a wonderful legislating body we are. I thought that I would come here and work on taxes and policy. But I was so wrong. I just got to be a part of a body that wants to be the biggest nanny state that ever existed. Government overreach, that's us, your Nebraska Legislature. So, what a treat. What a treat. So.

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: You are next in the queue.

M. CAVANAUGH: Thank you. [INAUDIBLE] there. Get back in the queue. OK. Let's finish this article. Let's go on this journey. I think there's some fun things that are said in here. There are. OK. LB574 faced significant opposition this year and spurred a 12-week-long, 13 now, filibuster, but Kauth and Pillen said the purpose is simple: protecting our kids and saving babies. I brought LB574 because you have too many kids who are being swept up in what is a social contagion. You all are following a person who is calling the LGBTQ community a social contagion. And you want me to say that you're not anti-LGBTQ? That's baloney Skittles if ever I saw baloney Skittles. You are anti-LGBTQ for voting for LB574. The introducer of LB574 believes that the community itself is a social contagion. That is vile. And you are locked arms in arms with her-- and being told that their bodies are not perfect the way they are and if they just switch their gender, they'll be fine and everything will be great. Hello, magazines. Young women have been told for as long as young women have existed that our bodies are not perfect the way they are. That is why plastic surgery exists. And it is not because of trans youth or trans adults, for that matter. The social contagion is the social construct that there is something specific that is beautiful. That's the social contagion, not gender identity, not LGBTQ. Kauth said, that's not true. Thank you. It's not. Everyone is perfect the way that they are. That doesn't mean that you can't change who you are to be who you need to be. You're still perfect. And if you want to change something about yourself, you should change that about yourself. You're still perfect. If you need to live a specific way to be happy, you should do that. You're still perfect. We will not stop. The new law is expected to face significant challenges at the ballot box and in the courts, according to opposing senators and advocacy groups outside the Legislature. Pillen said he and his team are ready to fight the challenges. State Senator Danielle Conrad of Lincoln, George Dungan of Lincoln, and John Cavanaugh of Omaha, all attorneys, have said the bill faces multiple areas of scrutiny under the law. One argument is that LB574, on the gender care side, determines on basis of sex. It does. We've talked about this. Well, I've talked about this for several hours. It is one of 130 bills nationwide that would restrict healthcare for primarily LGBTQ people. For example, cisgender boys or girls could continue to receive some restricted treatments, such as breast augmentation and-- or puberty blockers, while transgender youth could not. Yeah. That's discrimination. You voted for it. And then you complained on the microphone that you were sick of being called anti-gay. You voted for pure and simple discrimination. It's not complicated. You are against the LGBTQ community. Period. And guess

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

what else? Guess what we have coming? We have school vouchers, which gives tax dollars to--

ARCH: One minute.

M. CAVANAUGH: -religious institutions that discriminate against the LGBTQ community. And the introducer of that bill is sick of being called anti-gay. Then don't bring anti-gay bills and don't vote for anti-gay bills if you don't want to be called anti-gay. The ACLU includes LB574 among nearly 500 state-level proposals that are attacks on the LGBTQ rights. After the fall of Roe v. Wade in 2022, dozens of states moved to restrict abortion, with lawsuits challenging many of those new laws. Multiple states have also implemented restrictions or bans on gender-affirming care since the Supreme Court struck down Roe, which has been challenged, too. Mindy Rush Chipman, interim executive director of ACLU of Nebraska, said Pillen's signature betrays a total disregard for Nebraska's freedoms, health and well-being.

ARCH: Time, Senator. You're next in the queue, and this is your last opportunity before your close.

M. CAVANAUGH: Thank you. Every option is on the table to undo these regressive measures, including seeking justice through the courts, Rush Chipman said in a statement. We will not stop working toward a future that safeguards all Nebraskans' rights, including the rights of transgender youth, their families and people and their reproductive healthcare. Backdoor ban and single subject. Opponents have also said the law violates Nebraska's Constitution's single subject rule, requiring that laws deal with single issues. Kauth and other supporters argue their law upholds on this standard because it deals with healthcare and protects babies and children. Dungan on Friday also criticized the Legislature's unlimited and unrestrained delegation to chief medical officer and DHHS. State Senator John Fredrickson of Omaha said the delegation could lead to a backdoor ban on transition medications for transgender minors. Yes. Yes, it could. Could, would, will, yes. Pillen did not specify what guidance he would give interim chief direct-- medical officer Dr. Timothy Tesmer, whose confirmation hearing is this week. However, Pillen noted that he has known Tesmer for a long time. Great. So? He knows Nebraska, Pillen said of Tesmer. He understands that his job is to carry out the law that has been signed and, and that what-- that's what's expected him to do. Tesmer served as the State Board of Health in March-- chair of the State Board of Health in March. Remember that? Good times-- when it issued a statement in support of an unamended version of LB574 that included a full ban on medications for minors. What? This is the

person that's going to be in charge of making the rules about all of this. Totally, I don't see a problem. Do you see a problem? I don't see a problem. It'll be fine. It'll be-- what could go wrong? State Senator Lynne Walz of Fremont and Cavanaugh put forward specific rules and regulations-- that's, I think, John Cavanaugh. Actually, no, I don't think he did that. That would-- oh, yes. He did, in his amendment-- and John Cavanaugh put forward specific rules and regulations that would have clarified some of the confusion and offered specific guidance for the, the bill-- for when the bill goes into effect. They drafted these with Fredrickson. Walz said their proposal version could serve as a roadmap for Tesmer. State Senator Ben Hansen of Blair introduced the amendment to revive an abortion ban this year, calling those efforts one of legislative teamwork, compromise and courage. Might have been teamwork. I'm not going to speak to the courage. It was not compromise. It's not compromise when you compromise with yourself. That's not a compromise. Otherwise, I am the queen of compromise. I am constantly compromising with myself. Does that count? While this approach doesn't seem to be the norm in Washington, D.C., this is what good government looks like, Hansen said. Lawmakers also gave a nod to State Senator Julie Dunbar-- sorry-- Julie Slama of Dunbar, whose absence Friday-- yeah, skip over that. It's one example of extraordinary efforts to get the bill passed. Others included State Senator Ray Aguilar of Grand Island, who was recovering from knee surgery, to the Chamber in time to vote on the first round when the Legislature, taking a 45-minute pause in debate on the second round, to salvage the legislation. Hansen said that when it comes to protecting children, lawmakers will do all they could do. They will. They will lie. They will cheat. They will steal. They will break their own rules for good governance. Let's not confuse Nebraska nice with Nebraska meek, he said. Filibuster to, to continue in-- as 2024 takes shape. Another proposal, LB575, the Sports and Spaces Act, is expected to be considered next year.

ARCH: One minute.

M. CAVANAUGH: It would restrict sporting teams, bathrooms and locker rooms for K-12 based on sex assigned at birth. State Senator Dave Murman of Glenvil-- oh, this is my last time. OK. So then I have a close and I don't know what time we started on this, so I'll probably have to do a motion to reconsider, but that's fine. State Senator Dave Murman of Glenvil, Chair of the Education Committee, said it's, it's his hope the bill comes to the floor and is passed next year. Of course it is. The bill has 28 co-sponsors-- of course it does-- more than LB574-- why not-- and is missing four supporters of that measure: Senator John Arch, Senator Carol Bosn, Senator Mike Moser and Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Slama. Five of the eight Education Committee members are co-sponsors because they're not against the LGBTQ community. Not at all. They'll just get on the microphone and tell you that they aren't and then they will vote completely against the community, 100 percent of the time and co-sponsor bills 100 percent of the time.

ARCH: Time, Senator.

M. CAVANAUGH: That's my time.

ARCH: You're now recognized for your close.

M. CAVANAUGH: Thank you. All right. See if we can get through this article. Co-sponsors do not always mean promised support, but it is an indication that LB575 would be a defining mark in 2024. Yay. Everybody excited for the 60-day session, where all we do is continue to talk about what we talked about for the 90-day session? I know I am. Funsies. It's going to be great. Why? Why, Nebraska? Why? Why would we continue this madness? Because your Nebraska Legislature decided that it is their priority to, when we have more money than we have ever had in our history, to not do tax cuts, to not do a budget, but to attack trans youth. That's why. Your Nebraska Legislature. God bless. Had they not filibustered, this bill would have been dead in February, Kauth said-- that is a lie-- calling it a 3-5-year issue to work on. If that were the case, then why wouldn't you have worked on it for 3-5 years? What is wrong with all of you? One senator is telling reporters that they had no idea what any of this was about and they still voted for it. They had never heard about it. They didn't know it was an issue. They didn't know it was a wide [INAUDIBLE] the nation and they still voted for it. The introducer said, hadn't I not filibustered, they would have worked on it more, like a normal person. Well, be a normal person then and work on it more. And everybody who's been here for more than a hot second knows that you don't pass sweeping medical changes like this on a flip of a dime, but you did anyways. And if you did it because I irritated you, you are a failure of a legislator. That's not why you vote for things. People are irritating. So what? Get over that. You vote for things because you believe in them. You vote for things because they're good policy. You vote for things because they're good for the state. You don't vote for things because I get under your skin or vote against things because I get under your skin. That just makes you look small. That's not a reason to vote for something. That's not a reason to push policy. That's not a reason to hurt trans kids. That's not a reason to take away parental rights. That's not a reason to take away civil rights and human rights, because I irritate you. I didn't see my irritation of you bothering

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

you so much when I was helping you get your bills amended the way you wanted them, when I was holding things up so that you could work with others to get what you wanted done. I didn't see your irritation then. I think this is not what Nebraska is, Cavanaugh said of LB574. I think this is me. I don't know if it's Sen-- the other Senator Cavanaugh. This is not what Nebraska wants, and we will see that reflected in the coming months and year. That's the end of it. Thanks to the Nebraska Examiner for that article. If people thought that Friday would be the end, that you would vote for this and that it would go away, anyone who thought that is a fool. This is not going away. When you don't stand up to hate, when you are complacent and actually supportive of it, it's not going to go away. We will not go quietly into the night. This did not end on Friday. This began on Friday.

ARCH: One minute.

M. CAVANAUGH: And I have spent 12 weeks, now starting 13, doing this every day. And I will take a rest after the 90th day and I will come back swinging. This is not the end. And you can file or pass some sort of code of conduct against senators. If you think that's going to stop me, if you think that's going to change me, it's not. And I have way more to say about that on my next time on the mike, so we'll just hold there. I would like a call of the house.

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

CLERK: 11 ayes, 9 nays to place the house under call.

ARCH: The house is under call. Senators, please record your presence. Those unexcused outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Vargas, Fredrickson, Armendariz, please return to the Chamber. The house is under call. All unexcused members are now present. Senators, the question before the body is the motion to bracket until 6-9-2023. All those in favor vote aye; all those opposed vote nay. Has everyone voted who wishes to vote? Mr. Clerk, please record.

CLERK: 1 aye, 38 nays, Mr. President, on the motion to bracket.

ARCH: Motion to bracket fails. Mr. Clerk, you have a motion on the desk.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

CLERK: I do, Mr. President. Senator Briese would move to invoke cloture on LB243A pursuant to Rule 7, Section 10.

ARCH: Senator Briese, for what purpose do you rise?

BRIESE: Call of the house, machine vote, please.

ARCH: We are currently under call. Roll call has been requested.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne not voting. Senator Wishart. Vote is 40 ayes, 1 nay, Mr. President, on the motion to invoke cloture.

ARCH: The motion to invoke cloture passes. Next vote is the LB243A to advance to E&R for engrossing. There's been a request for a roll call.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart. Vote is 41 ayes, 1 nay, Mr. President, on advancement.

ARCH: LB243A is advanced to E&R. I raise the call. Mr. Clerk, next item.

CLERK: Mr. President, the next item, legislative bill-- Select File, LB583A, Senator Machaela Cavanaugh would move to bracket the bill until June 9, 2023.

ARCH: Senator Cavanaugh, you're welcome to open on your motion.

M. CAVANAUGH: Thank you, Mr. President. So I'd started talking about that there maybe will be a new code of conduct for senators. And I'm really looking forward to that. I just assume, maybe it's hubris, maybe it's my ego, I don't know. I assume that these kinds of things are in reaction to me. And I've said it before, anything you do to me, you do to yourselves. And I really am hoping for a code of conduct for senators that has some consequences, because, right now, there are no consequences for all of the terrible behavior of members of this body, in positions of power over other people. So I very much hope that we have this because, frankly, I would like when people come and report things about inappropriate interactions with sitting senators, that there are consequences for that and that they have an avenue to pursue for that. Because, right now, why would you report any of it? So I look forward to it. There's a lot of people in here that I think there'll be a line to report before you even get to me. But I stand by my actions and all of my actions are in public. It's the actions that aren't in public, it's the actions that aren't in the light of day, it's the actions that are clearly inappropriate that I look forward to people having the opportunity to report and have consequences. Because I am tired of there being no consequences for some individuals' very bad behavior. So again, what you do to me, you do to yourselves. And I am living fully in the light of day. All right, what else? Since not everyone keeps up on the news, I thought I would update us on the news today. Voter ID article. Well, this-- first of all, I hope that my colleague is feeling OK today. Doing an eight-hour filibuster is

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

exhausting, so I hope that much needed rest was, was gotten and recuperation. This is-- after--oh. After a floor fight, legislative committee's voter ID bill wins support over Slama's. I would like to couch my vote on this one. I voted for the voter ID bill. I am way less than thrilled about all of it. I think that voter ID is an obstacle to democracy and an attempt to hamper the voice of the minority and to disenfranchise voters. But it is the will of the people. They voted on it at the ballot. Therefore, we must enact the policies around it. So I voted for it. I didn't like it. I wasn't happy about it. But I voted for it, because it was the policy that was called for by the people of Nebraska, not because I liked or disliked anyone. See how that works? Fascinating, isn't it? Lincoln-- the long-- the months-long fight over the best flavor of voter ID for Nebraska spilled over onto the floor of the Legislature Monday, as State Senator Julie Slama staging a one-woman filibuster against the proposal forwarded, forwarded by the Government and Military Affairs Committee. But Slama failed to persuade the body to back her competing plan. After listening for 8 hours, senators advanced the committee bill, 43-1. Slama highlights flaws. Slama spent much of the day poking at the committee's amendment, AM1801. She questioned the constitutionality and legality of the amendment's plan to carry out the new voter-approved constitutional requirement that Nebraska voters show a photo ID. She repeatedly blamed the bill's faults on Secretary of State Bob Evnen, and the committee chairman-- not-- and not the committee chairman, State Senator Tom Brewer, who had sought Evans-- Evnen's help in drafting the amendment. Slama told the Legislature conservatives to question the bill because some Democrats backed it. I was not one. I did not back it. I voted for it because, again, will of the people. And honestly, if Senator Slama's amendment had got attached, I probably would have voted for it still, because will of the people, etcetera. But I didn't back any of it because I don't back voter ID. So I guess now that the bill has moved forward, it doesn't matter. But if people were voting against it because they thought that it was like, something that I was excited about, I was not excited about it. The people who opposed voter ID are now in control of voter ID, she said. This process and procedure has failed Nebraskans. I mean, I take that point. I wasn't in control of this. I very much oppose voter ID. But perhaps others who oppose voter ID were in control. I believe senator-- state-- senator-- Secretary Bob Evnen supports voter ID, so if he was the one working on the amendment, then that's-- I don't know. Not a conspiracy, but a consensus. State Senator Danielle Conrad of Lincoln, who serves on the Government Committee, disagreed, saying: what you have here, my friends, is not a conspiracy, but a consensus. Brewer said he felt that the final vote

tally validated the process his committee carried out, from hearing from any members of the public who wanted to testify at public hearings to working with stakeholders to find the best balance they could do what the voters wanted without leaving people out. Some of this was respect for the Government Committee, Brewer said of the vote. Some of this was respect for me. This was a one-person filibuster and if you don't get the legislation that you want, I'm sure-- I'm not sure this is the best way to get it. Competing approaches to voter ID. Slama, who was the face-- the public face of last fall's voter ID ballot initiatives, said her biggest concern remains that the committee amendment would let Nebraskans write down their own ID numbers from state-approved photo IDs when they request early voting ballots. State and local election officials would check those ID numbers against an electronic database, which would show a corresponding photo ID. Slama argued Monday that letting someone write down their own ID number is not the same as requiring a voter to show a photo ID. Her competing amendment, AM1883, would require a signature from registered Nebraska voter, a notary public or a military notary confirming that they had seen an early voter's photo ID. She also wanted early voters' IDs checked when they return a ballot by mail, not when they request one. Voting rights advocates, including Civic Nebraska and ACLU Nebraska, have criticized this approach as leaving voters too little time to fix mistakes on early ballots. They have said using mainly Nebraska voters as witness could, could limit voters traveling and-- or serving in the military. Slama argued that she modeled her approach of-- after voter ID programs in other conservative states, including Missouri and South Dakota and said the Government Committee-- Committee's proposal isn't conservative enough. She said voters approved a conservative version--

ARCH: One minute.

M. CAVANAUGH: --for voter ID. Avoiding a special session. Days after saying she would do whatever it took to, to stop the committee's bill, including forcing a special session-- sorry-- Slama took a subtler approach Monday, saying she wanted to help lawmakers avoid a special session later to address constitutional questions she raised about the bill. Her argument mirrored many of the points voting rights advocates made against her proposal, namely that it couldn't withstand judicial scrutiny. Over several hours, she suggested three fixes to committee amendments. I could have told you that that wasn't going to work, because I spent like 12 weeks talking about constitutional issues with LB574, and people did not care at all. So, I mean, I think it's a solid argument, the, the constitutionality of things, but-- or just the legality of things, but this body does not care about that. We are

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

happy to spend money taking it to the courts. First, she wanted to add--

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: Senator Erdman, you are recognized.

ERDMAN: Question.

ARCH: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. There's been a request for a roll call. Mr. Clerk.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar not voting. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting no. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan not voting. Senator Erdman voting yes. Senator Fredrickson not voting. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas not voting. Senator von Gillern voting yes. Senator Walz. Senator Wayne not voting. Senator Wishart not voting. Vote is 33 ayes, 1 nay to cease debate, Mr. President.

ARCH: Debate does cease. Senator Machaela Cavanaugh, you're recognized to close on your bracket motion.

M. CAVANAUGH: Oh, it doesn't matter. Thank you, Mr. President. That was fun. I hope that keeps happening. Because I'm-- all I have is floor motions and floor amendments and then reconsiderations, so. Great. Yeah. I will finish the article and then I have-- we'll go to a vote on this and then I have a motion to reconsider the vote on this. So we'll take the full 30 minutes on this, but that's fine. We can do,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

we can do that however you want. If you want to talk, talk. If you want to call the question, call the question. We can do it however you all want. We'll take the full time, regardless. OK. So this is about the voter ID debate yesterday. A focused bill. Brewer and members of his committee, including Conrad and State Senator Jane Raybould of Lincoln, pushed back by citing letters of support for the committee amendment from 92 of the state's 93 counties-- county election commissioners, except for-- the exception was Sarpy County, where Slama's sister, Emily Ethington, serves as election commissioner. Conrad, who opposed voter ID ballot initiative, said she was pleased that Brewer and the committee had worked to minimize the potential harm from implementing voter ID on voters, including rural voters, voters in nursing homes and military members stationed across Nebraska. The measure before you in the committee amendment is the most thoughtful approach, Conrad said. This will give election officials enough time to prepare changes for the 2024 election. New tone during debate. The subdued tone of Monday's debate contrasted with Friday's contentious demonstrations against a stricter abortion ban and state curbs, curbs on gender-affirming care for state-- for minors. State Senator Machaela Cavanaugh, who led the filibuster against the legislation, joked with Slama on Monday. Cavanaugh was one of several Democrats, Democrats who yielded time to Slama to let her make her case. Others included State Senator Carol Blood of Bellevue and Conrad. They also worked to give her brief moments of respite and rest because of her health. For Slama, Monday's filibuster marked a test of endurance just days after she-- OK. I'm going to skip that part. She handed fellow Nebra-- fellow senators a binder of information with specific criticisms of the committee bill. Brewer answered a-- answered with a handout of his own. Some of Slama's sharpest criticisms involved cost estimates for the Secretary of State's Office that estimated her bill would cost \$20 million to implement. Officials told the committee its amendment would cost about \$2 million to carry out. The committee attached its amendment to LB514 instead of Slama's LB535 because Slama had threatened to kill her bill if they tried. Brewer said he expects the second round of debate on Wednesday and Final Reading early next week. In the end, committee members said their approach was pragmatic. Other committee members, State Senator John Lowe of Kearney, said his goal for the bill and for Nebraska was well-run elections was simple: do as little harm as possible. For the record, the joking around, you left out the most important part was my admiration of the binder. It was legit next level, so I just want that stated for the record, that Senator Slama had like a next-level binder. And I had serious binder envy, because as I have stated before, if I've talked about one thing more than the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Oxford comma, it's probably my love of binders. So. All right. Well, that's the voter ID debate from yesterday. And, you know, it was interesting. Again, I--

ARCH: One minute.

M. CAVANAUGH: --am not a fan of voter ID, didn't really want to vote for any of it. I did appreciate the debate and I was listening for most of it. And I did learn a lot about what was in the bill in the extended debate. So I, I thought that was very helpful, because I hadn't had really the time to dig into the bill itself or the amendments. So hearing the extended debate was, was helpful for me. I, I had already, in full transparency, I had already decided that I was going to support the committee amendment. But I did listen with sort of open ears, thinking that perhaps I could be persuaded, but I was mostly already a yes. But I did think that there were some interesting points made in opposition, so there we go. Just a roll call vote. Thanks.

ARCH: Senators, the question before the body is the bracket motion. There has been a request for a roll call vote.

CLERK: Senator Aguilar voting no. Senator Albrecht. Senator Arch voting no. Senator Armendariz. Senator Ballard voting no. Senator Blood voting no. Senator Bosn voting no. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting no. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt. Senator Ibach. 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 voting no. Senator Raybould voting no. Senator Riepe. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz. Senator Wayne. Senator Wishart voting no. Vote is 0 ayes, 33 nays [SIC], Mr. President on the motion to bracket.

ARCH: The bracket motion fails. Mr. Clerk, next item.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

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

ARCH: Senator Cavanaugh, you're welcome to open on your reconsideration motion.

M. CAVANAUGH: Thank you, Mr. President. OK. So next-- the next debate on the floor yesterday, criminal justice reform. Major criminal justice reform bill limps past-- limps, that's a little bit harsh-- initial debate amid disagreements. It didn't go 8 hours. It went like 3, 2-- it went like 2 hours, two and a halfish? I would say that's a resounding success, despite all of the work happening outside the Chamber against it. Supporters, critics agree to keep working on measure all can support. I will say it was starting to remind me of the LB920 debate last night, though that went much later. It was like, like almost 11:00 at night before I think we adjourned, even to just like, take a pause and come back the next day. But it was grueling. So I don't know. Last night seemed very mild, comparatively. OK, there's a picture here. A huddle of state senators cluster around State Senator-- oh, I-- OK. A huddle of state senators clustered around State Senator Justin Wayne, in blue sweater, to discuss ways to move forward a criminal justice bill. Ultimate passage remained uncertain Monday night. And it looks like it's Senator Wayne, Senator Conrad, Senator Bosn, Senator DeKay, and I think Senator Brandt. Maybe. Not sure. It's a little pixelated. A major criminal justice proposal limped forward Monday night at the Nebraska Legislature and lingering disagreements over sentencing policies. LB50, which was the subject of sidebar negotiations throughout the day and into the evening, was advanced from first-round debate on a 28-8 vote. But the vote came only after an agreement to work on differences before the measure came up for debate again, which is likely later this week as the 2023 session winds down. The measure was billed as a way to provide incentives for inmates to engage in rehabilitation, programming and perhaps get released on parole earlier, with a larger goal of reducing the need for construction of a second new prison. Wouldn't that be nice? This bill is probably one of the most fiscally responsible things we could do this year, state sen-- said state Senator Justin Wayne of Omaha, who chairs the Legislature's Judiciary Committee and led the crafting of the multiple proposals in the bill. Senator Wayne, we don't like to do things that are fiscally responsible this year. That's not our jam, but I appreciate the comments, regardless. He estimated that Nebraska could be spending as much as \$263 million a year to house inmates at the current projected growth in prison population and be forced to build two new prisons unless something is done. But critics said that LB50 went too far in allowing a possible

earlier release from prison on parole. They said it must be amended before it wins support from them, the Governor, Attorney General, and county prosecutors. Here is just a pro tip for you all. The Governor, the Attorney General and the county prosecutors did not elect you. You should vote for things that you think are good policy, not things you are told to vote for by other elected officials. Just saying. They have their constituency. You have your constituency. They have their job. You have your job. If you don't want to do your job, then you should do a different job. But if they wanted to do your job, they would have run for your job and they didn't. So don't let them do it for you. Just a thought, because I heard, a lot, that people are voting for things only because the Governor told them to or voting against things only because the Governor told them to. And that is a terrible way to be a state senator. You were sent here to use your judgment, not somebody else's judgment. Even if you align in a lot of things with the Governor, you should still use your judgment, not his judgment. And maybe that will result in the same vote. But you should still use some critical thinking skills of your own and not just push a button because somebody told you to. Push a button because somebody made good arguments and persuaded you that it was the right way to, to vote, but not because somebody just flat out told you to. OK. He estimated that Nebraska could be spending as much as two-- OK. I already read that part. Lincoln Senator Carolyn Bosn, a former county prosecutor, said she could not support the bill unless changes were made in two clauses: one that allows earlier parole eligibility for some inmates and another that would reduce criminal penalties for some repeat or habitual criminals. A hard conversation. Under LB50, someone sentenced to serve 20 years in prison would be eligible for parole release after 6 years, she said. Right now they're eligible at 10. As a prosecutor, I'm not willing to look a victim in the face and tell them that the sentence may be 20 years, but they're eligible for parole in 6. It's a hard conversation. You know what else is a hard conversation? Looking parents in the face and saying, I'm not willing to let you have parental rights and medical decision-making, so I'm going to take that away. Yet here we are. So you're apparently capable of hard conversations. Also, willing to say and look somebody in the face and say, I recognize that you were a victim of sexual assault, but I don't care about traumatizing you. So. Good to know what the line is, what hard conversations you're willing to have and which hard conversations you don't care about. Who cares what they think? Who cares what they think, McKinney said on Monday. They aren't state senators. They don't run the body. Stop listening to their fear-mongering. I had not read this article in advance, so I hadn't read that line before I made my earlier comments, but I should have

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

read that line first. Thank you, Senator McKinney. Spot on. But the first three-- but three first-year members on the Judiciary Committee, Senators Teresa Ibach, Barry DeKay and Rick Holdcroft, said they have questions about LB50 after talking with local prosecutors, as well as representatives of Governor Jim Pillen and Attorney General Mike Hilgers. I believe if you've done the crime, you do the time, said Holdcroft, who admitted he was new to criminal punishment issues. But supporters of LB50 said being tough on crime and protecting public safety means that inmates must engage in rehabilitation before they end their sentences. Too many are jamming out. Wayne said that right now, about 800 inmates a year jam out, meaning they complete their sentences without any programming and most of those are the most serious felons. With 90-95 percent of all prison inmates eventually getting out, he said, it only made sense to encourage efforts to make inmates successful--

ARCH: One minute.

M. CAVANAUGH: --when they return to society. The jam out conversation yesterday, that brought back a lot of memories about LB920. And I learned a lot. And I wasn't on the committee, so I assume you probably learn even more when you're on the committee. But I learned a lot about what jamming out is, what it means and why it is so important for us to have sentencing reform so that we reduce jamming out because jamming out is dangerous. It is dangerous. And we are doing it because we have to. And when we do that, people go back into society without the tools to be successful and without the communities having the resources to be successful and safe. So it is a big problem. Ninety percent of these people are going to be your neighbors, said Omaha Senator Wendy DeBoer. They can either come back as criminals--

ARCH: Time, Senator.

M. CAVANAUGH: --or better citizens.

ARCH: Mr. Clerk, for a motion.

CLERK: Mr. President, Senator Sanders would move to invoke cloture on LB583A pursuant to Rule 7, Section 10.

ARCH: Senator Sanders, for what purpose do you rise?

SANDERS: Call of the house. Roll call vote.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

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

CLERK: 20 ayes, 4 nays to place the house under call.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused members are now present. Mr. Clerk, please call the roll.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart voting yes. Vote is 42 ayes, 1 nay, Mr. President, on the motion to invoke cloture.

ARCH: The motion to invoke cloture is successful. Senators, the next vote is the reconsideration motion. There has been a request for a roll call. Mr. Clerk.

CLERK: Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting no. Senator Bosn voting no. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting no. Senator Day. Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson 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. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz. Senator Wayne not voting. Senator Wishart voting no. Vote is 0 ayes, 41 nays, Mr. President, on the motion to reconsider.

ARCH: The motion to reconsider fails. Colleagues, the next motion or I should-- excuse me. The next item to vote is, is LB583A to advance to E&R for engrossing. All those in favor say aye-- there has been a request for a roll call, Mr. Clerk.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart voting yes. Vote is 42 ayes, 0 nays, Mr. President, on advancement of the bill.

ARCH: LB583A is advanced to E&R for engrossing. I raise the call. Mr. Clerk, next item.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

CLERK: Mr. President, new LR, LR254 from Senator Blood. That will be laid over. Mr. President, Select File, LB754A, Senator Machaela Cavanaugh would move to bracket the bill until June 9, 2023.

ARCH: Senator Cavanaugh, you're welcome to open on your bracket motion.

M. CAVANAUGH: Thank you, Mr. President. I try to write down the time that we start so that I can keep track. OK. Now, I would highly recommend you take the next 30 minutes to stretch your legs because the next bill is Final Reading. So, if you got to run to your office for something, now would be a good time to do that. Because, you know, Final Reading, you can't leave. So if anybody out in the lobby needs to talk to you or you need to talk to them, I would do that now. OK. Did I finish the criminal justice reform article? I think I did. I, I think I did. Great. Now on to some national news. Biden and McCarthy strike positive tone after debt limit talks, but no deal yet. So I, I picked this one for a couple of reasons. One, if the, if the federal government doesn't come to some conclusion or resolution over the debt ceiling, that is very much going to impact our financial situation. So I think that's important. But also, I thought it was just an interesting headline that, that Biden and McCarthy have-- what was the exact-- strike positive tone. Positive tone. So President Joe Biden and Speaker Kevin McCarthy left their closely-watched meeting Monday without an agreement on government spending or the debt limit, prolonging a stalemate that could soon disrupt Americans' everyday lives as well as the global economy. Both struck a positive tone Monday, though neither divulged details about what remains unresolved nor how soon they hope to reach an agreement. McCarthy said negotiators will be working through the night. The two leaders have little time to broker a bipartisan deal on the debt ceiling that can pass both chambers of Congress before June 1, the first day the country could enter default under projections from the Treasury Secretary, Janet Yellen. OK. I'm just going to pause for a second. So the negotiators will be working through the night. I don't know about you all, but I imagine like a huge conference table in the Capitol or in the White, the White House. And the White House has-- it's the EOB, Executive Office Building, which is attached to the White House, so that would actually-- it's not actually in the White House. It's the building across the lawn from the White House that has a super scary set of stairs to go down. I think there's probably an elevator and another exit, but if you're on a certain floor, you exit through. And it's like, like vertical stairs, basically, that you have to walk down and then across the sidewalk, well, driveway and then enter into the White House. Anyways, I don't think I'm giving away national secrets.

You can see it from the street. I hope I'm not giving away national secrets. You can see it from the street or you can send a toddler through the gate, as happened like a couple weeks ago. Just kidding. Don't do that. But I'm imagining a bunch of people with their shirt sleeves rolled up and cold pizza on the table. And the table is also probably riddled with cans of Diet Coke or regular Coke, because, as Senator Hunt once said, we're all on our own aspartame journey. And then, you know, some like, really fiery speeches, like in an Aaron Sorkin show. I don't know if I've talked about-- I think I've talked about this Aaron Sorkin show. And actually, I should save that conversation for the Transportation Committee bill, about the Aaron Sorkin show, Sports Night. OK, so Sports Night-- I'm not going to save it. Why would I save it? You start talking about Sports Night, you got to talk about Sports Night, like obviously. Sports Night was Aaron Sorkin's first TV show, before West Wing. And it was a drama about a like, basically, ESPN-type sports network show. And I think this-- I think it was like a sports network channel or was it just a show on a cable network? Now, that part I don't remember. Anyways, it was really hard-hitting drama for a sports show. But actually, sports do have a lot of drama in them. And one of the episodes that really stands out in my mind is when the female associate producer went to interview a player after some big thing that happened and he assaulted her and how, how the network handled that. And it didn't go-- it was not handled well at all. And she was not treated well at all, in any of it. And it was really fascinating to see how that was portrayed. But what does that have to do with Transportation and Telecommunications? Ha, ha. OK. So at the very end of the very last season, they sell-- the company gets bought by some company because of fiber. And this was, like, in the '90s. Maybe it was in the early 2000s. But like, I didn't even know fiber was a thing and it was because they, like, were going to own the fiber that was owned by the company. And they were going to make a lot of money off of it, more than they probably even realized. Because fiber is like gold right now, which is why we have so many conversations about dark fiber, here in the state. And, and then there's the whole our telecommunications, access to fiber, right of ways and public power. So many things to dig in on there. All-- anyways, all roads lead back to Sports Night, Aaron Sorkin's first show. A lot of interesting-- a lot of people on Sports Night then go on to be on other Aaron Sorkin shows, including The West Wing. Also, Studio, Studio 60 on the Sunset Strip. Was that what it was called? That was a comedy show. It was like a Saturday Night Live show, but I don't think it lasted very long. And I-- it might not have lasted because there was a writers' strike, which we have right now. And I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

haven't looked up on the latest status of the writers' strike. So how much time do I have left, Madam President?

DeBOER: 2:20.

M. CAVANAUGH: OK. So I will look up on the status of the writers' strike. But if the writers' strike doesn't get resolved, then entertainment, as we currently know it, is going to have a dry spell. And that makes me sad because in seven days, I am going to have slightly more time, not a lot, because I have kids, but slightly more time to enjoy watching entertainment, like television shows. So if there aren't any new ones, if there isn't any new content-- I suppose, for me, personally, that's OK, because I've got like four months' worth of content to catch up on. But I am a consumer of entertainment. I love entertainment. I also really love, I really love like Hallmark Christmas movies. And the cheesier, the better. Like, if you can watch the promo of a Hallmark Christmas movie and know exactly what's going to happen, I'm all in. If it's a mystery of what's going to happen, I'm like, you've spent way too much time on the script here. I'm looking for cheesy. I'm looking for corny. I'm looking for predictable. I'm looking for a--

DeBOER: One minute.

M. CAVANAUGH: --a Christmas movie that I can come in and out of and not be lost as to what is happening. Like, I want to watch the opening scene and be like, ah. That person falls for that person. There's some unrequited love there. I even like when it's so predictable that you know the subcharacters and what relationships they are going to fall into. Like, I love the corny predictability of it all. I don't know why. I also like really terrible TV movies. And one of my favorite is about a woman who goes undercover for an underground plastic surgery ring for professional exotic dancers. It, it was a weird one. I don't remember what it was called. It was like 15 years ago. Anyways, I was reading about the debt ceiling.

DeBOER: Time, Senator, but you're next in the queue.

M. CAVANAUGH: All right. I'm getting back to the debt ceiling, now that I've talked about breast augmentation for exotic dancers. OK. Where was I? OK. It felt-- we had a productive discussion. We don't have an agreement yet, but I did feel the discussion was productive in areas that we have differences of opinion, McCarthy said outside the White House after the meeting. McCarthy said the tone during the-- their conversation was better than any other time we've had

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

discussions. I felt it was productive because we-- because look, we both know, we've walked through this for a long time, where our differences-- where our difference is. We're explaining them, we're giving a give and take of what we think would be best for moving the country forward, McCarthy said. We will have some philosophical differences, but I felt it was productive in that manner. Biden said in a written statement released after the meeting that the only way to move forward is in good faith towards a bipartisan agreement. I like moving forward in good faith. Good faith, it's a good way to move forward. Entering into negotiations and then saying publicly that they are listening exercise, not good faith. It sounds like they're working in good faith in Congress, so they're doing better than us. Wow. That's disappointing. While there are areas of disagreement, the speaker and I and his lead negotiations, Chairman McHenry and Congressman Graves and our staffs will continue to discuss the path forward, he added, referring to House Financial Services Chairman Patrick McHenry of North Carolina and Louisiana Rep. Garret Graves. Biden said Monday before the meeting began that he was optimistic the two could make progress toward bipartisan legislation since they both agreed default wasn't on the table. Biden reiterated he hopes the deal includes changes to the tax code, stressing a pledge he's made throughout his presidency not to increase taxes on anyone making less than \$400,000 annually. Wow. We need to cut spending. But here's the disagreement, I think we should be looking at tax loopholes and making sure the wealthy pay their fair share, Biden said. We still have some disagreements, but I think we may be able to get where we have to go, Biden added. We both know we have a significant responsibility, McCarthy said after the meeting, that Republicans weren't considering changes to revenue. The problem is not revenue. The problem is spending. So if you want to know where our differences have been, it's always been the same place, McCarthy said. Biden said Sunday during a press conference in Japan following the G7 summit that he offered \$1 trillion in spending cuts to Republicans, though the two sides were still at odds over whether to make any changes to the tax code. Previous meetings. The one-on-one meeting between Biden and McCarthy on Monday follows efforts in early and mid-May by the four congressional leaders to broker a bipartisan deal during meetings in the Oval Office. After the last round of talks, Biden and McCarthy became the top negotiators and appointed key confidants to work on a deal. Graves and McHenry have been meeting almost daily on Capitol Hill with White House budget director--

DeBOER: One minute.

M. CAVANAUGH: --Shalanda Young and Steve Ricchetti, counselor to the president. McHenry, Young and Ricchetti were all in the Monday meeting the last for-- that lasted for nearly 90 minutes, as were other White House aides. We've had tough meetings. We've had difficult meetings. The meeting was productive, McHenry said afterwards outside the White House. It told us, the negotiation team, a little more of the details we need to get to a package; a package that can pass Congress. McHenry said it was helpful to listen to Biden and McCarthy have a meaningful discussion and speak directly about their views on the issues they're already trying to sort through. McHenry later repeated a frequently used saying on Capitol Hill: nothing is resolved until everything is resolved. No one is going to agree to anything until we have a finalized deal, McHenry said. Yeah, I agree. Nothing is resolved until everything is resolved.

DeBOER: Time, Senator.

M. CAVANAUGH: Thank you.

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

RAYBOULD: Thank you, Madam President. I just wanted to check back in. I stand in opposition to LB754, for a lot of the reasons I've given to my colleagues in the past. I don't think these corporate and individual income tax cuts are sustainable and they truly benefit the wealthiest individuals in our state of Nebraska. I am very supportive and voted for LB243, because property tax relief will impact the working families in our state of Nebraska. And I just want to read just a couple of things. This is Paul Hammel with the Nebraska Examiner, said together the two tax cuts, along with Pillen's increased state aid to schools, would amount to about \$6.4 billion, according to the Governor's Office, in tax relief over the next six years. It has been billed as moving Nebraska from the middle of the pack in taxation nationally to among the lowest 15 states. Woo hoo! We're winning. We're going to win. How do we know we're winning? How do we know Nebraska is winning? What are the metrics that we're going to be looking at and tracking? Are these really transformative property tax cuts combined with these corporate and individual income taxes? Are, are we going to see an increase in investments in our state of Nebraska? Are we, are we tracking that? Are we going to see an increase in job creation when currently we have about 45,000 job openings? Are we going to see an increase in economic growth? Are we going to see an increase in corporation filings, new corporations forming in our state? And exactly how many young people are we going

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

to retain? But more importantly, how many young people are we going to attract and have them want to move to our state of Nebraska? These are metrics. I've asked my colleagues, you know, can you tell me exactly how many companies you have baked into the forecast that will be new companies forming and wanting to come to our state of Nebraska? I want to credit Senator von Gillern. He made a good faith effort at trying to show me projections of moving companies and their statistics, which is not a real indicator of corporations moving to a company. That's an indication of people moving from state to state. But we need to see the actual new corporations forming, bringing and sustaining the tax revenue that we're going to be losing in these incredible, unsustainable corporate and individual income taxes. So here's just a-- just to review a few things that we've talked about before. Tax receipts are behind the forecasts, resulting from lower than expected personal income and sales tax collection, as well as higher than anticipated refunds. The average of all forecasts presented to the board by the two departments were down about \$125 million. The Forecasting Board met and said, you know, instead of that amount, we're now down \$80 million. But they had projected an increase on some others-- other elements that should offset some of that. As a result of the April forecasts, the-- which informs the amount of money available for the Appropriations Committee to construct its budget proposal, the committee left originally \$750 million for the floor, for us to deal with, but now it's \$885 million. And that's, of course, after we already raided the Cash Reserve to help sustain these corporate and individual income tax cuts. So while the-- while this is a tremendously large sum, sum of money, it's really not enough to pay for the income tax proposed in LB--

DeBOER: One minute.

RAYBOULD: --thank you, Madam President-- LB754 nor the property tax cuts proposed in LB243. Again, we have established that these income tax benefits, ITEP, which is the Institute of Taxation and Economic Policy, estimates that the average tax savings for the bottom 80 percent, from the child care tax credit, specifically, is less than \$50 annually. However, the tax cut for the top 1 percent would be on average nearly \$26,000 annually, when compared to the entire packet. This is scary stuff. And I feel like we're, we're not doing our job as Legislatures by being fiscally conservative. I agree that we--

DeBOER: Time, Senator.

RAYBOULD: Thank you, Madam President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

DeBOER: Senator Raybould, you're next in the queue.

RAYBOULD: Thank you. I, I wanted to just go on and, and talk about some of the other items. We know this is not sustainable. The budget brought forward by the Appropriation Committee suggests spending \$1.2 billion from the state's Cash Reserve. And that's in fiscal year '23 and '24. That's more money going out in a single year than what is projected to remain in the Cash Reserve funding after the withdrawals. And it's more than the ending Cash Reserve balance at any point in history, even when adjusted for inflation. The Nebraska Examiner goes on to say, backers of the two tax measures, the property tax cut, as well as the corporate and individual income tax cuts, rejected arguments that the state wouldn't be able to sustain such a large loss of tax revenue and would eventually be forced to cut state services or raise taxes to afford them. And, you know, I feel that's part of the winning game plan that they have. You know, we're cutting corporate and individual revenues collection, but where are we going to look at in the future years? Are we going to go back into the Cash Reserve? Oh, no. I think we're going to cut a lot of the essential state programs that our working Nebraskans' families depend on. So I believe that is part of the strategy. My Republican colleagues also spurned concerns from opponents that the income tax cuts mainly benefited the most wealthy Nebraskans and corporations based out of state. And Senator-- it's quoting Senator Linehan. She said, this is not just for rich folks. This plan from the Governor is huge and it will touch every Nebraskan. LB234 would increase the state tax credits provided against property tax payments, taking funding out of the state's six community colleges off the tax roll, altogether providing more than \$1.3 billion of tax relief. And that's substantial. The one thing that I'm saddened and I really commend Senator Bostar for fighting so hard for the child care tax credits. That is what young families want. Nebraska is facing a crisis. Our young people are leaving the state in droves. On average, 2,000 college-educated people-- young people, leave Nebraska every year. And I must remind everyone, we're already ranked 39th, in the bottom half, of states trying to retain and attract our young people. Nebraska has one of the worst outmigration rankings in the country when it comes to young people leaving the state. Nebraska ranks very poorly. The University of Nebraska at Omaha Center for Public Affairs has studied Nebraska brain drain crisis. Of the 20 categories of reasons they left, tax relief was not even one of them. Young people are leaving the state due to low wages and the GOP's toxic culture wars. Nebraska's corporate inspired so-called right to work for less law has suppressed wages for all of our citizens. The child care tax credit would have benefited so many

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Nebraska working families. But in the most recent revision of LB754, they cut it. They cut it, one of the things that would have helped Nebraska families the most. I wish we could have reversed it. Instead of giving that corporate income tax and the individual income tax, if we took even half of that funding and put it towards child care tax credits, think of all the young families that would want to live in this-- in our state, knowing that they would get some--

DeBOER: One minute.

RAYBOULD: --thank you-- get some of that financial assistance, that is one of the largest costs for any young family, with one child or two children. It can be up to \$21,000 a year on families. We know that both parents already work in our state of Nebraska. I wish we could have a redo. I wish we could come back and revisit this issue and make sure that we enact smart, conservative fiscal policy that's sustainable and benefits Nebraska working families. Thank you, Madam President.

DeBOER: Thank you, Senator Raybould. Senator Cavanaugh, you're recognized and this is your third opportunity.

M. CAVANAUGH: Thank you, Mrs. Pres-- Mrs.-- well, I am just tired this morning. Thank you, Madam President. I don't know if it's because I didn't have my normal amount of caffeine yesterday, but I'm just a little tired. Yeah. So this bill goes to 10:54. I was just looking around. I saw that there was an amendment pending and I didn't know if it was a substantive amendment or not, so-- it is? Oh. I withdraw my bracket.

DeBOER: So withdrawn. Mr. Clerk.

CLERK: Madam President, Senator Linehan would move to amend with AM1900.

DeBOER: Senator Linehan, Linehan, you are welcome to open on your amendment. Senator Linehan?

LINEHAN: [INAUDIBLE]. Well, well, the Speaker is helping me do my job here. Thank goodness. I will respond a little bit to Senator Raybould's comments earlier about the survey. This came up, I think, on Select File or General File on the underlying bill, not the A bill, LB754. What-- the survey that she's referring to, and I think it was a story in the Nebraska Examiner, didn't give tax relief for high taxes as one of the answers. So it's like taking a survey and you've all taken surveys, I'm sure, and they give you options to say this is the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

reason why. Well, taxes weren't one of the reasons why, because it wasn't in the survey. But even though it wasn't mentioned in the survey, it still showed up in the results. So I will find that before we get to Final Reading on LB754.

DeBOER: Thank you, Senator Linehan.

LINEHAN: Thank you.

M. CAVANAUGH: Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Madam President. I didn't mean to cause chaos. I just saw that there was an amendment pending and got a little concerned and thought, I better just do a little, little check-in, see if we needed that amendment or not. So, but per usual, I did cause chaos. Yeah. So I'm just wondering-- we don't-- we only have a few minutes left. And if we need to withdraw the amendment or if we need the amendment-- I'm going to just talk until I know if I need to yield the time to withdraw the amendment. Do we need the amendment? Withdraw the amendment? We-- do we want to withdraw it or just vote it down? We need-- I'm just going to talk for the remaining 3 minutes and somebody is going to come over here and they're going to tell me what, what we, collectively as a group, might want to do on AM1900. So, I mean, gosh, I really jumped the shark with already talking about Sports Night. Am I right? Yeah. And I-- cooking, my go-to topic. So I've talked before about how I'm a vegetarian. I am, but I do cook meat. And on Sunday, my only day home with the kids, I made taco bowls. So I made ground beef. And that is one of my specialties, is that I can brown hamburger meat and put taco seasoning on it. So I would say I am a good cook on a lot of things. But when it comes to meat, I keep it pretty straightforward. And this weekend, I was out at Platte River. They had-- the park was open, like, for free, this weekend. I have a, I have a state park pass that I got on January 1, where this-- this is an entertaining story for people. Maybe, maybe you can blame my January 1 on the session. I had a head injury on January 1. I fell while ice skating and hit my head very hard. Maybe, maybe this is like that whole season of Dallas, where then, the next season, Bobby wakes up and it was all just a bad dream. I don't know. Am I in a dream state? OK. I would like to yield the remainder of my time to Senator Linehan.

DeBOER: Senator Linehan, you're yielded 2:12.

LINEHAN: Thank you, Senator Cavanaugh. So I withdraw this amendment. No? OK. OK. Well, here, I think, is a lesson for today. Fiscal Office

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

staff needs to be on the floor when we're doing A bills. So, that'll be a new lesson learned. So I guess I do need a green vote on AM1900. So I would appreciate a green vote on AM1900 and then, overlying bill, LB754A. Thank you.

DeBOER: Thank you, Senator Linehan. Senator Linehan, for what purpose do you rise? Mr. Clerk, for a motion.

CLERK: Madam President, Senator Linehan would move to invoke cloture on LB754A pursuant to Rule 7, Section 10.

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

LINEHAN: Call of the house, roll call, regular order.

DeBOER: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 19 ayes, 3 nays to place the house under call.

DeBOER: The house is under call. Senators, please record your presence. The-- those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused senators are now present. The question before the body is the motion for cloture. There's been a request for a roll call vote. Mr. Clerk, please call the roll.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart voting yes. Vote is 42 ayes, 1 nay, Mr. President, on the motion to invoke-- Madam President, on the motion to invoke cloture.

DeBOER: Cloture is invoked. The next vote will be on the addition of AM1900 to LB754A. All those in favor vote aye; all tho-- there's been a request for a roll call vote. Mr. Clerk, please call the roll.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart voting yes. Vote is 42 ayes, 1 nay, Madam President, on the adoption of the amendment.

DeBOER: The amendment is adopted. The next vote is LB754A to E&R Engrossing. There's been a request for a roll call vote. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please call the roll.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Sena-- Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart voting yes. That's 42 ayes, 2 nays, Madam President, on the advancement of the bill.

DeBOER: The bill is advanced. Mr. Clerk, for the next item. I raise the call.

CLERK: Madam President, Final Reading, LB565e. When the Legislature left the bill, pending was a recommit motion from Senator Hunt.

DeBOER: Senator Hunt would like to announce 60 4th through 6th grade students from Hellis-- Harrison Elementary in Omaha. Please stand to be recognized by your Nebraska Legislature. Members, we are now going to be on Final Reading. Please return to your seats. Senator Hunt, you are recognized for a one-minute refresh on your motion.

HUNT: Thank you, Madam Chair. The reason we filed these motions on these bills is because of the rules change that we accepted later this year, or earlier this year. And we're going to spend the next couple of hours talking about the comments of Governor Pillen about LB574, and how he says it doesn't go far enough and how we're just getting started and this is only the beginning. And so all of you can sit in your seats and hear about that. Thank you, Madam Chair.

DeBOER: Thank you, Senator Hunt. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, Madam President. Good morning, colleagues. Good morning, Nebraska. I figure we might as well talk about the bill and a few other things, since it sounds like they're going to filibuster the bill. First off, this morning, I would like to recognize our EMS personnel across the state, our, our medical services, the emergency medical services folks who both volunteer-- they're all professionals. There are those who volunteer and those who are on staff, but they're all professional EMS folks that provide a service to us in Nebraska that we cherish very much. And not everywhere in the state of Nebraska

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

do we have coverage, and there's a lot of areas we have gaps. And I would encourage anyone across the state of Nebraska who would like to join the professionals of EMS who provide services across the state to please, please check into it, please volunteer. We've done a lot of work to try to improve the opportunities that you have to provide the services for all of us as we live in Nebraska and as we travel across the state. Again, thank you to our EMS. This is EMS week, and we thank you to all those who serve. We're on LB565, which is the committee priority bill from the Natural Resource Committee. LB565 contains provisions of LB217, LB289, LB395 LB400, LB425, LB567, LB568, and LB723. I'll talk about a couple of them now on the mike, and I'll prob-- if I can get back in, we will talk about maybe some more of the bills and what they do as time goes on. LB217 will be the first one we'll talk about. LB217 was actually Senator Hughes's bill to extend the sunset date for our scrap tire, tire recycling program. If you're not aware of that, that, that is a very important program to us across the state and our small communities and our counties in general. So a lot of times we'll have, as we replace our tires on the farms or in towns, we don't always turn those in at the time, but this gives us an opportunity to turn those into a scrap-- into a facility when we recycle those. So that's that scrap tire recycling program is really important. This just extends a sunset, sunset date out and provides for-- allows us to utilize federal funding to keep that important program going across the state of Nebraska in our counties and our towns and cities. I want to thank Senator Hughes for bringing that bill to the committee. LB395 is the next bill. It was brought by Senator Erdman. It increases the compensation for members of the Oil and Gas Commission. This increase has no General Fund impact. Basically, we have the commissioners that serve the Oil and Gas Commission, and this is funded by themselves. Those entities that are in the oil and gas business provide funding for that. And the funds that are used, that were used to pay the commissioners comes out of that fund. So we don't use tax dollars for that. It's a self-funding, if you will. And maybe Senator Erdman can correct and add to that if he wanted to, but that is a self-funding-- and actually would Senator Erdman yield to a question?

DeBOER: Senator Erdman, will you yield?

ERDMAN: Yes, I will.

BOSTELMAN: Senator Erdman, is that correct on how that's funded?

ERDMAN: So you ask me to explain how that is?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

BOSTELMAN: Yes, please.

ERDMAN: OK. What happened is several years ago, I had discovered that the Oil and Gas Commission were being compensated at \$50 per meeting, and it had been that way since 1954. It was kind of a coincidence because I came up with an amendment to change their compensation to \$500 per meeting, and Senator Dan Hughes had proposed a \$300 increase and we agreed to a \$400 increase--

DeBOER: One minute.

ERDMAN: --with a, a total for the year, total compensation of \$4,000. And because of the cleanup necessary on abandoned wells, they've been meeting more than the 8 or 9 meetings a year that would get them to \$4,000. And so the last 4 or 5 meetings of the year, they met for free. And this is an opportunity for us to take away that limit, but also tie it to CPI so we don't have to adjust that again. And Senator Bostelman, you correct-- correctly stated there's no tax dollars involved in this. It's their own money. Thank you.

BOSTELMAN: Thank you, Senator Erdman. The next bills, if I get back on the mike again here, I'll talk about, I think, LB289 next, and LB6-- LB565 itself which is the carrying bill, and LB568. LB289 does clarify that the--

DeBOER: Time, Senator.

BOSTELMAN: Thank you.

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

ERDMAN: Thank you very much, Madam President. So let me, let me just finish up a little bit on that and then I'll yield the rest of my time to Senator Bostelman. But anyway, so what we have done is we've had numerous conversations with the commission. The commission was eligible for a grant for \$25 million to clean up existing wells that the oil companies have abandoned, and there is no fund there to clean those up. And so when they were eligible for the \$25 million and they received it, then they had numerous meetings trying to describe and understand what needed to be cleaned up. And therefore they exceeded their limit of the \$4,000 per year. These are individuals who are trained in this profession, and they spend a lot of time doing what they're doing, and I thought they should be fairly compensated. So this is an opportunity for us to allow them to use their funding, which is basically a checkoff, to compensate those who spend their

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

time regulating their agency. And so with that, I'd yield the rest of my time to Senator Bostelman.

DeBOER: Senator Bostelman, you're yielded 3:55.

BOSTELMAN: Thank you, Madam President. Again, LB289 clarifies that the Municipal Ener-- Energy Agency of Nebraska has the author-- authority to own and operate advanced metering technology. So the MEAN is a cooperative that's part of the state of Nebraska. A lot of our small towns and some of our medium-sized towns belong to the MEAN cooperative, where they purchase their power from. And what this does is, is allow MEAN, the organization itself, to actually qualify-- clarify some language that the Attorney General said needed to be clarified in statute, and allows them to ask for some grant funding, federal funding, to help out with some smart technology that then can be utilized by their customers in the state of Nebraska, the cities and that. This bill was overwhelmingly supported by those who came in. I believe it was Crete or Beatrice, one of the two came in actually, and supported this and explained the technology that could be brought and how this will help out their communities as they manage, manage their energy use within the-- within the cities. A very positive thing for the communities and for MEAN itself and it was well supported. I believe we did not have any opposition to that itself. The next bill I want to talk about is LB565, which is a [INAUDIBLE] bill, and this is an important bill. This is part of the A bill that we have. It's-- it'll allocate \$250,000 from 2023 to 2024 and '24 to '25, from General Funds to the Department of Economic Development for the purpose of providing grants and Nebraska hydrogen hub industry work group to continue their work. These grants will be utilized by the group of-- for engineering and modeling work to prepare and support the group in the next step of their submission for one of the Department of Energy's regional clean hydrogen hubs designations and associated funding. The opportunity we have with, with LB565 and the hydrogen hub is significant. It's a possible billion dollar opportunity that our state has, joining with two other states and the hydrogen opportunity, hydrogen hub opportunity, which NPPD has been a strong leader in the hydrogen hub process. And in this grant application, we are now 1 of 33, I think it is, states that the Department of Energy has said you can continue on and give us I believe it's a final or near final RFP or proposal for them to consider for one of, its either eight or nine hubs, I think it is, in the state of-- in the, in the United States. This--

DeBOER: One minute.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

BOSTELMAN: -is very important to Nebraska, to Nebraska and to our ag industry as well as our energy industry. The next bill I want to talk about is-- in there is LB568. It would establish the Nuclear and Hydrogen Development Act, which directs the Department of Economic Development to establish a work group whose members would be appointed by the Governor, and the work group will identify workforce needs of the advanced nuclear and hydrogen industry and collaboratively recommend educational programming to train and develop a workforce for-- critical to our nation's growing energy needs. LB568 also appropriates \$200,000 of funds, which the work group may utilize for travel and lodging reimbursements, as well as per diem for when the group-- working group is engaged in business. This is critical to our nation. This is critical to what we have. Monolith, as you know, Monolith Industries--

DeBOER: Time, Senator.

BOSTELMAN: Thank you.

DeBOER: Thank you, Senator Erdman and Senator Bostelman. Senator Bostelman, you're next in the queue.

BOSTELMAN: Thank you. As we continue with this, Monolith, as I was saying, is a critical part of this. Many of you may know, Monolith has started with their new development, new technology that they use by Hallam in their plant that started there. They have their first, we call it reactor, that, that has been built which does carbon black. But they're going to have a huge expansion program going on, and it's go-- once that-- in the next three years they're going to need, I think it's 200 or 300 new employees. And those employees are critical to what they do because they're going to need folks in the electrical and the pipe fitting and AI and technologies and those type of things. And right now, we don't have a whole lot of those programs in place teaching those type of opportunities here in Nebraska. So what the work group is going to do, as well as if we get into SMRs, small modular reactors, advanced nuclear technology, nationwide, there's a lack of workforce in both these areas. So this spreads out not only in these new industries that continue to grow and build in our state, but it also provides an opportunity to look at how we develop those same-- those same workforce needs, trade needs, technical needs that don't exist now, and using our community colleges as well as using our state colleges and working with stakeholders in the industry, both in the hydrogen industry, and the nuclear industry. On the national industry this morning I actually had a meeting with, with a member from the Department of Energy. I also had a meeting with a member from EPRI,

specifically beginning to talk about what those needs are and how we develop that in the state, so that we become a state that has the opportunity most to develop highly skilled in trades, technical folks that we need, can use in multiple industries across the state of Nebraska. So this helps us in a great deal in those areas. This provides critical think tank for that, makes that recommendation as we move forward in these industries. But this also go into any industry that needs those trades. So this is a great benefit for the state of Nebraska and what we do and how we move forward, especially for our trade schools, also apprentice programs, internship programs, how we develop that, how we grow. We worked with a national organization already at the hearing that does this in another state. They are ones that, that provide a lot of this trade skills nationwide, and they have a very good opportunity, working knowledge of what those needs are. We've come up with an original 9 or 10 that we can look at. Of those 9 or 10, there are certain amount of skills training that we can do right away, but there's others we can build on. Now we need to take a look nationally with, with recommendations coming from DOE, coming from EPRI, coming from NEI, which is the Nuclear Energy Institute, coming from hydrogen folks, how we-- how we build this together, how we move this forward and the workforce development to, to make Nebraska a center point, a focal point for new industry growth, and, and technology and in trades and how that's going to benefit our state. And then also how we get-- utilize this knowledge working into our high schools. So we all know what STEM is. STEM is, is working on, on our, our engineering type of work, mathematics. Those type of-- you have MATHCOUNTS, those type of things. We also are going to look at, also going to look, like how do we reach out now into our-- into our high schools, junior high? How do we start connecting with students at that level, those kids to start building them-- their interest and their skills in all these trades, but also professionally as well?

DeBOER: One minute.

BOSTELMAN: Thank you. One minute? Thank you. So we also can go, you know, at time it's going to be professional, so we do need the engineers as well. So engineering will be another part of this that we're going to be looking at. But really, we're looking at doing a very interesting footprint in the state of Nebraska, a model that we could use here in Nebraska to build from, to be a unique opportunity for the state, for both industries and what we do. I think it's a great thing for the state of Nebraska. These are a couple of items that we have in this bill that I think will drive Nebraska a long ways down the line, and is good for Nebraska. I would appreciate your opposition, the red, for the motion to recommit, and I also appreciate

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

your green vote on, on LB565e. This is something that's really looking forward and trying to meet the needs in the future of things that we need to build upon of. We already have a really good community college program system in the state. Now this is a way that we build upon that.

DeBOER: Time, Senator.

BOSTELMAN: Thank you.

DeBOER: Thank you, senator Bostelman. Senator DeKay, you're recognized.

DeKAY: Thank you, Madam President. I rise in support of LB565 And I would also like to comment a little bit on Senator Bostelman's LB568. When we-- this is vitally important to the future of our country as far as where we going with our hydrogen development, with our nuclear development. And this helps us be able to prepare young people to understand and see and believe in the possibilities that are out there when it comes to specialty nuclear development as a baseload generation throughout our country. And if we want to be a carbon free nation, where people are leaning toward that direction, our nuclear commitment has got to be essential going forward. We're-- it's clean energy and it is of-- as far as a baseload product, we have to have nuclear in our arsenal to achieve that carbon-free footprint if we want to get there at some point in time. Hydrogen development with Hallam, with Monolith down at Hallam, that will help grow our independence on other factors where carbon black is developed out of petroleum products. Carbon black with Monolith that's developed out of natural gas, it's a clean-- the residue off of that is hydrogen. And we can use that to either develop fertilizer, we can use it as a fuel source to run a generating plant for electricity, there's a lot of possibilities with that. So, and working with EPRI through the university is quintessential to letting kids have the opportunity to learn, and grow, and understand industry as it's changing every day on that front. And with that, if he would want it, I would yield the rest of my time back to Senator Bostelman.

DeBOER: Senator Bostelman, you are yielded 2:40.

BOSTELMAN: Thank you, Senator DeKay. Yeah. As Senator Hansen was asking me off to the side here a little bit more about this. So the hydrogen hub, actually the hydrogen, the Monolith, is in existence now, has been working. They have their pilot plant, their test plant, that worked out, and now they're expanding. The the thing we're

talking about in this was a-- was advanced nuclear opportunities. So there's two things that work there that, that's currently going through the NRC and DOE is the small modular reactors and the micro reactors. So your small modular reactors are things we actually did a feasibility study for NPPD last year, they're working on it. We funded that for them to do a feasibility study to see if there's places within the state in Nebraska where that might be to actually utilize a small modular reactor. So how that might be utilized as standalone itself, or you may have a coal fire plant that is aging out that needs to be decommissioned. You could take a SMR or micro and you could place it next to it on site, if you will, decommission the coal plant, and start up the SMR or the, or the micro. And basically you transition your workers from your coal plant to this advanced technology, which is clean zero carbon technology that's out there and that we can utilize to meet the needs of the, of the grid. What's interesting with that is that you can ramp it up and ramp it down very quickly. You can meet the needs as it affects-- as, as the grid changes.

DeBOER: One minute.

BOSTELMAN: It's an immediate fix to that, or meets that needs immediately. So the training that we have going on here, so part of it is simulators as well. I had the opportunity to look at a SMR simulator when I was out in Washington, D.C. back in December. That's something we potentially would like to bring here. It's a simulator, it's a computer program, so we could put in both for, say, Monolith type of a design, but also for SMR or micro that we could utilize. It doesn't exist right now in this part of the country at all. This would be something that's needed for training for operators. That would do part of the work that's being-- already training, being done, some of that being done here in Nebraska on operators. And this would really benefit us a great deal in getting those operators hands-on training, and hands-on training on the new technology that's out there, especially when we get into the advanced nuclear world. We do train now, have operators now being trained on the old designs, or current what's out there--

DeBOER: Time, Senator.

BOSTELMAN: Thank you.

DeBOER: Thank you, Senator DeKay and Senator Bostelman, Senator Bostelman, you're now recognized for your third opportunity.

BOSTELMAN: Thank you, Madam Chair. So another bill I want to talk about is LB400. Seems like this gets to be a an opportunity to talk a lot about the bill, but that's fine. LB400 as amended by AM878 was introduced by Senator Brewer. It allows for the taking of nest predators or mountain lions that cause damage to livestock. What that-- what we-- that does-- what we have is, especially in western part of the state of Nebraska, what we're seeing, sometimes, was mountain lions were coming into a farm, coming into the, coming into the house, into the yard, if you will, where livestock's kept, and they're preying on horses, sheep, whatever it might be. What this allows is that if, if that's occurring, then that mountain line could be taken to ensure that you protect those-- that livestock that you have. That's what it does. And on the nest predators, what we're doing there is, as we know, our our pheasant population, our turkey population, those populations continue to decline in the state, and what this does is if a landowner or their agent knows that they have nests and they have predators on there, it allows them to control those predators by taking those predators out of the ecosystem, out of the system there, to protect those nesting birds, to try to improve the population as well as for quail, prairie chickens, those type of things. LB425, another bill, updates several sections of Chapter 37, which governs the Game and Parks Commission. First, the bill increases a quorum for the Game and Parks Commission from 4 members to 5, as they have a 9 member board. The bill also increases the caps of-- on nonresident hunting and fishing permits. The caps do not create an automatic fee increase. Those require a full promulgation of regulations by the agency, and approval by the Governor. The increases in caps are listed in the committee statement for LB425. The bill also clarifies that if the individual receives an auction permit for a mountain sheep, we would know those those bighorn sheep, stats-- in the statute as a mountain sheep, it does not count against an individual's lifetime total of one mountain sheep. Further, the number of people allowed to apply for a special permit in one application increases from 2 to 6. Oftentimes they call those buddy permits. So if you have a family, maybe, that likes to hunt and wants to go hunt in a certain area, say for a deer, they can apply for a special permit where they can hunt. If one draws, they all draw. And so that helps that out a little bit more in those, those type of situations. Next, the bill adds language so the Game and Parks Commission can put limitations on nonresident permits in an order-- in order for a special depredation season for deer, antelope, or elk. This change doe-- would not affect nonresident landowners seeking permits. So what happened? We had depredation permits were given out in the western part of the state this last year, and there were some complaints, more

than a few, I think, from landowners, people who live there, saying there's a lot of nonresidents coming out here, and we're having a problem with them not asking permission, and, and causing us some problems. So what this does is this helps limit those permits if need be, and makes sure if you are an out-of-state landowner, that you still can have access to that permit. And our resident landowners, residents of the state of Nebraska, have access to those permits as well. But it's a way that, that Game and Parks felt that they could help improve that situation, especially when we have a lot of nonresident hunters coming into an area and bothering a lot of landowners and causing some issues for them out there. LB425 also increases the maximum area allowed to be licensed as a game breeding and controlled shooting area--

DeBOER: One minute.

BOSTELMAN: --from 2 percent to 5 percent of a county's total acreage. And finally, the bill would allow Game and Parks to issue permits to harvest elk. Currently, only deer are allowed in areas of the state designated as game refuges, refuges. When a number of elk has been determined to be detrimental to the habitat of the refuge, or to the adjacent privately owned, real or personal property. There's only one refuge right now in state Nebraska that this will affect. Again, I would ask for your red vote on the recommit motion. I ask for your green vote on LB565e. As you see, there's a lot of things in this. These were our committee priority bills put in together. We picked, I think, some of the best bills we could out of the committee, and brought them to the floor. And I think these do a lot of good for the state of Nebraska. And we'll just ask for your green vote. Thank you, Madam President.

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

M. CAVANAUGH: Thank you, Madam President. So, Nebraska Public Media had a story. Well, they always have a story. Yesterday, senators debate photo ID; Pillen signs abortion-trans health bill. Says it's a 4 minute read. I wonder if I can read it in less than 4 minutes, or if I can make it take 10 minutes. All right. The Nebraska legislature moved toward approving photo ID requirements to vote Monday, despite criticism that they're not strict enough. And Governor Jim Pillen signed the restrictions on abortion and transgender health care into law. Last November. Nebraska voters approved a ballot initiative requiring a photo ID in order to vote. But they left it up to the Legislature to fill in the details of how that should work. Monday,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

lawmakers debated 2 different versions. One was supported by the Government, Military and Veterans Affairs Committee. It would require voters to present photo, photo IDs with certain exceptions. If they voted by mail, they could include a photocopied ID or a driver's license or state ID number. If they vote in person, they would have to present a photo ID unless they are unable to obtain an ID due to disability, illness, lack of birth certificate or other documents, or a religious objection to being photographed. Senator Danielle Conrad, a member of that committee, defended its version as following voter's wishes, even though she opposed the ballot measure. I vehemently and firmly disagree with voter ID. However, I equally find it sanc-- sancosanc-- sacrosanc our duty, as sacrosanc our duty to facilitate and carry out the will of the people even when we disagree with it, Conrad said. But State Senator-- Senator ,sorry, Julie Slama, who helped lead the campaign to get voter approval of the ID requirement, said the legislation does not go far enough. Slama wants stronger requirements for the Secretary of State to verify voter citizenship. She also wants mail-in votes to be notarized or witnessed by another voting-- voter assisting to the voter's-- attesting to the voter's identity. And she wants a specific definition of what would be a reasonable impediment that could accept someone from having to show a photo ID and in requiring citizenship. The lay of the land is this: those who have opposed voter ID and done everything they can to block voter ID and the implementation of voter ID are now in control of voter ID. Look at the groups supporting that Evnen amendments, Slama said. The Evnen Slam-- Slama referred to is the Secretary of State, Robert Evnen, who supported the voter ID ballot measure. But Senator Tom Brewer, Chair of the Government, Military and Veterans Affairs Committee, objected to calling it the Evnen amendment. This is not Bob Evnen's amendment. He just helped us. He has showed us what we need to do to make sure that, for one, he can execute what we're being tasked as far as voter ID, Brewer said. Both Brewer and Slama appealed to their colleagues, exhausted by a grueling, filibuster filled session, in their desire not to have to return later this year. Brewer said only-- with only 9 business days left in the legislative session, senators have to act. It is what we have to do in order to fulfill our obligation to the people of Nebraska. And whether we like it or not, we are out of time. And if we decide that this is such a horrible bill that we can't deal with it, then we will be in special session, he said. But Slama argued that that's what would happen if senators voted to cut off debate and advance the committee's version of the bill. It does not follow the plain language of the constitutional amendment. It will end up in court, and it will lose. And we will be back here again in special session because, unlike everything else besides the budget,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

we are constitutionally obligated to put together a framework in this session that fulfills the will of the voters, she said. As debate continued, it appeared clear that the committee version had more support. An amendment containing and-- containing it was adopted, 32-3, while an amendment containing Slama's version was rejected, 22-8. A first-round vote on the bill was expected later Monday. Elsewhere in the Capitol-- how much time do I have left?

DeBOER: 1:05.

M. CAVANAUGH: Can I just go to my next time?

DeBOER: Yes. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Is this my last time? Great. OK. Elsewhere in the Capitol, Governor Jim Pillen signed LB574, the bill restricting both abortion and certain medical procedures for transgender youth. Surrounded by supporters of LB574, Pillen praised the legislation. It's about protecting our kids and saving babies, pure and simple. You don't want to listen to all the other stuff that people are trying to make it out to be. It's two simple things, Pillen said. The bill outlaws most abortions after 12 weeks of pregnancy, effective immediately. Another section, effective in October, prohibits surgery for those under 19 to transition to a different gender. It also gives the state-- state's chief medical officer the ability to restrict the use of puberty blockers and hormones. Parental consent is currently required-- already required for medical care for minors. Pillen suggested that recommending medical treatment for gender dysphoria among young people is diabolical. We believe in protecting our kids, making sure that they -- parents and kids -- don't get duped into the silliness that if you do this, you're going to become happy. That is absolutely Lucifer at its finest. And we believe this law protects and allows our children to make decisions on their own when they become of age, he said. Wow. Wow. The Governor of Nebraska thinks that parents are being duped in getting their children lifesaving medical care. By Lucifer. Yeah. By Lucifer. Diabolical. Gender dysphoria among young people is diabolical. And we are being duped by Lucifer. And 33 people in this body made it possible for him to sign that into law and make those horrible comments about the parents of Nebraska and the medical community of Nebraska. Your Nebraska Legislature believes that you have been duped by Lucifer. That you don't love your child, and that's why you are giving your child the care that they need. No, you've been duped by Lucifer. And it's diabolical. I am so grateful for when people say what's in their hearts. When people show us who they are. So I am grateful to the Governor of this state for telling us all

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

publicly what he thinks about the LGBTQ community, what he thinks about trans people. The Governor said that he's not done, that this body is not done. This is just the beginning. All the times that I stood on this microphone and said that we were on the path towards a genocide of a population of people. The Governor has confirmed that for us, this is just the beginning. So, what you did on Friday, what was signed into law yesterday is just the beginning.

DeBOER: One minute.

M. CAVANAUGH: It is not the end. It is the beginning. And as the comments in the newspaper were about the fact that we needed to do voter ID, we needed to do the budget, we got tax cuts on the docket here. But it is day 83, and you are seeking to eradicate a population of people through legislation. So. 7 days here and 60 next. Then it's bye, Felicia, to so many of you. And I cannot wait for that. I cannot wait when the people of Nebraska vote you out of here because you have been duped by Lucifer.

DeBOER: Time, Senator, but you're next in the queue and this is your third opportunity.

M. CAVANAUGH: Thank you, Madam President. I made a mistake this morning. It was on the last bill I did my default setting. My default setting is to be helpful. My default setting is to make sure that process is followed. And what needs to get done, gets done. I made a mistake. I'm not going to do that again. I'm not going to make that mistake again. I'm not going to go to my default setting of being nice to the people in this room. I'm not going to go to my default setting of being a collaborator. I'm not going to go to my default setting of trying to make sure that the process of good, strong public policy happens. I'm going to go to my new setting of being an obstructionist. Because if Friday taught me no lessons, I certainly learned them with the Governor's remarks yesterday that obstruction is the only tool I have, the only tool I have. And if you think that these Christmas tree packages that you got through this year are going to happen next year, you are wrong. There will be no hitching rides. There will be no standing aside for amendments. The Governor has made it clear that this is a war on transpeople, and the people that showed up for that signing alongside him. And the 33 people who signed that bill-- voted for that bill have waged war. And your legislation is going to be casualties of that war. My new setting is obstructionist, pure and simple. So thank you, Governor Pillen, for your deeply, deeply ill informed insults to the parents of Nebraska. You just reminded me why I've been doing what I have been doing for as long as I've been doing

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

it and why I have to keep doing it. Foreign-born Huskers contribute 8 percent of state economic input, reports says. Nebraska immigrants and refugees are seen as potential, quote, economic powerhouse and workforce supply not fully tapped. Well, of course we have to have-- we have to have immigrants and refugees because people don't want to be here anymore. This is from the Nebraska Examiner. Immigrants and refugees contribute 8 percent of the state's overall economic output and have potential to grow into what one policy expert called an economic powerhouse that helps fill unmet workforce demand felt more deeply in Nebraska than in many states. That's really sizable portion of our economy, Rebecca Firestone, executive director of Nebraska's OpenSky Policy Institute, said of a demographic she described as often hidden and underestimated. And we're not tapping full potential. She and other Nebraska policy experts and community leaders commented in light of a new report by the nonprofit, nonpartisan Immigrant Research Initiative that delved into state-centric data about the foreign born. According to the IRI, more than 145,000 immigrants and refugees live in Nebraska.

DeBOER: One minute.

M. CAVANAUGH: Thank you, Madam President. They account for 9 percent of the labor force and 8 percent of state earnings. The analysis was based on 5 year census data and includes people born in another country and living in the U.S., no matter their legal status. While Nebraska's foreign-born are represented across the economic spectrum, the report revealed a disproportionate share, 37 percent, working in low-wage jobs, such as the service and production industries -- compared to the 24 percent share of the state's U.S. born workers who share the same lower wages. That puts Nebraska among 10 states with the largest share of foreign-born workers who earn less than two-thirds of the median wage. On the other hand, the IRI data shows that 8 percent of Nebraska's foreign born workers are in the upper-wage earner category. Inclusive, targeted policies. Saying immigration is a key to Nebraska growth, IRI and OpenSky highlight--

DeBOER: Time, Senator.

M. CAVANAUGH: Thank you, Madam President.

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

HUNT: Thank you, Madam Chair. I would like to yield my time to Senator Machaela Cavanaugh.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

DeBOER: Senator Cavanaugh, you are yielded 4:53.

M. CAVANAUGH: Thank you, Senator Hunt. Anybody else wants to yield me time? I'm happy to take it. I'm out of my turns on this motion to recommit, though I have filed a motion to reconsider the vote. So it's fine either way. Potato, potato. This goes to-- We started at 11:04. If we adjourn at noon and come back at one, we usually start at 1:15. So that'll take us to 2:15 to 19ish. We're not adjourning for lunch? We're working through lunch?

DeBOER: Cloture is at 12:09 on this bill.

M. CAVANAUGH: Oh, did we-- it's one hour?

DeBOER: We began it a different day.

M. CAVANAUGH: Oh, thank you. That's so helpful. When did we begin this? Well, I guess I can look and see when we began it. LB565. Well, that just changes all my math for the day. My math is way off. OK. Placed on Final Reading. Did we do it on May 19th? I'm going to have to look. All right. We did do it on May 19. I know that because I filed the floor amendment on May 19. And so I thought, well, that must have been the day that we did this bill, or started this bill. So. 12-- what time? I'm sorry, Madam President, 12--.

DeBOER: 12:09.

M. CAVANAUGH: 12:09. Thank you. Well, I guess we're going to just start lunch a little late, but-- OK. Back to what I was reading, foreign-born. OK, so-- But again, I still have a motion to reconsider the, the motion to recommit. So if people don't want to use my time, that's cool, too. OK. An inclusive, targeted policy. Saying immigration is a key to Nebraska's growth. IRI and OpenSky highlight the need for more inclusive and targeted policies to improve opportunities for those who move to the Husker state. I find that phrase interesting. I'm just gonna look and see who-- Oh, Cindy Gonzalez wrote this. I'll have to follow up with Cindy as to why she calls it the Husker state. I just think it's an interesting turn of phrase. I mean, we are the Husker state, Cornhuskers, the football team. I just seeing it in an article like that, I'm always interested in editorial choices. And so just pondering out loud the Husker state. OK. Anyways, OpenSky, a think tank that conducts Nebraska-focused fiscal research, cited a research study by the Federal Reserve Bank of Kansas City, which said that international residents historically have been a larger component of Nebraska population growth than incoming

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

migration from other states. From the 1990s through 2015, immigration to Nebraska increased annually by about 5 percent. But starting in 2017, immigration to the Husker state, as well as the nation, fell steadily. Had Nebraska continued to address residents from abroad at the same rate prior to 2016, Federal Reserve economist-- economicsists [SIC] Nate Kauffman and John McCoy said, the state's population by last year may have increased by an additional 19,000 individuals. And here's a quote: If there is an overrepresentation of a group in poverty, that is problematic. That's from Lina-- oh, I'm going to say your last name wrong. I apologize.

DeBOER: One minute.

M. CAVANAUGH: Traslavina Stover, Heartland Workers Center. Thank you, Madam President. The economists said that in addition to wooing talent from across the country, immigration is key to addressing Nebraska's labor shortage, which they said is more pronounced than in many other states. I'm going to read that part again. The economists said that in addition to wooing talent from across the country, immigration is key to addressing Nebraska's labor shortage, which they said is more pronounced than in many other states. Huh? Well, good thing we have people-friendly policies in Nebraska, right? As the labor force for most demographic groups has largely recovered to, or exceeded pre-pandemic levels, external sources of labor supply may be significant in addressing ongoing worker shortages, said their report on Nebraska's labor sc--

DeBOER: Time, Senator.

M. CAVANAUGH: Thank you.

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

CONRAD: Thank you, Madam President. I yield my time to Senator Cavanaugh, if she so desires.

DeBOER: Senator Cavanaugh, you're yielded 4:53.

M. CAVANAUGH: Why, thank you, Senator Conrad, and Madam President. As the labor force for most demographic groups has largely recovered to, or exceeded, pre-pandemic levels, external sources of labor supply may be significant in addressing ongoing worker shortages, said their report on Nebraska's labor scarcity. Josie Schafer of the University of Nebraska at Omaha's Center for Public Affairs Research says her census-based research shows foreign-born people in Nebraska with a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

higher labor participation rate than the U.S.-born population, about 73 percent versus 69 percent. Perhaps more pertinent to the current labor crunch, Schafer said, is that low-wage service and production jobs are more likely to be filled by the foreign-born. Also are the jobs that today have a high rate of openings in Nebraska. So this population is crucial to our economy and filling the jobs we have open, she said. Up to 80,000 jobs unfilled. The spotlight on immigration comes as the Nebraska Chamber of Commerce and Industry and an Omaha Together One Community-led coalition also steps up efforts to urge a more open door to foreign-born workers. Bryan Slone, president of the statewide business chamber, says that up to 80,000 jobs are unfilled in Nebraska -- a challenging scenario for employers given that the state has one of the highest labor participation and lowest unemployment rates in the nation. It's because we're hard working, even though we like to say that poor people are lazy, they're not. They're working. We just don't pay them well. And that's not in the article, that's just sidebar. Maybe I should have said that. Sidebar. OK. Slone believes that workforce needs across the country at some point are going to demand that Congress change laws to allow greater flow of legal immigration. It will be a question of which states are able to attract and retain immigrants, he said, adding that Nebraska should be ready to-- ready with improved affordable housing, child care, and other services that entice workers and families. Joke's on him, am I right? We're not going to do that stuff. We're just going to take away parental rights and medical decision making. We don't care about child care. We're not going to hell with that. Affordable housing, what? No, that's not us. But if we want to have your rights taken away as a parent, move to Nebraska, we're diabolical and we follow Lucifer. That's our new state slogan. Nebraska, Lucifer driven. Firestone said Nebraska has room to improve policies that make it easier for new arrivals to thrive. She pointed to two measures before state lawmakers. LB199, for example, proposes to amend Nebraska's driver's license act to provide a driving privilege card for certain foreigners authorized to be in the U.S. Introduced by Senator Tom Brewer of Gordon, the bill, aimed originally at Ukrainian refugees who settled in Nebraska but are ineligible for an ordinary driver's license, has advanced to the full Legislature for discussion. It actually was amended onto another bill. I don't remember now what bill it was amended onto, but I recall that happening.

DeBOER: One minute.

M. CAVANAUGH: Thank you. Kind of late at night, in the evening, maybe not late at night. In the evening that I withdrew motions that I had on the board so that we could amend Senator Brewer's bill into another

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

bill, because that's when I wasn't being an obstructionist. Any who. LB62, introduced by State Senator Machaela Cavanaugh, would provide reimbursement for translation and interpretation services under State's Medical Assistance Program. Such services are currently mandated under the Medicaid program but not reimbursed. Guess what? It didn't get out of committee. Shocking. I know. Yeah. Yeah. That measure, however, did not make it out of the Legislature's committee stage. It didn't. I introduced it. I actually haven't talked about how much of the legislation I introduced--

DeBOER: Time, Senator,

M. CAVANAUGH: Thank you.

DeBOER: Senator Hunt, you're recognized. And this is your last opportunity before your close.

HUNT: Thank you, Madam Chair. I'll yield my time to Senator Cavanaugh.

DeBOER: Senator Cavanaugh, you're yielded 4:55.

M. CAVANAUGH: Thank you, Madam Chair. So if just two more people, or one person two more times, wants to yield me time, then we don't have to vote on this and then go to another motion, which means we can just-- everybody can just vote at the end. Or we would have two votes, and we would have the vote to recommit to committee. So everybody would have to come and vote. And then we go back to talking, and then we have to come and vote again like 5 minutes later. So potato, potato to me. But I, you know, I am a process person. I'm also like, like to help people with logistics and, and planning. And so I'm kind of like, hey, if y'all don't want to just keep coming back or making people who are outside of the Chamber come back to vote when they're just going to have to vote on the whole thing in 5 minutes, I'd like to give you a heads up on that. And Senator Hunt has given me all of her time. So, uh, yeah, I was saying this article talks about one of my bills, which I appreciate, didn't know it was going to. And I haven't talked about any of the bills I introduced this year beyond the TANF bill that I introduced. And I actually introduced several very good things this year that were on a fast road to nowhere. One of them was a juvenile justice integrated data system, something that I had been working on with the university, that I started working on several years ago with former Senator Brad Ashford, who is a dear friend and a mentor to me. I had some that were supporting our first responders, an expansion of coverage for firefighters for cancer diagnosis. The way it is right now is they have to really prove that the diagnosis is caused because

of their work as a firefighter. And my bill would kind of flip that, that if you've worked for a certain amount of time as a firefighter and you are diagnosed with cancer, it is presumptive that it is because you are a firefighter. So it falls under workman's comp automatically. There are still avenues for people-- for it to be disputed, of course, but, but it makes it much easier for firefighters to get the workman's comp and the care that they need than the current process. So that's another bill I introduced this year that went nowhere. So. God, I think I introduced 28 bills. So I guess over the next couple of days I could spend time reading about all of them to you. My staff did a lot of great work on these bills, so probably worth it. OK. A lot of gaps. I never-- OK. This is L-e-a-h. Is it lee [PHONETIC]? Is it lee-ah? Is it lay-ah? I'm going to say Leah Whitney Chavez, founder of the Omaha-based World's-- World Speaks, sees language and culture gaps so great that she built a nonprofit around trying to bridge those differences. The organization, founded in 2016, offers language courses, translation and interpretation services, growing to the point of a new headquarters move plan to the summer. Whitney Chavez, noting that 109 languages are represented in Omaha public schools, said the area has a ways to go to become a place where non-English speakers-- speaking residents can thrive. There are just a lot of gaps in our community, she said, adding that--

DeBOER: One minute.

M. CAVANAUGH: language-- Thank you. Language accessibility services are among those that make an area inviting to new arrivals. Lina-- I am sorry, Lina. I know I am mispronouncing your last name, because I am terrible at pronunciation-- Traslavina Stover, executive director of the statewide Heartland Workers Center, said she was not surprised to see the IRI findings. She said that immigrants do much of the heavy lifting for some of Nebraska's biggest agricultural and production-based industries. What is concerning to her, though, is that when foreign born workers become an underclass. If there is an overrepresentation of a group in poverty, that is problematic, Stover said. States vary in services and benefits offered to-- for the foreign-born, as well as to subsets of that group who lack permanent legal status. While Nebraska allows undocumented students who attended and graduated from local high schools--

DeBOER: Time, senators.

M. CAVANAUGH: Thank you.

DeBOER: Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: I would yield at my time to Senator Machaela Cavanaugh.

DeBOER: Senator Machaela Cavanaugh, you're yielded 4:56.

M. CAVANAUGH: Thank you, Madam President. Thank you, Senator John Cavanaugh. States vary in services and benefits offered to the foreign-born, as well as to subsets of that group who lack permanent legal status. While Nebraska allows undocumented students who attended and graduated from local high schools to pay the same tuition as in-state classmates, it has not taken the step that some other states have: offering state financial aid. The National Legal Immigrant Center says that 80 percent of the nation's foreign-born population live in states with tuition equity laws or policies. Oh, well, that's an interesting enticement right there. OpenSky's Firestone said state leaders often talk about how to attract people to Nebraska. Historically speaking, she said, immigrants come to Nebraska. Last year, Nebraska was among the top 3 states for the share of refugees resettled per capita. It's a potential economic powerhouse for the state, Firestone said. Huskers-- Oh. There's a-- OK, so this is another-- sorry, like, I don't know if this is a separate article, like underneath it, but I'll read it. Huskers top nation in refugee per capita over decade. Nebraska ranks number 1 in the nation for the share of refugees resettled over the past decade compared to the overall state population, according to an analysis by the Immigration Research Initiative. I need one more time to talk, if we don't want to go to vote on the motion to recommit before we go to the cloture motion. Just one more. OK. Refugees are a subset of a foreign-- of the foreign-born. They are people who the US government has determined have a well-founded fear of persecution. They've gone through extensive vetting, according to the IRI, and typically have waited years before arriving in the U.S. Each year, a cap on the number of refugee arrivals is set by presidential determination. The IRI said refugee arrivals during President Donald Trump's administration declined from 85,000 in 2016 to 12,000 in 2020. In 2022, the total climbed to 25,000. By the measure of refugee arrivals per 100,000 people in a state, over a 10-year period, Nebraska topped the list, followed by North Dakota, Idaho, Kentucky and South Dakota. For 2022 alone, nebraska ranked third among states for refugee resettlement per capita. Kentucky was first; Idaho second. Looking at raw numbers, states that received the most refugees over the 10-year period were Texas, California, New York and Michigan. Top countries of origins for refugees nationally over that time frame include Myanmar (Burma), Iraq, Bhutan, Democratic Republic of Congo, Somalia, Iran, Syria, Cuba and Ukraine. The U.S. refugee resettlement program is a public-private partnership of the Bureau of Population, Refugees and Migration, the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Department of Health and Human Services and 9 national resettlement agencies. Cindy Gonzalez, Nebraska Examiner senior reporter. So I've been reading from the Nebraska Examiner this morning. They do a great job of covering what's happening in our state. So they are an online publication. And--

DeBOER: One minute.

M. CAVANAUGH: Thank you. And they're a nonprofit, so they are not driven by clicks and sensationalism. So I very much appreciate them as a resource, even if I'm criticizing them, which I have been known to do from time to time. Yet somehow I'm still on speaking terms with them. I don't know why, but they still talk to me from time to time. And I very much appreciate their work and their journalism. And I think if you are looking for a good resource, there's lots of good local resources. But the fact that they're a nonprofit news outlet, I think you really can see that in reflected in their work, that it is less hyperbolic in any one--

DeBOER: Time, Senator

M. CAVANAUGH: --direction. Thank you, Madam President.

DeBOER: Senators Day and Riepe would like to recognize 60 4th graders from Holling Heights Elementary in Omaha. Please stand and be recognized by your Nebraska senators. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: I would yield my time to Senator Machaela Cavanaugh if she would like it.

DeBOER: Senator Machaela Cavanaugh, you're yielded 4:56.

M. CAVANAUGH: Thank you, Madam President. Thank you, Senator John Cavanaugh. I would like it. Oh, so I was saying, because they're a nonprofit news publication, that they are not driven by profits. Obviously, nonprofit, not driven by profits. And so their journalism has not been, I don't know, directed by what is going to generate revenue. That is a good thing in journalism. It makes it less sensationalized, it makes it less hyperbolic. And I was starting to say in either direction. It makes it less hyperbolic towards the progressive movement, and makes it less hyperbolic towards the conservative movement. And it really is-- when you have this model of journalism and reporting it, it starts to go back to the more standard of what journalism used to be. I will say that sometimes I have been known to push back, that perhaps that's not the standard that I'm

seeing reflected. And I appreciate the Nebraska Examiner's willingness, or at least them feigning willingness, to hear my grievances. I don't know how else to say it. I have grievances. That's not shocking. I spend like days on end airing my grievances on the microphone. So I have grievances. I have grievances about everything. I'm really not that much of a downer, generally, outside of this place. I'm kind of fun. I, I hula hoop. I don't know that I've talked about my hula hooping. I am an excellent hula hooper. And yes, yes, I do have routines. Multiple hula hoop routines. Two different songs. There is no video that I'm aware of. I once did a contest, it's called The Rose of Tralee, and it's an Irish thing. And you had to do talent for the talent portion of this con-- it's an international thing. And, and it was, it was very extensive. There was a whole interview process. And then the talent portion of it was the final day. And whoever won went to Ireland for the National Festival, Rose of Tralee Fa-- Festival. And they had people from all over the country and all over the world doing this. So my talent was hula hooping. It was at a bar, Kelly's Irish Times, I think, on Capitol Hill. It was hula hooping to the song Come on Eileen, and I did chug very messily a Guinness while hula hooping to Come on Eileen. Guinness is not a chugging beverage, just fyi, and I do not, as a general rule, chug alcohol. That is not a good thing to do. It is not healthy or safe. I don't recommend it at all. But for this specific performance I did, though I think about 1 percent of it actually made it into my mouth and the rest made it down my white shirt. So that was really-- I'm really glad that, like, digital media was not a thing at that time, even though I've--.

DeBOER: One minute.

M. CAVANAUGH: --described it to you all, but there's no video of it. So. So you can't even prove if I actually did what I just said I did. Maybe I just made it all up. Maybe it's Bobby Ewing's dream from Dallas. Whoo. All right. I think we're at about cloture, and then people, I'm sure, want to go to lunch. I hope-- if you're not in here, you probably need to get in here, because you can't-- we're on Final Reading. You can't do a call of the house. So if you did check out, come back and sit down, because it has a need clause, so it needs 33, and you can't do a call the house on cloture on Final Reading. So that's it, folks. Thank you very much, Madam President.

DeBOER: Thank you, Senators Cavanaugh. Mr. Clerk, you have a motion on your desk?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

CLERK: I do. Madam President, Senator Bostelman moved to invoke cloture pursuant to Rule 7, Section 10 on LB565.

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

BOSTELMAN: Member check in. Roll call vote. Regular order, please.

DeBOER: Members Please return to your desks. We are on Final Reading. Members, please check in. All members are in their seats. The first motion is to invoke closure-- Cloture. All those in favor vote aye; all those opposed vote nay. There's been a request for a roll call vote. Mr. Clerk, please call the roll.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator MacDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne. Senator Wishart not voting. Vote is 41 ayes, no nays, Madam President, on the motion to invoke cloture.

DeBOER: The motion to invoke cloture is adopted. Members, the next vote is on the adoption of Senator Hunt's motion, M0654. There's been a request for a roll call vote. Mr. Clerk, please call the roll.

CLERK: Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting no. Senator Bosn voting no. Senator Bostar. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting no. Senator. Machaela Cavanaugh not voting. Senator Clements voting no.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson 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 voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz. Senator Wayne. Senator Wishart not voting. Vote is 0 ayes, 41 nays, Madam President, on the motion to recommit.

DeBOER: The motion is not successful. Mr. Clerk, the next vote is to spe-- dispense with the at-large reas-- reading. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosh voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting no. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne. Senator Wishart not voting. Vote is 40 ayes, 2 nays, Madam President, to dispense with the at-large reading.

DeBOER: The at-large reading is dispensed with. Mr. Clerk, please read the titles.

CLERK: [Read title of LB565]

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

DeBOER: All provisions of law related to procedure having been complied with, the question is, shall LB565e pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, there has been a request for a roll call vote. Please call the roll.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne. Senator Wishart not voting.

DeBOER: LB5-- Mr. Clerk, please record .

CLERK: 41 ayes, 0 nays, 3 present not voting, 5 excused not voting, Madam President, on advancement of the bill.

DeBOER: LB565e passes with the emergency clause attached. Speaker Arch for an announcement.

ARCH: Colleagues, please note that I am going to alter today's agenda slightly. At 1:15 p.m., when we return, I am scheduling on Final Reading 2 of the A bills we advanced from Select File this morning, LB243A and LB583A. The bills will not be read on Final Reading at that time, but we will take up motions to return to Select File for a specific amendment on each of the bills. These amendments are necessary due to the amendments the body adopted on their substantive bills on Select File. These amendments were filed prior to the Select File debate this morning, but they were not considered before cloture.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

When we finish with those two A bills, we will return to the location on the agenda where we are now. Thank you, Madam President.

DeBOER: Thank you, Speaker Arch. Mr. Clerk for a motion.

CLERK: Madam President, a few items quickly. Your Committee on Enrollment and Review reports LB243A, LB583A, LB754A as correctly engrossed to be placed on Final Reading. Amendments to be printed. Senator Hunt to LB5, LB57, LB101, LB32, LB69, LB113, LB132, LB142, LB210, LB354, LB355, LB423, LB446, LB448, LB101, LB203, LB272. Notice that the Reference Committee will meet in room 1525 upon recess. Reference Committee 1525 upon recess. And finally, Madam President, priority motion. Senator Fredrickson moved to recess the body until 1:15.

DeBOER: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The motion carries. We are in recess.

[RECESS]

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

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

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

CLERK: I do, Mr. President. Reference report from the Referencing Committee concerning interim studies. That's all I have at this time.

ARCH: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB565. Mr. Clerk, we will proceed to the first item on this afternoon's agenda.

CLERK: Mr. President, pursuant to your agenda, Final Reading, LB243A from Senator Briese.

ARCH: Senator Cavanaugh, please state your point of order.

M. CAVANAUGH: We have not had a layover day for LB243A, so it cannot be on Final Reading.

ARCH: Senator Cavanaugh, could you please state where in the, where in the rules you're finding that?

M. CAVANAUGH: I-- that's how we have conducted ourselves. I don't have the exact citing of the rules.

ARCH: Could you, could you please come forward, Senator Cavanaugh?

M. CAVANAUGH: Can you turn my-- oh, OK. I-- it came to my attention that when we have our sidebar conversations up there, it's not part of the permanent record. So I would prefer if we could have it as part of the permanent record. So I'll stay where I am.

ARCH: Senator Cavanaugh, in order to make a ruling, we need a-- we need a reference to the rule that is being violated.

M. CAVANAUGH: So can you then make a ruling-- you can't make a ruling as to whether or not we have a layover day on Final Reading? OK. Rule 6, Section 7(b).

ARCH: Senator Cavanaugh, Rule 6, Section 7, I believe that's what you're referencing.

M. CAVANAUGH: Yes.

ARCH: I believe that that is only-- the layover day is only when there is the intention to advance the bill to Final Reading. And, and this is pulling it back to Select for a specific amendment, so there is no intention to--

M. CAVANAUGH: I don't see intention in the rule. And if we-- if the motion to return to Select were to fail, this would go to Final.

ARCH: If, if that happens, if at that point we would pass over and it would not be advanced to Final Reading.

M. CAVANAUGH: You can pass over the, the vote?

ARCH: Senator Cavanaugh, again, the only reason it's on the agenda is, is because of the motion to return to Select File. And it's not the intention to advance to Final.

M. CAVANAUGH: Again, that's the intention. But the rule, it does not state intention.

ARCH: Senator Cavanaugh, I believe we need to have a conversation about this. If you could approach, we will put it on the record after our conversation.

M. CAVANAUGH: OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

ARCH: Senator Cavanaugh.

M. CAVANAUGH: Thank you, Mr. Speaker-- Chairman. I would like to change my point of order to a point of inquiry. After discussion with you, I would like a clarification for the record as to how this works within our rules to take a bill that was moved forward today from Final Reading back to Select and how that would processwise work. Thank you, Mr. President.

ARCH: When the agenda lists it as a motion to return to Select, it is only for the purpose of returning to Select, not for the advancing to Final Reading. And so in this particular case, this agenda item is specific to return to Select for an amendment. Constitutionally, we cannot pass that bill on Final Reading without a layover day. So the intention is not to take it to Final Reading today. Mr. Clerk, please proceed.

CLERK: Mr. President, LB243A. Senator Briese would return to Select File for a specific amendment, that being AM1881.

ARCH: Senator Briese, you're recognized to open.

BRIESE: Thank you, Mr. President. And good afternoon, colleagues. I rise in support of the motion to return to Select File, specifically to return to Select File to attach AM1881 to LB243A. In LB243, we incorporated Senator Erdman's LB28 to add a TERC commissioner. The Final Reading version of LB243 on page 28, I believe it is, Section 14, we add that TERC commissioner. In Section 15, we specify that, that TERC commissioner's salaries, the TERC commissioner's salaries are tied to that of Supreme Court judges. In Senator DeBoer's LB799, we increased Supreme Court judges' salaries, hence we need to adjust upward the A bill here to reflect this increase in TERC commissioner salaries, which is driven by the change contained in LB799. That's why we need AM1881 to reflect that needed change. Thank you, Mr. President.

ARCH: Thank you, Senator Briese. Senator Cavanaugh, you are recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. So glad we're getting the technical side of things worked out. I think there was concern. I didn't have opposition to the amendment itself. I just-- I'm a process person and I like to make sure that we are following our own process and that we have fidelity in how we are doing things. So there we go. I'm trying to see where I left off before the lunch break. There was a

media-- 2023 Spotlight: medical bans report executive summary. LGBTQ Policy Spotlight: Bans on Medical Care for Transgender People. And this is MAP, which is the Movement Advancement Project spotlight report. So just. From the executive summary. In less than three months, 2023 has already set new records for anti-LGBTQ and especially anti-transgender legislation in the United States. In particular, 2023 has brought devastating and unprecedented attacks on transgender people and their ability to live safely and freely. This is nowhere more evident than in the escalating efforts to restrict, ban and even criminalize transgende-- gender people's access to medically necessary care, sometimes called gender-affirming care. While most of the public focus has been on recent efforts to ban medical care for transgender youth, this report shows how these attacks are part of a much larger effort to ban medical care for all transgender people. In fact, just days before the report's publication, Missouri became the first state to effectively ban gender-affirming care for all transgender people, regardless of age. The findings demonstrate how recent bills to ban or restrict medical care for transgender people are growing in number, growing in scope, and growing more and more extreme to harm more people than ever before. This shows that the ultimate goals of these bills and of the extremists and politicians pushing them are to make it impossible for transgender people to transition, to be their authentic selves, and even to exist. Current Policy Landscape: Transgender People's Access to Medical Care. Historically, it has been notoriously difficult for transgender people to access gender-affirming care. Transgender people face extraordinarily high rates of employment discrimination, blocking their access to health insurance and economic security. Even those with health insurance have faced decades of obstacles, such as discrimination in healthcare settings, a scarcity of competent, affirming medical providers, and insurance companies routinely denying coverage of such care despite its medical necessity. Both legislation and administrative policies have also blocked access to or denied coverage of transgender-related healthcare, such as in state Medicaid policies and more. Today, it remains difficult for many transgender people to access basic practice medicine. For example, only 22 states, Puerto Rico and the District of Columbia, currently ban discrimination in health insurance on the basis of gender identity, meaning that such discrimination is legal under state law and half of U.S. states. Only 24 states and the District of Columb-- Columbia ban transgender exclusions in insurance, meaning that in the other 26 states, states-- state law allows health insurance companies to categorically refuse to cover any transgender-related healthcare. Wonder where Nebraska falls in this.

ARCH: One minute.

M. CAVANAUGH: At least 11 states explicitly exclude coverage of medically necessary care for transgender people in the state Medicaid program, including two states whose exclusions apply to minors only. Though in practice, these exclusions will likely set precedent for future broader exclusions. Thirteen states have no explicit policy, and the-- this absence of a clearly inclusive policy leads to obstacles and inconsistent access to healthcare for transgender people. Currently, 15 states ban best practice medical care for transgender youth. This, by the way, is outdated because it came out before Friday of last week. So just want that stated. Currently, 15 states ban best practice medical care for transgender youth, including one state that bans only surgical care for transgender youth. Prior to 2021, no state had a ban on medically necessary care for transgender youth. As a result, today--

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: Senator Ben Hansen would like to welcome 40 students from Washington County Homeschool Group from Blair, Nebraska. They're located in the balcony. Please, students, please rise. Welcome to your Nebraska Legislature. Senator Cavanaugh, you are recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Currently 15 states ban best practice medical care for transgender youth, including one state that bans only surgical care for transgender youth. Prior to 2021, no state had a ban on medically necessary care for transgender youth. As a result, today, nearly one in five, 19 percent, transgender youth live in states that ban medically necessary care for transgender youth. And that number is certain to grow in the coming months as we-- as many more states are still actively pursuing similar bans. Importantly, these discriminatory and exclusive policies are especially harmful to transgender people of color, and particularly black transgender people who are more likely to live in states with such laws. Recent Explosion of Bills That Would Ban Medically Necessary Care for Transgender People. For this report, MAP identified more than 250 bills attacking healthcare for transgender people, covering 2017 to April 1, 2023. The analysis reveals very few such bills were introduced from 2017 to 2019, illustrating that it is a recently manufactured problem designed for political purposes. The current wave of legislation attacking transgender healthcare began in 2020, when over a third of states, 17, considered such a bill. In just the first three months of 2023, more

bills attacking transgender healthcare have been introduced than in the last six years combined. Virtually all these bills explicitly target transgender youth, though, as shown in this report, a growing share of these bills would also restrict access to healthcare for at least some transgender adults. From 2017 to April 2023, more than three-quarters of states, 39, have considered a bill attacking transgender healthcare, including 15 states that have enacted new bans or restrictions. So it's at least up to 16 now, because this was April of this year. Over Time, Transgender Healthcare Bans are Growing in Scope and Extremism. MAP analyzed the more than 250 bills introduced between 2017 and April 1, 2023, with a particular focus on bills introduced since 2020 when the current wave of anti-transgender legislation began. While all of these bills seek to ban or restrict medical care for at least some transgender people, MAP also analyzed the many other provisions, often also contained within these bills, as well as trends over time. The findings show the dramatic and escalating attacks on transgender people, including: banning care for transgender adults. In 2020, only one bill applied to at least some transgender adults. But in 2023, nearly three in ten, or 29 percent, of bills would ban or restrict care for at least some transgender adults, in addition to youth. The growing extremism is now a stark reality in Missouri, in which-- which in April 2023 became the first state to effectively ban care for all transgender people. Banning state funds for medical care. In 2020, no bill contained such provision, but nearly half of the 2023 bills would ban state funds from going towards best practice medical care for at least some transgender people. Banning private insurance coverage or allowing refusal of coverage. Some bills also prohibit private insurance from covering or reimbursing medically necessary care for transgender people, while other provisions allow insurers to categorically refuse to cover such care. Criminal charges and other penalties. Bills vary in their penalties, ranging from the loss of medical license for healthcare providers to lawsuits, criminal and or child abuse charges, as well as a growing trend of empowering--

ARCH: One minute.

M. CAVANAUGH: Thank you-- states' Attorneys General, to take further action to end gender-affirming care. Expanding targets. While most bills target medical providers, more than a third of the bills from 2020 through 2023 target someone other than or in addition to medical providers, such as parents of transgender children, teachers or even friends or neighbors. Forced outing of transgender youth. In addition to banning healthcare, at least 16 percent of all bills from 2020 to 2023 contain explicit provisions that would force school staff and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

sometimes any government employee to out youth to their parents if they express any thought or indication they may be transgender. Often, regardless of whether the home environment might be safe for that student. Expect-- exceptions for intersex children.

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: You're next in the queue, and this is your last opportunity before your close.

M. CAVANAUGH: Thank you. OK, so we have the motion to return to Select. So I'll take this time. And then Senator Briese has the vote on his motion, and then we have to have the vote to advance it. So I'll just take my times on then. Just, just doing the math out loud. Exceptions for intersex children. Across all bills from 2020 to 2023, at least 81 percent of bills attacking transgender healthcare also contain explicit excep-- exceptions allowing non-consensual surgeries on intersex children. Extraordinary definitions. Exclusionary, sorry, exclusionary definitions of sex. Across all bills from 2020 to 2023, more than two-thirds, 69 percent, of bills would also create new explicit legal definitions of sex that would effectively erase any legal recognition of transgender people and with the potential to restrict their rights throughout state law, not only in healthcare. And more. Each year, new provisions emerge, illustrating the continuing efforts to both ban care for transgender people and to use these bills as vehicle-- as a vehicle for other anti-transgender attacks. The Impacts of Efforts to Ban Medical Care for Transgender People. Bills trying to restrict or outright ban medically necessary care for transgender people all try to take decisions away from patients, their families and their doctors and instead give that power to politicians and bureaucrats. People who don't have a transgender child may not understand the nuances of this medical care. Huh, no kidding. It is parents, doctors and the patient who should decide, not politicians. Unsurprisingly, banning such medical care entirely causes clear and direct harm to transgender people, as well as their families, medical providers and broader communities. So we're going to get to a vote shortly on Senator Briese's amendment. I just wanted to note that we would have gotten to this amendment this morning if people weren't ashamed of what they did on Friday and came and talked to me about their bills. But Senator Briese didn't come and talk to me. Senator Sanders didn't come and talk to me. Senator Linehan didn't come and talk to me. And were willing to sacrifice the integrity of their bills, their A bills, because they didn't want to talk to me. So

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

that's why we're taking more time on these A bills today, is because people weren't willing to do their job. I won't talk to you about your lives. I won't talk to you about my life. I have always talked to people who needed to get something done on the floor, on the bill at hand. So the-- your unwillingness to talk to me is a reflection on you, not on me. And there's only seven days left. If that's how you want to conduct yourselves, it's going to be an even more rough seven days. But I legitimately didn't know that there was an amendment pending on this bill and Senator Sanders' bill. And then I was just happened to have a moment to look up the A bill that was on the board. And I saw that there was an amendment pending. And I thought, that's interesting. No one has come and asked me to pull my motion so that we could get to the amendment. Maybe it was just--

ARCH: One minute.

M. CAVANAUGH: --a placeholder amendment. And so then I actually went to Senator Duggan-- Dungan and I said, you're on Revenue Committee. Is this a placeholder amendment? And he didn't know and he started working on it. And so I guess you can thank Senator Dungan for making that happen. Getting the, the amended version of the LB574A was because Senator Dungan was willing to talk to me and to figure out what was going on. So thank you to him for doing that-- LB754, thank you. Yeah, I mean, if you stand by your vote on Friday, you shouldn't have any problem looking me in the eye when you come and talk to me. Thank you, Mr. President.

ARCH: Senator Cavanaugh, you are welcome to close on your motion. I'm sorry, Senator Cavanaugh. Senator Briese, you're welcome to close. Senator Briese waives close. Members, we are in Final Reading, please return to your seats. Senator von Gillern would like to recognize 71 fourth grade students from Grace Abbott Elementary in Omaha. They're seated in the balcony. Students, please rise and be welcomed by your Nebraska Legislature. Senator Raybould would also like to recognize two guests: Peyton Wolfe and Ainsley Garcia from Lincoln. They are seated under the north balcony. Please rise. Senators, our first vote is the motion. Senators, please return to your seats, this is Final Reading. A roll call vote has been requested on the return to Select File. Mr. Clerk.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad. Senator Day. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama. Senator Vargas. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart. Senator Vargas voting yes. Vote is 40 ayes, 0 nays, Mr. President, on the motion to return to Select File.

ARCH: The motion is adopted. Senator Briese, you may open on AM1881.

BRIESE: Thank you, Mr. President. Good afternoon again, colleagues. Just a reminder, as I indicated earlier, AM1881 is important that we get attached to LB243A. Remember, with LB243, we added a TERC commissioner. We also tied their salaries to that of the Supreme Court judges. With LB799 that we passed here recently, we increased a Supreme Court judges' salaries. Because of that, we're needing a slight increase in the salaries of these TERC commissioners and that adds to the A bill by so many dollars. I would ask for your support on AM1881. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I was being asked about, is this kind of a do-over for the, the bill? And I mean, it is. It's like we had the time this morning. We had 30 minutes this morning for this bill and the next one that we're going to be doing. And, you know, the amendment didn't get attached. So there we go. I'm going to read an article. This is from The Register. The Honors Gap: How Central's advanced classes perpetuate inequality among students. This was published on May 22, 2023. This is a high school in Omaha. The first time, Betsy-- oh, man, I am so bad with pronouncing names. I am sorry. Betsy Yadira Tenorio, Tenorio-Hernandez traveled between worlds when she stepped into honors chemistry. After taking remote classes her entire freshman year, she entered her sophomore accelerated class-- science class on her first day in-person at Central to find only one other Latino student. "It was very shocking to me just

because" I look-- because "you look at the school, you see more people of color," Tenorio-Hernandez said, "but when you get to the honors classes, it's very different." In her honors classes, she felt as if the world she knew with her family in south Omaha, one where everyone speaks Spanish and works construction or waits tables, was gone. In its place was the new world of her white peers, one in which parents are doctors or lawyers and the often harsh realities of immigrant life in America are unknown. Soon, the hours she spent in honors classes became marred by perpetual feeling of isolation. "I felt like I couldn't really relate to them," Tenorio Hernandez said of her classmates. "We had very different perspectives and sometimes I felt like I couldn't really speak out because my opinion was different because of my background." Oh, I should have mentioned the author of this article is Jane McGill. So I forgot to say that at the start. For Central High School, the diversity of its students is an essential part of its identity. Pride in diversity is included in the school mission and enblow-- emblazoned-- oh my gosh. Emblazoned on a plaque hanging in the main office for all to see. With an attendance area that reaches from North O to downtown Dundee, Central brings together students from extraordinarily different areas of the heavily segregated city it lies in the heart of. But the diversity of Central's student body is not reflected in its advanced classes, where affluent and white students are vastly overrepresented, while students of color and economically disadvantaged students are consistently underrepresented. Central offers three kinds of advanced classes: Honors, Advanced Placement and the International Baccalaureate Diploma Programme (IB), all of which require students to have signed parental consent to enroll. Students are selected for an advanced class either through a parent, teacher or counselor recommendation. AP is a national program that offers college-level classes to high school students who receive credit for their AP classes if they dual enroll at a local college or score highly on the year-end AP exam. The most advanced academic track at Central, IB, is a two-year international education program for juniors and seniors based out of Geneva, Switzerland. Participants in the track are required to take--

ARCH: One minute.

M. CAVANAUGH: --seven IB-- thank you-- IB classes every year with students who score highly on IB final exams earning the IB Diploma, the only secondary degree offered at any high school in the Omaha Public Schools. An analysis of student demographics by The Register, using data provided by Omaha Public Schools, found the percentage of white students enrolled in an academic track at Central increases at every level of advancement, while the percentage of students of every

other race stagnates or declines. The share of economically disadvantaged students similarly declines in more advanced classes. There's some charts that I will come back to a leader when I have time. The latest ethnic group at Central are Latino students-- at the latest. Wow, I am having a real brain fog. The largest ethnic group at Central are Latino students at 33 percent, followed closely by white students at 31 percent.

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: You're next in the queue.

M. CAVANAUGH: Thank you. Is this my last time?

ARCH: This is your second time.

M. CAVANAUGH: OK. Just waiting to-- I never know if I have to get back at like-- I just wait for the light to go off. I figure, I do not know how the systems work up there, but I know that some are updated technology and some are what at best can be called "old-timey" technology. Like, I feel like there is a crank underneath the president's desk where the pages sit that they are like cranking to like power the clock or something. It's this very hybrid old-time technology and modern technology. And when the other Senator Cavanaugh is speaking, it all breaks. Just kidding. That only happened once, I think. OK, back to the article. A quarter of students are black, 5 percent are multiracial, 4 percent are Asian, and less than 1 percent are Indigenous or Pacific Islander. Over half of all Central students are also economically disadvantaged. The Register determined the percentage of economically disadvantaged students at Central by using data provided on the number of students eligible for OPS educational benefits, which include a free activity card, discounted internet access and fee waivers for testing and college applications. These benefits are available to students from low-income households, households receiving food stamps or federal nutrition assistance, students in foster care, as well as migrants, runaway or homeless students. In honors classes, the percentage of white students increases by 10 percent over their percentage of overall student body. While every other race is slightly underrepresented, the percentage of economically disadvantaged students drops by 10 percent. The most severe decline in racial and socioeconomic diversity occurs in Central's college-level courses. The percentage of white students taking AP and IB classes is nearly twice the percentage of the overall

student body constituting a majority in both programs. Black and Latino students are underrepresented by nearly half. While the racial demographics of AP and IB are similar, they differ significantly in their socioeconomic makeup. Almost twice as many AP students are economically disadvantaged at 31 percent than IB students at 17 percent. Over 70 percent of white students at Central are enrolled in at least one honors class, compared to 47 percent of black students and 40 percent of Latino students. And while 36 percent of white students are enrolled in at least one AP class, only 12 percent of black students and 10 percent of Latino students are. These racial and socioeconomic disparities are not unique to central, but remain a prevalent issue in advanced academics across the nation. According to the most recent data from the United States Department of Education, nearly 60 percent of students in gifted and talented programs are white, compared to around 50 percent of overall public school enrollment. Black students are only 8 percent of gifted and talented programs, despite making up 15 percent of public school students. Latino students who compromise-- compromise-- comprise 27 percent of public school enrollment overall, make up 18 percent of gifted and talented students. However, The Register's analysis of the student demographics of advanced classes in other high schools in the region suggests the disparities in Central's advanced classes are especially glaring. At North Kansas City High School, which offers both AP and IB classes and has a similarly diverse student body, racial and socioeconomic disparities in advanced academics are still present, but not nearly as pronounced as those found at Central. There are charts for all of these things. Black and Latino students who comprise 40 percent of the student population are proportionally--

ARCH: One minute.

M. CAVANAUGH: --represented-- thank you-- represented in honors classes as the slight majority of students who are economically disadvantaged. In the AP classes at and NKCHS, the percentage of white students increases by 10 percent, the percentage of economically disadvantaged students decreases by 10 percent, while percentage of black and Latino students both declined by 5 percent. In IB classes, white and Latino students are proportionately represented, while black students are only slightly underrepresented. Over a third of students in IB classes are economically disadvantaged, twice the percentage in Central's IB classes. Principal Dionne Kirksey said Central's administration is aware of disparities in advanced classes and working towards improvement. "What we would like to see, based on our diverse population, is diversity in Honors, AP and IB," Kirksey said. That's what we--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: Mr. Clerk, for a motion.

CLERK: Mr. President, Senator Briese, would move to invoke cloture on LB243A pursuant to Rule 7, Section 10. [RECORDER MALFUNCTION]

ARCH: Members, a reminder, we are on Final Reading. Please be in your seats. You've heard the motion for cloture. Those in favor vote aye; those opposed, nay. There's been a request for a roll call. Mr. Clerk.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart. Vote is 40 ayes, 0 nays, Mr. President, of the motion to invoke cloture.

ARCH: The motion passes. Next vote, AM1881. Roll call has been requested. Mr. Clerk.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting voting yes. Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart. Vote is 40 ayes, 0 nays on adoption of the amendment, Mr. President.

ARCH: AM1881 is adopted. Next vote, LB243, advance to E&R for engrossing. Roll call has been requested. Mr. Clerk.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne not voting. Senator Wishart. Vote is 39 ayes, 0 nays, on advancement of the bill, Mr. President.

ARCH: LB243A advances to E&R. Next item, Mr. Clerk.

CLERK: Item quickly, Mr. President. Amendment to be printed from Senator Armendariz to LB727. Next bill, Mr. President. LB583A, Final Reading. Senator Sanders would move to return to Select File for a specific amendment. Senator Sanders, I have a note you wish to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

withdraw a-- excuse me, FA69. In that case, Mr. President, Senator Sanders would move to return to Select File for AM1909.

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

SANDERS: Thank you, and good afternoon, Mr. President, colleagues. LB583A is the appropriations bill for Governor Pillen's education funding bill. For the record, Senator Machaela Cavanaugh, you have said loud and clear you aren't talking to us and we aren't talking to you. However, I did my-- make my way over to explain to you that I had an amendment that was part of the, the funding portion of my bill, and it was vital to my bill. Out of all respect, you were in the middle of a filibuster from the time you dropped your amendment until the motion and cloture. So we weren't able to have that conversation. This morning I have introduced AM1909 for your consideration. Now I am motioning for LB583 a to return to Select File for AM1909. LB583 was on Select File for debate. However, there was an error within the bill, unintentionally canceled out the special education funding provision. We identified the problem and fixed it with AM1636 on May 9. Thank you, Mr. Speaker.

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

M. CAVANAUGH: Thank you, Mr. President. Shoot. I didn't write down when we started. Trying to keep track. OK, so I think I finished that article. Did I finish that article? I was reading an article from a high school paper that was really well done. No, I didn't finish it, haha. OK, so this is from Central High School's paper, The Register, and it's about economic and-- diversity in their AP and IB classes. OK, I read that part. Sorry. Susan Christopherson, chief academic officer of OPS, said the district is addressing racial and socioeconomic disparities in advanced classes at all nine of its high schools. We want to make sure that all of our programming is representative of our student body-- sorry-- at all of our high schools, Christopherson, Christopherson said. We continuously meet with advanced academic coordinators from each school to review that data and help them set-- to set some plans in action to help support within their own schools. Central IB, AP Coordination-- Coordinator Cathy Andrus declined to be interviewed for this story. The racial disparities in Central's advanced classes likely perpetuate inequality between white students and students of color in the school overall, as students in advanced classes can more easily access opportunities than students in standard-level classes. Central uses a weighted grade point average on a 5.00 scale for students in advanced classes, while the GPAs for students in standard-level classes are on a 4.00 scale.

This weighted GPA system makes it harder for the disproportionately economically disadvantaged and students of color in Central's standard-level courses to attend student life events only with high GPA students that are al-- are allowed to participate in. Some students must have a 3.0 GPA or higher to attend winter formal. Purple Feather Day, an annual celebration where students receive certificates and are released from their morning classes for activities on the football field, which requires students to have a GPA of 3.5 to participate. But these disparities could have far worse consequences for Central's disadvantaged students than missing out on a school dance. As research shows, enrolling in advanced classes can improve students' chances in late-- later life. By 2020-- a 2020 study by the Washington-based Education Trust found that high school students in advanced courses were more likely to graduate, go to coll-- on to college and earn a college degree. In 2018, study published in the American Educational Research Journal found that students who dual enroll in high school received a college degree faster and with an average of \$1,000 less debt. "There's clear evidence that being in an advanced class increases your opportunities to learn and get into a fancy college," said Dr. Thurston Domina, distinguished professor in educational leadership at the University of North Carolina at Chapel Hill. Calculus, for instance, is just a hugely important gatekeeper for STEM fields in college. If you don't take AP calculus in high school, you could become you could become a doctor. But it's much harder. So these inequalities in education turn into inequalities in income and health for adults. Domina, who graduated from Central in 1993, is a sociologist by trade who studies the relationship between education and social inequality.

ARCH: One minute.

M. CAVANAUGH: Thank you. His interest in sociology of education was greatly influenced by his experience as a Central student, beginning with his decision to take standard-level geometry instead of Honors freshman year, doing poorly in algebra. "I was the only freshman in the class, but it was a very diverse class, and the teaching was terrible," he said. For me, it was one of those moments where I began to understand it's not really honors because it's harder. It's honors because that's where the relatively privileged kids get to get better experiences. As a tenured professor, Domina now researches academic tracking, the process by which schools sort students into different learning environments and how this sorting shapes students life, life chances. Through analyzing the structure of education, he explores how schools, which theoretically offer equal opportunity to all students, actually reproduce the racial and economic inequalities seen

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

throughout the contemporary U.S. Affluent white kids disproportionately come out at the top of the pile.

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: You're next in the queue.

M. CAVANAUGH: Thank you. Affluent white kids-- affluent white kids disproportionately come out at the top of the pile at Central High because the school is set up to legitimize their social position, Domina said. It's giving a gold star to the people who are already at the top of the pile. But the school also has a laundry-- has to launder that inequality. It has to make the unequal outcomes look like they reflect merit. So the sorting happens by creating these kinds of contests that appear to give everybody a chance to succeed, but almost necessarily create an outcome that looks a lot like inequality that happened at the beginning. The origins of the disparities in Central's advanced classes. Students of color are disproportionately sorted into standard-level classes at Central because of the many barriers they experience when attempting to access advanced academics. The foundation of the disparities seen at Central is established in primary school, where the quality of education in child-- a child receives differs considerably based on the neighborhood where they reside. Sophomore Iyanna Wise experienced the disparities in OPS elementary schools firsthand when her parents transferred her from Minne Lusa, a majority black school in north Omaha to Fullerton, a majority white school in west Omaha halfway through her third-grade year. It was completely different experience, Wise said. "At Minne Lusa, I was one of the smartest kids in the school. At this new school, I was so behind. I was learning my multiplication and at Minne Lusa, we were still learning our 10s. I go to Fullerton and they had already learned it. So there's that education divide in OPS, two completely different learning styles. And I was kind of a product of that." "My eighth-grade year, we didn't learn anything in English or in math," said junior-- oh, I'm going to get this really wrong-- Eh Khu Poe, Eh Kuh Poe, who attended Monroe Middle School in Benson. Again, I apologize. I'm really bad at name pronunciation. It is not intentional. And I feel really terrible when I'm mispronouncing names. But I also need to acknowledge that it's going to happen. "My teachers were not professional. They would just like form cliques and gossip instead of teaching...going into honors classes, white students already had more opportunities, whereas I lacked opportunities just because I went to Monroe." When disadvantaged students reach Central,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

they may not feel prepared for or be fully aware of the advanced classes, the schools-- the school offers. This is worsened by a lack of knowledge among the families of disadvantaged students about how to support their children academically. Affluent and white students are more likely to have parents who took accelerated classes in high school and can monitor their children through advanced academics. Whereas economically disadvantaged and students of color are less likely to receive such guidance. This absence of mentorship disproportionately impacts first-generation students whose immigrant parents frequently lack either the linguistic skills or experience necessary to help their children navigate an American public school. "My parents really want me to succeed academically," said junior [SIC] Betel Aga, a black student who immigrated as a child from Ethiopia with her family. My parents support me financially and in other ways. What my parents can't support me in are things like college. What classes to take, what clubs to-- to do because they're not familiarized with the school system here. Senior Eli Calderon-Palacios, a first-generation Latina student whose parents immigrated from Central America, said she often struggled with her coursework as an IB student without parental guidance. I have to do everything--

ARCH: One minute.

M. CAVANAUGH: --with my education by myself, she said. Oh, one minute? Yeah. Thank you-- by myself. The students in my class who are white come from a background where both the parents go to college. As an individual whose parents didn't even go to high school, it was hard for me to grasp onto all of this work. I didn't have parents or siblings to help me figure out a math problem or how to write a paper. For immigrant and first-generation students who are not yet proficient in English, advanced classes are completely inaccessible. This lack of opportunity is deepened by a sense of exclusion experienced by many English learners who often feel marginalized by the rest of the student body. "At Central, the students don't talk a lot with you," said Fawzia Mohammadi, an Afghan student who said she was unable to take honors classes because of her English skills. "They are not friendly. If they talk in English with us, it will help us learn English."

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

ARCH: You're recognized to speak. This is your last opportunity before your close.

M. CAVANAUGH: Thank you, Mr. President. Trying to plug in my computer here. Not my close.

ARCH: No. Last opportunity.

M. CAVANAUGH: Yes, gets confusing. It's not my close today. Thank you. OK. The sophisticated vocabulary used in the coursework of advanced classes can still be challenging for immigrant and first-generation students who are fluent in English. "I still struggle with reading the documents," said junior November Aung, a Karen student who took AP Language and Composition upon the recommendation of her sophomore English teacher. "It takes me longer to understand it, and sometimes I feel like I don't really have a grasp on all the ideas. There's some difficult words that AP Lang uses that I struggle with." Students of color with the knowledge, competence and support necessary to pursue advanced academics must also be willing to spend most of their school day in predominantly white learning environments. Many students of color who spoke to The Register said they struggled to feel that they belonged in their advanced classes. "When I was in standard-level classes with more diversity, I felt like I belonged," said junior Maria Lopez-Lopez, who is in IB. "But when I started doing high-level classes, I was just there for the class. I can talk to my classmates, but I don't really connect to them on a deeper level. They just have so much privilege and opportunities that I don't have." In her sophomore year, Lopez-Lopez said her feelings of i-- her feeling of isolation, the difficulty for her coursework and her involvement in extracurriculars all became overwhelming. She reached a breaking point and was planning to do-- drop out before a friend convinced her to continue in IB, a decision she retrospectively feels was a mistake. I do regret it because I feel I would have made many more-- have made many more experiences in standard-level classes, she said. It's just hard to be in a class where you can't relate to your classmates and have personal connections with them. Hafsa Osman, an AP student who immigrated from Somalia in 2015, said while she still can feel isolated in her advanced classes, they have become more welcoming as a result of white students becoming more open-minded. Everyone here is not close-minded compared to when you were younger, Osman said. In middle school, they wouldn't mix with you or work with you, but now they will. We have all grown so much as individuals, especially since 2020. The whole world has changed and become more aware of injustices. Senior Jaylin Sims said that she did not feel excluded in advanced classes at Central because she attended the majority white Alice

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Buffett Middle School in west Omaha. "I befriended those white counterparts and formed my personality around being that one black friend that they had," Sims said. "When I was at Buffet, my only black counterparts were my cousins that were there, but they just weren't in the same classes with me." However, Sims said her attempts to be accepted by her peers in advanced classes led to an identity crisis. Who am I really? Am I the token black friend that my white counterparts want to see? Or am I the black girl that my family wants to see and to be proud of? I had to go between those two, and it's just really hard. Even if students of color are willing to enroll in predominantly white classes, they may still be discouraged from doing so by their peers. Many students who spoke to The Register said they experienced der-- derision or harassment from other stu-- people of color because they decided to take advanced classes. "People of color don't want to join high-level classes because they don't want to be called white-washed," Calderon-Palacios said. "Because there's this constant assumption if you're a person of color and you're in a higher learning environment, that you're whitewashed, that you're a white person because high-level classes are white." I've always been called white girl because I am--

ARCH: One minute.

M. CAVANAUGH: --a black woman who is excelling-- thank you-- Sims said. "When I was very little and they called me white girl for the first time, I'm like, 'What about me shows white girl? I'll change that right now because I don't want to act like that.' I wanted to get rid of all those characteristics, but I just don't care anymore, I got away from it. Other black individuals might not." Domina said these peer pressures have been recognized by scholars as a significant barrier to racial integration of advanced classes. The whole sorting process I've described means the accelerated classes are white spaces, he said. It's not impossible for kids of color to find their way into the-- those white spaces, but they pay a social cost for it. It feels to a community like you're leaving your community when you go to those spaces. While one might expect the diversity of Central would create more opportunities to form relationships between diverse groups of students, a wealth of research indicates the opposite is true. At diverse high schools with large student bodies, students are more likely to associate with people they already know.

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

ARCH: Seeing no one in the queue, Senator Sanders, you're welcome to close on your motion to return to Select File. Senator Sanders waives close. Colleagues, the question before the body is the motion to return to Select File. There's been a request for a roll call vote. Mr. Clerk.

ASSISTANT CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer. Senator Briese voting yes. Senator John Cavanaugh. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart. Senator Brewer voting yes. Vote is 37 ayes, 0 nays, Mr. President, on the motion to return the bill.

ARCH: The motion is successful. Senator Sanders, you're welcome to open on your amendment, AM1909.

SANDERS: Thank you, Mr. President. LB583A is an appropriations bill for Governor Pillen's education funding bill. This morning, I introduced AM1909 for your consideration. Now I am motioning for LB583A to return to Select File. AM1909, LB583 was Select File for debate. However, there was an error and unintentionally canceled out education funding provisions. We identified the problem and fixed it with AM1636 on May 9. The special education funding increase will be properly reflected in the bill as attend-- intended. Additionally, the amendment includes technical number changes to update the 2023-24 TEEOSA numbers with the newest data from the school districts. None of those changes impact the intent or the function of LB583 and they merely reflect the existing formula process. Returning this bill to Select File for the amendment change is crucial in giving the schools the appropriate funding they deserve. Without this amendment, the special education funding provided in LB583 will not be appropriated.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

AM1909 achieves exactly that goal. I ask the body to vote green on return and Select File. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Just getting back in the queue. Oh, I was just doing math. Let's see here. This is a very comprehensive story that I've been reading. I have 10 minutes left, so I am going to use that time to attempt to finish reading it. So while one might expect that the diversity of Central would create more opportunities from relationships between diverse groups of students, a wealth of research indicates-- oh, I already-- let me skip back down. "Every kid needs somebody sort of looking out and advocating for them," Domina said. Attentive teachers can make all the difference. I think counselors are particularly important in the way the school is set up now because they direct people toward their spots in the curriculum. The lack of teachers of color at Central and throughout OPS has raised-- as an issue by many students of color who felt that they could better relate to teachers of a similar background. If you have some white lady coming to you like, Hey, come take Honors English, people may feel like it's a white savior thing. Sophomore DeVon Richards II said. So just seeing more minority teachers teaching those classes would be great. We do have minority teachers, but not a lot of them. So if we had more of them teaching advanced classes, I think people would definitely be way more interested in taking Honors. "Mr. Lloyd, my history teacher last year, was my first black teacher," Wise said. His class was more relatable for me because we do have that similar background as opposed to a white teacher. Mr. Lloyd would make examples in his class, I could relate to and understand them. I think I used to work with Mr. Lloyd's wife, but I'm trying to remember. I'm pretty sure I did. And his son is like a very well-known track star. Side bar, whatever. I think actually his son was like featured on the Jumbotron in New York Times like a month ago. Now I'm going to have to look this up. This will be a story for another time. For economically disadvantaged students, the intensive coursework of advanced classes may be difficult to balance with obligations outside of school. "If you've got a poor economic background of any kind, it may preclude you from taking some of those courses," said Dr. Ronn Johnson, associate dean of diversity and inclusion at Creighton University. Often you've got other things on your plate like working outside of school in order to help the family make ends meet, where individuals who don't have the burden can focus their energies on studying and getting tutoring for those courses. The financial pressures placed on students from low-income households may explain why Central's socioeconomic diversity declines the more advanced the curriculum becomes, with

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Central's IB Program having the fewest economically disadvantaged students. I do wish tea-- that teachers were more understanding when it comes to a student's personal life versus their academic life, said senior Chloe Reese, a biracial student in IB. "Personal situations have to be understood for students to succeed and contribute positively to the world." Reese said the demanding workload and stringent expectations of Central's IB program often led students to prioritize academic achievement over their mental health. She said these pressures disproportionately harm low-income students and students of color in IB, who are more likely to balance schoolwork with personal struggle outside of the classroom. You're expected to sacrifice essentially everything to excel academically--

ARCH: One minute.

M. CAVANAUGH: --she said. "To have like 20-page research papers and 4,000-word essays in all your classes and being treated like a machine is just very dehumanizing." Domina speculated the lack of a socioeconomic diversity in Central's IB program in particular was due to the location of its Middle Years Programme. The IB Middle Years Programme, which begins in sixth grade and extends through sophomore year of high school, teaches students skills and knowledge necessary to be successful in the diploma program. Domina criticizes OPS's decision to implement the Middle Years Programme for Central at Lewis and Clark, a middle school in affluent white majority neighborhood of Dundee. Was my district until redistricting, just an FYI. I live west of Lewis and Clark, which in Omaha generally, when you say you live west of anything, it's like you get to a fancier area. My particular neighborhood west--

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: You're next in the queue.

M. CAVANAUGH: Thank you. My particular area-- neighborhood west of Lewis and Clark, is less fancy than the neighborhood that Lewis and Clark is in. But I did used to represent Lewis and Clark. And my kids won't go there because my side of the street is Westside. So I'm no longer in I-- OPS, so my kids will not go to Lewis and Clark Middle School. If they did, I honestly don't know if I would want them to be in this program because I have heard about the mental rigors, the mental health issues for students that have been through the program, the IB program. So I don't know how I feel about that. But also I want

my kids to thrive, so I probably will-- if they want to do it, I would probably support them doing it. Anyways, that's another sidebar. So Lewis and Clark is now in Senator Hunt's district, but it previously before redistricting was in my district. So it has had both of us as a representative. If it is implemented well, IB can be a way to provide opportunities to more diverse sets of students, Domina said. It's not uncommon in the context of a district wanting to create more diverse school enrollment to put IB Middle Years programs in schools in disadvantaged neighborhoods in order to attract more affluent families and desegregate those schools. That is usually a good idea. Make the people that have access to the resources, to have access to transportation, transport themselves and their kids to the schools where the kids don't have that. It's always a good idea. Maybe they'll consider it. What Central is doing to close opportunity and achievement gaps for disadvantaged students to redress disparities in Central's advanced academics, Kirs-- Kirksey, Kirksey said the school administration has asked teachers to help identify students in standard-level classes with the skills and confidence necessary to excel in advanced classes. She also said the school has increased outreach to parents to raise awareness about the academic tracks offered at Central. "I was that kid who was overlooked," said Kirksey, who is Central's first black principal. I never had an honors class when I was in high school, but I should have. I always want more kids to have more access. Any time I can do something where it's even makes a difference for one person, it's worth it. With support from Kirksey and Central's administration, several student organizations have emerged at Central over the past few years aimed at expanding opportunities for immigrants and students of color. In 2021, administrators reintroduced Minority Scholars, a student organization dedicated to increasing racial diversity in advanced classes, which had been discontinued ten years earlier. Founded in 1998 as the brainchild of then-Principal Gary Thompson, Minority Scholars offered additional academic and social support to students in honor-- of color in honors and AP classes. Students in the program meet during their lunch periods on A days to connect with other students of color in advanced classes and receive college and career training. We've had plenty of scholars that would have been fine going into an honors or AP class, said Social Studies department head Jamie [SIC-- Jimmie] Foster, who co-sponsors minority scholars. "Other times, you need that extra support in those types of classes, so you can stick with it. That's where Minority Scholars comes in." "I feel like Minority Scholars really helps," said junior Artie Shaw. "It's a place where we can kind of come together and connect with each other." Foster emphasizes the importance of assisting students of color and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

developing the habits and skills necessary to excel in advanced academics. "If you don't have a kid ready for success, you're just setting them up for failure," Foster said. I don't know if just putting minorities in advanced classes for the sake of having minorities in would be practical--

ARCH: One minute.

M. CAVANAUGH: --or wanted. You want people to go where they're going to have some success while still being challenged. So you are doing the things beforehand to make sure that when they get to those classes they have success. Latino Leaders is an afterschool club that meets Wednesdays that aims to promote leadership, community service and postsecondary success among Central's Latino students. Oh, I think I am almost out of time. There's a quote, a pull quote here from Jamie [SIC] Foster. "I don't know if just putting minorities in advanced classes for the sake of having minorities in, in would be practical or wanted." Yeah, sounds, sounds like that would not necessarily set people up for success, but the article goes on. So I will come back to it on whatever we have next. I think we're about there. Thank you, Mr. President.

ARCH: Mr. Clerk for a motion.

ASSISTANT CLERK: Mr. President, Senator Sanders would move to invoke cloture on LB583A pursuant to Rule 7, Section 10.

ARCH: Senators, the motion before the body is, is cloture. A roll call has been requested. Reminder, Senators, we are still on Final Reading. Please go to your seats. Mr. Clerk, please call the roll.

ASSISTANT CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen. Senator Hardin voting yes. Senator Hansen-- did I pass over you? Voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart. Vote is 39 ayes, 0 nays, Mr. President, to invoke cloture.

ARCH: Cloture motion is adopted. Senator Sanders, you're welcome to close on AM1909. Senator Sanders waives close. The question before the body is the adoption of AM1909. All those in favor vote aye. Roll call vote. Mr. Clark.

ASSISTANT CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart. Vote is 39 ayes, 0 nays on the adoption of the amendment.

ARCH: AM1909 is adopted. Next item, LB583A, advancement to E&R for Initial. Roll call vote. Mr. Clerk.

ASSISTANT CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart. Vote is 39 ayes, 0 nays on the motion to readvance the bill, Mr. President.

ARCH: LB583A is advanced in E&R for engrossing. Mr. Clerk for items.

ASSISTANT CLERK: Mr. President, one item at this time. LR255, offered by Senator Conrad. That will be laid over. Following that to the next bill, LB565A, which is offered by Senator Bostelman. Senator Machaela Cavanaugh would move to return the A bill to Select File for a specific amendment, that being floor amendment FA154.

ARCH: Senator Cavanaugh, you are welcome to open on your motion.

M. CAVANAUGH: Thank you, Mr. President. So this has been a lesson for me today on Final moving to Select. But great example here. This was put on the agenda to pass, not to move to Select. But any time anyone files a motion-- or an amendment, no matter what, it automatically is a motion to return to Select. So unlike the previous two A bills, this one is intended to pass today, has had its layover day and the only way it doesn't pass is if my amendment is adopted, which I'm sure is very likely to happen. Just kidding. I know it's not going to happen. But in the eventuality that if a FA154 were to pass, then the bill would have to layover a day before-- the A bill would have to layover a day before it passes. But then there was the conversation about an underlying bill and an A bill and they go together. But an A bill doesn't have to pass the same day as the underlying bill, does it? Can it pass-- can the companion A bill pass on another day? I'm assuming that it can. I don't foresee that happening. I don't foresee that happening today. It would take, it would take-- actually, it would only take 25 votes to return to Select unless this went to cloture. The we would need 33 votes. Well, the bill itself would need 33 votes, not my motion. But, but I do wonder, now I'm like, how can I figure that out in the rules? What rules do A bills-- do we have an amendments, appropriation bills-- A bills. We do have rules on A bills. A bills and appropriation bills hold until the 45th day

[INAUDIBLE] section: A bills. Final Reading considered after authorization of the bill. That is what we're looking for. That is five-- Rule 5, Section 7(g). That's where I'm going to be looking to see, well-- OK. Section 7-- Rule 5, Section 7(g), which is interesting because Section 7 is fiscal analysts, but OK. (g), The authorization bill shall first be considered, and if it should be passed on Final Reading, then the A bill shall be read and voted on for final passage. Does not say that it must be done on the same day. So we already passed LB565 before we broke for lunch, so that's why I'm asking this question. So it doesn't have to pass today. The A bill could be pulled back from Final today, have an amendment and then have a layover day and then pass. Probably not what we want to do with this particular A bill, but if we got into a situation where that was necessary, it appears according to our rules that it is allowable. Someday, I hope to have a photographic memory of the rules, but that day is not today. I do like reading the rule book. OK, sorry. I'm gonna finish this article. This is a very in-depth article. From the, the Central Register [SIC]. But I lost my track. OK. "I do think that because of their lack of knowledge, and also that language barrier that they have, they don't necessarily think about it," said bilingual liaison Anahi De la Cruz, who became the sponsor of the Latino Leaders in January. "But I want them to see that if college isn't the choice, maybe trade school is the choice. If that's not the choice, maybe you go to the Army or figure out a way to create your own business or find a job that suits you." Since Latino Leaders include students from every academic track and De la Cruz said that she assigned the students in advanced classes to tutor students in the standard-level classes in subjects they struggle in. De la Cruz said she saw improvement in grades and attendance of students who received tutoring-- who received tutoring from their peers. Next year, De la Cruz said she hopes to increase outreach to Latino students in English as a second language courses, or ESL. A lot of our ESL students right now-- sorry, I'm just plugging in my computer. A lot of our ESL students right now are having problems with just familiarizing themselves with the school and feeling like the school is a safe place, she said. A lot of them are very confused as to where they fit in, so I want them to feel like Latino Leaders is a spot where they can come to fit in and are always welcome. Thrive Leadership Club is an after-school program that meets on Tuesdays at Central that seeks to prepare disadvantaged youth, particularly immigrant and refugee students, for success after high school through fostering teamwork and English communication school skills. The club runs a mentorship program where recently arrived immigrants-- immigrant and refugee students are partnered with an academically successful student who has

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

lived in the U.S. for an extended period. "We try to match mentees with the right mentor, who can help them with their goals," said Thrive Club Coach Sunday-- Coach Said Saiddy, who immigrated from the US from Afghanistan six years ago. I translated their assignments and their mentors can help them do it too. They see how hardworking the mentors are, how good they are at the assignments and tests. A lot of the advanced students already know what they're going to do. What more can be done? The students and experts who spoke to The Register shared a wide range of different ideas on how Central could diversify its advanced classes. "You have to think about outreach," said Johnson, the Creighton associate dean of diversity and inclusion. "Even before high school, there's a junior high that feeds into the high school. If you want to increase diversity, you need to create some kind of pathway that will encourage diverse students to get involved in those programs. That message needs to start earlier, and they need to get information earlier." Calderon-Plas-- -Palacios suggested that Central sends students of color in advanced classes to diverse middle schools in its attendance area to inform prospective students about the school's academic tracks. If they take at least like one or two students of color in advanced classes, that would help, she said. Because I feel like if I were learning about it from another student of color who shared the same traits as a-- as I did, I would be more motivated. I do feel like if you get them at a younger age, they start planning for the future and don't just choose at the last minute. Tenorio-Hernandez urged Central's administratri-- administration to prioritize hiring more bilingual staff, emphasizing that otherwise the school will be unable to inform parents who cannot speak English about the opportunities available to their children. Until Central recruits more bilingual staff, Tenorio-Hernandez proposed that volunteers from Latino Leadership and Thrive Club could translate school documents ensuring that written information about the classes offered at Central can be read by all students. Wisser recommended-- Wise, sorry-- Wise recommended making Central's academic tracks as flexible as possible, allowing students to move between them with greater ease. "Don't just automatically jump from Honors Bio to AP Bio or keep doing regular classes," Wise said. "I think that there should be more opportunities and regular classes to make the switch to honors classes when you're starting to take the course and maybe realize, OK, this is a little easier." Some students expressed a desire for a more inclusive school culture, one which celebrates a variety of student accomplishments, accomplishments and is less focused on academic achievement alone. "Be more open to everyone," Reese said. "Don't just focus on students who excel academically. Also, seek out students who are involved in their community, doing athletics, are involved in various clubs and

organizations and showing that they care for things outside of academics." Sims recommended more resources be provided to students of color--

ARCH: One minute.

M. CAVANAUGH: --in every academic track, not merely those in advanced classes. She claimed that racial disparities in education are worsened by an excessive focus on individual students of color who are academically successful, rather than striving to create more opportunities for all students of color. "They just pick one person of color who was successful in any state test or anything like that and run with it," Sims said. "They see that one person who has a shade or darker than their white counterparts, not necessarily looking at the big picture or the whole of every single person of color that can become successful." As part of her proposal, Sims argued that Minority Scholars would be expanded to include students of color in standard-level classes as well, saying that the college and career readiness it offers could benefit a wide array of students. "I think all students can use this information," Sims says. We actually have a lot of genius-- geniuses in the minor--

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: You're next in the queue.

M. CAVANAUGH: Thank you. "We actually have a lot of geniuses in the minority group. They just do not want to be surrounded by peers that do not look like them, so they fly under the radar." Domina suggested overhauling Central's IB program to make it more accessible to the student body overall. "It is clearly not implemented in a way that's consistent with the school's values," he said. "Having pre-IB programs in other middle schools and being selective about where you place it, that's one option. You could also create opportunities for kids to move into IB through summer programs before ninth grade." Domina also recommended Central allow more students to take IB classes without enrolling in the diploma program. Beginning in 2022-23 school year, Central students not enrolled in the diploma program were allowed to take the IB Theory of Knowledge and IB Social Cultural Anthropology, but there is currently only one nondiploma student enrolled. This may contribute to the lack of diversity in Central's IB Program, as-- as most other IB high schools in the region, including Millard North and North Kansas City High offer a broad selection of IB classes to

students not enrolled in the diploma program. There's no reason why the IB classes need to be walled-- be a walled garden, Domina said. "If I can hop into an IB class without being a diploma student, that seems like a very easy fix." If Central's college-level classes continue to be dominated by privileged students, Domina said administrators should consider getting rid of them altogether and relocating the resources expanded on those programs to improve educational outcomes for all students. The question to ask about IB and AP is can we do it in a way that's egalitarian? For the longest time, the idea about equity around AP classes was to get AP classes and more of them into all schools, so everybody had access to a school that had them. But in a school like Central, that may not be the equitable way, equitable way to go. Replacing existing honors classes with so-called "honors by contract" classes where students in standard-level classes sign up for additional work to receive honors credit without being separated from other students. It was also proposed as a way to include more disadvantaged students. "When you're just in a regular class, there is that chance that there's more people of color as opposed to an honors class," Wise said. I think like having like a combo class and then just having people doing the extra work if they want the honors credit is way better for diversity than having separate classes. While those who spoke to The Register acknowledged actions taken by Central to alleviate disparities between students, many felt the school had a long way to go in addressing inequalities in opportunity and achievement for students. Central is trying in comparison to-- in comparison to what I've heard from other schools, said junior Sofia Rodriguez Argaza-- Arzaga, sorry. "There definitely is an attempt here. Every so often I get an email from a teacher being like, 'Hey, you're in the top 20 percent of the class. Here are some resources.' But I do think that we could do better to actually close the gap." "It doesn't have to be this way," Domina said. "There's so much amazing potential in a school like Central. It's not easy to make a more equitable world. To ask these questions and to push on them is hard for schools and communities to do. These are difficult conversations, but they are worth having." That is the end of the article. That was a very comprehensive article from Central High School's The Register written by Jane McGill. And interesting. It's an interesting article. There's a photo on here and it's taken by Janen-- Jaden Cheloha. Wonder if Jaden is related to the Cheloha who of many of us know from city of Omaha.

ARCH: One minute.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

M. CAVANAUGH: OK. I was just thinking that I see someone else is in the queue, so I will get in the queue. And I'll just yield my time. Thank you.

ARCH: Senator Bostelman, you're recognized to speak.

BOSTELMAN: Oh, thank you, Mr. Speaker. Good afternoon, colleagues. Good afternoon, Nebraskans. Thought I'd get up and speak a little bit about LB565A, what it's about. I do want to thank of 41 of my colleagues for voting for LB565 just before lunch today. I much appreciated that, that vote. This is the A bill for LB565. First, the A bill appropriates \$250,000 in fiscal years '23 and '24 and in fiscal year '24-25 from general funds to the Department of Economic Development for the purpose of providing grants to the Nebraska Hydrogen Hub Industry Working Group to continue their work on securing one of the Department of Energy's Regional Clean Hydrogen Hub designations and associated funding. This funding applies to LB565 portion of the bill. The next LB565 A bill also appropriates \$200,000 to carry out the provisions of LB568, which was-- which was amended into LB565. The funds will be utilized to provide travel and lodging reis-- reimbursement, as well as per diem for members of the Nuclear and Hydrogen Development Working Group. Finally, the A bill provides for a cash fund transfer of \$6,000 for the Oil and Gas Commission to carry out the provisions of LB395, which Senator Erdman spoke about this earlier today. LB395 provided a slight pay increase for members of the Oil and Gas Commission, which would come out of the Oil and Gas Commission-- Conservation Commission Fund. This fund generates its own revenue through oil and gas mill levies as well as drilling fees. With that, I would ask for your green vote on LB565 A and a red vote on FA154. Thank you, Mr. President.

ARCH: Senator Cavanaugh, you're recognized to speak. This is your last opportunity.

M. CAVANAUGH: Thank you, Mr. President. I was thinking-- I was, like, oh, we'll vote on the motion to return to Select and then we can have the vote on the floor amendment, but that would mean that the motion to return to Select was successful. So not going to bank on that, that we're going to have 25 votes on that motion. But that's fine because I can still take three times on just the underlying A bill when we get to that. So potato, potato, whatever. I did realize that I never actually looked up what my amendment does. I just assume that it strikes Section 1 but-- because that's kind of where I've gotten on a lot of these is just strike Section 1. It's easy, it's not too messy. This has an E clause. So if we don't have 33 people in here that are

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

voting for it, but we need, we need 33 people in here anyways because it's going to have a cloture. So what am I saying, there'll be 33 people. I just-- I get a little antsy on the process side after last week where there were times where there was, like, 31 people checked in and I thought, if I stop talking right now on this bill that has an E clause and it went to a vote and it's the budget and there aren't 33 people that's going to be, that's going to be dicey. So it was one of those situations which we seem to have run into a lot this year, where the body needed me to take time in order to get itself in order. But anyways, FA154, strike Section 1. There we go. Let's see, what does the Final Reading look like? Strike Section 1: There is hereby appropriated \$250,000 from the General Fund and \$200,000 from the Nuclear and Hydrogen Development Fund for FY '23-24 and \$250,000 from the General Fund and zero from the Nuclear and Hydrogen Fund for FY '24-25 to the Department of Economic Development for Program 603 to aid in carrying out the provisions of LB565, One Hundred Eighth Legislature, First Session. There is included in the appropriation to this program for FY '23-24, \$250,000 General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY '24-25, \$250,000 General Funds for state aid, which shall only be used for such purpose. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$12,000 for FY '23-24 or \$12,000 for FY '24-25. That is striking Section 1. Probably shouldn't do it. So I guess I will not encourage people to vote for my motion to return to Select. But, you know, if you're feeling feisty and you wanted to pass a bill but then not authorize the funds for the bill that you passed, then by all means strike Section 1, not something that I normally would encourage people doing. Sorry, whoa. OK, that was a big yawn. I apologize for that. OK, so that was Central High School and, oh, here's what workers really care about. This is an article in The Washington Post today: Here's what workers really care about,--

ARCH: One minute.

M. CAVANAUGH: --according to a Post-Ipsos poll. Pay is still top priority, but so is having a good boss. After the upheaval the pandemic created in the world of work, there's been fierce debate about what workers really want. Demands for flexible pay-- or flexible work, better pay, opportunities for mentorship and advancement and connection with coworkers all played into the shake-up that caused the Great Resignation and those desires have continued to reshape the labor market. In the wake of so much change, about eight in ten workers are satisfied with their jobs, even over six to ten-- in ten

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

say work is-- even as over six in ten say work is stressful, a Washington Post-Ipsos poll of workers finds. While desire to work from home is a priority for some workers, pay, having a good boss or manager and other aspects--

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: You're welcome to close on your motion to return.

M. CAVANAUGH: Thank you, Mr. President. While a desire to work from home is a priority for some workers, pay, having a good boss or manager and other aspects of a job rank higher. Interestingly, like a lot of people are, like, oh, working from home is great. I mean, it really depends on your personality. Like, I like working from home when I can because I can do laundry. Like, literally between meetings, I will change the laundry or I will load the dishwasher. So I like that because those are things that are a little bit more challenging for me to get done when, you know, the small people that I live with are around. Although they do help, not always well, but they, they do. They do help. We're trying to do a little bit more with getting them to help, like setting the table and clearing the table. And my oldest likes to do the dishes, but they don't really come out quite clean, so I'm kind of struggling with that balance of, like, letting them help and do that activity, but also having clean dishes as an outcome and not hurt their feelings when I rewash the dishes. So that's probably going to be a summer project between me and my oldest and all of my kids are starting to put their clean clothes away, a little-- it's very messy when they put them away, but at least they're not folded piles in my room anymore. But when I was growing up, we folded the laundry. I don't even remember what age I started folding laundry. I probably started folding laundry when I was still in cloth diapers, but we used to fold the laundry on my parents' bed, and I remember part of the enticing of it-- oh, also, wait, big reveal. This is super exciting. This is super-old-lady thing that I'm excited about. My parents have a two-story house and the laundry is on the top floor. What? Yeah, like that's living the dream right there. And when I was growing up and people would come over and they'd be, like, oh, my God, your laundry is on the top floor. And I didn't understand why people were, like, fangirling over my mom's laundry set up. Now as an adult, I'm, like, still obsessed with the fact that my parents' laundry is on the top floor. Anyways, we would take the laundry out of the laundry room and put it-- dump it on my parents' bed. And when we were folding laundry, I would oftentimes get to watch a show, which I still do when

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

I'm folding laundry. But I remember watching, like, oh, Remington Steele. And what was that show? Falcon Crest. Was that a show? Yeah. Yeah, Falcon Crest, OK, Dallas. What were some-- they were, like, evening soap operas. I don't know that Remington Steele was quite an evening soap opera, but-- oh, my gosh, Scarecrow and Mrs. something, Bionic Man. That was probably the seventies. I probably watched that in reruns. As I have previously disclosed, my obsession with Alan Alda so I always watched MASH. By obsession, I mean, he is my second true love after my husband. But, I mean, it is--

ARCH: One minute.

M. CAVANAUGH: --I do love Alan Alda. How did I get to this? Working from home. That's how I got to it. My goodness. Next, I'll be talking about salads again. OK. I did have a salad for lunch today, and it was a very loud bag, salad. I always have bagged salad. And that particular salad is, a, one of my favorites but also the bag is really loud and the bag got torn. And so it was-- like, salad was falling out of the bag while I was eating it. It, it did not-- it was not one of my more elegant salad eating. I think this is my close. I've lost track. I think this is my close. Yeah. Yeah, I'm seeing head nods. OK. I also don't know what time we have cloture on this one. So all right, well, thank you. I'd like a roll--

ARCH: Time, Senator.

M. CAVANAUGH: --call vote.

ARCH: Senators, the question before the body is the motion to return to Select File, roll call vote has been requested. Senators, reminder we're still on Final. Please take your seats. Mr. Clerk, please call the roll.

ASSISTANT CLERK: Senator Aguilar voting yes. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting no. Senator Bosn. Senator Bostar not voting. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Breise voting no. Senator John Cavanaugh. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting no. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson voting no. Senator Halloran voting no. Senator Hansen. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting no. Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting no. Senator Slama-- Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz. Senator Wayne voting no. Senator Wishart. Senator Aguilar voting no. Senator Bosn voting no. Vote is 39 ayes-- 0 ayes, 39 nays on the motion to return the bill, Mr. President.

ARCH: The motion to return fails. Mr. Clerk, for a motion on the desk.

ASSISTANT CLERK: Mr. President, Senator Bostelman would move to invoke cloture pursuant to Rule 7, Section 10.

ARCH: Senator Bostelman, for what purpose do you rise?

BOSTELMAN: Roll call vote, regular order.

ARCH: Colleagues, the motion before the body is cloture. A request for roll call vote regular order has-- Mr. Clerk, please call the roll.

ASSISTANT CLERK: Senator Wishart--

ARCH: Senator Bostelman, your request was regular order?

ASSISTANT CLERK: I'm sorry.

ARCH: Yes. Mr. Clerk, regular order.

ASSISTANT CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart. Vote is 41 ayes, 0 nays, Mr. President, on the motion to invoke cloture.

ARCH: Motion to invoke cloture passes. Read the bill, Mr. Clerk.

ASSISTANT CLERK: [Read LB565A on Final Reading.]

ARCH: All provisions of law having been complied with, the question is, shall LB565Ae pass with emergency clause attached? All those in favor vote aye; all those opposed nay. Has everyone voted who wishes to vote? Mr. Clerk, please record.

ASSISTANT CLERK: Voting aye: Senators Aguilar, Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, John Cavanaugh, Clements, Conrad, DeBoer, DeKay, Dorn, Dungan, Erdman, Fredrickson, Halloran, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, and von Gillern. Voting nay: none. Not voting: Senators Machaela Cavanaugh, Hunt, Wayne, Day, Dover, Hansen, McKinney, Walz, and Wishart. Vote is-- Senator Wayne voting yes. Vote is 41 ayes, 0 nays, 2 present, not voting, 6 excused, not voting, Mr. President.

ARCH: LB565A with the emergency clause attached passes. Mr. Clerk, next item on the agenda.

ASSISTANT CLERK: Mr. President, with respect to LB683, Senator Moser, you had a motion to recommit the bill to committee but I had a note to withdraw that. In that case, the next motion I have, Senator Machaela Cavanaugh would move to return LB683 to Select File for a specific amendment. That being FA163.

ARCH: Senator Cavanaugh, you're welcome to open on your motion to return.

M. CAVANAUGH: Thank you, Mr. President. OK. This is a bill I oppose. Look at that. Like, I actually oppose. LB683-- oh, sorry, this little thing was coming off-- LB683 is the Transportation and Telecommunications Committee bill, committee priority. I'm on the committee. It creates or takes the BEAD Program away from the Public Service Commission and gives it to the administration. And it does that because the Governor on, like, the second day of session made an executive order that was basically make it so. So make it so. It has

other things in it that I don't like. Well, we've discussed previously. I'm not really in the mood for beating this drum anymore. I'm kind of like, LB683, I think, is bad policy and I filibustered it on General and Select. I filibustered it on General because I genuinely, like, was opposing it. It's a bill that I would filibuster under normal circumstances. However, however, I'm not, generally speaking, that sore of a loser. So if this were a normal time, a normal session, I would have filibustered this on General. And when it passed on General, I would have not filibustered it again because I clearly didn't have the juice to kill the bill. And so under normal circumstances, that is what I would have done. But these aren't normal times. So I have filibustered at every stage of debate and I genuinely do oppose LB683. I do think that it's not great public policy. I have grave concerns about taking the authority away from the Public Service Commission, which is an elected body, it is one of their duties. And, yes, we help draft and, and direct what their jobs and responsibilities are, but I don't think it is appropriate to put it under the Governor. Additionally, I introduced an amendment to this bill on General File that I think no one voted for, possibly because they weren't paying attention to the debate and thought it was just a frivolous amendment, but it was, in fact, to put guardrails around the Governor's authority over this money. And it is a substantial amount of money and it has the potential to grow in the future. And we are giving the Governor carte blanche without any oversight from us. And we are essentially abdicating our own authority on managing the funds of the state but that amendment failed. So we are where we are, which is LB683 takes the BEAD Program away from the Public Service Commission and gives it to the Governor's administration with no oversight whatsoever of the funds from this body. I don't believe that we should do that. I don't believe that that is our role. I actually firmly believe that we cannot delegate that responsibility in that way. I have very grave concerns about this bill, but I have tried to address them. I have tried to get this body to address them. I have tried to get anyone beyond Senator Blood who I appreciate has engaged on this bill, but I have tried to get anyone else to engage on it, and nobody will because nobody cares because the Governor said he would like to have this done. So we're going to do it because that's what we do in this body. We just do what the Governor tells us to do. Now I think that sometimes the Governor thinks that this body should do some really great things. Sometimes I agree with the Governor on that, but I still think that it is our job and our responsibility to make the decision ourselves as to whether or not we are going to do something. I heard these comments a lot last night on LB50 about being told what to do by the administration, and this bill is us allowing the

Governor's Office to tell us what to do and abdicating our own authority and taking away the authority of an elected body. But here we are doing it anyways, doing it anyways. So as such, I'm not going to talk about it anymore because I'm tired of talking about it. And as I have said previously, nobody here cares what I say on the microphone or off the microphone. I mean, let's be honest. Although I did see a tweet about the hula hooping and to the reporter that said that they would believe it when they see it, we can make that happen. All right. So back to The Washington Post article that led me onto the journey about my parents' laundry situation. This is: Here's what workers really care about, according to the Post-Ipsos poll. The poll of 1,148 workers ages 18 to 64 sheds light on how workers feel about their jobs and what the future may hold. Here are some of the key findings. People who can work remotely prefer the home office. Roughly four in ten workers say their jobs can be done from home, the Post-Ipsos poll finds. Among remote-capable workers, 40 percent are fully remote, while 38 percent are hybrid and 22 percent work fully from the office or other workplace. Before the pandemic, 60 percent of these employees worked exclusively on-site. Majority of remote-capable workers work fully-- oh, this is just-- I'm not going to read the charts. Desire to work outside of the office is high among remote-capable workers, with about seven in ten saying they'd choose to work from home all of the time, 37 percent, or most of the time, 35 percent. About a quarter of these workers would choose to work from home some of the time, 23 percent, while just 6 percent would opt to work remotely, rarely or never. Seventy percent of employees working fully from home expect to keep it up the next decade. But even more-- but even remote-capable workers who work fully in offices expect more flexibility in the future, with 61 percent saying they expect to be hybrid in ten years. Cutting out commutes is the biggest driver in desire for remote work. About half of workers who mostly want to work from home say not having to commute is the top reason, 48 percent; other reasons are it's easier for childcare, 14 percent. It allows them to focus better, 13 percent. Among working parents, 32 percent cite childcare reasons. Seven in ten workers who work from home at least one day a week say the arrangement has made it easier to balance their work and personal lives. Hybrid workers say some aspects of work are better from home or from their workplace. A 69 percent majority say making connections with coworkers is better in the workplace and 54 percent say collaborating with coworkers is better at work. A slim 51 percent majority say that being able to focus is better at home and a 45 percent plurality say they are more productive at home. At the same time, 57 percent of hybrid workers say chances to promote are equal--

ARCH: One minute.

M. CAVANAUGH: --thank you-- are equal both at home and their workplace to, to get promoted. I do think if your social-- socializing basically happens through work, then I do think that that can be very detrimental that moving to at home, it can be very isolating. But if you have a very large social network outside of your work, then I can see people who have that, not needing those social connections and interactions in the workplace. But I used to be a social person. I'm not really anymore. I'm more of a, like, sweatpants, watch a terrible Hallmark movie ideally set at Christmastime.

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB565Ae. Senator Cavanaugh, you're next in the queue.

M. CAVANAUGH: Thank you. So-- oh, yeah, I did want to start a controversial debate. Buckle up. I think Die Hard is a Christmas movie. I said it. It's definitely a Christmas movie. I think I've started this debate before. And when I did, what I found out is that a number of people in this Chamber have not actually seen Die Hard. And that is the real controversy. If you have not seen Die Hard, you should. And also, it is a Christmas movie. You don't have to wait till Christmas to watch Die Hard. You can watch it any time. But just because it is a movie that you can watch any time, unlike other Christmas movies where it's, like, you wouldn't watch a Christmas Story in, say, May, yes, Die Hard is-- expands past seasons and holidays. You can watch it in May. You can watch Die Hard over Memorial weekend. Absolutely. Nobody's going to think that's weird, but it's still a Christmas movie. That doesn't diminish the Christmas "movieness" of it all. OK, just to be clear. It's still a Christmas movie, so. I don't know why I needed to get that off my chest, but it popped in my head and I really wanted to share it very strongly and adamantly. Die Hard is a Christmas movie, but it is a Christmas movie unlike any other Christmas movie in that you don't have to reserve watching it for only Christmastime. It's also different from other Christmas movies in that if Christmas movies bring you joy, like people just wait for the time where you can switch over to the Christmas radio channel in, like, November, December, like, just can't wait for that, it's not that kind of Christmas movie. It's still an action film. But anyways, a timeless classic. OK, back to the poll.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Pay matters, but so do good bosses. What makes a job good? Oh, I should get back in the-- sorry, lost track. What makes a job good? Most workers say that a variety of factors influence their experience: their pay, their bosses, health and retirement benefits, amount of vacation, friendliness of coworkers, whether they, they are helping people or society, options for remote work and opportunities for advancement. When asked to rank the most important factors in a job, 45 percent put pay in the top slot. Having a good boss comes in second, with 14 percent of workers ranking it is-- as-- it as the most important. Many are even willing to sacrifice flexibility for higher pay, with 65 percent of remote-capable workers reporting that they'd prefer a job that pays more but requires regular time in the office to a job that pays less but lets them work remotely, 35 percent. Among fully remote workers, 55 percent say they would accept a lower-paying job to stay remote, while 45 percent would take a higher-paying job that requires them to commute some days. When pay doesn't match a worker's expectations, it leads to labor market churn. One in three workers say they'd switch roles since the pandemic began, and 44 percent of these workers made the move for better pay. How is Gen Z different? When it comes to what matters beyond pay, Gen Z and younger millennials--

ARCH: One minute.

M. CAVANAUGH: --thank you-- ages 24 [SIC] to 34, are more likely to say opportunities for promotion and advancement are important to them compared with older workers. Gen Z workers put less emphasis on health insurance, retirement benefits and vacation. Opportunities for promotion and advancement. Interesting. They should probably put some emphasis on health insurance and retirement. Vacation time, OK, I mean, that's life-- work-life balance, but retirement and health insurance are really important. That's my parental advice. Fewer Gen Z workers prioritize the ability to work from home, 29 percent say it is extremely or very important. But that might have something to do with the fact that this age group is more likely to have jobs that can't be done from home, 67 percent, compared with 49 percent of workers--

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: Senator Moser, you're recognized to speak.

MOSER: Thank you, Mr. President. I thought I'd take this opportunity to talk a little bit about the parts of the bill. LB683 was a bill

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

that was made up of a bunch of bills that were combined. The original LB683 established a Nebraska broadband office and creates some jobs within the Department of Transportation to focus on broadband promotion and other things, not necessarily to regulate broadband, but to promote it and to decide funding-- make funding decisions. Also, it has LB359 by Senator Hughes, which changed a deadline for applying for broadband. Instead of once a year, there were multiple dates that you could apply so it would possibly make it more efficient. LB155 by Senator DeBoer changed the definition of small cell, and that small cell means small cell phone area. It's a definition change. LB122, by Senator Bostelman, changed provisions of the One-Call Notification Act. There were some concerns about how some of the disputes of whose fault damages were that happened in rights-of-way. And Senator Bostelman's bill was addressing that problem. And then the Rural Communications Sustainability Act, LB722, is also another Senator Bostelman bill, and that dealt with changing of the carrier of last resort. Phone companies, traditional phone companies, when they serve an area, if they're the carrier of last resort they have to serve everybody within the area. And there are times when it makes more sense for them to relinquish that and let somebody else be the carrier of last resort and so Senator Bostelman's bill addresses that. And then LB124, which changes provisions related to the County Bridge Match Program, it just extended the date on the County Bridge Match Program so that we could have funding available if there are funds to allow counties to repair bridges. And then LB63 is Senator Bostar's bill about withholding support from the Universal Service Fund for companies that use certain brands of equipment. And then LB412 that changes provisions related to the Broadband Bridge Act. So those are the basic parts of the, the bill. It is-- it does have quite a few different sections. But if anybody has any questions, I'd be glad to talk about those and I'd appreciate your support when this comes to cloture. Thank you.

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

M. CAVANAUGH: Is this my--

ARCH: This is your last opportunity before your close.

M. CAVANAUGH: Thank you, Mr. President. It's what I thought. OK. Having a good boss or manager is ranked as extremely or very important by 89 percent of workers. Most workers try to excel at their jobs, but many draw a line. About six in ten workers, 61 percent, say they work enough to excel at their job and advance in their careers, while a third, 33 percent, report that they do their jobs well but don't go

beyond what they're paid for. Just 4 percent of workers say their work-- they are working just enough to keep their jobs. I don't think I've ever done that. I've never even calculated what that would be. What is the bare minimum I could do to keep my job in any job that I've ever had? I don't think I've ever done that. It's just not how my brain works. I'm just too curious, I think, for my own good. When I had a job in high school, I worked at the movie theater and I actually eventually became the assistant manager of the movie theater. Yeah, look at me. And I learned how you do the projector film that, you know, you know, was highly flammable, but how to switch the projectors over. I wasn't actually allowed to do it, I think, because it was probably a union job. But for some reason they taught me, I don't know, in case the, the two people that were able to do it had medical issues. I'm not really sure. But I suppose just as the assistant manager closing up at night, you had to know these things. Yeah, but I never at that job-- I mean, I started out at that job, I remember literally at the concession stand. And now you would think, you would think that getting the job of picking, cleaning up the trash was the bad job. No, cleaning the trash in the movie theaters was the coveted job. You didn't have to deal with customers. You didn't have to be efficient, really, although you had to be somewhat efficient because the next movie couldn't come in. But if you had a good partner in the cleaning, you, you know, you could goof around a lot and have good conversations. I became friends with one of my coworkers who I was very, very, very nerdy. I've always been very nerdy. And one of my coworkers who became a really good friend, he was in a punk band and we were a very odd couple of friends, but he was really, really lovely. And we would clean, we would clean the theaters together. And so that's how I got to know him. That was a fun job. Then this, like, tagalong, my younger brother got a job there and then I had to deal with that. Somebody just follows me everywhere. I have five brothers, so I'm not naming names here. Anyhoo. Fewer Gen Z workers say they work enough to excel and advance at their jobs, 52 percent, compared to 65 percent of those ages 35 to 49 and 64 percent of those 50 to 64. Most workers are here to make friends. See. Despite talk of disconnection in the remote-work era, 55 percent of workers say they have close friendships at work, while 45 percent say they do not. There's some evidence working remotely leads to looser ties, with around six in ten hybrid and fully on-site workers reporting close friendships--

ARCH: One minute.

M. CAVANAUGH: --with coworkers compared to just under half of workers who are fully remote. Workers are surprisingly satisfied with their

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

jobs. The Great Resignation led to happier outcomes for many. About eight in ten workers say that they are satisfied with their jobs while the same share say their jobs are enjoyable even though about six in ten workers, or 62 percent, report their jobs are stressful. This job is stressful. And prior to this year, this job has always been stressful but I did have some level of job satisfaction. I-- it's on the decline currently, but maybe it'll have an uptick. Who knows? Stress varies sharply by age, with Gen Z workers the least likely to say their jobs are stressful, 43 percent, compared to 61 percent of younger--

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: You're welcome to close on your motion to return.

M. CAVANAUGH: Thank you, Mr. President. Compared to 61 percent of younger millennials, 27-to-34-year-olds, 67 percent of 35-to-49-year-olds and 66 percent of workers 50-to-64-year-old. OK. They classify Gen Z and then they class-- no, they don't-- do they classify Gen Z-- what age Gen Z is? So there's Gen Z and there's millennials, and then there's just the age group. So I'm in the age group 35 to 40. I don't know what that age group is called. I've never figured out what age group I am in, so I'm just going to put myself into a category that's not an age group, but a throwback term of "hipster." I learned that I'm totally a hipster. Here's why. Not because I'm cool, because I'm not. But there was a time, it was, like, 2012 or so, like, the hipster movement was thriving. If you need a reference watch the show *New Girl*, and all of the things that hipsters were, like, super into were things that I've always done: knitting, embroidery, sewing, hula hooping. Hipsters were super into hula hooping. So I stumbled into finding out that I was a hipster without even knowing it. Accidental hipster over here. That's not an age group, it's just a-- I don't even know what that is, a cultural grouping of people. Maybe. I don't know what other-- I'm trying to think of another, like, description of people. Well, I talked about Corey [PHONETIC], the, the, the punk rocker. Is, like, punk rocker a category of people and hipster is a category of people? Huh, I don't know. Yuppie. There you go. Could be a hipster. You could be a yuppie. You could be a hippie. For a while, I think it was in the eighties or nineties, "Hessian" was the term that was being thrown around a lot. And at the time I did not know because I was very young that Hessian was actually, like, a military force. So I don't know how that became a culturally appropriated term to describe a fashion style in America

in the late eighties. But it did. I'm sure I could figure that out, but. So, yes, back to the article. I don't know what age group-- I know what age group I'm in because I know my age, I don't know what age-- my age group is called, but I'm an accidental hipster. Maybe. I'm happy to stand for correction on that because I am not very cool. And at least by my calculation, hipsters were, like, cool. Or they were so cool, they were so uncool that they were cool, I think, was kind of like the thing with them. Like, I'm so uncool, like, I don't even care. I'm so uncool that I'm cool. Am I right? Oh, also, I bake, but not well. No, that's not true. I do bake well, I don't bake often because I don't like the science of it. And I cook and I garden. I love arts and crafts. If you give me a coloring book, I will probably-- you'll have to, like, find me days later. Or Legos, whoo. I get my kids Legos because I want to play with them. Like, for my birthday a couple of years ago, my husband got me a huge Lego kit. I mean, I think it was, like, a couple of years ago. I might have been in my forties. I definitely was in my forties when I got a huge Lego kit for my birthday from my husband. And then, like, the next year he gave me an air fryer. He knows me very well. These are the things that I enjoy in life.

ARCH: One minute.

M. CAVANAUGH: Thank you. Most workers are feeling good about work-life balance, with 62 percent reporting that they have a good split between their jobs and personal lives. Thirty-two percent of workers say they work too much. By more than two to one, workers prefer a job where they are actively moving over one, moving over one at a desk. I don't know what that means. About six in ten workers prefer a job where it's clear how to accomplish day-to-day tasks to give-- to one where they must be creative, about four in ten. Workers are strongly split on whether they prefer a job where they work with several people to one where they work mostly alone. I love using creativity in work and finding creative solutions to problems, so I guess I'm in the day-to-day tasks where they must be creative, four in ten.

ARCH: Time, Senator.

M. CAVANAUGH: Thank you, Mr. President. Roll-- please.

ARCH: Colleagues, we are still on Select File [SIC]. I would ask that you take your seats. Senators, the question before the body is the motion to return to Select File for a specific amendment. There's been a request for a roll call vote. Mr. Clerk, please call the roll.

ASSISTANT CLERK: Senator Aguilar voting no. Senator Albrecht. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood not voting. Senator Bosn voting no. Senator Bostar. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting no. Senator Day. Senator DeBoer voting no. Senator DeKay. Senator Dorn voting no. Senator Dover. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell. Senator McKinney. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Reipe voting no. Senator Sanders. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz. Senator Wayne. Senator Wishart. Vote is 0 ayes, 35 nays on the motion to return, Mr. President.

ARCH: The motion to return fails.

ASSISTANT CLERK: Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote on FA163.

ARCH: Senator Cavanaugh, you're welcome to open on your motion to reconsider.

M. CAVANAUGH: Thank you, Mr. President. All right. I think that was the end of The Washington Post article about workplace interest-- or interest, happiness, I guess. What have you. OK, let's see here, talked about foreign-born Huskers. I don't think I've shared this one. Nebraska's latest unemployment rate drops slightly, as state yearns for more workers. This is in the Nebraska Examiner on May 19. Sorry, I need to yawn. OK. Lincoln, Nebraska's unemployment rate has dropped from a pandemic-era high of more than 8 percent three years ago to 2 percent, according to the latest data released Friday by the Labor Department. The dip contributed to the Husker state's top national ranking-- wait a second, I'm going to look. This is Cindy Gonzalez again. I now am wondering, is it Cindy's thing to use the Husker state or is that a Nebraska Examiner thing? I talked about this this morning. This seems like a non sequitur, which I have a lot of non sequiturs, but this one is referencing [INAUDIBLE]. Anyways. The dip contributed to the Husker state's top national ranking in a new report by WalletHub that considered various unemployment-related metrics over

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

multiple years. Nebraska's unemployment rate for April, preliminarily and seasonally adjusted, was down a bit from its March rate of 2.1 percent and is the same as the rate a year ago in April. State labor officials said the 2 percent ties Nebraska's historic low. While preliminary rates during a few months last year were reported to be even lower than 2 percent, a Labor Department spokeswoman said those earlier numbers were officially revised up during an annual benchmarking process. Nationally today, Nebraska's state rate is the second lowest among states. Only South Dakota was lower, 1.9 percent. State Labor Commissioner John Albin noted that the number of Nebraskans in the labor force, either looking-- either working or looking for work, hit another record. The state's labor force reached a new all-time high for the second straight month, he said. The 1,061,392 labor force figures includes both employed people, 1,040,229, as well as the 21,163 currently unemployed but active job seekers. Economist Ernie Goss, of Omaha's Creighton University, thinks a part of the labor force rise can be attributed to labor hoarding. That is, he said, when employers don't want to let a worker go for fear they won't get the worker back. He said Nebraska's typical high labor participation rate, juxtaposed with a relatively low supply of workers available to fill new openings, can mean big challenges in growing the state's economy. I would rather have a low than high unemployment rate, Goss said. But there are real issues behind that. There are real issues behind that. If we have 20,000 people who are actively looking for work and the next citation from the state chamber, about 80,000 unfilled jobs, that leaves even if all of those people took a job in that unfilled job market, 60,000 unfilled jobs. Low unemployment is good to a point because it is also indicative of a workforce shortage if we don't have enough people looking for work. So anyhow. State Chamber of Commerce leaders, citing as many as 80,000 unfilled jobs across the state, have been focusing on the need to attract and retain more workers. Other states, Nevada-- of other states, Nevada had the highest unemployment rate, 5.4 percent. In total, the Bureau of Labor Statistics reported Friday that 17 states had unemployment rates lower than the national average of 3.4 percent. It said that eight states and the District of Columbia had higher rates, and 25 states had rates that were not appreciably different from that of the nation. Meanwhile, an analysis also released Friday by personal finance site WalletHub ranked Nebraska at the top of the country in terms of changes in unemployment rate. The report compared all states on six metrics related to unemployment from April 2023 to key dates in 2023, 2022, 2020, and 2019. Seasonally adjusted Labor Force, Employment and Unemployment data in Nebraska Civilian Labor Force. OK. And, I mean, it's a chart, that's the end of the article.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

It's a chart. I guess I could discern it for you. But essentially, there was a large dip in the workforce in July through-- of 2020 through April of 2021 is when it started to kind of go back up, so. My husband said that the Legos were from the kids. They were not, they were totally not from him. He did not get me Legos for my birthday. I don't know how my children who can't drive got the Legos. Maybe they ordered them on the Internet then. They are savvy. They don't have a credit card, however. So I think he's downplaying the role he had in getting me the Legos. OK, tough trade-offs under-- oh, interesting, this is Medicaid one. I don't know. I'm constantly being told that people are constantly getting mad at me for things that I'm saying on the microphone. And I am constantly, like, but why are-- I thought nobody was listening to me. Why are you getting mad at things that I'm talking about if you're not listening to me? Right? So, OK, I am going to go-- oh, shoot, I lost it. What was I thinking? I lost the article that I was going to read. Well, gosh, golly, golly gee willikers, what else can I possibly say? Oh, I had-- that's it. I had an article, but it had a paywall and I'm not logged into the publication on this computer and I don't wanna figure it out so, so, yeah. OK. How much time do I have left on this time?

ARCH: One minute.

M. CAVANAUGH: Oh, all right. Well, then-- OK. I'll just yield my time and go to my next time.

ARCH: Senator Cavanaugh, you're next in the queue.

M. CAVANAUGH: Thank you, Mr. President. I read this this morning, but I thought it was worth following back up on and reading again this afternoon because, you know, it's-- now it's after 4:00, those dedicated viewers at home that watch after the work hours maybe missed the morning time so just want to "reshare" what I shared this morning. So this is the Nebraska Public Media story about the signing of LB574. Elsewhere in the Capitol, Governor Jim Pillen signed LB574, a bill restricting both abortion and certain medical procedures for transgender youth. Surrounded by supporters of LB574, Pillen praised the legislation. It's about protecting our kids and saving babies, pure and simple. You don't want to listen to all that other stuff that people are trying to make it out to be. It's two simple things, Pillen said. The bill outlaws most abortions after 12 weeks of pregnancy, effective immediately. Another section, effective in October, prohibits surgery for those under 19 to transition to a different gender. It also gives the state's chief medical officer the ability to restrict use of puberty blockers and hormone treatments. Parental

consent, consent is currently already required for medical care for minors. Pillen suggested that recommending medical treatment for gender dysphoria among young people is diabolical. I'm just going to read that again. Parental consent is currently already required for medical care of minors. It's required for all medical care of minors, not just this medical care. All medical care of minors requires parental consent. Pillen suggested that recommending medical treatment for gender dysphoria among young people is diabolical. Recommending medical treatment for gender dysphoria among young people is diabolical. We believe in protecting our kids, making sure that they, parents and kids, don't get duped into the silliness that if you do this you're going to become happy. That is absolutely Lucifer at its finest. And we believe this law protects and allows our children to make decisions on their own when they become of age. Uh-huh, until we take away their rights to do this diabolical medical treatment that is at the direction of Lucifer. Once they become of age, we just get rid of that. That's next. In a statement issued just after Pillen signed the bill, Mindy Rush Chipman of ACLU said his approval showed total disregard for Nebraskans' freedom, health and well-being, adding that the group is considering a legal challenge. I mean, lots to unpack there. Insinuating, not really insinuating, stating that parents are being duped in actively seeking comprehensive healthcare for their children and saying that it's diabolical and saying that it's Lucifer at its best. Just wow. Wow. And then in the other article from today, oh, let's see, where is that one? Oh, here we go. I mean, I would love an article that actually melds these two things together--

ARCH: One minute.

M. CAVANAUGH: --thank you-- because it is, like, really paints the full picture here. I'm trying to find the comment that-- well, the comment was essentially that we're not stopping here. We will not stop. The new law is expected to face significant challenges at the ballot box and in the courts, according to opposing senators and advocacy organizations. Pillen said he and his team are ready to fight. Oh, right, this is-- this was not-- this was the introducer's quote, LB574, I brought LB574 because we have too many kids are being swept up in what is a social--

ARCH: Time, Senator.

M. CAVANAUGH: --contagion. Thank you.

ARCH: Senator Moser, you're recognized to speak.

MOSER: Thank you, Mr. President. I thought I might expand on a couple of the bills that are included in this LB683. LB722, by Senator Bostelman, adopt the Rural Communications Sustainability Act. So the gist of this bill was that second class cities and villages were limited in using grant funds to their city limits. And so this bill says that the grants can be extended to wherever the exchange goes. So if there is a telecom that does business in the city but also has service out into the country with beyond the city limits that this change, which was Senator Bostelman's bill, would allow them to make broadband more accessible and affordable for people who lived near second class cities and villages. And then the other bill that Senator Bostelman had is LB122, and that was brought forward because of the disputes that sometimes cities, telecoms, and, and citizens have about who damages property that they find in the right-of-way when they're installing new services. Sometimes the telecom or water, sewer operators damage equipment or lines in the city right-of-way and then there's a dispute as to who has to pay for the damage. If it's correctly marked, the person who hit those lines has to pay for it. If the owner of the infrastructure did not mark it correctly, I think they have to be within 18 inches, and there's some other regulations also-- so if they, they don't have it marked right, well, then that shifts the blame to somebody else. Well, under the current structure, minor infractions, you know, things that cost \$500 or \$1,000 are not getting addressed all the time, they can appeal to the Attorney General's Office and the Attorney General can get involved and try to decide whose fault it is, who's going to pay. But they have a lot of things on their plate, and a lot of these smaller claims never get addressed so Senator Bostelman came up with this bill that establishes a committee to look at those small-- well, all damages and to make sure that the damages get resolved. A lot of the utility installers wanted this because they had somebody damage their lines and then they wound up having to fix the-- repair their equipment themselves or their lines themselves when somebody else struck them. And so this was an effort to make that clearer, whose fault it might be. And if there isn't a clear fault, this committee is going to address that. I think that pretty well covers what I would talk about in this particular time. I yield my time back to the Chair. Thank you.

ARCH: Senator Machaela Cavanaugh, you are recognized to speak and this is your last opportunity before your close on your motion.

M. CAVANAUGH: Thank you, Mr. President. OK. Last time Senator Moser spoke, he mentioned Senator DeBoer's bill. One of my favorite bills. When people show up to a committee hearing and they say a simple little bill. It's never that simple except Senator DeBoer's bill.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Small cell is small cell. Defining small cell as small cell. It may be the most straightforward bill of this Legislature, so. OK, where was I at? Oh, yes, just rereading all that fun stuff. "Fonzies, funzies." It's a social contagion being told their bodies are not perfect the way they are and if they switch their gender they'll be fine. I mean, it's simplistic at best. It's the kindest description, no one has told that if they do X, they'll be fine. And being transgender is not a social contagion. Culture wars are a social contagion, being transgender is not, so. Moving on. There-- oh, lots of people keep sending these things to me. Senator who voted for anti-trans bill that passed by one vote admits to, admits she wasn't paying attention. Political scientist says majority of Nebraska legislators, quote, seem not to know or care what they're doing as long as it feels right to them and they have the votes to do it. Yeah. Nebraska state senator who voted for a combined anti-trans and anti-abortion bill that passed by one vote in the Legislature has admitted that she didn't pay attention to the issue. State Senator Christy Armendariz represents District 18 in the state. Writing for New York Magazine, journalist Lila Shapiro said that she met-- that the senator led me to a bench in an empty hallway to say that she found it puzzling that a reporter from New York would come all the way to Nebraska to cover this affair. I don't watch the news or get the newspaper, she told the magazine, is there anything going on I should be aware of? The writer told Ms. Armendariz that other states have passed other similar bills restricting trans and women's reproductive rights, and that an appeals court on the federal level in Nebraska circuit had ruled that one of them was unconstitutional. So is it a widespread thing, she asked the writer, adding that regular Nebraska residents were unaware of the issue. I knocked doors for a year and nobody brought this up, said the senator-- the senator said, adding that she wished that the legislation had never been brought to the floor. Don't we all? For three months, a group of lawmakers in the state ground nearly all legislative business in the state to a halt, grabbing the nation's attention with a remarkable filibuster to stifle a bill that would end gender-affirming care for transgender people. Late Tuesday, May 16, Republican lawmakers broke through advancing a bill that not only bans gender-affirming care for trans people under 19 years old, but also tacks on an amendment to outlaw abortion after roughly ten weeks of pregnancy and hands the state's GOP-appointed medical officer the authority to set rules for affirming care for trans youth.

ARCH: One minute.

M. CAVANAUGH: Thank you. Hundreds of protesters filled the Capitol in Lincoln standing outside the doors and in the gallery above lawmakers

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

while chanting "one more vote to save our lives." Only one senator would have to defect from supporters of the bill to kill the legislation. The vote on the 70th day of the 90-day session followed a series of maneuvers that opponents argued were bending and breaking the rules of the State Legislature to hammer through the legislation and avert the filibuster, which would allow opponents to occupy their allotted time to speak the bill to death. What you are attempting to do today is the absolute low-- the absolute lows, said state Senator Machaela Cavanaugh, who spearheaded the filibuster, told Republican lawmakers you literally cheat at every moment of this debate in every possible way. You are allowing it to happen. She added, you do literally have blood on your hands. If you vote for it, you will have buckets.

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: You're welcome to close on your motion to reconsider.

M. CAVANAUGH: Thank you. Just going to finish the article here. State Senator Megan Hunt, the first openly LGBTQ+ member of the State Legislature and the mother of a trans child, lambasted lawmakers for their escape routes from the Capitol to avoid facing protesters. If you can't go out and face them, you're not worthy, she said. Your legacy is filth. Protesters surrounded the State Capitol Chambers in Lincoln again on 19 May, chanting "keep your hands, your bans off our bodies and save our lives," as lawmakers made their final round of votes on the bill which passed 33-15. The bill reached the exact number of votes needed to pass. Republican Governor Jim Pillen signed it into law on Monday. We are working to inspire Nebraskans to get in the game so that abortion is simply unthinkable in the state, Mr. Pillen said, according to WOWT. He called the legislation the most significant win for social conservative agenda that over a generation has seen in Nebraska. I think that's something we need to clap and shout about. Yes, that is what we should be doing. Our policy should be based upon a social conservative agenda. Social politics, social contagion. These are the things that should be at the heart of our policymaking, not taxes, not public programs, not the work of government. Social conservative agenda, that should be and is the priority. Not tax cuts, not property tax relief. We haven't done any of that. It's sitting on the agenda waiting to happen. This bill here, the Governor on the second day of session filed an executive order to create the BEAD Program going from the PSC to the department. And still it is Day 70-- 83 before we are going to pass this bill because

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

it no longer matters to this governing body or the administration about doing our job. What matters is the social conservative agenda. That is what matters. Not getting broadband widely deployed across the state, not utilizing and maximizing the funds. I was told this was urgent, of the utmost urgency. It has an E clause for that reason. It should have been passed weeks ago. And you can't say that it's on me that it didn't pass because I don't schedule bills. I didn't schedule social contagion bills in advance of this and the taxes. That's not me. This body decided that a social conservative agenda was the agenda, not economic recovery, not tax cuts, not broadband, not infrastructure, not getting food and access to food to the people of this state, not affordable housing. This body decided that a social conservative agenda was more important than the economic recovery of this state. More important than property tax relief. More important than funding education. More important than our budget. Social conservative agenda, not public policy, not tax cuts. So when these people come knocking on your--

ARCH: One minute.

M. CAVANAUGH: --door and talk to you about how much they care about taxes and tax reform, yada, yada, yada, I would suggest asking them then why, why did you prioritize a social conservative agenda above the things that I sent you there for the first place, above the things you told me four years ago that you were going to work on and prioritize? Why did you prioritize a social conservative agenda? Be great to know the answer. Thank you, Mr. President. I'd like a roll call vote.

ARCH: Senators, we are still on Final Reading. I would ask that you take your seats. Senators, the question before the body is the motion to reconsider. All those in favor vote aye; all those opposed vote nay. There's been a request for a roll call vote. Mr. Clerk.

ASSISTANT CLERK: Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood not voting. Senator Bosn voting no. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting no. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Hughes. Senator Hunt. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell. Senator McKinney. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe. Senator Sanders voting no. Senator Slama. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz. Senator Wayne. Senator Wishart-- Senator Wishart voting no. Vote is 0 ayes, 36 nays, Mr. President.

ARCH: The motion to reconsider fails.

ASSISTANT CLERK: Mr. President, the next motion, Senator Machaela Cavanaugh would move to return the bill to Select File for specific amendment. That being FA164.

ARCH: Senator Cavanaugh, you're welcome to open on your motion to recommit.

M. CAVANAUGH: Thank you, Mr. President. OK, so just finishing-- ah, yes, this article, it's in The Independent. He called the-- he being the Governor. He called the legislation the most significant win for the social conservative agenda that over a generation has seen in Nebraska. I think that's something we need to clap and shout about. I mean, is that inciting violence by saying we need to clap and shout about it? I'm being sarcastic. Of course, that's not inciting violence. At a show in Nebraska, hours after the vote on Friday night, the artist Lizzo lambasted the legislation from the stage. It really breaks my heart that there are young people growing up in a world that doesn't protect them, she said. Don't let anyone tell you who you are. These laws are not real. You are what's real and you deserve to be protected, she said. Hat tip to Senator Armendariz, who says she doesn't know anything about the issue, doesn't pay attention to current events, and wishes the bill she voted for hadn't been introduced. It passed by one vote, wrote Ari Kohen, a political science professor at the University of Nebraska-Lincoln. These are the people who devoted an entire legislative session to taking away people's rights in the face of massive opposition from experts and ordinary citizens. They openly admit that none of their constituents mentioned this issue to them and they don't know much about it, he added. We have a handful of legislators who care enough to listen and learn, and then we have the majority who seem not to know or care what they're doing as long as it feels right to them and they have the votes to do so-- to do it. Awful. The Independent has requested comment from Ms. Armendariz. So that-- there's that. And, OK, this is from NBC News: Social contagion isn't causing more youths to be

transgender, study finds. The study, published in *Pediatrics*, disputes the theory that more adolescents, particularly those assigned female at birth, are identifying as trans due to social influence. Oh, do tell. How interesting. Well, let's see what this is. Is it from Sweden? Social contagion is not driving an increasing number of adolescents to come out as transgender, according to a new study published Wednesday in the journal *Pediatrics*. Well, it's not Sweden, but it'll have to do. The study also found that the proportion of adolescents who were assigned female at birth and have come out as transgender also has not increased, which contradicts claims that adolescents whose birth sex is female are more susceptible to this so-called external influence. The hypothesis that transgender and gender-diverse youth assigned female at birth identify as transgender due to social contagion does not hold up to scrutiny and should not be used to argue against the provision of gender-affirming medical care for adolescents, study senior author Dr. Alex S. Keuroghlian-- wow, I butchered that-- director of the National LGBTQIA+ Health Education Center at the Fenway Institute and the Massachusetts General Hospital Psychiatry Gender Identity Program, said in a statement. The social contagion theory can be traced back to a 2018 paper published in the journal *PLOS One*, *PLOS One*. Dr. Lisa Littman, who at the time was a professor of behavioral and social sciences at Brown University, coined the term "rapid onset gender dysphoria," which she described as adolescents experiencing a conflict between their birth sex and gender identity suddenly during or after puberty. These adolescents, she wrote, would not have met the criteria for gender dysphoria in childhood and are experiencing dysphoria due to social influence. Littman also hypothesized that adolescents assigned female at birth are more likely to be affected by social contagion and, as a result, are overrepresented in groups of adolescents experiencing gender dysphoria when compared to those who were assigned male at birth. After intense debate and criticism, *PLOS One* conducted a post-publication reassessment of the article, and issued a correction that included changing the headline to clarify that Littman did not survey transgender or gender-diverse youths themselves, but actually surveyed their parents. The correction also noted that rapid-onset (gender) dysphoria, or ROGD, is not a formal mental health diagnosis at this time. To test the social contagion theory, researchers used data from 2017 and 2019 biennium Youth Risk Behavior Survey, conducted by the Centers for Disease Control and Prevention, which collected gender identity data across 16 states from ages 12 to 18. In 2017, 2.4 percent or 2,161 of the 91,937 adolescents surveyed identified as trans or gender diverse. In 2019, the percentage dropped to 1.6 percent. Researchers concluded that the diverse-- the decrease in the

overall percentage of adolescents identifying as trans or gender diverse is incongruent with the rapid-onset (gender) dysphoria hypothesis that posits social contagion. The study also found that the number of transgender adolescents who were assigned male at birth outnumbered those assigned female at birth in both 2017 and 2019, providing additional evidence against a notion of social contagion with unique susceptibility-- sorry-- among those assigned female at birth. The social contagion hypothesis, by assuming that youth are coming out, for example, because their friends are, asserts that there's some social desirability to being trans. Some supporters of the theory, according to the study, also believe that more youth identify as trans or gender diverse because those identities are less stigmatized than cisgender sexual minority identity-- sexual minority identities, or those who identify with their birth sex and are lesbian, bisexual, gay or queer, among other sexual identities. Wow, like that is what? I got-- I don't even think I can mentally unpack that. To evaluate these claims, researchers examined rates of bullying among adolescents who identified as trans and gender diverse, and those who did not. They found that, consistent with other surveys, trans and gender-diverse youth were significantly more likely to be victims of school bullying. I mean, who doesn't want to be bullied more? That is totally what you do. It's, like, if I present myself as X, I'm going to be definitely much more likely to be bullied. So I'm going to do that because it looks so glamorous in the social contagion. They found that, consistent with other surveys, trans and gender diverse were significantly more likely to be victims of school bullying compared to cisgender lesbian, gay and bisexual youth and cisgender, heterosexual youth. The idea that attempts to flee sexual minority stigma drive teenagers to come out as transgender is absurd, especially to those of us who provide treatment to transgender and gender-diverse youth, study lead author Dr. Jack Turban, incoming assistant professor of child and adolescent psychology [SIC] at the University of California, San Francisco, said in a statement. The damaging effects of these unfounded hypothesis in further stigmatizing transgender and gender-diverse youth cannot be understated. We hope that clinicians, policymakers, that's us, journalists, and anyone else who contributes to health policy will review these findings.

ARCH: One minute.

M. CAVANAUGH: Did we, colleagues, did we review these findings? Were these findings reviewed by the 33 people who voted for this bill? Were these findings reviewed by the Governor who signed this bill? Did anyone pay attention to the fact that this is not a social contagion, but it is part of the social conservative agenda and nothing more than

a political ploy? Bueller? Bueller? Bueller? No. They wrote that despite the methodological flaws in Littman's study, the concept of rapid-onset gender dysphoria has been used in recent legislative debates to argue for and subsequently enact policies that prohibit gender-affirming medical care for trans and gender-diverse adolescents. I got to-- For example, in June--

ARCH: Time, Senator. You're next in the queue.

M. CAVANAUGH: Thank you. For example, in June, Florida's Agency for Health Care Administration issued guidance against gender-affirming care for minors, including social transition, which involves changing a child's name, pronouns, clothing, and/or hairstyle. The guidance linked to reports that cited Littman's paper. An increasing number of states have also tried to ban or restrict trans youths' access to gender-affirming medical care through legislation. What? That's not true. That sounds-- oh, wait, we did that. The number of bills seeking to restrict gender-affirming care-- healthcare for transgender youth has grown from one in 2018 to 36 this year, according to analysis by NBC News. Governors in three states: Alabama, Arkansas, and Tennessee have successfully signed such restrictions into law, though judges have prevented those measures from taking effect in Alabama and Arkansas. The study lists several limitations, including that the data were collected through a school-based survey, and as a result, youths who don't attend school were not represented. It also noted that youths were asked, what is your sex, and that the response options were limited to female and male. It didn't ask respondents sex assigned at birth and didn't include an additional question about their gender identity, which is an established research method for asking about gender identity. But the researchers credited several studies that found trans and gender-diverse youths are aware of the differences between their sex assigned at birth and gender identity. I personally would find that to be very confusing if that was the intention of the data collection. But, OK. This-- and I shared one, this was from-- but I don't see the date. Ah, August 3, 2022. So, yeah. Social contagion was not an expression that I really understood or even heard. I feel like it's, like, a new term, social contagion. Social contagion involves behavior, emotions, or conditions spreading spontaneously through a group or network. The pheno-- I feel like there's some social contagion in here. The phenomenon has been discussed by social scientists since the late 19th century, although much work on the subject was based on unclear or even contradictory conceptions of what social contagion is, so exact definitions vary. Some scholars include the unplanned spread of ideas through a population as a social contagion. The unplanned spread of ideas

through a population, like the idea that there's something wrong with gender-affirming care. That sounds like a social contagion. Because prior to this year, this Legislature has never discussed anything whatsoever to do with gender-affirming care. Not for adults, not for children, not for babies, Never. The social contagion is LB574. That's the social contagion. The social contagion is not transgender people. The social contagion is the attack on transgender people. That's the contagion. That's the contagion that we need to stand--

ARCH: One minute.

M. CAVANAUGH: --up and contain like we would any virus that is spreading through a population with detrimental effects. Hence, the hyperbolic notion of the terminology contagion. That is not a mistake when people say that gender dysphoria or trans people is a social contagion, it is to vilify, it is to marginalize. So let's flip it on its head and call it what it is. The attack on transgender people, the attack on gender dysphoria, that is the social contagion. LB574 is the social contagion, not the people it impacts. I think I'm about out of time. I think I have one more time or maybe I don't, I don't know. OK. Let's look at social contagion a little bit more. I'm kind of loving this whole sociology theme of today as somebody--

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: You're recognized, and this is your last opportunity before you close.

M. CAVANAUGH: Thank you, Mr. President. Social contagion involves behavior, emotions, or conditions spreading spontaneously through a group or network--oh, I'm on Wikipedia-- through a group or network. The phenomenon has been discussed by social scientists since the late 19th century, although much work on the subject was based on unclear or even contradictory concepts of what social contagion is, so exact definitions vary. Some scholars include the unplanned spread of ideas through a population as social contagion, other-- though others prefer to class that as memetics. Generally social contagion is understood to be separate from the collective behavior which results from a direct attempt to exert social influence. Two broad divisions of social contagion are behavioral contagion and emotional contagion. The study of social contagion has intensified in the 21st century. Much recent work involves academics from social psychology, sociology, and network science investigating online networks-- online social networks.

Studies in the 20th century typically focused on negative effects such as violent mob behavior, whereas those of the 21st century, while sometimes looking at harmful effects, have often focused on relatively neutral contagion such as influence on shopping choices, and even on positive effects like the tendency for people to take action on climate change once a sufficient number of their neighbors do. Oh, look at that. That's interesting. History. Metaphoric use connecting the concept of infection with imitation, mimesis, dates back to at least to Plato, and continued into medieval and early modern literature. The term "behavioral contagion" was first introduced into modern scholarship by Gustave Le Bon in his 1895 book *The Crowd: A Study of the Popular Mind*. Further scholarly works on the subject were at first released slowly, only one or two a decade until the 1950s. Herbert Blumer was the first to specifically use the term "social contagion" in his 1939 paper on collective behavior, where he gave the dancing mania of the Middle Ages as a prominent example. I don't know what the dancing mania of the Middle Ages is, so I'll have to come back to that. From the 1950s, studies of social contagion began to investigate the phenomenon empirically, and became more frequent. There was no widely shared definition of social contagion in the 20th century, however, so many of the studies had a little common-- had little in common. In 1993, David A. Levy and Paul R. Nail published a review where they stated that social contagion captures the broadest sense of the phenomenon as opposed to subtypes like behavioral or emotional contagion. In a 1998 review, Paul Marsden suggested that social contagion is a similar phenomenon to memetics, a study-- a field of study inspired by Richard Dawkins' 1970 [SIC] book *The Selfish Gene*. Marsden suggested that the two fields could be complementary, in the sense that work on social contagion largely lacked a coherent theory, but contained much evidence-based analysis. Whereas memetics was rich in theory but lacking in the empirical side. From the 1990s and into the 21st century, interest in social contagion grew rapidly, based in part on--

ARCH: One minute.

M. CAVANAUGH: --thank you-- cross fertilization with then emerging field of network science, especially its application to the Internet. OK. I'm going to go back to the part on the dance [SIC] mania of the Middle Ages because it had a link. Dance mania, dance mania, also known as dancing plague, choreomania, St. John's Dance, tarantism, and St. Vitus' Dance, was a social phenomenon that occurred primarily in mainland Europe between the 14th and 17th centuries. Involved groups of people dancing erratically, sometimes thousands at a time. Is this the original flashmob? This is really weird. How did I not know about

dance mania? The mania affected adults and children who danced until they collapsed--

ARCH: Time, Senator.

M. CAVANAUGH: Oh, thank you.

ARCH: You're welcome to close on your motion to return.

M. CAVANAUGH: Thank you. The mania affected adults and children who danced until they collapsed from exhaustion and injuries. One of the first major outbreaks was in Aachen, in the Holy Roman Empire. This is like a medical condition. Affecting thousands of people across several centuries, dancing mania was not an isolated event, and was well documented in contemporary reports. It was nevertheless poorly understood, and remedies were based on guesswork. I really want to know what the remedies are. Often musicians accompany dancers, due to a belief that music would treat the mania, but this tactic sometimes backfired by encouraging more to join in. There's no consensus among modern-day scholars as to the cause of dancing mania. The several theories proposed ranged from religious cults being behind the procession to people dancing to relieve themselves of stress and put the poverty of the period out of their minds. It is speculated to have been a mass psychogenic illness, in which physical symptoms with no physical cause are observed to affect a group of people, as a form of social influence. I have never heard of this. Am I the only one who's never heard of dance mania? I am the only one that's never heard of it. I'm getting a head not up front. Yeah, everybody knows about dance mania. Obviously, dance, dance revolution. I-- if I were to be inflicted by dance mania, I would like it to involve the dance style of the whirling dervishes. I don't know why. I think just the spinning of the-- their outfits. It's the outfits. It all comes down to the clothes. Yeah, it all comes down to the clothes. I mean, I really feel like Wikipedia is playing a joke on me, but, I mean, maybe this is real, dance mania. Well, there's a book, so obviously. I-- like, so flash mobs are not dance mania because they don't dance themselves to death. It's just-- that's just organized mania, not mania, organized dancing. I-- this is the-- the book reference takes me to web archive of the Wayback Machine so-- and it seems like it's maybe a poem. Dance [SIC] Mania by Leah Esterianna and Richard the Poor of Ely: Amidst our people here is come the madness of the dance. In every town there now are some who fall upon a trance. It drives them ever night and day, they scarcely stop for breath, till some have dropped along the way and some are met by death. Well, the Internet says it, so it must be

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

true, right? I use the Google's machine, dance mania, dance, dance revolution. Thank you, Mr. President. I'll take a roll call vote.

ARCH: Senators, we're still on Select-- excuse me, we're still on Final Reading. Please take your seats. Mr. Clerk, please call the roll.

ASSISTANT CLERK: Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood not voting. Senator Bosn. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting no. Senator Day. Senator DeBoer-- Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes. Senator Hunt. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell. Senator McKinney. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe. Senator Sanders voting no. Senator Slama. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz. Senator Wayne. Senator Wishart voting no. Senator Riepe voting no. Vote is 0 ayes, 37 nays, Mr. President, on the motion to return.

ARCH: The motion to return fails.

ASSISTANT CLERK: Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote on FA164.

ARCH: Senator Cavanaugh, you're welcome to open on your motion to reconsider.

M. CAVANAUGH: Thank you, Mr. President. Social contagion led me down an Internet rabbit hole to dancing mania as a medical condition. I don't want to make light of this if this is a real medical condition, but I do feel like this might be one of those instances where Wikipedia, the free encyclopedia, has led me astray. Dance [SIC] mania, again, also known as dancing plague, choreomania, St. John's Dance, tarantism, and St. Vitus' Dance, as a social phenomenon. It feels like maybe this isn't a genuine, well-researched entry into Wikipedia, but maybe I'm wrong. Dance [SIC] mania is derived from the

term "choreomania," from the Greek chorus dance and mania madness and is also known as dancing plague. The term was coined by Paracelsus and the condition was initially considered a curse sent by a saint, usually St. John the Baptist or Saint Vitus, and therefore known as St. Vitus' Dance or St. John's Dance. Victims of dance mania often ended their processions at places dedicated to that saint, who was prayed to in an effort to end the dancing; incidents often broke out around the time of the feast of Saint Vitus. St. Vitus' Dance was diagnosed, in the 17th century, as Sydenham chorea. Well, we got to see what that is. Sydenham's chorea, also known as rheumatic chorea, is a disorder characterized by rapid, uncoordinated jerking movements primarily affecting the face. So that seems like that is a thing. It's an autoimmune disease that results from a childhood-- OK, so that was a maybe valid link. [INAUDIBLE] What is St. Vitus? St. Vitus, whose name is sometimes rendered Guy or Guido, was a Christian martyr from Sicily. His surviving hagiography is pure legend. The dates of his actual life are unknown. He has for a long time-- long been tied to the Sicilian martyrs Modestus and Crescentia but in the earliest sources it is clear that these were originally different traditions that later became combined. The figures of Modestus and Crescentia are probably fictitious. According to his legend, he died during the Diocletianic Persecution in AD 303. In the Middle Ages, he was counted as one of the Fourteen Holy Helpers. In Germany, his feast was celebrated with dancing before his statue. This dancing became popular and the name "Saint Vitus Dance" was given to the neurological disorder Sydenham's chorea. It has also led to Vitus being considered the patron saint of dancers and of entertainers in general. He is also said to protect against lightning strikes, animal attacks, and oversleeping. His feast day is celebrated on June 15. In places where Julian, the Julian calendar is used, this date coincides, in the 20th and 21st centuries, with 28 June on the Gregorian calendar. So this is interesting. Patron saint of dancing, entertainment, and oversleeping, St. Anthony is the patron saint of lost things. And people oftentimes pray to St. Anthony when they've, like, misplaced their keys. And my friend, she swears by it. She swears by praying to St. Anthony whenever something is lost. And it's not just lost items, like, a lost love, or you've lost your way. Pray to St. Anthony. So there we go. Mr. President, I would like to withdraw my motion.

ARCH: There's no objection, so ordered. Mr. Clerk, with nothing further please read the bill. The first vote will be to dispense with the at-large reading. Senators, please take your seats. The first voter is to dispense with the, with the reading. All those in favor

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

vote aye; all those opposed vote nay. Senators, was there a request for a roll call vote? Mr. Clerk, please record.

ASSISTANT CLERK: 35 ayes, 4 nays to dispense with the at-large reading.

ARCH: The at large-- oh, excuse me, the reading is dispensed with. Mr. Clerk, please read the title.

ASSISTANT CLERK: [Read title of LB683.]

ARCH: All provisions of law relative to procedure have been complied with, the question is, shall LB683 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: Voting aye: Senators Albrecht, Arch, Armendariz, Ballard, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Lippincott, Lowe, McDonnell, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, and Wishart. Voting nay: none. Not voting: Senators Blood, John Cavanaugh, Machaela Cavanaugh, Aguilar, Day, Hunt, Linehan, McKinney, and Walz. Vote is 39 ayes, 0 nays, 3 present, not voting, 7 excused, not voting, Mr. President.

ARCH: LB683e passes with the emergency clause attached. Mr. Clerk, next item.

ASSISTANT CLERK: [Read LB683A on Final Reading.]

ARCH: All provisions of law relative to procedure having been complied with, the question is, shall LB683A with the emergency clause attached pass? All those in favor vote aye; all those opposed to vote nay. Mr. Clerk, please record.

ASSISTANT CLERK: Voting aye: Senators Albrecht, Arch, Armendariz, Ballard, Blood, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, John Cavanaugh, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Lippincott, Lowe, McDonnell, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, and Wishart. Voting nay: none. Not voting: Senators Machaela Cavanaugh, Aguilar, Day, Hunt, Linehan, McKinney, Walz, and Wayne. Vote is 41 ayes, 0 nays, 1 present, not voting, 7 excused, not voting, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

ARCH: LB683a with the emergency clause passes. Items, Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. The-- presented to the Governor at 3:56 p.m. were LB565e and LB565Ae. Amendments to be printed from Senator Slama to LB514, and Senator Halloran to LB50, Senator Brewer to LB514A. New resolution, LR256 by Senator Erdman, that will be laid over. And Senator Vargas, LR257, also will be laid over; LR258, Senator Vargas, laid over; and LR259, Senator Vargas, that will be laid over. And Senator Conrad, LR260, that resolution will also be laid over. That's all I have at this time, Mr. President.

ARCH: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB683 with the emergency clause and LB683A with the emergency clause. Senators, we will now stand at ease until 6 p.m.

[EASE]

DeBOER: Mr. Clerk, for items.

CLERK: Madam President, your Committee on Enrollment and Review reports LB514, LB514A and LB50 and LB50A to Select File, LB514 and LB50 both having E&R amendments. Madam President, pursuant to the Speaker's agenda, LB727, Select File, Senator Conrad would move to bracket the bill until June 2, 2023.

DeBOER: Senator Conrad, you're welcome to open on your bracket motion.

CONRAD: Thank you, Madam President. Good evening, colleagues. I had an opportunity to visit with Senator Linehan earlier today and just wanted to reaffirm that the motions were placed on LB727 to organize debate in the wake of the rules change. They're not meant to signal opposition or an attempt to necessarily kill or unnecessarily delay the underlying bill in this regard. I'm grateful to Senator Linehan and to the Revenue Committee for putting together a multifaceted package of bills to assist in our shared economic development goals and that really brings together a diversity of perspectives and ideas from senators across the state and across the political spectrum, to try and make tweaks and changes to our existing revenue structure, to make sure that our communities and our state are competitive and that we're making appropriate adjustments along the way, as well. So I have communicated with Senator Linehan, and I'm grate-- grateful for her graciousness and her leadership, that I'm happy to help assist in organizing the debate on LB727 this evening. And I'm particularly grateful that a component of a piece of legislation that myself,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Senator Vargas and Senator Slama worked on, is a part of the committee approach that we adopted on General File for LB727. I also know that Senator Linehan and the Revenue Committee have been working very, very hard right up until this debate initiated to address concerns from other stakeholders to make the package work from a fiscal perspective and from a substantive perspective, and definitely appreciate how hard they're working today and, and right up until this very moment. So with that, I will ask folks, when the time is right, we'll either withdraw the priority motions or happy, happy to answer any questions in regards to those. And we'll turn it over to my friend, Senator Linehan. Thank you.

DeBOER: Senator Linehan, you're yielded 7:27.

LINEHAN: Thank you very much. Thank you, Senator Conrad. I appreciate your help very much. I think we've got the bill-- the amendment filed now. So good evening, Mr. President, colleagues. Today it is my distinct privilege to present LB727 and floor amendment, AM1905. AM1905 represents a negotiated resolution which achieves the desires of many senators here, while working to make the package, the bills, work with the approved budget. I'd like to thank Senators von Gillern and Bostar for their extensive work on this and each of my colleagues for being flexible and understanding how we could get here tonight. So everybody that we've worked with, I really appreciate. Everybody had to give a little bit. So AM1905 makes the changes-- before I do that, I'll just remind everybody what's actually in the bill. LB727, so the Linehan bill, LB727, closes the loophole that allowed governmental entities to spend on projects without voters approving such expenditure. LB74 would allow contractors to make exempt purchases on buyer-based exemptions. Senator Slama's LB96 exempts twine and baling wire from sales tax. We did some of this last year, but we missed a little bit. Senator Erdman's LB100 adds waste treatment and disposal sites to qualified locations under the Imagine Act. LB118 changes-- which is Senator Brandt's. The bill changes the minimum investment under Nebraska Advantage Rural Development Act. LB165, which was originally Senator Geist's, now it's von Gillern's, that is going to come out of the bill with the amendment. LB180 creates the Nebraska Biodiesel Tax Credit. We had to make change-- we made changes to several of these, but just to remember where we started. LB300 exempts both outpatient-- well, inpatient-- pharmaceuticals for inpatient mental health people are already sales tax free, but this would exempt for outpatient. Senator Armendariz' LB344 is a bill that exempt-- you can only go back five years on your tax credits for property taxes paid, not back further than 20 years-- or five years. LB384, Senator Bostar's, is a bill that directs sales tax from sale, sale or lease of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

aircraft into the Aeronautics Capital Improvement Fund to be used for new construction on renovation of infrastructure at licensed public use airports. I think many of you might remember that Chairman Clements said that this is a for every dollar we put in, the federal government matches \$9, I think. Senator Bostar and Senator Clements can address that if they would, if I'm making a mistake. LB407, Linehan bill, which extends the deadline for new applications in the Nebraska Transformational Projects Act. So that was part of LB1107. It's the UNMC's match if-- when-- if they ever get the federal dollars. I'm sorry. I don't have a number here, but another Bostar bill which Senator Geist did prioritize when she was here, adds professional firefighters to health insurance tax credit and tuition waiver and allows law enforcement and firefighter dependents tuition waivers. That's Senator Bostar bill. LB491 revises the research and development credit eligibility and extends the deadline to December 31. On that one, in the amendment, we've got to fix-- I will talk to you when I get to the amendment. LB495, Briese, adds the Roth IRA rollovers to eligible withdraws from educational savings plans. And if you have any questions on these, I'm sure all these members are here. Senator Holdcroft's LB580 bill eliminates the restrictions of special valuation on agriculture and horticulture lands in cities and villages. This is to-- Senator Holdcroft spoke to this twice, I think, when we're on the bill previously. This is for those ag land owners that are actual farmers that got caught between where we think of Gretna, and now Gretna goes all the way to Nebraska Crossing, so I think it was 3,000 acres that are now-- can't be allowed for the greenbelt. So we make a fix on that, which, several of these have no fiscal note. The develop-- Hughes's LB584-- she'll want to take a round of applause. She actually is raising taxes on a good cause, though. It-- we will, for the first time, tax nicotine delivery services or vape. The Good Life Districts, LB692, Linehan bill, is in there. We've made significant changes to that, which we'll address. And Senator Conrad mentioned, between Senator Conrad, Senator Vargas, Senator Slama combination, the-- we have-- we reinstate the Job Creation and Main Street Revitalization Act. Basically, short-term, called the Historic Tax Credit, which expired last year. LB704 is a Senator Murman bill that allows for \$5,000 or less remaining in an ABLE account to be given to the beneficiaries without having to go through probate. Senator Moser's LB706, which, I know Senator Walz isn't here, but this was her bill last year and she's very excited about it, as Senator-- and so would Senator Flood. They all were big champions of this last year. The bill allows for additional, additional bonding for highway construction in Nebraska, and extends

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

the Build Nebraska Act to match the additional bonding end date of June 30, 2042. And then, LB732 is--

DeBOER: One minute.

LINEHAN: --is the convention-- Senator Bostar and Senator Wayne. And I think there's another senator. It's about the turnback tax. Senator Clements' LB97, it's to fix some language in an inheritance tax bill we passed last year. There's-- so accountants have brought to his attention that we need to do some fix-its. And then, Senator Hansen's LB529 is-- which caused me much confusion. Bill adds a requirement to have at least one member present from every governmental body seeking to levy an override at a required public meeting. This goes back to his pink, green-- the postcard that they're now sitting out about if you're having a tax increase. It adds electronic notification and adds an exclusion on a property tax request or principal or interest on bonds. Now, I didn't get to everything in here.

DeBOER: Time, Senator.

LINEHAN: Thank you.

DeBOER: Thank you, Senator Conrad and Linehan. Senator Holdcroft, you're recognized.

HOLDCROFT: Thank you, Madam President. And I think it's appropriate that the first bill up in the package is the most important bill in the package. This was originally known as LB580 with AM634. This bill would amend Section 77-1344 and 1347 of state statute. It would help to protect the incomes of farmers and ranchers across the state, and may well be the deciding factor as to whether some landowners are able to keep their properties. LB580 was unanimously voted out of the Revenue Committee on March 15th. It is a Speaker priority bill. It will allow land that is currently involved in production agriculture to retain its special tax valuation as agricultural land. The specific intent of the bill is to address land that is part of an annexed area but is currently still being farmed. The impetus of this bill happened in 2017. At that time, the city of Gretna annexed nearly 3,000 acres. Of this 21 parcels, comprising 888 acres, were agricultural land. Under current state law, this annexed land automatically became subject to commercial property taxes. Coupled with inflation in market values, this will result in a total land valuation increase from just over \$5 million in 2022 to almost \$18 million in 2023. One of the affected properties is the home of Vala's Pumpkin Patch. The owner, Tim Vala, testified at the Revenue Committee hearing for LB580. In

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

addition to the commercial property where their retail operation is located, they have 300 acres of land where they grow their produce. Mr. Vala said that this land may well have to be sold, and their pumpkins and apples purchased from outside vendors. He said this would diminish the experience of families being able to pick their own produce. Vala's may also be forced to raise their admission prices to help set off the larger tax burden. Other comments that were heard by testifiers at the hearing included that their farm was almost like part of the family, that this would be an unbearable tax burden, and that property owners should not be forced to sell because of a tax liability. The bill was amended by the Revenue Committee to exclude tracts of land that are five acres or less from receiving a special tax valuation. Once again, the purpose of LB50 is to allow land that is currently involved in production agriculture to retain its special tax valuation as agricultural land, until such time as commercial improvement begins on the land. AM634 assures that LB580 applies to the 2023 tax year. It is retroactive to January 1, 2023, and there is also an emergency clause in the amendment, as well. I believe this is a problem that needs a commonsense solution and I believe LB580 is just that. This is a simple, practical bill that will benefit state-wide. And there is no fiscal note. Thank you, Madam President.

DeBOER: Thank you. Senator Holdcroft. Senator von Gillern, you're next in the queue.

von GILLERN: Thank you, Madam President. And good evening, colleagues. I rise in support of LB727 and the pending AM1905. Just to give you a little bit of background, that just hit the Clerk's desk a little bit ago and I've been asked about it being posted online and that's in process right now. And I want to thank-- give some thanks to several of the senators who helped make this happen. This is my first rodeo going through the-- this process and, and trying to reconcile the desires of the notes with what the fiscal-- the, the Fiscal Office can actually tolerate. So, thank yous to Senators Bostar, Conrad, Brandt, Murman, and, and special thanks to Senator Hughes, for actually adding to the fiscal in, in a positive note, so that helped. But there are a number of us that took some pretty good haircuts on some of the bills that we had proposed. And so, I want to acknowledge that. So, again, working through that process was both interesting and terrifying at the same time. But we got-- I think we got it done and we have a good solution here that's, that's hitting everyone's desk here shortly. So two pieces that I had in this, in this puzzle, I inherited LB165, which was originally Senator Geist's bill, which had to do with 529 plans, NEST funds, and the use of those funds for K-12 education. And that has been-- that got pulled from the, from the bill. And that's in

the amendment that that's no longer part of that. I'm going to work with some parties to see if we can bring that back in a different form next year, to make it, make it more affordable. And then, LB491, which is a research and development bill that allows for 15 percent of the federal credit for R&D expenses to be tax-- to be a tax credit in 35 percent of the federal tax credit if you use a university to participate in that research and development. And it's been very important. It's been effective to a number of significant industries in the state, significant good, good-paying, blue collar employers, such as Chief and Lindsay and Lozier have all used that program and we want to make sure that, that that is sustainable and, and can continue to be utilized. So we moved-- there was a clawback portion of that or portion of that where they could go back and, and claim past years credits and that was removed. So that, that will take effect simply going forward. So those are the pieces that I wanted to highlight in the bill. I yield the remainder of my time. Thank you.

DeBOER: Thank you, Senator von Gillern. Senator Jacobson, you're recognized.

JACOBSON: Thank you, Madam Chairman. First, I'd like to just echo Senator Holdcroft's comments. I'm not sure it's the highest priority, but it's very close to the highest, if it's not, in LB580, I think. Clearly, that was an important thing that needed to be changed. When you're, when you're paying more in property taxes than you're receiving and renting off your property, it becomes a problem. And-- so I'm glad to see that that fix is there. But I do have some questions for Senator von Gillern, who I understand was kind of taking the lead on the corrections and the guy that was taking all the arrows. So I'm giving him a little bit of time to gather his thoughts. But I would ask if he were to respond to some questions.

DeBOER: Senator von Gillern, would you yield?

von GILLERN: Yes.

JACOBSON: I'm not trying to set you up here. I just-- I know you and I have talked before and this is a friendly conversation here. It might get ugly as we go through it, I don't know, but I'm just telling you that we-- you and I spoke about there's a number of changes that you needed to make here to get the fiscal note to work. My understanding is, is that we're going to still retain the sales tax credit that will be going back to be able to use for the rural airports, in particular, for their-- for them to use for their AIP project matching funds. I'm assuming that's staying in the bill--

von GILLERN: Yes, that is.

JACOBSON: --as it came out?

von GILLERN: Yes. No, that-- that's in and that's one that Senator Linehan highlighted. That was a Senator Bostar bill. And, and again, that's one that's the-- it's a terrific program that the feds match 9 to 1 to our investment, so we didn't want to miss out on that, on that ROI.

JACOBSON: And I appreciate Senator, and I appreciate Senator Bostar bringing that. And I-- by-- and by the way, I do appreciate all the work that you've done on trying to bring this to, to the right kind of conclusion. Can you give us a little bit of a high point on where are the major cuts at? I know Senator Brandt and I both have concerns about biodiesel. Can you tell us where we're at on the biodiesel side, on those credits? And then, also, can you just tell us where the major hits were at that you had to change?

von GILLERN: Sure. Yeah. Thanks. Great questions. Biodiesel is still in the bill and it is capped at a \$1 million cap per year on that program. And that was important to get the program kicked off. And hopefully, there are funds in the future that can, can continue that plan and potentially expand that plan. I mentioned the LB165 NEST went away completely. LB491, I mentioned the R&D, that was cut, that was cut by \$10 million. The LB697, which is historic tax credits, Senator Conrad's bill. That was capped at \$2 million. And so, that was a \$6 million reduction. And then, LB809, which was rural development. Senator Murman was, was gracious and, and took a pretty serious haircut on that one. And that was capped at a-- that was originally a \$1 million cap and was increased to a \$2 million cap. So that saved \$21 million. And then, I mean, we've got some that were-- that go back to LB754, but you haven't asked about that, so it's fine.

JACOBSON: Well, thank you very much. And that, that answers the questions I needed. I, I-- again, I appreciate all your work on this. I know you've been running pretty hard to get all these things to, to balance out. And I'll, I'll yield the remainder of my time. Thank you, Madam Chairman.

DeBOER: Thank you, Senator Jacobson and Senator von Gillern. Senator Hughes, you're next in the queue.

HUGHES: Thank you. Madam President. I rise in support of LB727. And I would like to correct Senator Holdcroft on the importance, as far as

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

the most important bill in this package. I feel like mine should be the most important bill in this package, as it's the only revenue-generating bill. High-tax Hughes. All right, LB727 contains my bill, LB584, which, for the first time, imposes an excise tax on vaping products here in Nebraska. LB584 is in Sections 91 and 96, on pages 127-129 of ER34. The use of e-cigarettes or vaping has exploded among our teenagers and become a growing problem for children even younger here in Nebraska. Vaping has reversed the decades of the gains we have achieved in reducing the underage use of nicotine. Taxation on these products is a step in the right direction in preventing more young people becoming addicted to nicotine. LB584 puts the excise tax at \$0.05 per milliliter on devices smaller than three milliliters, and there's a 10 percent tax on the wholesale price for devices greater than three milliliters. I'd also like to mention that after meeting with people in the industry, it came to my attention that there is a significant inventory of vaping products in our state sitting in warehouses. And there was a concern raised as to these products being taxed immediately on passage of this bill, rather than when the products are moved from the distributor to the retailer. And we worked with the Revisor to address this and feel like we've placed that tax within the Tobacco Products Tax Ask-- Act, addresses this issue. So our intent is that they all get taxed when they are shipped to the retail sites. I would like to thank the Revenue Committee and Chair Linehan for including my priority bill as part of this package. And as Senator von Gillern mentioned, I'd like to note that in addition to being voted out by Revenue 8-0, LB584 is the lone revenue-generating bill in this package. The page 11 of the fiscal note shows the revenue generated into the Tobacco Products Administration Cash Fund. And the revenue is now around \$3 million per year or nearly \$15 million by the end of the years, '27-28. Mr. President-- or Madam President, I urge my colleagues to vote green on LB727. Thank you. And I yield the rest of my time.

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

BRANDT: Thank you, Madam President. And thank you, Senator Linehan and Senator von Gillern and Senator Bostar for all the work you've done to get the bill into shape for Select File. We have-- two of our original bills are in here. Excuse me. LB118, which is the livestock modernization bill. And it now has a new cap of \$1 million a year. But by doing that, it allows the bill to be-- to go forward, to be formed, and to be fed down the road with more dollars. And it will give us an opportunity to see how well received it is. The other one is LB180, which is the soybean biodiesel bill. Here again, that will be capped at \$1 million. It allows the bill to go forward. And obviously, that

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

will get used up every year. And we can see what kind of use we have out of that bill. And hopefully we'll be able to increase that down the road. So I would encourage your green votes on the amendment. Thank you, Madam President.

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

McDONNELL: Thank you, Mr.-- or I'm sorry, Madam President. And good evening, colleagues. I'd like to thank the Revenue Committee for, for their work and, and the leadership of, of Senator Linehan in, in including two of my bills, LB623 and LB622. And going back to the amendment, number 13 zero-- [INAUDIBLE]-- 1306-- that's-- now 13-906, we, we had a discussion about-- and, and the language was to promote the arts and cultural events which are open to-- are made available to the general public. And I wanted to make sure I asked Senator Linehan a, a question. Would you please yield, Senator Linehan?

DeBOER: Senator Linehan, will you yield?

LINEHAN: Certainly. Thank you.

McDONNELL: So the, the, the concern that was brought to me since we've been working on, on this together, and again, thank you for all your work, was the idea of allow for the use of funds for capital expenses, based on the promotion of the arts and, and culture. Would you say yes, that is allowable?

LINEHAN: Yes, I would say that's allowable.

McDONNELL: Thank you, Senator Linehan. Again, I'd like to thank the work that the Revenue Committee has, has, has put in and all the different people that came together to work on LB727. I stand in support of LB727. Thank you, Madam President.

DeBOER: Thank you, Senator McDonnell. Senator Moser, you're recognized.

MOSER: Thank you, Madam President. This bill includes my bill, LB706, which allows the state to use bonding when it makes sense for building roads. It, it, it authorizes the issuance of bonds not to exceed \$450 million in principal and \$35 million in annual debt service under the Nebraska Highway Bond Act, in order to accelerate the completion of highway construction products-- projects identified by the Build Nebraska Act, which was created in nine-- in 2011, by LB84. Additionally, the bill seeks to extend the sunset date of build-- the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Build Nebraska Act from 2033 to 2042, so that the Department of Transportation can rely on a revenue stream to pay for issuance of the bonds that they create. One of the important questions of this was the constitutionality of the state bonding. And I have a, a statement that the counsel for the Department of Transportation helped write and I wanted to read that. The amendment to LB706, which was combined with LB727 here, allows the Department of Transportation to issue bonds to accelerate completion of the highway construction projects identified in the Build Nebraska Act. This amendment has been included in its entirety in the revenue package LB727 with committee amendment. The purpose of the amendment before us now is to avoid potential constitutional questions with the issuance of these bonds. Currently, the Build Nebraska Act funds the State Highway Capital Improvement Fund with sales tax revenue. And the Legislature can use sales tax to build highways. The constitution limits the revenue that the state can pledge to pay highway bonds. Those bonds must be paid from revenue that is derived from sources closely related to the use of highways, such as motor vehicle fuel taxes and motor vehicle license fees. There are no current sources of law that determine whether general sales tax revenue is closely enough related to the use of highways. So, this amendment, it's on page 31 in AM1905, 32 and 33, avoids that constitutional question by exchanging the source of funding for the State Highway Capital Improvement Fund from sales tax to motor vehicle fuel taxes, motor vehicle license fees and other revenues that are closely related to high-- highway use. The sales tax currently funding the State Highway Capital Improvement Fund is then credited to another DOT account, which is used to build highways but not used to pay bonds. In all other ways, the Build Nebraska Act remains unchanged and will continue to be an effective tool for expediting the completion of the Nebraska expressway system. The importance of bonding, I don't think, can be overstated. So many times, due to the revenue stream, the Department of Transportation has broken up projects into smaller segments that they could cash flow. And that made Highway 30 take-- I don't know how long it's been-- 10, 15 years. It's a long time-- 275, I think, is being built in segments. So that's another area that this bonding could be used. And then, U.S. Highway 81 is another potential use for these--

DeBOER: One minute.

MOSER: --bonding funds. So this was Senator Walz's bill, last year or the year before, LB542. And we took it and we added a few little tweaks here and there. And so, I appreciate Senator Walz bringing this and inspiring us to work on this more. This Build Nebraska Act brings in \$100 million roughly, a year. \$15 million of that hundred is given

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

to cities and counties. So each senator's district, on average, gets about \$300,000 under the Build Nebraska Act. So extending that 10 years means that your district will get \$3 million over the next 10-- well, the 10 years beyond the original expiration. So I think it's a great source of funds for highway construction, bridges and all the things that cities and counties need to do. Thank you, Madam President.

DeBOER: Thank you, Senator Moser. Senator Armendariz, you're recognized.

ARMENDARIZ: Thank you, Madam President. I rise in support of LB727. A bill I introduced this session, LB344, is enclosed. And it addresses a property tax credit lookback where the counties-- we just inadvertently overlooked a lookback date. We're applying a five-year lookback date for the counties, for that property tax credit. It was in LB1107 a few years back. This will help create some efficiencies in the counties with having them not have to look back, say, 20 or 30 years for a property tax credit. And we want to lower our property taxes that support the county fees. Thank you, Madam President.

DeBOER: Thank you, Senator Armendariz. Seeing no one else in the queue, Senator Conrad, you're recognized to close on your motion.

CONRAD: Thank you so much, Madam President. And again, I want to express my gratitude to Senator Linehan and the Revenue Committee. I appreciate the hard work that they have poured into this session and into this legislation. With that, I would like to withdraw my motion. Thank you.

DeBOER: Without objection, it's so withdrawn. Mr. Clerk, for the next item.

ASSISTANT CLERK: Senator Conrad, to clarify, we had three priority motions from you. Are you withdrawing all three?

CONRAD: Yes, please, Mr. Clerk.

DeBOER: Senator Ballard, for a motion.

BALLARD: Madam President, I move the E&R amendments to LB727 be adopted.

DeBOER: All those in favor say aye; all those opposed say nay. They are adopted.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

CLERK: Madam President, Senator Linehan, I have a note to withdraw and substitute AM1905 for FA136.

LINEHAN: Substitute AM1905. Yes.

DeBOER: Without objection, so ordered. Senator Linehan, you're welcome to open on your amendment.

LINEHAN: Thank you, Madam President. So AM1905 represents a negotiated resolution that achieves the desires of many senators here. Again, Senator von Gillern and Senator Bostar have been working with several of you. On the LB74, we moved the date of implementation back to 2026. On LB165, which was the original Geist bill, took that out. And as Senator von Gillern said, we'll try and do that again, next year. LB180, the Biodiesel Tax Credit Act, we reduced the cap. The cap was higher. So this was all done to make sure we fit within the budget. We reduced the cap on that to \$1 million. LB505 was Senator Bostar's. I know we worked with Senator Cavanaugh on this-- provides for a new tax deed certificate system to plan for a potential constitutional issue with the current system. We have two cases in front of the Supreme Court on takings, so we're hoping this helps us get through that if it's decided after we leave. The amendment set forward explicitly that purchasers of tax deeds are entitled to reasonable attorney's fees in the event of a judicial foreclosure. If you have more questions about that, I think Senator Bostar could answer them. LB524, Senator Fredrickson's, provides an income tax credit for food donations. The amendment includes this bill in the tax [INAUDIBLE], but caps the program at zero, so no money will go in it this year. LB529, Senator Hansen, is the Property Tax Request Act, to require one elected official from each meeting. There were some fix-its we had on that. Senator Hansen can explain. LB584, Hughes's, we made a change in that about where the money goes to gen-- now, it's going to General Funds. LB623 was Senator McDonnell's, made some-- all these changes were fixes to-- for the most part, to save on the fiscal note so we could afford to do them. LB692 creates the Good Life Districts. There were changes made on that. So I think the fiscal note is going to be close to nothing on that. LB697, Conrad, Conrad. We-- I think her original bill had the historic tax credit going up, I don't know, \$10 million. We brought it down to \$2 million, which, if I remember, is more than they've ever used previously. Moser has a fix on there for-- makes sure we don't have problems with his bonding bill. And LB732, Bostar's, changes the Convention Center fa-- Facility Financing Assistance Act. Finally, LB809, Senator Murman's, increases the amount available yearly in the Nebraska Advantage Rural Development Act. And it was going to ten; we kept it at \$2 million. And finally, this

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

amendment amends the Revenue Committee's property tax bill, just a small fix we had to do there. Taken as a whole, AM1905 presents a negotiated bipartisan tax plan that will benefit Nebraskans statewide, while working with the constraints of our budget. We would appreciate your green vote on LB727 and AM1905. Thank you, Madam President.

DeBOER: Thank you, Senator Linehan. Seeing no one left in the queue, Senator Linehan, you're welcome to close on your amendment. Senator Linehan waives closing. All the-- all those in favor of AM1905 being adopted vote aye; those opposed vote nay. Have all those voted who care to? Record, Mr. Clerk.

CLERK: 38 ayes, 0 nays adoption of the amendment.

DeBOER: The amendment is adopted. Next item.

CLERK: Madam President, next item, Senator Armendariz would move to amend with AM1942.

DeBOER: Senator Armendariz, you're welcome to open on your amendment.

ARMENDARIZ: Thank you, Madam President. AM1492 is an amendment of some language that was previously approved for a sports center/community center in north Omaha. The city of Omaha would find it preferable to use a plot of land just adjacent to a qualified census tract. The previous language required it to be in a qualified census tract. Now, being this was the street I lived on, I can understand why this particular parcel might fall outside, because the residential housing there is extremely sparse. So I don't know that for sure, but there probably just aren't enough houses. The parcel they'd like to use is in Levi Carter Park, so there are very few houses around there, yet still adjacent to the qualified census tract. So if it pleases everybody, we would like to move that language to be part of a qualified census tract or adjacent to a qualified census tract. I would appreciate your green vote on that. And thank you, Madam President.

DeBOER: Thank you, Senator Armendariz. Senator Linehan, you're recognized.

LINEHAN: Thank you, Madam President. I would appreciate your support of Senator Armendariz' amendment, as well. Thank you.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

J. CAVANAUGH: Thank you, Madam President. I just wanted to make sure we slow down just a little bit because we're going fast. I heard Senator Armendariz' introduction. I think I understood it and maybe I'll just say what I heard, so-- and I don't need to ask Senator Armendariz any questions, but she can correct me if I'm right. So we just need to make sure that some areas adjacent to qualified census tracts would qualify for these particular projects. Is that the right assessment, that we missed that in a previous iteration? Is that-- I, I-- I'm just going to say that's what I, I heard. And if, if I'm right, then don't-- you don't have to get back on the mike. But if I'm wrong, I don't want to put you on the mike. But thank you, Miss-- Madam President.

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

M. CAVANAUGH: Thank you, Madam President. Good evening, colleagues. I was listening to the conversation on the last amendment and I did hear mention about the home equity theft bill. And Senator Linehan said that if I had questions that I could ask Senator Bostar. So I do have questions, if Senator Bostar would yield to a question.

DeBOER: Senator Bostar, will you yield?

BOSTAR: Yes.

M. CAVANAUGH: Thank you, Senator Bostar. I was not aware that you introduced a home equity theft bill. Is-- which bill is it?

BOSTAR: Which bill is current--

M. CAVANAUGH: Your, your home equity theft bill.

BOSTAR: --it's currently in the package as LB505.

M. CAVANAUGH: LB505 is the home equity theft bill?

BOSTAR: It is right now in the package.

M. CAVANAUGH: But it's not-- it wasn't an home equity theft bill when it was introduced.

BOSTAR: That's correct.

M. CAVANAUGH: Did you introduce a home equity theft bill?

BOSTAR: No.

M. CAVANAUGH: Then why did Senator Linehan say to ask you questions about the home equity theft bill in your bill?

BOSTAR: So we had been working on this issue for a while, during the interim, members of the committee and myself. And the reality is we just didn't get finished with the bill prior to bill introduction. And so then, when it became a priority for the committee during session to advance and adopt legislation on this issue, we picked up where we had left off and essentially white-copied a bill that wasn't necessary to pass that was sitting in the Revenue Committee.

M. CAVANAUGH: So nothing from the original LB505 is in this bill?

BOSTAR: That's correct.

M. CAVANAUGH: Why didn't you just white copy or not even white copy, use the home equity theft bill that was introduced?

BOSTAR: Yeah. I think, ultimately, because it was the committee that was approaching a resolution on the subject area that we were, we were trying to change. That having a bill that was being held by a member of the committee had some value and so that's why that decision was made.

M. CAVANAUGH: It had some value, but it was amended into another bill. So you, in effect, took the name off of the bill of the introducer, because the committee decided to shell out a different bill with a committee member's name on it? I've never heard of that happening before. Is this a regular practice in Revenue Committee, to steal bills from other people that aren't on the committee?

BOSTAR: That's not exactly how I would describe it.

M. CAVANAUGH: How would the introducer of the bill describe it?

BOSTAR: I don't know.

M. CAVANAUGH: Did they have-- did you have their permission to take their bill and white-copy amend it into LB505?

BOSTAR: That also isn't how I would describe it.

M. CAVANAUGH: A white copy amendment of the home equity theft bill into LB505 is not how you would describe it?

BOSTAR: Correct.

M. CAVANAUGH: How would you describe it?

BOSTAR: I would describe that the Revenue Committee, as I stated--

DeBOER: One minute.

BOSTAR: --worked on language related to this subject area and amended it to replace LB505.

M. CAVANAUGH: So then, if there wasn't a home equity theft bill by another senator, this would be completely new content that didn't have a hearing. So either you utilized the bill that had a public hearing or this is a new subject matter altogether and it didn't have a hearing. And this bill, as amended now, should go back to committee for a hearing.

BOSTAR: If the senator whose bill it is you're concerned about would like to express their opinion on this, I'd be happy to listen to it.

M. CAVANAUGH: I don't think that-- I don't know what their opinion is on this. I'm trying to get-- to understand how this happened. And it's your bill that this happened with. So you either believe that this is new content or you believe that this has already had--

DeBOER: Time, Senator.

M. CAVANAUGH: --a hearing. Thank you.

DeBOER: Thank you, Senator Machaela Cavanaugh and Senator Bostar. Senator Machaela Cavanaugh, you're next in the queue.

M. CAVANAUGH: Thank you. My point is, I said, last week, that there have been subtle repercussions for people who have stood up in this body. And this is exactly the example. The Revenue Committee took a bill, white-copy amended it with a different senator's bill. They had to-- if they were going to do home equity theft, they had to do that. They had to use another senator's bill, but they didn't want his name on it. So this is petty. It's petty. I think the Revenue Committee should conduct themselves with more integrity. If the bill is good enough to be amended into the committee bill, then it's good enough to have the introducer's name attached with it. Period. If this is how you conduct yourselves as a committee, imagine if everyone else did that. Imagine if everyone who had a petty grievance with a member removed their work from a committee package. This is so unbelievably disrespectful and petty. But of course, but of course. You can't tell me, don't take things personally, just look at the bill, look at the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

bills on their merits and then do petty baloney like this. LB727 was amended, just a few minutes ago, with a package out of Revenue that included a bill that was introduced by a senator whose bill is not being used. A shell bill was used to amend into a committee amendment, so that the name of the introducer doesn't show up in the public record of it all. What is wrong with you? That's some next-level, deep-cut shade. Grow up. Thank you, Madam President.

DeBOER: Thank you, Senator Machaela Cavanaugh. Seeing no one left in the queue, Senator Armendariz, you're welcome to close on your motion. Senator Armendariz waives. The question before the body is the adoption of AM1942 to LB727. All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays on adoption of the amendment.

DeBOER: The amendment is adopted. Mr. Clerk, for the next item.

CLERK: Madam President, Senator Bostar would move to amend with AM1747.

DeBOER: Senator Bostar, you're welcome to open on your amendment.

BOSTAR: I'd like to withdraw that amendment.

DeBOER: Without objection, so ordered. Mr. Clerk, for the next item.

CLERK: Madam President, next amendment, Senator Linehan would move to amend with FA116.

DeBOER: Senator Linehan, you're welcome to open on your amendment.

LINEHAN: I would like to withdraw that amendment.

DeBOER: Without objection, so ordered. Mr. Clerk.

CLERK: Madam President, Senator Machaela Cavanaugh would move to amend with AM1452.

DeBOER: Senator Machaela Cavanaugh, you're welcome to open on your amendment.

M. CAVANAUGH: Thank you, Madam President. AM1452. Oh, I just-- if I just could say, disregard that, what Carol is holding in her hand. I didn't realize that I had filed so many amendments already, so I don't need that one. Strikes sections 46, 48, 49, 50, 54, 55, 56 and 64, renumbering the remaining sections. I don't know what that does. I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

was-- just submitted it, I guess. So. So. Yeah. It's, it's been a tough year. It's been a tough session. And there's all the subtle cuts, the subtle punishments. And the not so subtle ones-- the comments made about whether or not who introduced a bill, if we can even debate it because of who introduced it, if we can move a bill because of who introduced it or whose priority it is. And then, there's just the things that are just mean-spirited. The theft of the home equity theft, that's what this bill did. The theft of the home equity theft, which, I honestly didn't even know you could do. Maybe there-- maybe you have the introducer's approval. I don't know why you wouldn't just amend the bill itself in. That's what committees do. AM15-whatever amends LB blah, blah, blah into the committee amendment, AM20-hundred. Like, I mean, we've all sat through committee executive sessions, where you're taking an amend-- a specific bill and amending it into the committee bill. And even if it's an-- even if the specific bill has amendments, you're still amending the-- that into the committee bill. And the committee statement then reflects all of that. But the chair of the committee introduced the amendment from the committee and said to ask questions of the person whose bill it was, who didn't introduce the bill. Now, if that isn't a clear intention, I don't know what is. If you pay attention, you will see how pervasive this type of behavior is. I don't know how late we're going tonight. This bill started at six. It has 4 hours. It could go till 10:00. Not really interested in taking it to cloture. I'm not really interested in being here anymore. I'm not really interested in being in this room with these people. And for some reason, Nebraska, my colleagues thought I wasn't going to keep filibustering. They thought that when LB574 passed on Friday that I was going to stop filibustering, which I know is bananas, because Nebraska, you and I both know, I made it very clear that I wasn't going to stop and I am continually given no reason to stop. I am continually shown by this body that there is nothing good that they are willing to do, that they are going to continue to use their raw power as a sledge hammer. So I'm just going to stand over here in my little corner of the world and talk and talk some more. I didn't get an answer. I didn't seek one on dance mania over the break. I am very curious if dance mania is a real thing or something that Wikipedia made up. Because I don't want to make fun of it if it's a real thing. But I also really want to make fun of dance mania if it's not a real thing because it sounds really silly, but I don't want to be insensitive if it is a real condition. But it does sound like it might not be a real condition. So, you know. Well, what else can we talk about? I didn't-- I did not eat a salad over dinner. I couldn't bring myself to have a second bagged salad today. I had two yesterday. I had one for lunch and one for dinner yesterday. For

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

dinner tonight, I had peach yogurt and a little hummus cup. Oh, and some peanuts. Apparently, I had peanuts in my office. I don't know. I was just like, I can't, I can't, I can't have four meals in a row be a bag salad. Oh, that's not true. I had eggs this morning, so that breaks it up. I did have eggs for breakfast this morning. I usually skip breakfast. I usually just have coffee. But this morning, I had eggs. So really living the high life over here, with my yogurt and hummus cup. Well, how much time do I have left?

DeBOER: 2:38.

M. CAVANAUGH: Great. So I see that there is going to be a new chancellor at the University of Lincoln. Oh, an Omaha group working with-- to supply women with period products, because nobody was tackling it. Oh, again, I got to log in. Well, I'll talk about that. There's an article about it. If you use the women's restroom back here, there are period products in the women's restroom. And this nonprofit organization based out of Omaha, I met the woman at an event and she asked if I would be willing to take products to have in the restrooms in the Capitol. And I said, absolutely. That's a great thing. The Capitol is a place for the public. And it would be wonderful if, in addition to supplying the public with toilet paper, that we also have period products. So I can't get the article to open and I don't recall the name of the group, I'm sorry, off the top of my head. But, but I think they have them in-- I-- they-- I did put them in all of the-- well, my staff helped me put them in all of the restrooms on the first floor. So, there we go.

DeBOER: One minute.

M. CAVANAUGH: Thank you, Madam President. Yeah. Oh, I was going to check on an update on the writers strike. Writers strike. I wonder if they have made any headway. Writers.com. Writer's Digest. Write-- that's just writers. Writers Guild of America strike. All right. According to the autofill in the Googles, the last-- the one I was talking about a while ago, was in 2007. Oh. Dispatches from the picket line, day 20: 30 Rock protest draws big names.

DeBOER: Time, Senator, but you're next in the queue.

M. CAVANAUGH: Thank you. Well, let's see what big names that the writers strike-- this is from a publication called Deadline. 30 Rock draws-- oh. OK. 30 Rock draws-- a protest draws big names and huge crowds. So let's see who we got here. Busy Philipps. I met her recently. Ken Pall [PHONETIC], Ilana Glazer, Wanda Sykes, Cynthia

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Nixon and America Ferrera. Access Period is the name of the period company. Thank you, Senator Walz. Access Period is the name of the company that gives free period products. OK. Back to the writers strike. As the WGA strike, that's the acronym for the Writers Guild of America-- as the WGA strike enters its fourth week, Tony Kushner swore Steve Earle sang, Wanda Sykes led union chants and Busy Philipps told CEO jokes for more than 1,000 demonstrators and hundreds of onlookers who filled the street in front of NBCUniversal studio's headquarters Tuesday in midtown Manhattan. With a star-- with a starry speakers list, celebrities dotting the, the crowd and turn-- turnout from several local labor unions, a Rally at the Rock outside 30 Rockefeller Plaza in support of striking movie and television writers filled one barricade side of West 49th Street between 5th and 6th Avenues, the equivalent of three city blocks, with cheering, sign-waving protesters who stayed for more than 2 hours. It was the largest turnout for any event organized by members of the Writers Guild of America East since the strike began-- strike against film and television producers began May 2, a WGA representative told Deadline. We've got every frickin' union in the city of New York in the house, WGA Executive Director Lowell Peterson, the last of more than a dozen speakers, raved in his turnout at the podium before turning the stage over to singer-songwriter and Screen Actors Guild member Steve Earle, who closed out the rally by performing voice and guitar versions of his song, Union, God and Country and Way Down in the Hole. Here is the singer-songwriter-guitarist, part-time actor and hardcore troubadour, troubadour, explaining why he was on the line and because the rebrand Max went live today. Do yourself a favor and stream on-- something else. OK. I don't know what any of that is. Oh, so it's a video. OK. On a late-- on a sunny late morning and early afternoon, the writers, actors, comedians, union chiefs and other speakers delivering jokes, applause lines and chants, the mood was upbeat while the message was serious. Speaker after speaker linked the striking writers to labor struggles in other trades where working conditions are deteriorating and automation is putting jobs at risk. Your fight is our fight-- we-- was a promise made to applause and cheers and separate speeches by two union leaders on Tuesday, Mario Cilento, Cilento, president of the 2.5-million member New York State AFL-CIO; and Stuart Applebaum, president of the 100,000-member Retail, Wholesale and Department Store Union. The dragging of studio executives was more lighthearted but still barbed in other remarks. Phillipps, star of Dawson's Creek and Freaks and Geeks, read jokes from write-- writer friends.

DeBOER: One minute.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

M. CAVANAUGH: Thank you. And one, she said, was from her ex-husband, writer and producer Mark Silverstein, mocking Warner Brothers Discovery chief David Zals-- Zals-- Zaslav, who was jeered on Sunday by Boston University graduates who chanted "pay your writers" at him during his comment-- commencement speech. Phillips described Zaslav as the genius who looked at HBO Max and decided people really just want the modifier; and said his last name does sound like a medication for a yeast infection. Ask your doctor if Zaslav is for you. That is so funny. I can't pronounce it, so. Sal Gentile, a writer for Late Night with Seth Meyers took the HBO Max rebranding further. They said America couldn't do it, but we finally did it. We came up with a name dumber than Quibi-- qua-bi.

DeBOER: Time, Senator.

M. CAVANAUGH: Thank you.

DeBOER: Senator-- thank you, Senator Machaela Cavanaugh. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Madam President. So-- well, I just figured I should inter-- interject myself into the conversation since I have been interjected and I don't know what the word is or what the kids use when they tweet somebody, but they don't mention them. Sub tweet. I feel like I'm being sub-- sub-speeched. So-- but anyway, I, I appreciate Senator Machaela Cavanaugh praising the issue about home equity theft. I love to talk about home equity theft, as you all know. And it's a, a important topic near and dear to my heart, did an interim study about it, was interested in this topic, did have a bill on it this year. And so, when the home equity theft fix was-- I was told it was going to be amended into LB727, I was excited to see that this issue, issue was getting addressed. Because, you know, I brought the bill, we had the hearing. It was a very good hearing. And, you know, there's the Supreme Court case that Senator Linehan referenced, that's already had it's-- been heard. We'll get an opinion at some point. This is an important issue. It's-- it is great that we are addressing this year. You know, when I first introduced it, I thought, well, maybe it'll get, you know, we'll be able to get it handled next year or maybe we could, you know, shoot for the moon and get something done this year. So, very happy that it's in the, the bill, grateful to the committee for including it. And as it pertains to which bill, whose name, who gets credit, you know, that's not what I care about. That's not what I'm here for. That's not what I think-- I think we'd all be better served if we weren't so concerned with getting credit. And we weren't so concerned with who got credit. We weren't so

concerned with whether, you know, we have an opportunity to get our name in the headlines and to get, you know, some kind of positive attention or negative attention or whatever kind of attention you might derive from whatever it is you want. But the work is what matters. The fact that we're going to pass this bill and it's going to prevent people from having their property stolen, that's the thing that's important. It's not whether or not everybody here thinks that it was me or everybody thinks it was Senator DeBoer-- oh, you're over there. Senator DeBoer, who's in the chair, for the record, pointing at the chair, who also brought a home equity theft bill or Senator Bostar, who did do work on this bill, after the hearing that got this in here. I know it is-- it offends the delicate sensibilities of us all when we don't get our credit when credit is due, but it's not the most important part of what we're doing here. The important part should be-- we don't need to have names up there. I know it's helpful. It's shorthand for everybody. You know how to vote. You know, if you're sitting around here, you know, no on AM1452, yes on LB727. You don't have to think. So it is-- the credit can be helpful, can be useful, but it's not the point. So I'm just happy that home equity theft is going to be resolved and fewer people are going to lose their hard-earned equity in their homes. I appreciate the work that the committee has put into it. I do, at times and I have-- I expressed this. I wasn't going to express it on the mike, but I expressed it directly that I wish I had been included a little bit more in some of the conversations as it pertained to the bill getting in. But I, I would tell you, for the record, Senator Erdman, this is for the record, as well, although this is more of a auditory record than the, the actual record, but that I did get to see the amendment before it got put in. I did--

DeBOER: One minute.

J. CAVANAUGH: --agree to the language as it was being put in. I did get that opportunity to say, yeah, this does serve the purpose of the bill that I brought. So everybody does things the way they do things here, for whatever reason and motivation. I have no illusions about that. And I don't-- I'm not concerned that some people thought it would be easier to pass this without me involved, but I don't care. I'm happy to have the work done, because that's why I brought the bill. That's why I did the interim study. That's why I've worked with all those stakeholders, because we want the work to get done. And I know that's how you all would feel about an issue that's important to you, too. So I appreciate the work to get this across the line. I appreciate the work of the committee to get it done and I'm hopeful that maybe, we can all be a little less concerned about whose name

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

gets attached to something and not jump through hoops to make sure that we're not unhappy with whose name is attached to it. But anyway--

DeBOER: Time, Senator.

J. CAVANAUGH: --thank you to the committee. Thank you.

DeBOER: Thank you, Senator John Cavanaugh. Senator Machaela Cavanaugh, you're recognized and this is your third opportunity before your close.

M. CAVANAUGH: Thank you, Madam President. Well, Senator Cavanaugh, I agree that the work getting done is more important than the credit being had. But I'm also a process person and doing things the way that the Revenue Committee did them means that they took it out of the public eye. There was a public hearing. There's a public record for two bills, LB577 and LB154. Two bills, two public hearings erased from the committee statement because you didn't want credit to be given to senators. And it's like a deep cut credit. Who's going to pay attention to the committee statement, as far as, like, getting credit on a bill? How complicated is it to say, I amended such and such into such and such and boom. Look at me. I'm the hero of home equity theft. Like, nobody's going to pay attention to that. It is a subversive cut to people in this body when something like that happens. It is intentional to diminish our success in this body in the minority party. And it has been happening since the first day of this session. From the very first day, everything in this body has been conducted to quiet the minority, for the majority to use their tyranny over us. And it is very pervasive. From committee assignments, to bill scheduling, to the bills that are executed on, to the bills that come out of committee, to the bills that are amended into committee bills, to changing the rules halfway through the session, to changing the rules in the middle of debate on the most hot topic of the year, the majority has been using their tyranny at every turn. And I don't want it to go unsaid. I don't want the use of pure, brutal power in this body to go at least not checked by the public. The public deserves to know about the misconduct of how we are operating and the pettiness behind it. And I didn't mention Senator Cavanaugh's name. Sorry for the sub tweets or whatever it's called. I didn't mention his name because I didn't want it to be about me and him. It's not about me and him. It's about the committee and how the committee has conducted itself. And how the committee is-- more important to the committee to take Senator Cavanaugh's name out of it than to do the right process of how we record our bills and legislation for the history of this

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

state. That level of petty, that deep cut. Pay attention, Nebraska. It's vicious in here. Thank you.

DeBOER: Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator Machaela Cavanaugh, you're welcome to close. Senator Cavanaugh waives closing. The question before us is the adoption of AM1452. All those in favor-- there's been a request for a row-- roll call vote. Mr. Clerk, please call the roll.

CLERK: Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz. Senator Ballard voting no. Senator Blood. Senator Bosn. Senator Bostar voting no. Senator Bostleman. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh. Senator Cavanaugh, I'm sorry? Not voting. Senator Clements. Senator Clements voting no. Senator Conrad. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson voting no. Senator Halloran. Senator Hansen voting-- Senator Hansen, I'm sorry? Voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt. Senator Ibach voting no. Oh, I'm sorry, Senator. Senator Hunt not voting. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting no. Senator Slama. Senator Vargas. Senator von Gillern voting no. Senator Walz. Senator Wayne voting no. Senator Wishart. Vote is 0 ayes, 34 nays, Madam President, on adoption of the amendment.

DeBOER: The amendment is not adopted. Mr. Clerk, for the next item.

CLERK: Madam President, next item, AM1456 from Senator Machaela Cavanaugh.

DeBOER: Senator Machaela Cavanaugh, you're welcome to open on your amendment.

M. CAVANAUGH: Thank you, Madam President. I see the press sitting over there and I feel like I'm being a really boring press day because I'm just reading the press. But I am reading your articles into the public record, so I guess there's that. This is from-- oh. I haven't read this, so I'm going to read this. New vision for Omaha's former Civic Auditorium site includes grocery store, offices, housing. Cindy

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Gonzales, did you use the Oxford comma? She might have. Oh, I think it's-- it was a required comma, so I don't know. Does that count? Does it not count? OK. Omaha. A national grocer, affordable housing and a five-- she doesn't. Darn it. I was real excited for a second. I spoke too soon. OK. A national grocer, affordable housing and a five-story office and retail building are key components of the latest multimillion-dollar plan for the Civ-- former Civic Auditorium site in downtown Omaha. Now, interesting thing about this is we have never had a grocery store really take off in downtown Omaha. We've got Cubby's Convenience, which is-- kind of functions as a grocery store-- the best thing to it, to people who live in downtown Omaha. There used to be Patrick's, which was right by the Orpheum Theater, but it was really like, a very small market. It kind of was like, if you remember Broadmoor Market in Countryside Village. They-- well, maybe. Kind of similar-- so, like smaller than a Trader Joe's. And Trader Joe's is not like massive, you know. OK. So-- new renderings released Thursday show the Civic Square project as about nine acres filled with a parking structure, new roads and multiple buildings that the developer expects will bring a new residential neighborhood feel to the urban core. The design plans for Civic Square will not only fundamentally change the downtown living environment, but the whole Omaha city skyline, said Arun Aguilar-- agua-- Gar-wal-- Agarwal. I'm sorry. Arun Agarwal-- I'm like-- I'm just saying-- I'm just not reading well tonight-- founder of White Lotus Group. He foresees distinct signage and architecture at the site, estimated to carry a price tag upwards of \$200 million, creating an iconic, south-facing view of the downtown of Nebraska's largest city. Cool. That would be cool. The effort to secure a national grocery store is key to filling a missing piece of a thriving downtown area, Aguilar said. I keep saying Aguilar, like, I don't know. I guess I have Senator Aguilar's name stuck in my head. And so now I can't like, rearrange, in my mind, an A-g name. Agarwal, Agarwal, Agarwal, Agarwal. Agarwal. OK. With intense interest-- let's try again. With interstate and inner-city convenience, Civic Square is the most accessible block downtown, which is especially, especially important for the grocery store component and solving the food desert designation, he said. The update on the former auditorium site comes amid a flurry of downtown private-public developments, including the start of the \$600 million Mutual of Omaha office, the openings of the \$100 million Kiewit Luminarium science museum and the \$105 million Steelhouse concert venue and ongoing work on the last legs of the tri-park makeover. Site preparation for Civic Square is expected to begin early next year, though the plan faces various approval steps. Formally at the site bonded by Capitol Avenue and 17th, 19th and Chicago Streets was the Civic Auditorium, which for generations was

Omaha's central stage for concerts, graduations, sporting and other events that drew audiences from across the state and beyond its borders. The worn facility was demolished in 2016-17 after a 60-year run. An agreement between White Lotus and the city called for the developer to submit design plans and start obtaining permits by July or the city could buy back the property. Agarwal, Agarwal told the Nebraska Examiner on Thursday that White Lotus already was on that path and has started the legal process of dividing the property for various elements of the redevelopment. It's also working with a nonprofit on the housing element. As plans progress, Agarwal, Agarwal-- I don't know why, it's not a hard name-- Agarwal, Agarwal said, White Lotus plans to submit requests for tax-increment financing, an economic development tool authorized decades ago by the Nebraska Legislature. Currently, about 200 housing units are planned, but the number could grow. Housing will include both affordable and market-rate. Oh, am I, am I still on my opening? All right. Thank you, Madam President. For the record, Madam President was nodding her head, yes. Everything's for the record. Even my butchering of people's names is for the record. About 180 on-street angled parking stalls will be created in addition to the existing 500-parking stall garage site. I'm just going to put this out here. I doubt anybody that's working on this project is listening. Hear me out. Bike lane. Not parking stalls. Bike lane. Expanded sidewalk. Not off-street, but on-street parking. Encourage off-street parking. Encourage multi-mobile [SIC] transportation, bike lane and an expanded sidewalk. I was recently in Vermont and went to lunch and the restaurant had, for outdoor seating, they had leased two parking stalls and created a outdoor seating area. So you have the sidewalk-- you got the restaurant, you got the sidewalk and then you have the street. And they took two parking spots. And I figured out the math, looking at how much you-- like, maximum revenue for the parking stall per day. And I thought, this is guaranteed revenue for the city. And they probably charge even more than they-- I think it ended up being \$90 a week per stall. They probably charged more than \$90 a week per stall for the restaurant to lease that space. But I thought, this is genius. I'm also saying this to, to downtown Lincoln, because there's not a lot of places with outdoor seating around here. And if you were to, say, lease parking stalls in front of businesses, then they could have outdoor seating. That would be really cool. I mean, Omaha can do it, too, but I'm in Lincoln at the moment, so that's why I'm just-- saying. Maybe we could have a-- maybe we could do that outside of this building, have parking stalls leased to restaurants and have like little bistros, just pop-up bistros, outside of the Capitol. That would be nice. I don't know how you'd handle the liquor licensing around that. I suppose you could--

there's probably ordinances. Right. Temporary liquor license-- didn't we pass something with temporary liquor license this year? Did it include parking stalls? Can you get a temporary liquor license now for a parking stall? Did we make that happen? If we didn't, we should. I'm get-- I'm seeing a head nod up front. Yeah. Temporary liquor license for parking stalls. I think Senator Lowe is on board with that. OK. Five-hundred-stall parking garage. Large businesses around the Civic Square include Union Pacific Railroad and Kiewit Corp.-- University. OK. Kiewit Corp.-- University. Creighton University, with nearly 9,000 students, is also nearby. The site is a couple of blocks from the planned streetcar route. This will be a great addition to our neighborhood and the grocery store will be valuable to our students and faculty, said the Reverend Daniel Hendrickson, president of Creighton University. Oh. I don't know why I read that like that. R-e-v, reverend. Yes, reverend, but he's the reverend of Creighton University, which means he's a Jesuit priest, I think.

DeBOER: Time, Senator, but you're next in the queue.

M. CAVANAUGH: Thank you, Madam President. I think he's a Jesuit priest. Maybe he's not a Jesuit priest. If he is a Jesuit priest, I would not normally call him Reverend Daniel Hendrickson. I would call him Father Hendrickson, but I'm reading an article. This is how like, deep-rooted my Catholic education is, is that I'm like, wait, what? I just called him Reverend Hendrick-- Reverend Daniel Hendrickson, or Father Hendrickson, as I would call him. Said Tim Burke, interim president of the Greater Omaha Chamber of Commerce: the urban core vision is becoming a reality. White Lotus said it is seeking public input on the project through Square-- CivicSquareOmaha.com. The development company's other projects include a housing and mixed-use project on the former Pershing Center site in Lincoln, the relocated site of the Omaha W. Dale Clark Library and a nearly 140-acre industrial site along Interstate 80 in Papillion. Agarwal said, Civic Square will offer urban residents and workers the lifestyle they want, a destination they can walk to or park at easily, a place to buy groceries, work out, shop, dine and convene with friends. There was no Oxford comma. I am wondering if Cindy Gonzalez asked Mr. Agarwal if he would like an Oxford comma in that statement. If I were to have submitted that as a written statement, I would have included the Oxford comma. Maybe he would have, too. I don't know. Also, if I in-- issue a written statement to the press and they generally don't use the Oxford comma, would they leave it in, if it was in my written statement? These are the burning journalism questions of today, as they relate to the Oxford comma and of the day. I mean just right now, today, not generally speaking, like this day and age. OK. So do-- that

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

was the end of that. There's some renderings-- oh, I got to get it back in. Awesome. My computer bag was in my way. The rendering is really cool. Trying to remember like, how big the footprint is there. It's pretty big, the Civic Auditorium-- where the Civic Auditorium was, but I feel like they tore down more. Although maybe this-- I don't know. This image is-- no. It's Civic Square. OK. It's like a whole little-- oh, no. Oh, in looking at this, scratch that. Scratch the bike lane. Just have it be a pedestrian area. Like, you can't have cars in the core of Civic Square. You park outside or in the parking garage and then you walk and enjoy Civic Square. So. All right. Let's see here. How much time do I have, Madam President?

DeBOER: 1:05.

M. CAVANAUGH: Thank you. Gosh, I think I need, like, a third coffee. Social Services-- let's see. Oh, this is the one I wanted to read earlier. Child care services spotlighted as key to reversing Nebraska's workforce shortage. Not sure that it's the key, but it certainly is helpful, for sure. Because I got to tell you, childcare is expensive. And my kids, I got them signed up for camps this summer. Whoo. All right. So this is another Cindy Gonzalez article. Childcare Services spotlighted as key to reversing Nebraska workforce shortage. It's as urgent a priority for businesses now as it is for families, visiting experts say. Nebraska communities are at a critical inflection point where they must figure out--

DeBOER: Time, Senator.

M. CAVANAUGH: Thank you.

DeBOER: And you are next in the queue. This is your last opportunity before your close.

M. CAVANAUGH: Thank you, Madam President-- critical inflection point where they must figure out how to solve for younger generations' demands for quality child care or face continued worker shortages. That's a message that Jack Shonkoff, a child health and development expert at Harvard Medical School, delivered during a three-day visit this week to communities from Kearney to Omaha. Child care is as urgent a priority and need for businesses now as it is for families, Shonkoff said. I'm sure I'm butchering this name. Families are demanding more from the workplace and child care is at the epicenter of that. A pediatrician and chair of the National Scientific Council on the Developing Child, whose mission is to bring science to bear on public policy affecting children and families-- OK. Pediatrician and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

chair of the National Scientific Council on Developing Child, whose mission is to bring science to bear on public policy affecting children and families. What? It's almost like we need him here-- Shonkoff met this week with representatives of the state's child care industry, business and government. His visit was organized primarily by First Five Nebraska, a nonpartisan-- that's arguable-- early childhood research and advocacy organization, during a time when Nebraska and its lawmakers are grappling with an ongoing labor scarcity. He also was to speak with some state senators and their staffs and said his thoughts reflect research as well as interactions with employers and civic leaders locally and across the nation. Economic developers tune in. In Lincoln on Thursday, Shonkoff addressed more than 200 members of the Nebraska Economic Developers Association about ties between childcare and business growth. Wait. What day was this? Oh, my God. This was last week. The world out there was living a very different life than the world in here. In Lincoln on Thursday, Shonkoff addressed more than 200 members of the Nebraska Economic Developers Association about ties between childcare and business growth. Also addressing the conference was Bryan Slone, president of the Nebraska Chamber of Commerce and Industry. The chamber has been shining a light on workforce woes, saying that up to 80,000 jobs are unfilled across the state and that the key challenges to recruitment and retention are inadequate housing and affordable, quality child care, particularly in rural areas. Families are demanding more from the workplace and child care is at the epicenter of that. Though Shonkoff stopped short of citing programs or places with model child care services, he said communities can start with bringing all sectors, including employers and government, under the "tent" to accept shared responsibility for solving the problem. He told the Nebraska Examiner in an interview today-- that-- interview that today's parents who have the wherewithal to choose where to live and work view child care as more than babysitting. They've paid attention, Shonkoff said, to the latest science on how the first years of brain development are influenced by interactions and surroundings and about how early childhood care affects readiness for school and beyond. They won't settle for what people in the past would have said was good--

DORN: One minute.

M. CAVANAUGH: --enough. Thank you. Shonkoff said support for young families with young children is part of the answer to the workforce shortage. Alexis Zgud of First Five Nebraska said those in the industry hope-- hoped, with Shonkoff's visit, to underscore the connection between quality and affordable child care and the state's

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

economic future. It's an all-hands-on-deck problem. You know what else is an all-hands-on-deck problem? The workforce shortage in child care, because of the fingerprinting backlog that we are experiencing that is delaying the ability to hire child care workers. That is also a problem, that is really, a state of emergency that we should probably do something about. Or we could do an interim study and just study it and then just study it some more. And then, I don't-- come back next year and talk about how we studied it.

DeBOER: Time, Senator.

M. CAVANAUGH: Thank you.

DeBOER: Seeing no one else in the queue, Senator Machaela Cavanaugh, you are welcome to close on your amendment.

M. CAVANAUGH: Thank you, Madam President. Study, study, study. Yeah. So we should just do a study on the workforce shortage due to the backlog of fingerprinting and the fact that we could do something about it with a state of emergency and waiving, temporarily, that requirement until the backlog is alleviated. So the backlog is actually at the federal level, not the state level. And we could go back to the waiver we had that expired, I think, in September or October of last year. We could go back to that. And it has-- so it's not like, oh, just anybody can go be a child care provider. No, there still is a background check. It's not the FBI fingerprinting, which, depending on who you ask, is not as comprehensive as the other background check that they would be getting. So we could do a state of emergency. We could waive that requirement for the time being, with the stipulation that other background checks are conducted. Or we could study it and talk about it and think and ponder and question the universe. It's an all-hands-on-deck problem, she said. OK. Let's get those hands on the deck. About 72 percent of Nebraska children under age 6 have all available parents in the workforce, a share that puts Nebraska among the top 10 states, according to the latest census data. At the same time, Zgud said, child care programs that mostly are home-care providers have declined in the state by about 10 percent since 2019, and 11 of the state's 93 counties have no licensed child care providers. Quality versus quantity. Opening more child care programs is not enough, Shonkoff said, adding that quality providers and workers today come at greater cost and higher wages. An attempt earlier this week by the Legislature-- in the Legislature by State Senator Danielle Conrad of Lincoln to raise provider reimbursement rates related to child care subsidies was rejected, but Conrad said she has faith that child care improvements are ahead. This is such an

important area where we can find so much common ground across geographies, across the political spectrum, she said. Not only does it help our youngest Nebraskans get a good start, it's a huge piece of solving our workforce challenges. Among measures before the Legislature is LB754, on Final Reading, that includes tax credits for limited numbers of low-income parents, child care providers, child care workers seeking professional development and entities that donate to child care programs. Also on Final Reading is LB227, which includes a three-year extension of the elevated eligibility for child care subsidy for families who make up 185 percent of the federal poverty level. Seeking more public-private partnerships. Mike Feeken, who just finished his term as president of the Nebraska Economic Development Association, said his hope is that conference participants return to their communities to urge public-private partnerships that invest in early childhood development, education and day care. He sees the early years as integral to forming executive function skills that later help determine a child's career path. Skills such as the ability to resolve conflict and look a person in the eye--

DeBOER: One minute.

M. CAVANAUGH: --thank you-- evolve early on with meaningful interactions with caregivers, said Feeken, strategic partnerships advisor at First Five and former economic development director in St. Paul, Nebraska. Some communities already have launched ventures that First Five Nebraska sees as pacesetters. Among the efforts: in Columbus, as two childcare facilities announced they were closing last summer, a loss of about 150 childcare spots, the Columbus Chamber of Commerce stepped in and shepherded through an idea to start a new nonprofit child care center-- center. Contributing to the effort financially was a low-interest loan from the city, a grant from the county and funds from three local employers. So it was really a public-private effort, said Dawson Brunswick of the chamber.

DeBOER: Time, Senator.

M. CAVANAUGH: Thank you. Roll call vote, please.

DeBOER: Thank you, Senator Machaela Cavanaugh. The question is the adoption of AM1456 to LB727. There's been a request for a roll call vote. Mr. Clerk, please call the roll.

CLERK: Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz. Senator Ballard voting no. Senator Blood. Senator Bosn voting no. Senator Bostar voting no. Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Bostelman. Senator Brandt voting no. Senator Brewer. Senator Briese voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn. Senator Dover. Senator Dungan. Senator Erdman. Senator Fredrickson voting no. Senator Halloran. Senator Hansen. Senator Hardin. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell. Senator McKinney. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe not voting. Senator Sanders voting no. Senator Slama. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz. Senator Wayne voting no. Senator Wishart voting no. Vote is 0 ayes, 27 nays, Madam President, on adoption of the amendment.

DeBOER: The amendment is not adopted, Mr. Clerk, for the next item.

CLERK: Madam President, if I could, some items quickly. Amendments to be printed from Senator Slama to LB514. Additionally, your Committee on Enrollment and Review reports LB243A and LB583A as correctly engrossed and placed on Final Reading Second. Pertaining to LB727, Madam President, Senator Machaela Cavanaugh would move to amend with AM1457.

DeBOER: Senator Machaela Cavanaugh, you are welcome to open on your amendment.

M. CAVANAUGH: Thank you, Madam President. On page 20, strike beginning with "the" in line 11 through the period in line 17. I was reading an article. I started-- this was I don't even know how long ago, watching the movie, Long Shot. I think it's Long Shot, with Charlize Theron and Seth Rogen. And she's like, I don't know, secretary of state or something like that. And she does a thing called micro-napping and it's really creepy. And she does it with her eyes open, but she just, like, stands in like, totally silent and takes a micro nap. I do wonder if that's what Senator Erdman does from time to time. But I was not micro-napping, I just was tired. All right. So I was reading-- of childcare services spotlight-- [INAUDIBLE] in Columbus-- public-private partnership. In the Omaha metropolitan area, the Greater Omaha Chamber of Commerce has started to convene businesses to generate ideas on making child care more accessible and affordable. In the Norfolk area, a coalition has been meeting to come up with new and better ways to provide child care. At least one participant, Christ,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Christ Lutheran Church childcare center, saw its open positions fill after the congregation approved an hourly pay base from \$10.40 to \$13, not including, including wage boosts for education and experience, said director Chad Bryant. Staff works almost-- also-- staff works also to connect employees with available outside aid, including the pandemic-related childcare worker stipends distributed by the Department of Health and Human Services. Said Bryant: to ensure quality, we need to make change. That is the end of that article. But it was a good one. Talking about child care is always a good thing. Oh, I don't want to read about that. Oh, well, this has already passed. A series of events planned May 19 to 21 to commemorate the birthday of Malcolm X. And I do recall Senator McKinney talking about Malcolm X's birthday last week on the mike. Nebraska's Poor People's Campaign, rooted in national civil rights movement, rallies at State Capitol. Oh, this was in April. Let's see what this is. OK. Nebraska Poor People's Campaign, rooted in national civil rights movement, rallies at State Capitol, by Cindy Gonzales. I hope that Paul and Zach don't take and Aaron, don't take it personally that I'm reading so much of Cindy's articles, but Cindy doesn't cover the Capitol, so she-- her articles are content that are not immediately like, new information to me-- or her articles are new information to me. Reading your articles, in some ways, feels like reliving the trauma of the day. So, for me, personally, maybe for the state, too. So I'm not reading them into the record. It's not anything personal. It's just I'm catching up on Cindy's articles, so please take it as such. Lincoln-- oh, this is April 17. Also, I don't know that they're her articles when I keep clicking on them. And then I'm like, it's Cindy's article again. All right. So this is apparently Michaela's love letter to Cindy Gonzales today, as a professional journalist. And if I could remember my log-in on my computer, I would read some other articles from other publications. But the paywall-- and I don't remember my passwords and I'm using a different computer. Yada, yada, yada. So, so this is also not a slight to other publications in Nebraska. It's just my love letter to Cindy Gonzalez as a journalist today. Lincoln-- about 50 Nebraskans rallied on the steps of the State Capitol for a "Moral Monday" demonstration, saying they won't be silent about state lawmakers' actions that affect voting rights, transgender kids, gun control and a proposed sub-minimum wage for youths and more. The event was organized [INAUDIBLE]-- organized by the Nebraska Poor People's Campaign, which represents a local revival of a national network founded by civil rights leader, the Reverend Martin Luther King Jr. We are a new, unsettling force that has arisen to disrupt the status flow, said Angela Montalvo of Ogallala, a member of the coordinating committee. Prior to the rally, the group, carrying signs with messages

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

such as Living Wage and Stop War-- the Wars, Feed the Poor-- was inside the State Capitol handing out a list of "demands" and positions on certain bills to state lawmakers who would meet with them. Outside, State Senator Tony Vargas of Omaha appeared to be the lone legislator who stopped by. Similar rallies are being held in various states-- other states, Montalvo said. She said the Nebraska group formed in 2020, but this year has taken on a more active role, given high-profile proposed laws related to such topics as voter ID, abortion and gender-affirming care ban and care-- child care subsidies. Oh, my goodness. I almost read that as Care Bear subsidies-- child care subsidies, not Care Bear subsidies. Here's a subsidy to buy yourself a, a Care Bear. I mean, who doesn't need a Care Bear? Am I right? My Care Bear was the Sunshine Bear and my sister had the Rainbow Bear and she also had the Rainbow Bear swimsuit. And I am 44 and still jealous of that swimsuit. So if she is watching, she is probably laughing that I still am holding on to that swimsuit envy, but I am, in fact, holding on to that swimsuit envy. I also am envious of my cousin's Wonder Woman swimsuit from childhood, that there was a cut out picture of her in-- as a child, this weekend, at a family gathering. And it was adorable. OK. Care Bear. Child care subsidies. Rather than make Nebraska a hospitable home for everyone, we have seen most of our senators turning our state into a space for a very specific demographic, said the Reverend Zach Wolfe of Lincoln. A place that cares about the bottom line of business rather than the embodiment of life of the constituents. He said that those who resist returning to the wild, wild west have been called ignorant and told to stay quiet. During the rally, a dozen or so Nebraskans stood up to speak about personal experiences and how certain legislation or state policies impact their families. Sierra Edmisten of Hastings said she is a working mom whose family has suffered from food insecurity. She said she and her husband at times had to choose which of them was going to eat that day. Edmundston pushed against tightening eligibility--

DORN: One minute.

M. CAVANAUGH: --levels-- thank you-- for SNAP-- for State SNAP, Supplemental Nutrition Assistance benefits Program. She said that to stay within SNAP eligibility limits, she had already, already had to forgo pay raises she should be celebrating. That is a huge flaw in our system. Emma Haar, 15 of Grand Island, spoke against proposed legislation to pay miners in Nebraska less than minimum wage. It makes me sad to know I have no-- I have to come here repeatedly for what should be basic human rights for teenagers. Among the other speakers were Blanca Mejia, founder of Generation Diamond, a south Omaha-based

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

organization that helps the homeless and those seeking to reenter the workforce after prison. She said many view poor people as losers. Really, you don't know their story, she said, adding that there are many different reasons for being poor. Policy decisions can--

DORN: Time.

M. CAVANAUGH: Thank you.

DORN: Thank you, Senator Machaela Cavanaugh. And you are next in the queue, so you're recognized to speak.

M. CAVANAUGH: Thank you. Just finishing the last sentences of this-- you really don't know their stories, she said, adding that there are many different reasons for being poor. Policy decisions can help or hurt, Mejia and others said. Mejia looked toward the Capitol-- State Capitol and said: Please do something. Interesting. There-- where was that? There was an NPR story, yesterday, about the Depression-era welfare that only went to white women, I think. And they were-- because they were expected to stay home to take care of the children. Then, in the sixties, they could get other funds. Maybe Social Security, not sure. I got to find that story. It, it unpacks welfare and the stigma around welfare in America. And we really do stigmatize being in poverty. Yeah. Let's see here. 140-- 1457. Just trying to figure out how many amendments I still have filed. Oh, I've got-- all right. This one and then one, two, three, four. Wait. Senator von Gillern has amendments to E&R. Did we already do those? Didn't we already move E&R? I mean, it looks like it's a placeholder, but I don't think we withdrew it, but maybe we're doing that at the end. Because we already moved E&R, so-- yeah. Or maybe-- I feel like he stood up and said that he withdrew his amendment, but I don't know. You know, yeah. He was-- he filed. No. It has that he filed, it doesn't have that he withdrew. OK. Well, I digress, from those very important-- I wasn't doing anything else. I was talking about an NPR story on white women and welfare from the Depression area-- era welfare. So my grandmother-- well, I had two. My grandmother Barrett, which, my son is named after my mom's maiden name, grew up in Illinois on a farm. And her mother was a Jewish immigrant. And her, and her father was, as well. And she-- her father died when she was very young. I really never heard much about my great grandfather. I mostly just heard about my great grandmother, who apparently had a very big personality and was a very, very warm person. So my grandmother grew up on a farm. And during the Depression, my grand-- my great grandfather had already passed away. And so, my great grandmother was taking--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

DORN: One minute.

M. CAVANAUGH: --taking care of her three children and a farm. So she had to take in boarders. And they're-- I'm not going to get this story right. I may have to look up the history of this because it's not like-- it's not unique to my grandmother, but there were, like, people who needed a place to stay, and they needed like a friendly place to stay, and they would work for their-- for a roof over their head, basically, and a meal. And so my great grandmother took people in during the Great Depression who would help work on the farm to have a place to stay. So that's how it helped her with the farm and helped these people who were otherwise-- had no money or access to anything because we didn't have a system. So--

DORN: Time.

M. CAVANAUGH: Thank you.

DORN: Thank you, Senator Machaela Cavanaugh, are you in-- and you are next in the queue, so you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President.

DORN: And this is your last time before your close.

M. CAVANAUGH: Thank you, Mr. President. So, anyways, there was-- I will look up, because I'm sure that there's documentation stories about this, but there was like a way to indicate, like, a coding basically, like, I don't know, with chalk or what they would use, but like maybe on the mailbox, or on the fence at the end of the drive, like this is a friendly house, or this is a good house, that you can go to this house and they they will give you a place to stay, and they will take care of you, and you can have a job working on the farm in exchange for that. Although, I don't know, knowing my grandmother, probably even if you couldn't work, she would have-- anyways. OK. So there's a couple of our stories. There's one from 2019, The mothers who fought to radically reimagine welfare. The truths behind the lies of the original welfare queen. The implications of the case against ICWA code switch. Now, this is seven days ago. Oh, this is about-- the Supreme Court is about to decide on a case arguing that the Indian Child Welfare Act discriminates against white foster parents. Interesting. Not the story I was thinking of. Why are more white Americans opposing government programs? Well, that's a great question. I don't know. OK. So mothers who fought to radically reimagine welfare. This was from 2019. I have this bracelet, and it's not a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

rosary, but it feels to me like a decade of the rosary. And so I keep taking it off, and-- because it's got beads on it, and kind of moving through the beads, it's like an old habit for what, like saying the rosary. I can say the rosary in a way that I probably, if I were to do it, which I won't on the microphone, you would think that I had become a zombie. I can like just go into this zone of just doing it. Like, I mean, fly through that baby. Could do all of the mysteries, do all of the decades of the rosary, do all of the mysteries of the rosary, And you would be like, what just happened to that person? Because she just was like, bzzz. It kind of would sound, if I were to do it, when the clerk reads a bill. That's what-- that's what me doing the rosary sounds like. If I were to do the rosary, it would sound very similar to how it sounds when the clerk reads the bill, because I'd just be like, bzzzzz bzzzzz. So, except for with words. So. But I am not going to do a decade of the rosary. Or 10, or 20. OK. In 1996, The New Republic ran a bright red cover that perfectly captured the tenor of the contemporary debate over welfare. Day of Reckoning, a cover line read above a photograph of an unidentified black woman. She was smoking a cigarette in one hand and holding a baby with a bottle in the other. The text beneath the image read Sign the Welfare Bill Now. The racial optics were not subtle.

DORN: One minute.

M. CAVANAUGH: The welfare Bill-- thank you, Mr. President. This is my last time, yeah, OK. The welfare bill in question fundamentally changed the New Deal era program by putting limits on how long people could draw benefits and placed new restrictions on who was eligible. The goal, its proponents said, was to get millions of people off welfare and into work. Uh-huh. Sure. President Clinton ran on a campaign promise to end welfare as we know it, but that bill sat on the back burner until congressional Republicans swept the 1994 midterms and decided to hold him to it. Clinton would sign welfare reform into law the summer after the New Republic cover story ran. The bill was enormously controversial; one of Clinton's top economic advisers resigned in protest--

DORN: Time.

M. CAVANAUGH: Thank you.

DORN: Thank you, Senator Machaela Cavanaugh, and seeing no one else in the queue, you're recognized to close.

M. CAVANAUGH: Thank you, Mr. President. Resigned in protest, saying the plan would cut millions of poor people off much-needed, needed help. At the Rose Garden ceremony for the bill's signing, Clinton was flanked by Lillie Harden, a single black mother and former welfare recipient from Arkansas. She said that Bill Clinton's previous efforts to reduce the welfare rolls as governor of that state had sent her on a path to work and self-sufficiency. Going to work gave me independence to take care of my children and to make sure there was always food on the table and a roof over their heads, Harden said at the signing ceremony. Having a job gave me a chance to focus on school and getting a good education. Harden stood on the dais with Penelope Howard, another former welfare recipient, surrounded by powerful, smiling white people, seemingly happy to usher millions like them into a new life of independence from the state. Again, the optics were hard to miss. Lilly Hardin's real story turned out to be much more complicated -- unsurprisingly, since life in poverty is complicated, but like the unnamed woman on that magazine cover, she had been flattened into a talking point about welfare. In the case of the unnamed woman, she was an example of urban indolence. In Harden's case, she was an example of paternalistic resilience. But as always, these black women on welfare were presented a problem to be solved. Premilla Nadasen, a historian at Barnard College, wrote in her book *Rethinking the Welfare Rights Movement* that arguments for cutting or restricting welfare relied less on data than it did on anecdote and radicalized insinuation. The welfare queen. The most notorious example of a welfare recipient turned caricature, was Linda Taylor, the subject of our most recent podcast episode. The media fascination around Taylor, a prolific con artist from Chicago's South Side, gave rise to the term welfare queen in the 1970s. In his first failed run for president, Ronald Reagan held her up as the embodiment, an embodiment of welfare fraud and government waste. But her story, too, was much messier -- and far darker -- than the cartoon Reagan sketched in his stump speeches. Josh Levin, our podcast guest and the author of a riveting new book titled *Taylor's Life* [SIC], found that welfare fraud was the least of Taylor's crimes, which were so varied and bizarre that he argues that she couldn't reasonably be said to be representing anything beyond herself. Reagan never explicitly referred to Taylor as a black woman, nodding to her as a Cadillac driving welfare queen from Chicago, did most of the heavy lifting there. But it turns out her racial identity was slippery, too. (Her mother was white and her father was suspected to be black and she identified at various points as Filipino, Latino, white, and black, depending on what her crimes and aliases required.) But it was her blackness that helped make the welfare queen trope stick. A grim irony around these

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

characterasra-- characterizations is that black women became the face of welfare, even as the program had long been closed off to them. The program most of us refer to as welfare began as Aid to Dependent Children. What? That's TANF. No way. Aid to Dependent Children during the New Deal, and offered financial assistance to women whose husbands could not work--

DORN: One minute

M. CAVANAUGH: --were not around, or were dead. That's very clearly put. Can't work, not around, or dead. OK. When it started the architects of the program assumed-- I-- not around can mean a lot of things, including dead. But, all right. When it started the architects of that program assumed that the beneficiaries would largely-- be largely white women who were widows, Premilla Nadasen, the historian told me. Poor black women were often rejected when they applied for those benefits. And if they did receive them, they might be conditional. In the South, Nadasen said, officials would do things like cut off welfare aid to black women during cotton picking season. What? Wow. Roll call vote, Mr. President.

DORN: Thank you, Senator Cavanaugh. There's been a request for a roll call vote. The question is, shall AM1457 be adopted? Mr. Clerk.

CLERK: Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood. Senator Bosn voting no. Senator Bostar. Senator Bostelman. Senator Brandt voting no. Senator Brewer. Senator Briese. Senator John Cavanaugh. Senator Machaela Cavanaugh not voting. Senator Clements. Senator Conrad voting no, Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan. Senator Erdman voting no. Senator Fredrickson. Senator Halloran. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt. Senator Ibach voting no. Senator Jacobsen voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell. Senator McKinney. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting no. Senator Slama. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz. Senator Wayne voting no. Senator Wishart voting no. Vote is 0 ayes, 31 nays, Mr. President, on adoption of the amendment.

DORN: AM1457 is not adopted. Mr. Clerk, for items.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

CLERK: Mr. President, next amendment. Senator Cavanaugh would move to amend with AM1458.

DORN: Senator Cavanaugh, you're recognized to open.

M. CAVANAUGH: Thank you, Mr. President. You know what? It is occurring to my stomach right now that a peach yogurt and a cup of hummus was not enough for dinner. So I'm getting a little grumbly. OK. This is the NPR story about the history of welfare and women, specifically black women. It was the assumption that African-American-- oh, yeah. The last sentence I had read was, in the South, Nadasen said, officials would do things like cut off welfare aid to black women during cotton picking season. Yeah. OK. It was the assumption that African-American women didn't belong in the home and didn't need to take care of their children, but they actually belonged in the labor force, she said. As more black folks moved out of the South during the Great Migration, and civil rights activists chipped away at discrimination in welfare policy, it became easier for poor black women to get welfare. But even though the biggest share of welfare recipients were white (as it still is today) the face the public associated with welfare became much browner. Black-- backlash to welfare and aid programs like food stamps began to grow. By 1960, a growing percentage of recipients are African American women, and this [caused] alarm among policymakers, among people in the press, and ordinary white Americans, Nadasen said. Life magazine ran ominous stories about Negro migrants moving from south to north and getting on welfare assistance; city officials in declining industrial towns blamed these new recipients for their city's flagging economic fortunes and sometimes implemented new restrictions on their benefits. Nadasen said that it was this stew of com-- contempt and punishment of black welfare recipie-- recipients that presaged the welfare queen trope to come. Pre-seeged, pre-seeged? I don't know. The movement to redefine welfare. We've forgotten-- we've mostly forgotten, though, the black women on welfare who fought to change how people understood aid to poor. Instead of a necessary evil, they maintained that it should be a guaranteed right, much more expansive and far less punitive to people who need it. Johnnie Tillmon was one such woman. A divorced mother of six, Tillmon left Arkansas in 1959 to head to Los Angeles, but reluctantly applied for welfare rolls after she became too sick to keep working. She was humiliated after a welfare caseworker showed up at her home and rifled through her belongings, looking for evidence of unreported income or a man in the home -- either of which would have been grounds to cancel her welfare benefits -- and so she began organizing the women in her Watts housing project to demand better treatment from their caseworkers. As it happened,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

poor black women in other cities across the country were doing the same thing Tillmon was: marching, suing and staging sit-ins at local welfare offices for increased benefits, for simple dignities like being addressed with honorifics, for the right to move from state to state while still maintaining their benefits. By the mid 1960s, President Johnson's war on poverty-- what a thing to have a war on-- helped push those desperate welfare rights groups into more coherent, organized movement. Felicia Kornbluh, a historian at the University of Vermont and the author of *The Battle for Welfare Rights*, said that while the mainstream women's liberation movement was made up of younger, middle class white women, the welfare rights movement looked decidedly different -- mostly black but with organizers in Puerto Rican neighborhoods and on Native American reservations -- and its participants brought with them a different set of concerns. For example, welfare rights activists' fight for reproductive and sexual freedom began with different premises than mainstream feminists: since the government could cancel or alter their benefits if they had more children or if a male partner moved in with them, they argued that the rules of welfare programs had to change so they could decide for themselves whether they wanted to have sex or have children. What's more, some welfare mothers were forcibly sterilized to keep them from having more children, something college educated mainstream feminists didn't have to worry about. We're going to come back to that topic. I'm not going to just gloss over that. Welfare mothers were forcibly sterilized. But I am going to finish the story, so I'm putting a pin in it. Welfare rights organizers wanted to treat poverty as a women's issue; they fought to make welfare a guaranteed right, and even called for a universal basic income. A concept that we continue to discuss even with the EPIC tax. Their radical idea was that poor mothers should be provided the means to raise their children regardless of whether they worked or were looking for work. They wanted to live their lives on their own terms. It was a matter of equality so that poor women and nonwhite women would have the same access to bonding with their kids and raising their kids that middle class mothers had and white mothers had, Kornbluh said. By the late 1960s, the National Welfare Rights Organization, made up of hundreds of smaller local welfare rights groups, had nearly 25,000 dues paying members, and Johnnie Tillmon was its chairperson. Some people have called it the largest black feminist organization in U.S. history, Kornbluh said. But their outspokenness and heterodox goals rankled white feminists and liberals. I had a-- yeah, anyways. While their particular brand of feminism, centered on autonomy-- centered on autonomy and determination for poor black mothers, rejected the masculine posture of the black power movement. Even their ostensibly-- ostensible allies

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

didn't quite know what to make of them. Meanwhile, working class whites resented looking at images of these unabashed black welfare recipients, pushing for more -- more benefits, more dignity, more personal autonomy. By the mid 1970s, the welfare rights movement was in broad decline, wracked by internal fights over its priorities and a growing public distaste for broad government help to the poor. Even some of the politicians who had previously been sympathetic to the movement saw which way the wind was blowing, and began distanced-- began to distance themselves from it. It was this very moment that Linda Taylor, the scammer who became the welfare queen, stepped onto the national stage. I think I need to get in the queue. By the time Bill Clinton entered welfare as we know it in 1996, there was opposition from the left and blou-- black lawmakers, but not nearly enough to stop it from being passed. (Felicia Kornbluh, the historian at Vermont, told me that wider mainstream women's groups had long been invested in the idea that women should work, and so didn't put up too much of a fight.) The law's effects are complicated and still but debated to this day, and while it did little to reduce poverty, it has dramatically reduced the number of poor unemployed people who receive welfare benefits. The welfare rights movement that would have almost certainly opposed his bill was mostly gone. The National Welfare Rights Organization had disbanded in the mid-1970s, and Johnnie Tillmon, who argued that being treated with dignity shouldn't be contingent on either chastity or wage labor, died at the age of 69, the year before Clinton's new welfare law was enacted.

DORN: One minute.

M. CAVANAUGH: Thank you. There was no one to make the argument that she and the thousands of women like her did: that poor women on welfare were the most equipped, by experience, to know how it needed to be reformed and to know whether they should seek employment outside of the home. I am a black woman. I am a poor woman. I am a fat woman. I am a middle aged woman. I am on welfare, Tillman once wrote. In this country, if you are any of those things, you count less as a human being. If you are all of those things, you don't count at all. When poor black women like Tillmon enter the nation's field of vision, they're either flat statistics or inflated symbols. But more often, we don't see them in the first place. Wow. That is-- that was hard to read. Yet none of it was surprising. I am going to go back to the forced sterilization. Had a link [INAUDIBLE] --

DORN: Time

M. CAVANAUGH: --again. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

DORN: Thank you, Senator Machaela Cavanaugh and you are next in the queue, so you are recognized to speak.

M. CAVANAUGH: This is my first time, I have one more and a close?

DORN: Correct.

M. CAVANAUGH: OK. Um. Sterilizing the sick, poor to cut welfare costs: North Carolina's history-- history of eugenics. This is from July 17, 2011, on ABC News. Elaine Riddick is one of over 7,000 North Carolinians sterilized by the state. OK, So this was July 17, 2011. It looks like it was updated August 4, 2011. Poor, a victim of child molestation and pregnant from rape, young Elaine Riddick went to-- into North Carolina Hospital in 1968 to give birth to her son. I should-- I'm going to pause here. This already sounds like it is going to be a traumatic story. So I just want people who are possibly watching to be prepared for the fact that this is about steriliza-- forced sterilization of women. So it is probably going to be, I can't imagine how it wouldn't be, a traumatic story. So please take care of your mental health, and turn off the TV, or change the channel if you need to. OK. Poor, a victim of child molestation and pregnant from rape, young Elaine Riddick went to a North Carolina hospital in 1968 to give birth to her son. Though she wouldn't know it until years later, she would leave the hospital robbed of the ability to even-- ever bear children again. On top of the poverty, abuse, and neglect that marked her childhood, Riddick had the misfortune of becoming the target of the North Carolina eugenics board, a five person state committee responsible for ordering the sterilization of thousands of individuals in the name of social welfare during the last century. Deemed promiscuous and feebleminded by a social worker at the hospital, Riddick, who came from a back-- black family on welfare, was recommended to the state for sterilization shortly after arriving. Riddick's illiterate grandmother, told, told that they were doing a procedure that was necessary to help the young girl, signed the sterilization papers with an X. The state authorized and paid for the procedure, and without her consent or even her knowledge, Riddick was sterilized shortly after giving birth. She was 14 years old. They didn't have permission for me because I was too young and my grandmother didn't understand what was going on, Riddick, now 57, tells ABC News. They said I was feeble minded, they said I would never be able to do anything for myself. I was a little bitty kid and they cut me open like a hog. I was raped twice, she says, once by the perpetrator and once by the state of North Carolina. Riddick is one of over 7,600 women, men and children who were sterilized by by choice, cove-- coercion, or most often, without consent during the North

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Carolina sterilization program's 45 year reign. At some point-- that's one year longer than I have been alive for my entire existence as a human being, a state had a state sterilization program. Of women, men, and children of color. At some point in the century, more than half the states in the US had similar programs that--

DORN: One minute.

M. CAVANAUGH: --allowed-- thank you. Allowed for the sterilization of those the government deemed unfit to procreate. The government undeemed them fit to procreate. This is the path you can go down when the government intervenes in health care decision making for its citizens. When the government decides what you can and cannot do with your body, you can get back to this place. I'm not saying we're getting back to this place tomorrow, but we certainly could get back to this place of forced sterilization at the state level if we don't pay attention to what we are doing. If we continue to legislate away health care decision making from the individual citizens and bring it to the state level, we are on this path. We are on this--

DORN: Time

M. CAVANAUGH: --path.

DORN: Thank you, Senator Machaela Cavanaugh, and you are next in the queue, so you are recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I'm just trying to see here. We're at 1:40-- 58. OK. One, two, three. I have three more after this. And then I can do a motion to reconsider on all of them if I need to. Oh, OK. All right. Back to the article. OK. Riddick is one of over 7,600 women, men and children who were sterilized by choice, coercion, or most often without consent during the North Carolina sterilizations program's 45 year reign. At some point in the century, more than half of the states in the U.S. Had similar programs that allowed for the sterilization of those the government deemed unfit to procreate. When most programs began in the early 1930s, this usually meant those institutions for mental illness or mental retardation, but over the decades criminals, the blind, the deaf, the disabled, alcoholics, those with epilepsy, and ultimately the rural poor on welfare would fall under the umbrella of unfit to procreate. In all, 65,000 Americans were sterilized before the last program was shut down in the early 1980s. The 1980s. Though detailed, often meticulous records of these sterilizations survive in state archives, America's flirtation with selective sterilization has, for the most part, been a buried

chapter in our nation's history. Eugenics in the US is something that's still not nationally known. People associate it with Nazis; they don't realize that the US did it too, says Rebecca Klichin, an assistant professor of history at California State University, Sacramento, who specializes in the US genetic-- eugenics program. Only seven of the 33 states who ran such programs have even publicly acknowledged or apologized to victims of sterilization. Only North Carolina, home to the third most prolific and arguably the most racist sterilization program in the nation, has recently made rooms-- moves to compensate its victims. In 2010, Governor Bev Berdue established the North Carolina Justice for Sterilization Victims Foundation, whose mission is to determine proper compensation for those still suffering from the state's mistakes. Fewer than 2,000 sterilization victims are estimated to still be alive today. A sum of \$20,000 to \$50,000 compensation per living victim was floated in preliminary recommendations issued by the foundation's task force Monday. That is not very much from today's vantage point. Government mandated sterilization feels more like science fiction than history. But during the 1930s and '40s the concept of eugenics was widely discussed and supported among many medical professionals and politicians. The concept was simple: don't let those with, quote, bad genes have kids, and over time, the American gene pool will become healthier, stronger and better. That is terrifying. In a landmark 1927 Supreme Court case that legitimized compulsory sterilization of the unfit, Justice Oliver Wendell Holmes, Jr wrote, it is better for all the world if instead of waiting to execute degenerate offspring for crime, or to let them starve for their--

DORN: One minute.

M. CAVANAUGH: --imbecility, society can prevent those who are manifestly unfit from continuing their kind. Wow. Well, he clearly wasn't pro-life. He didn't think that every life was precious. Long time proponent of eugenics, Dr. Clarence Gamble of Proctor and Gamble fame wrote in 1947 article, tomorrow's population should be produced by today's best human material. He bemoans that only one in 41 people with severe mental illness have been sterilized to date. This means that for every one man or woman who has been sterilized, there are 40 others who continue to pour defective genes into the state's bloodstream to pollute and degrade future generations. Yikes. Though eugenics advocates at the time may have--

DORN: Time.

M. CAVANAUGH: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

DORN: Thank you, Senator Machaela Cavanaugh. Senator Vargas, you are recognized to speak.

VARGAS: Thank you very much. Colleagues, I want to thank Senator Linehan for her work on this, and the entire committee for LB727. I wanted to talk a little bit about some of the underlying bills that are a part of this that was mentioned earlier. This was Senator Slama's bill, Senator Conrad's bill, and one of my bills, specifically on the historic tax credit program. So this bill, the historic preservation, is these federal incentives exist at the federal level for the historic tax credit. Now, the way that these tax credits make financial sense is that they are leveraging the federal tax credit, it appears really nicely. It provides about a 20 percent tax credit on certified rehabilitation costs. Both programs use the same set of standards, and one review provides the oversight for two different programs at two different levels of government. Being able to use both programs makes preservation products-- pro-- projects that much more attractive to developers, and sometimes provides the profit margin that developers need to make the extra profit worthwhile. Now, time and time again, when you look through the list of completed projects, you'll see that projects took advantage of both the doubling of these benefits, and there are projects all over the state of Nebraska and rural, you know, larger micropolitan cities, metropolitan cities alike. Renovating existing built-- buildings as environments is sustainable. It keeps construction debris out of expensive, solid waste landfills. Preservation maintains a sense of place and connection to our past. Historic buildings are often near city centers, and investment in them maintains vibrant downtowns and creates housing for workers. The credit pairs beautifully with the low income housing tax credit, and it helps rehabilitate existing building stock into much needed housing in our communities. We have seen the reincarnation of some old hotels and breweries and warehouses and hospitals into housing and a couple of the places in Pender, and Hastings, and obviously Lincoln, and Omaha, and even in Grand Island. Now, we've seen this tax credit used as a tool for local governments to rehabilitate their county courthouses in Sherman, and Hall, and Jefferson, and Saline Counties. Now, four more counties filed paperwork in 2022 to do-- 2022 to do new projects, and Hamilton, and Howard, and Sioux. now I'd like to thank the senators that were involved at the Revenue Committee level, and obviously for Senator Conrad and Senator Slama for being advocates. The cumulative impact of this since the inception of the, the NHTC, these tax credits in 2015, the expenditures on HTC rehabilitation projects have totaled \$200 million. These projects have had a direct economic impact of \$151.4

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

million, and an indirect impact of \$74.8 million. The total impact has been \$226.2 million. These rehabilitation projects have supported the direct employment of 1,898 full time workers, with an additional 1,116 full time workers through both indirect and direct effects. The total rehabilitation projects using the NHTC have supported 3,000 jobs in Nebraska. This is a job creator, and has been. The rehabilitation projects that have resulted in a total impact of wages of \$100 million. Now the completed projects have contributed \$9.4 million in state and local taxes. Colleagues, this is just a taste of the impact that this legislation has had, and a little bit more on the change that this has had. Now, this sunsetted in 2022. We've lost out on about--

DORN: One minute.

VARGAS: --\$7 million of renovation projects as a result of this. We've seen that from Main Street, Beatrice actually losing out on some of the projects. But now that we are renewing this tax credit. And we're able to demonstrate the need, and hopefully increase it over the years, I think it's going to be a substantial impact, not only because of the economic impact studies that have been done to the Performance Audit Committee, through independent studies of the economic impact of this tax credit, but also because there's more watchful eyes on this program. In the end, this is a really smart way of leveraging a federal project. This is a great way of continuing to emphasize the historic preservation of buildings, both public and private buildings, across the state. And it gives us the opportunity to create jobs as a result of the coupling of this with the federal historic tax credit program. So, colleagues, I want to thank, again, LB727. I support this. I want to thank Chairwoman Linehan and all the work of the committee members for--

DORN: Time.

VARGAS: --working on all these bills together. Thank you very much.

DORN: Thank you, Senator Vargas. Senator Wishart, you're recognized to speak.

WISHART: Thank you, Mr. President. I rise in support of LB727, and I wanted to talk-- well, I wanted to talk about what Senator Vargas talked about, because actually, that portion of the bill means a lot to District 27, representing the Haymarket area. We have a significant amount of historic buildings, and so it's exciting to see that we're renewing that. But the, the other portion, and I know Senator Clements

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

touched on this as well, but another important component of LB727 is the investments that we're going to be able to make, leveraging a significant amount of federal dollars as well in our airports across the state. Colleagues, I served on the airport authority for six years serving our Lincoln Airport, and it is vital for some of these smaller airports and mid-level airports, as I would consider Lincoln, and some of the smaller ones around our state, to be able to access dollars for improvements. And the way it works is that the amount of money that our state is able to put into these airports from the taxes raised from the fuel that's sold at airports would be leveraged by, I believe, about 90 percent of federal dollars. So at a sort of one to nine match, which is significant. That allows these airports not only to do safety improvements, which are essential for people who are flying in and out, but also to do other improvements. And one area that I think about specifically is I served on the STAR WARS task force, where I was able to go and visit the Niobrara area, and the incredible opportunity that exists about three hours away from Lincoln. And they do have an in airport in the vicinity. But most people fly into Yankton, South Dakota, instead of utilizing this airport. And with the amount of investments that we're doing in this area from this-- from the, the STAR WARS investments, in terms of putting a marina in at the lake, and doing an investment at potentially a, a museum, a Standing Bear museum at Niobrara State Park. This offers an opportunity for us to also invest in that airport as well so that people are able to fly from wherever they're coming, whether it's in-- inside the state or outside, and go on a hunting trip, a fishing trip, go boating, go visit the museums, go visit the beau-- beautiful scenery and take advantage of the tourist opportunities in our state. Which again, is why it is so vital that we have a continuous revenue stream that goes to support these airports. I-- colleagues, we could do so much more in this state to advance tourism and opportunities to get people into areas of Nebraska that they've never experienced before, especially up in the Sandhills area. I had a chance to go to Fort Robinson and experience the beauty of Senator Brewer's district, and it takes a significant amount of time to drive. And why not utilize the opportunity for people to be able to fly? And so that is why I-- one of the many reasons why I am a strong supporter of LB727. Thank you.

DORN: Thank you, Senator, Wishart. Senator Vargas, you're recognized to speak.

VARGAS: Thank you very much. So I want to thank some of the supporters of the historic tax credit program, we received a supporting testimony from the Nebraska Housing Developers Association, 70 members across

the state, that they are obviously champions for affordable housing. The reason why they support the Nebraska historic tax credit program, because developers and providers-- as developers and providers of affordable housing, they want to make sure that they are standing by a valuable tool to develop and preserve affordable housing across Nebraska. Three historic tax credits have been paired with public subsidies such as low income housing tax credits to make previously impossible projects financially feasible. The result is not only the preservation of historically significant buildings, but also the preservation of safe quality housing for Nebraska's low to moderate income residents. Now, the historically significant buildings are often in older areas of communities and near city centers. Utilizing the NHTC for affordable housing typically resulted in increased financial investments in economically distressed areas, and includes affordable housing in downtown areas, which are often closer to employment and transportation opportunities. Now, the significance of this is I've been fighting for affordable or workforce mainstream housing for years, and a lot of the things that I work on, this being one of them again, along with Senator Slama and Senator Conrad, are ways to better leverage programs that exist and to make sure that we are looking at all the different tax credit programs that exist at the federal and the local level so that they're doing a better job. So that's the reason why this is particularly important. A couple of other projects that you might know, both in Omaha and outside Omaha, the Burlington Station. This is at 1001 South 10th Street. That's a historic tax credit program. This is a-- one of the areas that was allocated \$1 million in Nebraska historic tax credits, and \$2.2 million in federal historic tax credits. This is a \$22 million renovation project that converted the building into a new studio, KETV, completely restored it to its original mosaic floors, decorative rosette ceilings, and the over the door grills. It is a beautiful building and it is absolutely wonderful. Please, please check it out. And it's another example of what the historic tax credit program does. Another example is the Bosworth, located 2217 Howard Street. This was built in 1913. The four story apartment building was actually designed in a very eclectic manner. It contains elements, what they consider would be the prairie style and decorated with white limestone. Now, it's been abandoned for several years. Some of these projects, many of them, have been abandoned for several years. In this one, the apartments were restored and updated to have state of the art amenities, 14 residential units and attractive community spaces. This is an example of affordable housing mixed with historic tax credits. And this project was allocated \$392,000 in federal historic tax credits and \$392,000 in the Nebraska historic tax credits. I know

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

those are Omaha examples, but we have others. Pender, Nebraska, the Palace Hotel and Annex. This is a three story brick Palace Hotel and the adjacent two story modest frame building in Pender, Nebraska. This is listed on the National Register of Historic Places in 1990. Now, the significance is based upon being the first courthouse in Thurston County. The small framed building, and subsequently the larger Palace Hotel, functioned as a courthouse between 1889 and 1927. Now, both buildings appear to hold the state record for longevity as a temporary courthouse. But in 2016, both the buildings were allocated a combined \$652,000 in Nebraska historic tax credits and \$652,000 in federal tax credits. The exterior of the smaller frame building was rehabilitated based on historic images, while the interior was remodeled to a house, a single residential unit. The long vacant--

DORN: One minute.

VARGAS: --upper floors of the Palace Hotel were rehabilitated to house 16 residential units, similar to the smaller frame building. The exterior of the Palace Hotel was rehabilitated based upon the historic photographs. We also have the, in Loup City, the Sherman County Courthouse. Now, this was another project on the Nebraska historic tax credit program, and it's the third courthouse to exist on the site. And this building was constructed in 1920, and it has significant signif-- historical significance. It was placed on the National Register of Historic Places in 1990. In 2017, the Sherman County Board of Commissioners applied for the Nebraska historic tax credit that was used towards the rehabilitation of the building's exterior. The rehabilitation work included a new roof, extensive repair and restoration of the terracotta elements, a new main stairway based on historic images. Now, the Board of Commissioners were allocated \$93,000 in Nebraska historic tax credits. Wayne County Courthouse. There are a significant number of--

DORN: Time.

VARGAS: county court-- Thank you very much.

DORN: Thank you, Senator Vargas. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. I really appreciate Senator Vargas' trip down memory lane with the historic preservation tax credit. That is a really important project. I know it's important to people in my district, and I just wanted to punch in and comment more broadly on things. And I did actual-- for everybody who's been

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

listening all night, I did tell Senator Machaela Cavanaugh off the mike that the dancing fever, or whatever it's called, is a real thing. I, I actually was privy to it. I knew about it before she started talking about it. And I know she was talking to the folks up on the dais there about dancing fever and that they seemed to al-- also be familiar with it. Maybe there's a documentary about it. So I think there's some people who are engaging in some negotiations and conversations off the mike, and maybe we're getting some progress there. But this, I guess I rise in support, we'll say, of LB727, and I think I'm gonna be opposed to AM1458. This is-- Senator Linehan did talk at the very beginning of this about how this bill is a product of a lot of conversations, negotiations with a lot of different folks, people on both sides of the metaphorical and physical aisle of the Legislature. And so I really do appreciate, I said earlier, that I really appreciate the work of the Revenue Committee Chair Linehan on this bill and to come to that compromise to make a revenue bill. If anybody if you're an avid watcher of the Legislature, you would probably see it's rare for me to rise in support of a bill out of Revenue, because we have a difference of opinion, usually, about just some general tax policy. And some things I oppose more adamantly than others. But in this one, there are certainly some things in this bill that I don't care for and some things that I like more. But on the whole, I think the bill strikes a balance of making positive strides. Things like historic preservation tax credits, things like the home equity theft bill that we talked about earlier, things like investments in forward looking endeavors, which the name I can never remember, but the thing I always think-- people talk about the most is IKEA trying to attract, you know, kind of a synergistic investment in forward looking projects and opportunities in the state. And so I appreciate that. And this amendment did, you know, bend the cost curve on this bill, took out some of the-- some projects to get the cost down in recognition of, you know, the economic constraints that we are facing as we've seen the forecasting board, you know, adjust our pro--jections going forward and our tax receipts gone down, that you know, the bill does take a bit more of a conservative approach than the original bill in the current form. So I appreciate that. And, you know, I think taking out a few of the more controversial items out of this bill, I know folks have said that they're interested in continuing to pursue those going forward, and we can have those conversations at that point in time. But at this point, I think it makes this a better bill. And of course, Senator Holdcroft's part that he thinks, he says is the most important part of the bill, which pertains to Vala's pumpkin patch or-- and others, I assume. But that's, of course, the first thing I think of, taking my kids to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Vala's many, many times, have been-- worn them out sufficiently. And Senator Hughes's--

DORN: One. Minute.

J. CAVANAUGH: Thank you, Mr. President. Addressing vaping, I was unaware that Nebraska didn't have a structure for taxing vaping. And so when Senator Hughes-- when this bill first came up, showed me a chart that showed what other states are doing, and her bill, her amendment strikes a nice compromise between where we're at now and what other states are doing. We're not the most aggressive in that, but we are taking a step towards actually imposing a tax on vaping, which of course helps mitigate the cost of this package overall, but also has that effect of decreasing consumption of hazardous material for young people and others alike. So I think there's some good stuff in the package. So I will be a green vote on LB727 and I think a red vote on AM1458. Thank you, Mr. President.

DORN: Thank you, Senator John Cavanaugh. Senator Vargas, you're recognized to speak, and this is your last time.

VARGAS: Thanks, Byron. Sorry, Senator Dorn. My bad, I did that on purpose, by the way. I want to thank Ryan Durant [PHONETIC] for-- actually for Christian Gray. And here's the reason why. His testimony, I'm writing today to strongly urge you for your support of LB697 and all the other underlying bills that are related to historic tax credits. Crucial that our state maintain tools and incentives to promote the preservation of housing, and the Nebraska state historic tax credit has been an effective resource towards that end. Now, as developers and owners of over 80 units through District 5 and 11 our organization has utilized the historic tax credit in preservation of 65 of these units. The significance of this is in common community development. In addition to being a nonprofit organization that is focused on trying to help families, especially in low income communities and in the Park Avenue community, they've also endeavored on creating affordable housing projects or even, even sort of middle income housing projects, and revitalizing basically blighted buildings that nobody else is investing in. Typically what we see happening is people investing in condos, or, or what is truly creating a larger gap between the housing market, and what they're doing is trying to make actual projects that people can afford. So what they do is they stack these tax credits in a responsible way, making sure that they're preserving the historic nature, making these affordable to incomes below 60 percent AMI. It's allowed the organization to increase housing stability among some of their most vulnerable neighbors. Now,

because housing insecurity results in greater life instability, and ultimately deeper levels of poverty, it is crucial our community extend every reasonable opportunity to help low income tenants obtain housing. I want to thank Christian Gray because he has been doing a tremendous amount in this community and leveraging what we want to see. We want to see people leveraging tax credits for good economic development, for helping people all across the socioeconomic spectrum and, and actually being really creative about the use of these programs. And that's exactly what we're seeing here. In addition, we receive representation from the Nebraska Mainstreet Network. The Nebraska Mainstreet Network stated that they had a positive benefits-- that this revitalization act has positive benefits to the urban communities in the state, but it has had limited benefit in some of the smaller and more rural communities. And one of the reasons they're supporting these many bills is because it's taking time to make sure more small rural communities are increasing their limited capacity and investment dollars. What they've seen is this historic tax credit has not been around long enough to be able to fully leverage for some of these rural communities. But what they go on to say is there is a need to continue to work with these communities every day to maintain this population. We removed these types of incentive programs, which I'm happy we're putting it back in. It helps to facilitate the redevelopment of structurally solid communities in these downtown areas and is very, very important because people want to reuse these buildings and they have a choice. Reuse these buildings by, well, not reusing them, completely building new types of buildings and commercial space, or actually investing in the historic and rich historic character of these different types of buildings. Now, Lincoln and Omaha, as I mentioned earlier, have had many different examples of this. But what we're seeing is these building redevelopments in rural Nebraska. If we're broadening it, and what we do in this bill is actually provide a greater tax incentive to rural communities, we do that on purpose, specifically to meet some of the needs of these proponents, like the Nebraska Mainstreet Network. In addition, what we're continually seeing is-- another one from Sherry Miller [PHONETIC] saying these two bills offer economic opportunity to both rural and urban areas, and especially interested in--

DORN: One minute.

VARGAS: --ongoing restoration. And they urge the inves-- the investment of this bill. Even awards as little as \$5,000 can be of significant assistance in restoring nationally historic landmark. Very much appreciate that. Also from the United Cities of Sarpy County. They took a position saying that they wanted to support the changes in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

Nebraska Job Creation and Main Street Revitalization Act to reinstate the historic tax credit because they believe it provides assistance for the rehabilitation of historic buildings, which is a priority to the United Cities of Sarpy County. Their historic downtowns and cities have benefited from the utilization of these tax credits because it's helped them to preserve history and economic growth for the cities and ultimately our state. And they also go on to say that they're supportive of reinstating this tax credit as a tool for continued development and the preservation of our historic buildings. And this is from Mayor Douglas Kindig, City of La Vista; Mayor Rusty Hike, the city of Bellevue; Mayor Mike Evans, the city of Gretna; Mayor David Black, the City of Papillion; and Mayor--

DORN: Time,

VARGAS: --Rob Roseland City of Springfield.

DORN: Thank you, Senator Vargas. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. And colleagues, I do rise today in support of LB727, and in opposition, I believe, to AM1458. I've not had much of a chance to talk tonight on LB727, been having other meetings, but I wanted to take a couple of opportunities, if I could, to speak a little bit more towards the bill. Kind of jumping off where my row mate, Senator John Cavanaugh started, I think there's a number of things that are in this bill that are advantageous to Nebraska, that do a really good job of creating, I think, targeted and specific incentives and tax credit programs that are really going to help us as a state. Before I delve into that, I want to take a second to step back and sort of thank my other members of the Revenue Committee. This year has been obviously a very long session. I know there's been a number of bills we've addressed, and there's a number of very large packages that we've had to talk about thus far. But I think LB727 really does encompass an all, sort of, all hands on deck effort to address various things that we should be working towards with regards to targeted incentives for Nebraska. And I want to thank my colleagues on the committee for their long, long nights and long days working towards creating this bill. One thing I wanted to start by focusing on here is the efforts that we've gone to in this bill to incentivize Nebraska, or incentivize folks to move to Nebraska, with regards to being first responders. One of the things that I knew from my campaign and talking to other people is that we have a lack of first responders moving to Nebraska right now, whether we're talking about police officers, or firefighters, EMTs, we know that there is a lack of

people who are willing to step up and actually do the hard work that all of our first responders do. And in knocking doors. I heard time and time again that one of the most important things to people in my community is ensuring that we have safe neighborhoods, safe streets, and making sure that we have people who are able to step up and do the hard work, again, of being a police officer and firefighters. So previously, I know this Legislature had taken, I think, some really impressive steps towards making it a little bit easier, and further incentivizing folks becoming law enforcement officers. But what LB727 does is it takes that a step further. So in LB727, we have the first responder incentives here where not just police officers, but firefighters who are full time can receive a waiver for tuition for their college credits. I think that is so vital that we're doing our absolute best to make sure that first responders are being provided the opportunity to receive the education they desire, to continue to get continuing education, whether it's at the community college, state college, or university level. And I think it's vital that we make sure that we show our first responders and folks who are willing to move here to Nebraska that we appreciate the work they're doing and we understand the hard work that goes into that, and that if you do that, we're going to make sure that you have the opportunity to receive whatever education you see fit. So the fact that that previously applied to law enforcement and now is being expanded to firefighters, I think is fantastic. But LB727 takes it even a step further. What we know is that Nebraska is currently dealing with a lack of retention. People who are growing up in Nebraska are moving away for various reasons, but we are trying to, in as many ways as possible, create incentives to keep young folks here in Nebraska. And so LB727 says if you are a dependent of a first responder, you actually can also receive a waiver of your college tuition, whether that's again, at community college, state college, or the university level, if you are the dependent of a first responder, you get to go to college for free. Now, granted, you still got to pay for your books, your housing, but your tuition is waived and you get to go to college for free so long as you agree to stay in Nebraska for five years after you graduate.

DORN: One minute.

DUNGAN: Thank you, Mr. President. So what that does is it says to first responders, we appreciate the work you're doing. We appreciate the fact that you are willing to put your lives on the line on a regular basis. And if you continue to do this work, not just you, but your children can go to college and receive an education that also helps them become better members of society, but encourages them to stay here in Nebraska. So I was thrilled when I read that bill. I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

thought it made a lot of sense for our law enforcement and firefighters to have that opportunity. But expanding that opportunity with regards to their education for their children, I think is just a fantastic, fantastic thing. So I want to thank the fellow members of the Revenue Committee and the universities and the state college systems and the community colleges for working with us on that, Senator Bostar for going out of his way to make sure that happened. So I think that's a great opportunity for us here as a state, and I would encourage my colleagues to vote green on LB727. Thank you, Mr. President.

DORN: Thank you, Senator Dungan. Senator Wishart, you're recognized to speak.

WISHART: Thank you, Mr. President. Again, I rise in strong support of LB727, and really appreciate the leadership of Chairwoman Linehan and the members of the Revenue Committee for this piece of legislation. Another portion of the bill that I love is a piece of legislation, that portion of the bill that supports recruitment and retention of our emergency responders. And so that would be everything from EMTs, law enforcement, and then obviously firefighters as well. I know from experience, my husband was a police officer for five years in Lincoln. It's a very challenging job. These are the types of jobs, especially when you're new, where you're likely working the night shifts. And so you're struggling not only with the challenges of being a first responder, but also the challenges of working really strenuous hours. And so it's a tough job to recruit people into. And statistically, we're looking at 78 percent of agencies nationally reporting having difficulty recruiting qualified candidate-- candidates, 65 percent of agencies reporting having too few new, few candidate application-- applications. 75 percent of agencies reported recruiting is more difficult now than five years ago, and 50 percent of agencies reported having to change policies and qualifications for candidates. And then 25 percent of agencies reporting-- reported having to reduce services. And this is such a public safety need for us in the state of Nebraska. And it is wonderful that included in this piece of legislation, we're looking at unique and creative ways as a state for us to recruit talented individuals to, to join as a, as a first responder and provide the types of support they need to have a thriving community. This reminds me a little bit of the piece of legislation that I brought, and then Senator Lippincott brought, I brought years ago, and then Senator Lippincott has also brought, where we increased tuition reimbursement for students who were going to the University of Nebraska and joining the National Guard. And what we've seen is that that is a huge recruitment tool, not only for keeping individuals here

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

in our state and going to our university system, but also a recruitment tool for the National Guard, and an opportunity for students who cannot afford to go to college to be able to get a, a full scholarship through not only their undergraduate degree, but also their graduate degree as long as they join the National Guard. And this is the type of creative incentives and policies that as a body, we should be working on. One of the statistics that has stuck in my head above any statistic I have heard was a couple of years ago we had the opportunity to be briefed by Aging, Aging Partners, and they talked to us about the fact that by 2030 in the state of Nebraska, if our population continues to trend in the direction that it is, we will have more individuals, 65 and older in our state population-wise than 18 and younger. I mean, think about that. We will have more people who are exiting our workforce in our state than entering into our workforce. And in some parts of our state, that statistic in terms of population is, is already there. And so when you're looking at a state as how do we provide the basic needs that support a thriving community, and I would say public safety--

DORN: One minute

WISHART: --is definitely on the top list of one of those. You want to know that if someone in your family is sick, there is someone there to be able to come and, and provide emergency care. You want to know that if your house is on fire, your business is on fire, that there is a workforce there of talented firefighters to come and ensure the least amount of damage is done. And so we need to be doing everything possible as a state to look at that trajectory and think about how do we incentivize more young individuals, or just individuals in general. To stay in our state and to work in these targeted workforce areas where there are shortages. So again, thank you to the Revenue Committee for this comprehensive piece of legislation that I really do think is going to have a massive positive impact on the state of Nebraska. Thank you.

DORN: Thank you, Senator Wishart. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Well, I would join in Senator Wishart and Senator Dungan's comments about the first responder portion. It is really important to invest in, you know, supporting our first responders, but also that opportunity to attract new and-- attract and retain talented individuals to the state of Nebraska. And I would just point out since while I was standing here listening, just stumbled on my phone, the Nebraska Firefighters Museum hosts Fishing

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

with First Responders. So if you're in the area, the fifth annual Fishing with First Responders series, it's at the Firefighters Museum Pond behind the museum. It's a 2834 East 1st Street in Kearney, Nebraska. Wednesday, May 24th, which I believe is tomorrow. Is that right? Yeah. Tomorrow's the 24th. It's called Cops and Bobbers, which you all know I appreciate a good pun. And then Wednesday, June 21st, Reels and Rescues, and then you've got Tuesday, June 25th, Hooks and Ladders. 5:30 to 7:30, free fun for the whole family. So, you know, we're talking about first responders attracting, retaining, but also celebrating and just getting to know your first responders and making sure you're embracing them as members of our communities. So that's a good opportunity. If you're in the area, I'd say take a look. But I was actually initially going to talk about another section of the bill that I think is really important, and one of the reasons I appreciate this bill, and it's a section that was brought forward by Senator von Gillern, which is the research and development tax credit. I'm trying to pull it back up here. It's called --let's see the-- it cha-- it changes provisions relating to qualification for application for calculating amounts for research and experimental activity tax credit. The bill changes the dates for when a business firm is allowed to first claim the credit for any tax year beginning or deemed to begin after December 1st, 2022 to December 30th-- I'm sorry, December 31st, 2022 to December 31st, 2033. LB491 also adds and amends language for business firms, which makes expenditures in research experimental activity as defined in section 174 of the Internal Revenue Code of 1986, as amended, and are allowed a research tax credit under the act. I think there is probably some change to that in the subsequent amendment, but that's, I think, the broad strokes. And, you know, I think this is really important. You can see just the folks who came testified in favor of it, which is you've got Kawasaki, the Nebraska Chamber of Commerce, you've got Bio Nebraska, which does all kinds, represents all kinds of, you know, biofuels, but also pharmaceuticals, and basically high tech, high paying job industries. And, you know, you want to invest in R&D, research and development, because, you know, you want-- obviously, we want to push, push the bounds of what's possible. We want to know, find out more things, develop more products. We always talk about, well, maybe not so much here, but, you know, we went to the moon in 1969, and as President Kennedy said, we choose to go to the moon and do the other things, not because-- what is it? Not because they're easy, but because they are hard. I think something along those lines, I should have refreshed on that. But anyway, you do it, you know, it's for the endeavor to push forward the bounds. And the space program developed a lot of things, you know,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

like Tang, which is not-- maybe not as good as Kool-Aid, but still is a great product. And microwaves and mylar and other li-- real--

DORN: One minute.

J. CAVANAUGH: Thank you, Mr. President. --great advancements in technology. But the point is, we invested in that technology, and then those spun off industries. You know, Tang became a product that you could buy and sell, creates jobs. And so we want to invest in R&D, research and development, in our state, because if we develop it here, then it's more likely to create that industry here, which is going to create those high paying jobs here, and is going to allow more people to have, you know, a more productive, a better life, make more money, and have a better opportunity at that. So it is really-- I really appreciate this section of the bill brought by Senator von Gillern to reinstate and extend the research and development tax credit. I think it'll be-- it's important for our state, and, and I think my district in particular, we've got a good amount of research and development that happens in midtown Omaha, so I again support LB727.

DORN: Time.

J. CAVANAUGH: Thank you, Mr. President.

DORN: Thank you. Senator John Cavanaugh. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Colleagues, I do rise again in support of LB727, and I just wanted to take a little bit more time on the mike to talk about this bill. One of the things that I think oftentimes goes undiscussed-- well, has been discussed a little bit this year, are some of the backroom conversations that happen with these bills. And I know that there's been an immense amount of work and immense amount of effort that's gone into LB727, both on behalf of the Revenue Committee as well as a number of interested stakeholders who have bills that I think would affect them. And so I just want to say that yet again, as somebody who I think for those who watch at home and for who pay attention to the Legislature understand that I have some strong opinions from time to time with regard to taxation and what we are or aren't doing as a state. I want to voice my support for LB727. I understand that no bill is perfect, but I do think that LB727 represents a good faith effort to address needs that we need to work on here in Nebraska. One thing in particular that caught my eye in LB727, as well as the first responders component that I was talking about the last time I was on the mike, was the sales and use tax

credit, or tax exemption, rather, for behavioral health institutions. So I think that I've made it very clear on the mike throughout this entire session that one of the most important things to me is ensuring that we have behavioral health options available to folks. Having worked as a public defender for a number of years, I can tell you that the vast majority of problems that I've dealt with in dealing with clients and in dealing with trying to get them the help they need is that there is simply a lack of services available to folks in our community. And I think there's a number of reasons that is, and I could spend another 30 minutes on the mike talking about that. But one thing that we should be doing as a state is incentivizing more organizations or groups to get involved in the behavioral health game. And when we had, I believe it was originally LB300 that Senator Linehan brought, and we heard the testimony from individuals who operate these behavioral health organizations, what we learned is that the Legislature had previously created this sales and use tax exemption for behavioral health institutions. But there was a, to put it simply, an error, I think, where there were certain components of their services that were not exempt. And so whether or not you were dealing with inpatient folks versus out of patient folks made a difference as to whether or not you were able to have this exemption apply. The, the negative effect of that is that it created this really intense burden on the folks who were looking over the books and working the books for these behavioral health companies and institutions. And so LB300, which has been wrapped into LB727 as one of the amendments, effectively tries to remedy that oversight and ensure that any behavioral health organization or behavioral health institution can benefit from the tax exemptions that we originally intended to implement. And again, part of the benefit there is we are trying to do everything we can to further incentivize behavioral health institutions to get into the game. When we have more organizations that provide these services, we see exponential benefit to the community. We see a better return on investment, we see the fact that folks who go into these behavioral health institutions are coming out with their feet under them in such a way that they can effectively contribute to the community. And so I want to make sure that we as a state are doing everything we possibly can for those. And so I believe that LB300 seeks to achieve that goal, and it does so in a way that is not just effective but also targeted. And that's one of the other things--

DORN: One minute.

DUNGAN: Thank you, Mr. President. That's one of the other things that I've spoken about with regards to LB727 previously is that I think

this is a targeted effort towards tax credits and seeking to achieve incentivisation. So this is not overly broad. I do think that it goes towards a number of projects that are beneficial. And one last thing I'll touch on here before I run out of time is that I think one of the other aspects about LB727 that is unique is it serves both rural and urban areas effectively. All of the projects that you see encompass into LB727 effectively, I think, reach all the different corners of the state, whether it's the Good Life Transformational Project, the first responder waivers for college craf-- college tuition, across the board, this seems to affect all the different corners of the state. And for that reason I would yet again encourage my colleagues to vote green on LB727. Thank you, Mr. President.

DORN: Thank you, Senator Dungan. Senator John Cavanaugh, you're recognized to speak, and this is your third time.

J. CAVANAUGH: Thank you, Mr. President. So I just wanted to spend a little more time talking about my love of research and development, and how important investing in research development is for forward looking things, and sometimes you don't even know what you're going to get out of it. You know, you invest in something, obviously, where-- you know, the Operation Warp Speed of the Trump administration yielded the first mRNA vaccines which are now, you know, a leap forward in types of vaccines. I don't think any other ones have been out and approved. But it is an opportunity for, you know, you invest in research and you get a payoff, maybe not quickly, but you get it. You know, sometimes you have no progress for a while and then you get a big payoff. But so I looked up technologies from NASA, and I think it'd be interesting, people might-- to know some of the things that have come as a result of our investment in space exploration. So infrared ear thermometers is one, which I use a lot because I have young kids and I don't know what people did before-- well, I do know what they did, but I don't know how you did it when you had to take temperature of your kids with the old fashioned thermometer, we'll say. But the ear thermometer is still a little hard, but it's a lot easier. And then you've got LASIK, which is laser eye surgery. But here's one that I thought this body would be really interested in, cochlear implants, which is to help with hearing. I know it's not specifically a type of hearing aid the people around here have, I don't think, but there are a lot of folks who have hearing aids in this place. Artificial limbs. Light-emitting diodes in medical therapy, invisible braces. Oh, here's another one that's particular-- of particular interest to folks here, scratch resistant lenses. So, uh, you know, a lot of us wear glasses. I'm wearing contact lenses right now, which I guess is a concession to vanity. Uh, but either

way, well, I do wear glasses a lot of other times, and scratch resistant lenses make those glasses more resilient. Space blankets, which I talked about earlier, which I think is called mylar. Space blankets, great for camping, very lightweight, retain your heat, or if you run a marathon or something like that. 3D printed foods. Interesting. I, I always remember getting space ice cream at the Air and Space Museum in Washington, D.C. when I was a kid and going to visit. Improvements in radial tires. Chemical detectors. That's a pretty good one. Let's see what they got. Video enhancing and analyzing systems. Land mine removal. Fire resistant reinforcement. Ooh, firefighting equipment, which is synergistic to our conversation about recruiting and retaining first responders. So-- shock absorbs-- absorbers for buildings. That's a pretty cool one. Here we go. Temp-- tempur foam, which I think is probably like you're-- those new mattresses that you can buy, and they come in a box. Has anybody bought one of those where, like, you can move it yourself, it's a queen or king mattress and it's like one person can carry it, and you roll it out and it's like a couple of inches thin and then it inflates. So that's pretty cool. And that, of course, is a technology that was invested in by NASA and is now an entire industry. You can go, you know, on television or on the Internet. You see ads for these mattresses that they send you in the mail now. Enriched baby food. Of course, that's an important one. Portable cordless vacuum. I do love a good portable cordless vacuum. Freeze-drying. Like I said, space ice cream. Space age swimsuit. Yeah, that's one I'm not familiar with. So, let's see, Langley Research Center's wind tunnel testing facility and fluid flow analysis software support Speedo's design with space aged enriched swimsuits. The resulting LZR Racer--

DORN: One minute.

J. CAVANAUGH: --reduced skin friction drag 24 percent more than previous Speedo swimsuits. In March 2008, athletes wearing the LRZ [SIC] Racer broke 13 swimming world records. I do think I remember that from the Olympics at some point. And then we got air scrubbers. Oh, Bowflex. So all of these technologies, water for purification, solar cells, that's another one. Solar cells, of course, is grown and as distributed generation, we've got solar farms, things like that. I know people around here maybe don't care for that necessarily, but it is a huge worldwide industry, and forward looking, that was as a result of an investment made in technology, into government research and development through NASA trying to solve a particular problem, and then it, you know, yielded that result. And now we have a whole industry as a result of it. And I guess the point is research and development is really important--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate May 23, 2023

DORN: Time.

J. CAVANAUGH: Thank you, Mr. President.

DORN: Thank you, Senator John Cavanaugh. Seeing no one in the queue, Senator Cavanaugh, Machaela Cavanaugh, you're recognized to close.

M. CAVANAUGH: Thank you, Mr. President. Well, it's been a long day, varied topics. One topic that I have been wanting to get back to that I, I have mentioned before, but this is the last time I'm going to mention it. I was misquoted. I did not talk about the storyline of the movie Madagascar. It was, in fact, the Penguins of Madagascar. Big difference. OK? Big difference. I like Madagascar, of course. Madagascar World Tour? Fantastic. But I talked about on this microphone the storyline of the Penguins of Madagascar. It's the lesser known Madagascar, but it is just as awesome. I want that clarified for the record. Mr. President, I withdraw my amendment.

DORN: So ordered.

CLERK: Mr. President, I have a series of amendments to be withdrawn from Senator Cavanaugh. AM1443, AM1444, and AM1445. In that case, Mr. President, I have nothing further on the bill.

DORN: Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB727 be advanced to E&R for engrossing.

DORN: Colleagues, you've heard the motion. All in favor say aye. Opposed, same sign. It is advanced. Clerk, for items.

CLERK: Mr. President, Senator Raybould would move to adjourn the body until Wednesday, May 24, 2023, at 9:00 AM.

DORN: You heard the motion. All those in favor say aye. Opposed, nay. We are adjourned.