

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate April 3, 2024

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-fourth day of the One Hundred Eighth Legislature, Second Session. Our chaplain for today is Johnny Walker, West First Chapel, Trenton, in Senator Ibach's district. Please rise.

JOHNNY WALKER: Good morning. It's a pleasure to be with you and to offer prayer. A friend of mine, Don Daugherty, said, nothing's ever the same when it's prayed for. Let's pray. Father, I thank you for these men and women who govern our state. I thank you for their intelligence and their trustworthiness. I thank you, Father, that, before this Legislature today, you have placed issues that are important to the residents of Nebraska. Father, as these elected officials use their intellect to decide right and wrong, best and better as they "perouse" through the options that are before them today, I pray that you will give them a clear mind, a clean conscience, and an understanding of the longevity of your kingdom here on Earth. Father, we are ultimately all your servants, and we come to represent those who trust us. I thank you today for the opportunity that we have in this great country to have the freedoms to express ourselves. Father, I pray that you would help these legislators to be uninhibited as they dialect together, as they diffuse the things that cause problems, and heal the things that bring happiness and peace to our residents. Dear Lord, today is a new day. You have given us this day to honor you and to serve our fellow mankind. We ask your blessing. We ask for your patience and your guidance. And Father, at the end of this day, we will have exchanged a day of our life, Lord. Help us not to regret the price that we have paid for it. I ask these things in honor of your son, Jesus. Amen.

KELLY: I recognize Senator Lowe [SIC] 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.

KELLY: I call to order the fifty-fourth day of the One Hundred Eighth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

KELLY: Thank you. Are there any corrections for the Journal?

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ASSISTANT CLERK: I have no corrections for the Journal.

KELLY: Any messages, reports, or announcements?

ASSISTANT CLERK: Yes. Thank you, Mr. President. I have a series of amendments: FA336 to LB20, by Senator Dungan; FA337 to LB20, by Senator John Cavanaugh; and FA338 to LB20, by Senator John Cavanaugh. The Revenue Committee would report LB1317 to General File with committee amendments. And the Executive Board will hold an Executive Session at 9:30 a.m. in room 2102. Executive Board at 9:30 a.m. in room 2102. That's all that I have, Mr. President.

KELLY: Thank you, Mr. Clerk. Please proceed to the first item on the agenda.

ASSISTANT CLERK: Mr. President: General File, LB1331, introduced by Senator Murman. The bill is an act relating to education; to amend Sections 79-201, 79-205, 79-206, 79-207, 79-210, 79-1107, 79-1108.03, Reissue Revised Statutes of Nebraska, Sections 79-209, 79-237, 79-8,150, 79-10,141, 79-1108.02, and 79-11,159, Revised Statutes Cumulative Supplement, 2022, and Sections 79-101, 79-238, 79-239, 79-729, 79-8,145.01, 79-1054, 79-10,150, 79-3501, 79-3602, and 79-3703, Revised Statutes Supplement, 2023; to re-- redefine terms; to change provisions, terminologies, duties, and penalties related to truancy and attendance; to change powers and duties relating to the State Department of Education, State Board of Education, and Commissioner of Education; to change provisions relating to applications and requirements for option students, high school graduation requirements, alternative teacher certificat-- certification programs, student loan repayment assistance, innovation and improvement grant programs established by the State Board of Education, the Summer Food Service Program, special education expenditures, programs for learners with high ability, behavioral health points of contact, state lottery funds used for education, behavioral awareness training, and the College Pathway Program; to harmonize provisions; to eliminate an innovation grant program established by the department and a mental health first aid training program; to repeal the original sanctions; and to outright repeal Section 79-11,160, Revised Statutes Supplement, 2023. The bill was first read on January 17 of this year. It was referred to the Education Committee. That committee reports the bill to General File. There are General File amendments, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Murman, you're recogni-- Mr. Clerk for a motion.

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ASSISTANT CLERK: Mr. President, Senator Machaela Cavanaugh would move to indefinitely postpone LB1331 pursuant to Rule 6, Section 3(f).

KELLY: Thank you, Mr. Clerk. Senator Murman, you're recognized to open.

MURMAN: Thank you, Mr. Lieutenant Governor. And good morning, Nebraskans. LB1331 is the Education Committee's second priority bill, which represents a lot of hard work from all the members of the committee. Amended into LB1331 is LB1231, which was originally introduced by Senator Wayne. While originally the committee had prioritized LB1331, which was a cleanup bill for the Department of Education, it became clear during the session that making sure our school funding formula worked for every student was a much bigger priority. Instead of that cleanup bill, we have struck the language and replaced it with what was LB1231. What I want to emphasize about the committee's work is that this was a collaborative effort. I think almost everyone here on the floor is not fully satisfied with the current TEEOSA formula. Some schools don't seem to get the aid they need and, at the same time, the property taxpayer gets hit harder and harder each year with their valuation. With LB1331, per student foundation aid is raised from \$1,500 to \$3,000. This is a critical investment in our schools and, more importantly, for our students. I used the word "investment" rather than just "appropriation" for a reason. When we invest in our students today, we are supporting our future workforce, our future leaders, and our future families. Combined with the extra funding, this bill front-loads the property tax credit to the schools. When combined with the lowering of the levery-- levies from LB388, taxpayers will see a "likeamounted" property-- reduced-- reduction in property taxes. So when we combine this bill with LB388, we're accomplishing two important points: taking care of our schools and taking care of our property taxpayers. The goal of this bill and the committee is to both make sure that every student in our state goes to a well-funded school, while also respecting the hard-earned dollars of the Nebraska taxpayer. That's not an easy goal, but it's an important goal that I think we all share. And through LB1331 with the committee amendment, we're going to be doing a lot better at accomplishing that goal. With that, I want to thank all the members of the Education Committee for their work on this, especially Senator Wayne and Senator Linehan. This bill works hand in hand with LB388. As LB388 changes, we will work to match those changes with LB1331. I've already spoken with the Speaker, and, if LB388 were to fail, this bill would not have the funding needed to advance. With that, I'll close. And I'll yield my remaining time to Senator Linehan to further talk about the bill--

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KELLY: Thank you, Senator--

MURMAN: --and the amendment.

KELLY: Thank you, Senator Murman. Senator Linehan, you have 6 minutes, 30 seconds.

LINEHAN: Thank you, Mr. President. Thank you, Senator Murman. I want to especially thank Senator Murman and the Education Committee for working with the Revenue Committee for-- actually, since last fall. I think it's lost on some, but I think it's important, especially when we look at these bills. I also want to thank everybody for letting us get LB388 to Select yesterday. I think for people who are watching and for people here in the body that might not remember: on the Education Committee, we have four people that also serve on the Revenue Committee. And historically, it's-- that's been a good fit to be in both those committees because school funding is such a huge part of our budget. And the appropriators do the appropriating, but if it comes to TEEOSA aid, school aid, that's the Education Committee. And when it comes to paying for it, it's the Revenue Committee. We all know there's problems with TEEOSA. Unequalized schools have known there's a problem with it for a very long time, at least a decade if not longer. Because when your valuations go up, your aid drops. And it's been particularly tough on ag for the last decade. But now, it is catching up in suburban and urban Nebraska. There's other problems with TEEOSA. We have a, a lever to pull for poverty kids, free and reduced lunch kids in TEEOSA-- Senator Walz is well aware of this-- but it only matters if you're equalized. There's no extra money for poverty or TEEOSA if you're a nonequalized school. There's also good things about TEEOSA that I don't think-- I mean, a lot of people say, why do we do that? But if you look at the numbers, we do it because that's what people want. We have option funding in there, which means a student can opt from one school to another, one public school to another public school. And I think there's a bill this year that we can increase the number of times a student may be able to do that. And the state picks up 100% of that cost to-- 100% of the cost of the average per pup-- pupil spending in the state. So I think last I checked-- and it's been over a year ago-- there's somewhere between 24,000 and 25,000 students that take advantage of that option. So I don't know who wouldn't love LB1331. I just said to a few people a minute ago this is a bill that provides \$1 billion in new funding for public schools. And it doesn't cost anything. So I don't know who's going to vote against it. It's-- because it-- the cost of it is all in LB388. So I don't-- I, I know we don't want to waste time. We don't want to-- I don't know how we-- I don't know

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what there is to, to debate about this. Clearly, since my class has been here, since all of you've come in, the one continuing drum roll we have heard: we're 47th in the nation, 48th in the nation, 49th in the nation in school funding. We heard that for decades. What we did last year-- which was a big thing we did last year-- we moved from 42% to special ed to 80% to special ed. That's a win for everybody. Doesn't matter if you're equalized or not equalized. Every student in Nebraska who's special needs now gets 80% of their costs picked up from the state. That helps schools. It helps the taxpayer. But most importantly, it helps that-- the children that need that help. Because I'm quite convinced when we weren't picking up that much there were kids going out without services, and that is not OK in a state that is blessed as Nebraska. We also increased aid to all the schools so no student in Nebraska would get less than \$1,500 per student. This bill increases that from \$1,500 to \$3,000. Because if we don't do that, folks-- and this is what I tried to say yesterday and I'm going to hammer on today-- I'm going to have-- I've punched in. I'll be up. I'll be asking some of you if you really understand what's going to happen in your school district if we don't pass these two bills. Because what's going to happen is, we leave here, valuations have went up this last fall-- I'm just going to use Lincoln because it's in the press most, people know about it most-- valuations in Lincoln Public Schools went up 23% last year. That means their state aid is going down \$30 million this next year. So in September-- and that's, that's a certified number. So there's no argument about it. If we don't change, that's what's going to happen. Lincoln Public Schools loses \$30 million, gets certified, their school board will meet in Sep-- well, they'll get their valuations in August. They will meet in September. And they will have to raise property taxes on property owners who are already feeling the pinch. That'll be in September. And I don't think-- history has told me that they're not going to say it's their fault. They're going to say-- and rightfully so-- the Legislature cut our funding.

KELLY: One minute.

LINEHAN: And did we? Did we cut the funding? No. But did we sit here knowing it was going-- happening and not do anything about it? Yes. Thank you, Mr. President.

KELLY: Thank you, Senator Linehan. Senator Clements announces a guest under the south balcony: Jordan Vogler, a senior at Elmwood-Murdock. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to open on your motion.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I filed this motion-- I didn't-- I don't know-- in March sometime as sort of a preventative measure because we didn't know what was to come. And I thought this morning, since the amendment was filed yesterday, that it would be worthwhile to keep this motion up for a little bit this morning so that people could have time to really look at what LB1331 does. So TEEOSA was created by former Senator Ron Raikes as a way to fund public education to be more equitable. Not equal-- equitable. It is a complicated formula that I frankly don't fully understand, but I do know that it takes into consideration numerous factors when funding public education. And I do know that every child is different and unique, has unique circumstances and unique needs, and TEEOSA seeks to address those to the best of its ability. So we've seen a shift. Last year, there was this foundation aid created. And a whole bunch of money was put into foundation aid. And this year, we're seeing a continuation down that road to erode TEEOSA. And so many of you have said on many different policies this year, don't let perfect come at the expense of the good. TEEOSA has served this state. It has not been perfect. It can be improved upon. But to throw it out on day 54 of a 60-day session seems premature to me. So I hope we're going to talk about it. I hope we're going to talk about what foundation aid means versus TEEOSA. And Senator Linehan, I don't know what it means for my district if this doesn't pass because I don't know what this bill does because it just came up yesterday. And I-- you can get me on the mic to answer that question, but I've just answered it. No, I don't know. And it seems like this has been constructed in such a way and orchestrated in such a way to cause panic, that we must do these things. We must vote for these things or the world is going to fall apart. And the reality is is that we've created the reality. This is all a construct of us. We created LB1107 that made claiming a property tax reimbursement so convoluted that it was underutilized. We created this system of the foundation aid instead of increasing state aid to TEEOSA-- the Nebraska plan B. We have created this situation. We are the architects of it. We are the ones that took all of the money out of our cash funds for one-time expenditures. We are the ones that overspent on projects when money was good instead of investing in education, investing in the future. We have created this situation. This manic panic is all manufactured by us. We are the architects. So if we fail to provide property tax relief, it's because we've intentionally designed the system so that it's a political talking point. LB1107 was explicitly done the way it was so that we could take-- claim victory over property taxes because, if we didn't do it that way, we wouldn't have gotten the credit for it. And now we've

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come to realize how convoluted that was that we are still not getting the credit for it. So now we want to front-load it with this bill-- which I agree with because I opposed LB1107 the entire time because it wasn't property tax relief. It was disingenuous from the get-go. Yesterday, I had a conversation with one of my colleagues off the mic about the last bill and how we have to do something. We have to do this. And I said, I have been fighting these terrible policies for six years. I have been fighting what has gotten us here for six years. And now it's manic panic, we have to. We have to. We don't have to. What we need to do is be better. Be good stewards of the taxpayer dollars. Be good stewards of public education. Stop tearing public education down. Every institution has its problems, and we like to point to OPS as the great demon of public education. It is the largest school district in this state that serves such a diverse population with diverse needs. And instead of lifting them up, funding them, we attack them in this body. We have lost our way on pretty much everything. We've lost our way on decorum and dignity. We've lost our way on collegiality, on nonpartisanship. We've lost our way on basic human decency. We have defunded public education. We have manipulated the system to benefit the rich. We have done only tax cuts for the rich. We can't do anything like social programs because poverty is a state of mind, which one of you said two weeks ago. This place is so tone-deaf. I don't know how any of us got here to begin with. Because as far as I can tell, you don't know real people in your district. You can't possibly vote the way that you do, bring forth the policies that you bring forth, and know real people. Because real people-- yes, property taxes are important. But what is more important is health care, education, food, and housing. Those things are more important. And we have systematically made their lives hard on purpose. And for what, power? Power to make your friends richer? Power to make yourselves richer? This is so off the mark, and I hope that people will actually engage in talking about what this bill does. Because I think it does some good things. I'm interested in the front-loading of LB1107. I'm concerned about the cost, and I would like to hear from the committee members who put this forward what their thoughts are on those things. And I'm not going to pull people on to the mic to do it. I just hope that you do your jobs and you get on your-- the mic and you explain the bill to the rest of us because you talked it through. You worked hard on it. You put it forward. So explain it to us. How much time do I have left, Mr. President?

KELLY: 1 minute, 5 seconds.

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M. CAVANAUGH: Thank you, Mr. President. I have the committee statement. And, of course, the fiscal note is not available because it's a committee amendment. So I'm hoping that somebody involved in the committee can give us a, an idea of how much this is going to cost if we adopt the committee amendment as is. I think that's an important question to have answered this morning. Thank you, Mr. President.

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

DORN: Thank, thank you, Mr. Lieutenant Governor. I do have a question for Senator Murman if he would yield to a question.

KELLY: Senator Murman, will you yield?

MURMAN: Yes.

DORN: And maybe-- want to make sure I heard you right or whatever. LB388-- which yesterday we passed on Select File-- if-- this, this is basically a companion bill to that then? One's-- shouldn't go with the other one or one can't go with the other one-- or I guess explain that, what you commented about that.

MURMAN: Yes. This bill needs increased funding. Senator Cavanaugh just referenced that we don't-- first, she said we don't fund our schools enough, then she was worried about the cost. But we need a funding source so that we can increase foundation aid by \$3,000 per student and then front-load it. So that's what this bill does. It-- yeah. Go ahead.

DORN: So if I understand right, this is how we're going to-- LB388, whatever that decides or-- if it passes on, then however that program is-- then this is the avenue that we, I call it, appropriate those funds in then?

MURMAN: Yes. We ne-- we need the revenue source for this increased funding to schools to happen.

DORN: Thank you for that. But I think you just made the comment there. We need the revenue source. Without a revenue source-- this bill really doesn't have any revenue source. It will affect our-- if, if it's a standalone bill and passes now, it will affect just our general funds.

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MURMAN: Yes. If it, if it passes now without a funding source, it goes nowhere because it does need a funding source.

DORN: OK. Thank you. I wanted to clarify that or whatever. So I, I, I will be listening. I, I think Senator Machaela Cavanaugh made some good points. I think we all really need to be listening here as we have conversations today about this bill and to make sure we fully understand it. This year-- and I'm trying to find the number. I can't find it right now. I know our income tax, property tax credit, what we originally passed in LB1107, we started out \$125 million in that-- the first year, \$125 million. And that was increasing. And I believe either this year or next year we'll be up to \$560 million and stuff. So that's what, what-- property taxpayers in the state of Nebraska, the only way you can get that is when you submit your income tax form. Or if you don't pay any, you still need to submit the forms to the state of Nebraska, and then you get the credit or you will get the payment back. So you either get the credit on the income tax you pay or you will get a refund back. And we have probably as a state-- if there's one downfall for what we've done is, when we passed that bill, I thought-- the first year, we heard comments about, well, it worked so-so. People didn't want to file it because it cost more for their tax preparer to do it than what they were claiming it for, and so on, things like that. Here we are three years later in that bill and we're still hearing about different numbers, about different school districts that more than 50% of the dollars aren't being claimed. So trying to understand and visit with different senators on the floor I have in the past couple of weeks of-- you know, there's various reasons why-- number one is they don't want to do it. Number two is they don't understand it. Number three, it's too hard. There's multiple, multiple reasons why they're not claiming it. The fact of the matter is they are not claiming it. Just so people understand LB1107, that's an income tax credit. On our green sheet, it does not show up as revenue. It shows up as a decrease in revenue over the years. It's never brought into our budget. We don't appropriate it. So when we front-load this, that's what'll happen. Instead of a decrease in revenue, we will now have all of those-- if it's \$550 million--

KELLY: One minute.

DORN: Thank you-- \$550 million, that will all come into the budget. We will all appropriate it back out. So that's the difference there. Right now, it shows up as a decrease in revenue to us. So some of the things as you look at our revenue stream on the green sheet-- and, by the way, we had another \$9 million on line-- the third year column

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out there, a \$9 million increase in our, I call it, our deficit-- or, \$400-and-some million. So we did pretty good yesterday. We only increased it by \$9 million. But we did increase that. But just so people understand that: LB1107, that money does not show up in our budget as an appropriations. It shows up and-- on the green sheet and it's classified as a decrease in revenue. Thank you much.

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

DeBOER: Thank you, Mr. President. Colleagues, there's a lot to digest here-- some good things and some other things I have some questions about. I want to begin with moving LB1107 forward, which you've heard some folks already talk about. I call it move forward, what we're talking about is taking it from being an income tax credit to a direct reduction in property tax. I think that that's a really good idea. I'm very grateful for the Revenue Committee figuring out how to do that, which I, I don't think was particularly easy. The increased cost to do that represents the number of people who don't claim it. I see that as money we already owe. We already owe them that money. We decided to do that in 2020 when we passed LB1107. That is money we already owe them. So that's money we've got to find because we already owe it. The fact that some people don't collect it isn't an excuse for us not to have the money to pay for it. So moving that forward, I think that's money we already owe. Then there's the question of foundation aid. I will say that, as a general premise, foundation aid makes me nervous. The reason that it makes me nervous is that it's disequalizing. What do I mean by that? I mean that the way the system was originally designed, we said, if you don't have the ability to pay for your schools, then someone should help you. The state should help you if you can't even do it. And that is why equalization aid was created. Foundation aid says, regardless of whether or not you can pay for your schools, we're going to give money from the state to it. I would like to ask Senator Linehan a question if she'd be willing.

KELLY: Senor Li-- Senator Linehan, will you yield?

LINEHAN: Certainly.

DeBOER: Senator Linehan, you and I have been talking about TEEOSA for a number of years now.

LINEHAN: Yes.

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DeBOER: One of my concerns with foundation aid is that there will be some school districts that already have very low levies and perhaps don't need the foundation aid, but they will get it under this increase in foundation aid. Is that correct?

LINEHAN: That's correct.

DeBOER: So there'll be some school districts that don't-- like, Centennial is always sort of the, the bad guy that everybody points to. Right? They have a low levy. They'll still get this foundation aid.

LINEHAN: And the special, special needs.

DeBOER: But that was last year, though, right? We're not changing that?

LINEHAN: Right. Well, they're-- we're not-- we did foundation last year.

DeBOER: Well, we're increasing it.

LINEHAN: Yes. Well, that's the plan.

DeBOER: In this amendment, that's what's happening.

LINEHAN: So, so what's-- can I just expand on that a little bit?

DeBOER: Sure. You can ask me a question on your--

LINEHAN: Because of the-- because of the-- and-- because of the increase in valuations, a lot of schools that have been, been getting a lot of equalization aid are no longer going to be getting equalization aid.

DeBOER: And, and I get that. But, but the foundation aid is, I guess I will say, less flexible to respond to the needs of the individual districts because it's, for everybody, the same amount.

LINEHAN: Well, some would say that's fair. But what we did when we looked at this this year-- Senator Wayne brought a bill that the committee-- Education Committee liked very much. It was based on every kid in Nebraska getting more than \$3,000. That's a bill we kind of took to model this after. And no matter--

KELLY: One minute.

LINEHAN: I'm sorry.

DeBOER: OK. So-- thank you, Senator Linehan. So I think one thing I'll say is I'm listening. I appreciate that 40% of the foundation aid does not count within the formula resources, which will actually give people in my district some tax relief. I understand we started that last year. As we increase tax-- foundation aid, that will be important to my district so that they can get some of this property tax relief, or a share in some of it. I am concerned about how we're going to pay for this because, by my back-of-the-envelope calculation, it's \$77 million for OPS alone for the higher foundation aid. I am concerned about the fact that it's not as flexible or-- it will give money to some folks who don't need it, who have low taxes already, at the same time as it will--

KELLY: That's your time, Senator.

DeBOER: Thank you, Mr. President.

KELLY: Thank you, Senators DeBoer and Linehan. Senator Linehan, you're recognized to speak.

LINEHAN: Thank you, Mr. President. And I'm going to pick up where Senator DeBoer was kind enough to ask me some questions and try to be more specific. And I also want to mention that Senator Machaela's questions are right on point. I understand this is complicated, and she's-- legitimate questions that I would like to help with. So I think now everybody has on their desk a blue, white, and yellow sheet. It looks like this. If you could look at it. So the blue is the reality of where we are today and if we do nothing. So let's go to Millard Public Schools, which I think Senator Machaela Cavanaugh has some of Millard. Their state aid for '24-25 will drop 14%-- well, 14.4%. Their, their actual dollars will drop \$10.8 million. So they are-- if they have another valuation increase, they will be very-- they're headed toward no equalization is where they're headed toward. Under LB388 and LB1331, they're-- they would have 114% increase in their school funding from the state. So it means we can give them-- under current law, they'll get \$64.2 million. Under the new law, they would get \$73.4 million. And what I was also going to say about how we got to LB1331. The base of this bill was Senator Wayne's bill, who-- he brought it toward the last of our hearing dates-- and he's actually brought it every year-- trying to make sure that every kid in the state gets treated fairly. We can talk about low levies and high levies-- and I think it's important to understand that, in Nebraska, the average school levy-- I think I'm right. Somebody

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correct me if I'm wrong-- is around \$0.90. So yes, there's outliers. I used to tease Senator Briese about-- I don't know what's going on in your district. You have Elgin, and they're, like, \$0.48. You have Humphrey; they're like \$0.43. Centennial I don't think was in his, but those are the ones always people point to. The, the-- they're very unique in many, many different ways. Not many kids. And Humphrey and Elgin, half the students there are in private schools. They have wind. They're-- Elgin has wind. Elgin's heaven. Like, I think about, if I retire someday, I may move to Elgin. So-- but those are outliers. That's not the norm. The norm property owner is lucky if their levy's not above \$0.90. On the fairness-- going back to Senator Wayne's bill-- he had so much per student: add more for poverty, add more for first English language learners, and add more for supp-- poverty above 60%, meaning all the kids-- or, 60% of the kids in the school are free and relunch-- free and reduced lunch kids. We could not find a number that would give those students in those schools-- Omaha, Lexington, South Sioux City, Grand Island, Hastings, Scottsbluff-- we couldn't find a number to add for poverty and English language learning and majority poverty. We couldn't find a number big enough to make it work. So those schools really still depend on TEEOSA as it works today. So we're not-- the idea that we're getting rid of TEEOSA-- yes, there was talked about it. It's too complicated. We don't like it. But we need-- those schools are so-- they don't have enough valuation to educate those kids. And you can't give them enough in the foundation funding to educate their children even if you add--

KELLY: One minute.

LINEHAN: --on the extras. So what we did is we left TEEOSA in place because you have to take care of the places where they just don't have the valuation to pick up their own bills. And it's the places where the kids with the most needs are. As far as Omaha, they got treated very well this year. They-- anybody that represents OPS should be proud of them. They finally-- I think when I started here, they had one of the lowest starting wages for teachers, which is-- I couldn't believe it because it was one of the hardest schools to teach in. They-- I now think they have the highest starting wage for teachers. They have-- do they have challenges? Yes, they do. But they went to-- I can't remember. Somebody help me. All their kids are eligible for free and reduced lunch. Their state aid in the formula went up significantly this year. It didn't change our numbers at the top, which was confusing in the beginning-- [RECORDER MALFUNCTION].

KELLY: That's your time.

LINEHAN: Thank you.

KELLY: Thank you, Senator Linehan. Senator Hunt would like to announce a guest under the north balcony: Bobby Navarro from Atlanta, Georgia. Please stand and be recognized by your Nebraska Legislature. Senator von Gillern, you're recognized to speak.

von GILLERN: Thank you, Mr. President. Just starting off, I had a, a good conversation with Senator DeBoer. And I don't see her on the floor right now, but we talked about-- earlier in the year-- about some of these amendments that come out with very little time to digest them earlier in the year. And I gave her a hard time about a bill where she had done that. And so now we're having a, a similar conversation about this one where we have a limited time to digest some fairly complicated matters, but. I actually printed out the AM3313, read through it. It's, it's 22 pages. The, the crux of the change is on page 15, where it says we're going to go from \$1,500 in state aid to \$3,000 in state aid. So it, it's pretty easily digestible what the change is. So it, it's not too overwhelming that, that I believe most on the floor can certainly consume that. I, I, I don't want to get too wrapped around the axle about some comments that have been made already this morning where somehow where we'd double state aid to public schools is a bad thing. I, I don't know. I've been, I've been in this state most all of my life, and I've heard, particularly in recent decades, about how poorly the state funds public schools and how embarrassing that is and what a disaster that is and how we're in the last 10%-- or, the ten-- listing in the last ten states for funding. And this is an opportunity to move us up into the top ten. If we do this, if we can get this passed, we move up to the eighth, eighth-- 8 out of 50 states in state funding for public schools. I don't-- I, I fail to understand how that's a bad thing, but that's what was stated on the microphone a little while ago. It was stated we don't fund our schools enough. And again, we're going to double that funding. And, and again, I, I fail to see how that is a struggle to understand or to get our head, heads around. The sheet that was passed out-- or, the sheets that were passed out that Senator Linehan referenced are very helpful. I went through and looked at my school districts. If nothing happens, if the state aid-- the additional state aid doesn't pass, there are several districts that are negatively impacted. Bennington will be negatively impacted if nothing changes by 28% in state funding. If we're-- if LB1331 advances, their state funding increases by 86%. Bennington's just outside my district, District 4. Elkhorn is within District 4. If nothing changes, their state funding will change by 1.6%. If we pass this bill, it'll increase by 203%. Millard Schools is part of

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District 4, which I represent. If we do nothing, their state aid will drop 14.4%. They will be off-- they will be off state aid within one to two years. They'll receive no state aid. If we pass this, their state aid will increase by 114%. Omaha Public Schools-- which Senator Linehan referenced a moment ago-- if we do nothing, their funding will increase by 11.3%. If we pass this, it'll increase by 48%. I fail to understand how the state getting behind public education is a bad thing. If we can increase our funding to the local school districts-- sure, some districts will get more than others. Some districts that have a low levy, as Senator DeBoer already mentioned, maybe don't need the state aid. But that's not what this is about. For years, we've been told-- particularly by supporters-- those that are adamantly and only supportive of public schools-- that we don't fund our public schools to a degree that we should, and this is an opportunity to do that. So I encourage you to take a few moments. It'll take you less than five minutes to read the amendment. Print it out or look at it online. Read the amendment. Make sure you understand what it does. Look through this chart and see what it does to the school districts in your area, in your legislative districts. And have a conversation maybe with those superintendents, with those school board members today. Have a conversation with--

KELLY: One minute.

von GILLERN: --yourself if this is a bad thing to do or not. Thank you for the time. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I just want to thank Chair Murman for his candor and clarity in his opening, acknowledging that this measure can't move forward if there's not a consensus or agreement amongst the body in regards to identifying a stable and new revenue source to account for the significant increase in school funding that LB1331 anticipates. I was happy to move the measure out of committee yesterday as a member of the Education Committee because I do believe that additional resources to public schools is generally a good thing, and it helps to reinforce the dual goals of TEEOSA at its heart, which-- I believe it was Senator Jerome Warner, actually, who brought that-- who brought that forward. The, the goals were to address property taxes to try and lessen the burden and pressure on local property taxes and to make sure our schools were strong across the state, rural and urban. Because the vast majority of our kids go to public schools, our public schools are a

generational point of pride in Nebraska. But we also understand that simply relying upon the local property tax wasn't going to meet the needs of the state and was really hurting property taxpayers. So that-- those dual goals have, of course, evolved and changed over time in terms of how TEEOSA plays out, adjustments thereto to make sure it's more modernized, taking into account new and different challenges that schools face today that perhaps weren't on the horizon when TEEOSA was, was first formulated. But I, I think overall I, I want to make a couple of additional points here as well. I had an opportunity to talk with my school district in, in Lincoln, which is the second largest school district in the state. And we serve a lot of kids. And my family enjoys being a part of the LPS family. And our kids have, have gotten a, a great education there. But the-- a couple of things. LPS is fine if we stay with the status quo, the existing law. They've already got a plan for that as part of their ongoing budget. They look out. They do projections. They have cash flow mechanisms in place to mitigate fluctuations in state aid or valuations or other revenue streams. So yes, it is true that, by some projections, LPS could lose TEEOSA aid into the future, but that, again, is by design within TEEOSA because they're having more local resources available through valuations and otherwise, which is, of course, pressure on property taxpayers. But then because they have additional local resources, then they would lose some state aid. That's, that's how it, it works across the board. So would it be great to make sure that doesn't happen and relieve the property tax burden? Absolutely. And I'll go back to what I said through the course of debate on LB388. I'm happy to talk about finding new or additional revenue sources outside of the sales tax that I, I think disproportionately impacts low-income working people and seniors in my district and across the state. So we can and should continue to talk about ways to address that--

KELLY: One minute.

CONRAD: --and I think there are other mechanisms out there. Thank you, Mr. President. The other part that I just want to clarify is that for eq-- when it comes to the foundation aid-- and I know it's hard to do with the short time on the mic-- but for equalized districts, only part of the foundation aid would offset the property taxes. It's not exactly a one-for-one-for-one. The foundation aid that is counted as a resource inside the formula results in reduced state aid. So it can't be used for state aid. For nonequalized districts, all of the foundation aid would offset the property taxes. So it, it, it plays out a little bit differently depending upon which school district you're looking at and how the foundation aid is

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counted either inside or outside of the formula and whether or not your school is equalized. So I know that's nuanced and complex, but I, I just wanted to make sure to put that on the record.

KELLY: That your time, Senator.

CONRAD: Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Sorry, colleagues, for the delay. I was walking back from across the room. Good morning. Colleagues, I do rise, I think, opposed to the IPP motion and-- listening to the conversation with regards to LB1331. For those who were paying attention and following along with the rest of this legislative session, you'll know, obviously, that I had some concerns that I expressed about LB388, which is the revenue side of this sort of bifurcated approach to addressing property tax relief. A lot of what I said in the conversation about LB388 was I really actually do agree with a number of the proposals that have been put forward in general. Of those, two of the major components that I agree with are additional state funding to schools and a front-loading of property tax credits that are currently being done through LB-- or, through the LB1107 tax credit. LB1331 with the amendment that is forthcoming from the committee does seek to achieve those goals. So I will say that, generally speaking, I am supportive of those ideas. I do have some reservations or concerns with regards to a couple of different facets of the bill, but I certainly appreciate the hard work of the Education Committee trying to get this done in short form and trying to get this done here before the session runs out of days. Obviously, one of the big concerns I have is funding. As I said before, I'm not for a sales tax increase. But in order to afford additional state funding for schools, obviously that money would have to come from somewhere. Those conversations are ongoing. And the question, I think, is the amount to which that money would ultimately come to. I think the amendment says that rather than \$250 million per year from the General Fund being transferred into the Education Future Fund, the amendment's \$1.5 billion-- with a B-- \$1.5 billion per year that would have to go from the General Fund to the Education Future Fund. That's a pretty big lift. And obviously, when I saw that in the amendment, I, you know, took a-- took pause and, and took note of that. But if we can find that money, I think that, obviously, trying to increase state aid to schools is important. When I was running for office and I was talking to folks in my community, one of the things

that was highlighted over and over again was the desire for increased state aid to schools in order to alleviate the amount of property tax that we're spending on schools. So like a lot of things in this body, I think most of us agree on the goal. Where we tend to differ is how we get there. And what I mean by that is, you know, what do we do in order to calculate that additional state aid? What do we do to, to actually provide that state aid? My belief is that we should be providing state aid to schools in an equitable manner that takes into consideration various aspects that are currently considered under TEEOSA. TEEOSA is incredibly complicated. People have said that already on the mic. I'm not even going to sit here and pretend to go through all of the different facets of it. But at the end of the day, what TEEOSA does try to do is accommodate for various needs and resources that are afforded to different schools. So I agree that state aid is important, but I think we need to do so through an equitable distribution. An increase in equalization I think would be a better way to achieve that instead of a decrease in equalization. My concern, based on the numbers that I've seen, is that if we increase our foundation aid from \$1,500 a year to \$3,000 a year, that's ultimately going to decrease the amount of equalization for schools. Now, granted, you're going to see an increase in state aid-- which is, ultimately, I think what we're all trying to do-- but it does so in a way that is across the board distributing that money as opposed to an increase in the equalization based on the formulas that currently exist. So--

KELLY: One, one minute.

DUNGAN: Thank you, Mr. President. So that, that's just, just a concern that I have. I've been asked by a number of people if I plan on, I guess, filibustering or, or pushing this bill all day. I, I personally don't. I, I may talk. I think we can have natural conversation about it. But I will continue talking. And I would like to yield some time to Senator Brandt.

KELLY: Senator Brant, you have 40 seconds.

BRANDT: Thank you. Thank you, Senator Dungan. Because Friend Public Schools is sitting up in the balcony, I just want to tell them that, under the existing plan, they receive \$386,000. If this plan were to pass, they would receive an additional \$1.2 million. They would get an increase in state aid of 335%, which is pretty typical for a lot of the rural districts in District 32. Thank you.

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KELLY: Thank you, Senator Brandt. Senator, Senator Brandt has guests in the north balcony: fourth graders from Friend Public Schools. Please stand and be recognized by your Nebraska Legislature. Senator Slama has guests in the north balcony: fourth graders from Sterling Elementary. Please stand and be recognized by your Nebraska Legislature. Senator Aguilar, for what purpose do you rise?

AGUILAR: First, I'd like to request a call of the house.

KELLY: 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. 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. Senators McDonnell, Moser, please-- and von Gillern, please return to the Chamber and record your presence. All unauthorized-- senators are now present. Senator Aguilar, please proceed.

AGUILAR: Thank you, Mr. President. A point of personal privilege. As members are aware, on March 19, I initiated a complaint under the Legislature's workplace harassment policy to investigate whether the conduct of Senator Steve Halloran on March 18 rose to the level of a violation of that policy. Pursuant to that policy, I appointed a special personnel panel consisting of three members of the Legislature-- Senators DeBoer, Dorn, and Ibach-- to oversee the investigation. And I want to thank those members for their service. The special personnel panel met immediately after being appointed on March 19 and elected to hire the law firm of Remboldt Ludtke to serve as outside investigator. Last Thursday, after the completion of the hearing on LR335, my office was informed by the special personnel panel that the outside investigator was nearing completion of the investigation, and the investigator planned to submit a written report to the panel when the Legislature reconvened on April 2. The report was received by the special personnel panel early yesterday afternoon and submitted to my office at approximately 4:00 p.m. yesterday. Upon receipt of the report, I immediately convened the meeting of the Executive Board so that the board could review the report in closed session, as permitted under the rules. Importantly, this report only covers the incident on March 18 and does not include any analysis into the additional incidents which took place the evening of March 26. As outlined in the report, the outside investigator conducted a thorough legal analysis of the incident on March 18, reviewing both the transcripts and the video for potential violations of the Legislature's workplace harassment policy as well

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as potential vel-- violations of federal and state employment discrimination law. The report also includes an analysis of both federal and state constitutional provisions that may apply in this instance, including freedom of speech under the First Amendment and the Speech and Debate Clause in Article III, Section 26 of the Nebraska Constitution. In summary, the report found that while Senator Halloran's remarks on March 18 would not constitute a so-called hostile work environment, sexual harassment claim under state or federal law, his conduct nevertheless constitute a violation of the Legislature's workplace harassment policy. Specifically, the report found that Senator Halloran's remarks constituted three separate types of conduct that is defined as sexual harassment under the policy: verbal abuse of a sexual nature, graphic verbal commentaries about sexual activity, sexually oriented discussion. Pursuant to the findings of the outside investigator, the Executive Board met early this morning to approve a letter of reprimand condemning the conduct of Senator Halloran. That letter of reprimand will be read into the record by the Clerk upon the conclusion of my remarks. As recommended by the outside investigator, the Executive Board has voted to publicly release the report submitted to the special personnel panel. And copies of the report will be distributed on the floor by the pages upon the conclusion of my remarks as well. Thank you, Mr. President.

KELLY: Thank you, Senator Aguilar. Mr. Clerk.

CLERK: Mr. President: communication from the Executive Board. During the evening debate of LB441 on March 18, 2024, Senator Steve Halloran read from a committee transcript, which in turn was quoting a book that re-- recounted an explicit act of sexual violence. During this floor speech, the names of members of the Legislature were interjected in the passage being read. On the morning of Wednesday, March 20, 2024, the Chair of the Executive Board of the Nebraska Legislative Council announced that he had launched an investigation under Nebra-- under the Legislature's workforce harassment policy into the conduct of Senator Halloran. A special personnel panel was appointed by Chairman Aguilar, and the panel retained outside counsel to conduct the formal investigation. In particular, the panel requested an investigation into whether Senator Steve Halloran's conduct on March 18, 2024, 2024 during floor debate violated the Nebraska Legislature's workplace harassment policy and/or constituted sex discrimination and what options the Legislature may have to address any violations of improper conduct. During the investigation, outside counsel found that Senator Halloran's conduct and comments give rise to a violation of, of the Legislature's workplace

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harassment policy. This finding was irrespective of Senator Halloran's post facto explanation to the media that he was referencing Senator John Cavanaugh, not Senator Machaela Cavanaugh, to get his attention. In summarizing the findings in the legislative-- investigative report, the outside counsel found that while Senator Halloran engaged in protected activity under the First Amendment, there are internal remedial actions the Nebraska Legislature may utilize. In discussing these actions, outside counsel noted that: Given that Senator Halloran's conduct rises to violations of the Legislature's workplace harassment policy, we find the special personnel panel, Executive Board, and the Legislature may, in their discretion, censure or reprimand Senator Halloran for his conduct and comments on March 18, 2024. Having witnessed the actions of Senator Halloran in conjunction with the findings of the investigative report, the undersigned members of the Executive Board formally deplore the unacceptable conduct of Senator Halloran and find that hi-- that his remarks were not only unbecoming of a member of the Nebraska Legislature and contrary to all senatorial traditions of decorum but clearly violated the Nebraska Legislature's workplace harassment policy. It is hereby declared that the undersigned condemn the conduct of Senator Halloran when he interjected the names of fellow members of the Legislature in a sexually explicit pack-- passage. This letter of reprimand shall stand in the permanent record as intent of this Executive Board of the One Hundred Eighth Legislature that conduct and comments such as those by Senator Halloran should never be tolerated and that the Nebraska Legislature should, should seek to foster a future work environment that respects the dignity of all members of the Legislature and restores the confidence of the people of the state in the Legislature. Signed: Senator Ray Aguilar, Chairperson, Executive Board, District 35; Senator John Arch, Speaker of the Legislature, District 14; Senator Beau Ballard, District 21; Senator Eliot Bostar, District 29; Senator Mike Jacobson, District 42; Senator Merv Riepe, District 12; Senator Julie Slama, District 1; Senator Tony Vargas, District 7.

KELLY: Senator Machaela Cavanaugh, for what purpose do you rise?

M. CAVANAUGH: A point of personal privilege to talk about--

KELLY: Please proceed.

M. CAVANAUGH: Thank you. Good morning, colleagues. So no one talked to me. I've been iced out. I've been ostracized by the Exec Board and the Speaker. No one talked to me. This was announced publicly to all of you. No one talked to Senator John Cavanaugh. No one talked to

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Senator George Dungan. Nobody talked to me. I am so grateful to Senator Cavanaugh and Dungan and Senator Slama for their support and advocacy. And I am disappointed in Chairman Aguilar and Speaker Arch for their lack of leadership and their lack of empathy in this entire situation. I have been left out entirely. I have had no control over any of this. No one talked to me when they filed the investigation. No one asked me if I wanted to file a complaint. No one ever talked to me. I filed the resolution because I knew that that was the only way to have anything public done. Because if I filed a motion, it didn't have to be taken up. And I am filing a motion for censure. And I know it won't be taken up, but it's the only thing left that I can do. You have failed me. You have failed Senator Dungan. You have failed Senator Cavanaugh. You have failed all victims. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. I raise the call. Returning to the queue. Senator Murman, you're recognized to speak.

MURMAN: Thank you, Mr. Lieutenant Governor. Continuing with the discussion on LB1331. Just talk a little bit more about what LB1331 does. It does eliminate the property tax income tax credit in 2024. And it creates the allocated property tax fund in TEEOSA paid directly to school districts. So in other words, front-loading the tax credits. And schools will all be paid in the proportion for what they are-- what they are taxed. So in other words, if your property parcel goes to School A, the percentage of the property you have in School A will go to that school. And this is an increase in state funding because the, the funding will start at \$750 million. And it will increase by \$30 million a year. And, of course, last year, we-- or, I think it was two years ago-- we established the Education Future Fund. So that, that fund assures the schools that the funding is available and will be available going forward. And the allocated property tax fund is not a formula source. And then, as has been mentioned many times on the mic so far, the foundation aid to every student in Nebraska schools does increase from \$1,500 to \$3,000. So, you know, it's been talked about a lot in recent years that not every student in the state received state aid. So before last year, there was 188 out of our 244 districts-- I think the-- it was 188. If it wasn't that number, it was really close to that-- didn't receive-- if-- the students in that district actually didn't receive any state funding. So with the \$1,500 in state aid last year, we went-- took a, a step in the right direction to correct that. Now, with this bill, the \$1,500 will be increased to \$3,000. So that, that is a good thing. We're funding every student in the state to \$3,000, where, just a couple years ago, many of them didn't get any state aid. So--

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it's been mentioned by Senator von Gillern that brings us up from about 46th in the nation on state aid to, to our schools up to I think it's 9th. At least we're in the top ten. Maybe it's eighth, but right up there in the top ten, the funding for our schools from the state. So all of these things are, are big improvements to the way we fund our schools in the state and the way we do treat every student fairly. Every student at least gets a good portion of-- or at least part of their cost of education from the state funding. And the--

KELLY: One minute.

MURMAN: Thank you, Mr. President-- \$1.5 billion that's transferred out of the Education Future Fund or will be transferred out of the Education Future Fund in '25 and '26 and each year thereafter. So that fund, it does protect the future funding of our schools. And with that, I'll yield the rest of my time to Senator Linehan.

KELLY: Thank you, Senator Murman. And Senator Linehan, you have 34 seconds.

LINEHAN: Thank you, Senator Murman. And thank you, Mr. President. I would just once again really ask people to look at this chart and figure out what this does for your schools. I think it's critically important that we understand. And there was a comment on the floor that, you know, my school will be fine. This is about schools, but it's also about taxpayers. So if-- I know the-- you're right. It-- that's the way TEEOSA works. If you have the resources, you don't get state funding. But I thought--

KELLY: That's time.

LINEHAN: --the whole time I-- OK.

KELLY: Thank you, Senator Linehan. Senator Hughes, you're recognized to speak.

HUGHES: Thank you, Mr. President. I rise today to speak on LB1331 with AM3313. That's a lot of threes and ones. I think this is a great idea. I think we have opportunity to prove it on Select when it's merged with LB388. I fully support front-loading the LB1107 tax credit toward public schools so that we can provide property tax relief. I was not here when LB1107 was created, but it makes no sense to me to provide people with an income tax credit for the property taxes they pay. Property ta-- property owners pay property tax every year. And it just does not make sense for the government to take our money, hold it for nine months, a year, and then we have to ask for

it back, which-- apparently, a lot-- some people do not ask for it back. So I, I, I really like the front-loading and eliminate that piece of it. I think there is opportunities to fund it, and one of those I wanted to point out a little concern with LB1331. Is that in F-- in years '24-25, the bill front-loads the \$750 million to schools to reduce the property taxes. Then on sub-- on Section 5(3), page 15, provides for \$750 million in years '25-26 plus an additional \$30 million. This \$30 million is then added each year after. This is great, but you got to think of the impact over time. And when you figure \$30 million of \$750 million is about a 4% increase that first year. But then the-- it stays at \$30 million. It's a fixed number. This percentage decreases over time. And by year ten, years '33-34, this drops below 3%. And by year '20, it's just above 2%. So our ability to provide that property tax relief from the state going forward by front-loading the tax credit is diminishing over time. And at first, it doesn't sound alarming, but I think a better way to fix that would be to use a percentage, perhaps, rather than just a straight \$30 million every year. Colleagues, this is the issue at hand. We need to address this. The levy-- we are just-- we're ready for this to happen. That's the only thing, honestly, I heard about going door to door. And I would really like to see this go through. I commend the committee on all their hard work on this. And I know-- I know we're limiting on time, but I know we can get there. So thanks for the work on this. And I will yield any more of my time to Senator Linehan if she would like it.

KELLY: Thank you, Senator Hughes. Senator Linehan, you have 2 minutes, 25 seconds.

LINEHAN: Thank you. Thank you, Mr. President. And thank you, Senator Hughes. Yes, I was listening to the comments earlier about a couple of our schools, Elgin and Centennial. I hope they're watching today. Be good for their kids, school students. So the thing about Elgin, Centennial, and these little tiny-- not tiny. I went to a little, tiny school, so I like little schools. You, you have to realize, in the big picture of things, they're like a dot. So this is what-- after we did-- last year, in '22-23, Elgin got \$399,327 in state aid. OK? \$400,000. Last year, they got \$577,839. The proposed is \$627,129. Note: those are all less than \$1 million. Centennial, they went from \$89,000 up to \$784,000-- next year, \$791,000. Again, a lot less than \$1 million. So we, we pull out these tiny, little schools that have low levies because half their children or students are-- private schools and they have wind and they have other things, and they've probably been very conservative with their budgets.

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KELLY: One minute.

LINEHAN: I don't think that's a reason not to give foundation aid across the state. Because I grew up in Lewiston, I would ask the people in Lincoln and Omaha, me, Elkhorn-- if you think our schools are underfunded, drive through the Sandhills and see the buildings that they are holding classes in. See the gyms that they're playing in. Take me out to rural Nebraska and show me a school that comes anywhere close to Lincoln's new schools or to Elkhorn's new schools, swimming pools, soccer fields. I, I'm not, I'm not saying all that isn't good, but please. Let's-- don't stand here in the Legislature and say that somehow the rural schools are, like, living high on the hog and we're suffering in urban Nebraska. Thank you, Mr. President.

KELLY: Thank you, Senator Linehan. Senator DeBoer, you're next and recognized to speak.

DeBOER: Thank you, Mr. President. My point about foundation aid before is that it is less able to respond to the needs of the community-- and I understand that sometimes these are small communities. And my point is, if we can figure out a way that is responsive to the needs of the community, that's probably better. So-- but that isn't what I was standing up to talk about. What I was standing up to talk about is that we have to think very hard as a state about how we're going to go forward because our state is becoming more inefficient by virtue of our demographics every year. It costs \$9,000 to \$12,000 to educate a student and educate them well in my district. And there are places in my district-- or, in Nebraska where it costs \$30,000 or more to educate a student. And it isn't their fault. That's because it's a sparse area. But as we become more sparse in some areas of our state and have to build new schools in other parts of our state-- and, by the way, it's not just schools. There are areas of this state where we have roads that there are very few people that drive over them on a daily basis, and there are other parts of the state where those roads are driven on an awful lot. One of the reasons that we're having problems dealing with taxes in this state is because our state is inefficient. Now, I'm probably the wrong one to bring this up because I'm from an urban area, but, at some point, we're going to have to have a reckoning about combining some of the things that happen in western Nebraska. At some point, we're not going to be able to afford to have as many roads, bridges. I don't know how we'd do that. Or we're going to have to figure out a way to bring people back out into the rural areas. Long term, those are really our two options. Or else our taxes are going to be out of control. If we continue to just become more and more sparse in some

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parts of our state and more and more inefficient in some parts of our state, the cost is going to continue to go up. And I don't know what that looks like. I will be totally honest with you all: I don't know what that looks like for western Nebraska. I don't know what that looks like for rural Nebraska because I don't live there, and so I am reliant on my colleagues who do. But if we really want to get to the bottom of the problem, the problem isn't-- I mean, it's not the, the symptoms we talk about. The problem is that we are losing economies of scale every year. And every time we do that, the total cost to do any given thing in the state goes up. So what does that mean? Does it mean consolidating counties? That sounds really extreme.

KELLY: One minute.

DeBOER: Does that mean consolidating schools? Does that mean consolidating other services? People have to drive a long way. At some point, that doesn't work. Can we figure out a way to get more people back into the rural parts of our state? Those are the issues that I think we need to work on. We have to do the kinds of things that we're doing now in the short term. But long term, if we don't also respond with some sort of plan to either repopulate areas of our state or to figure out how to make those parts of the state more efficient, we're going to have this problem again and again. And it'll be different people in this room. And because of term limits, they'll have to relearn it. And we'll continue to have this problem. And, at some point, it's going to become very, very difficult for us to afford it.

KELLY: That's your time.

DeBOER: Thank you, Mr. President.

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

DORN: Thank you, Mr. Lieutenant Governor. Just to make one comment on what Senator DeBoer made there, that we need to figure out how to do-- I call it, help more in the rural areas. In Appropriations, we did bring out workfor-- the workforce housing bill, \$25 million. We put \$20 million in the rural area. Just so everybody remembers, Senator McKinney-- and bless him-- he brought a amendment to it that, that was \$12.5 and \$12.5 million. So sometimes when we have an opportunity to do some of those things, we as a body decide to do different things. Back to what I'm going to talk about, though. Yesterday, I talked about a guy-- or, an individual down in Hickman,

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Nebraska who had a apartment complex. He sent me some more information today. And this-- I'm not trying to do anything except show that the difference in what has happened in numbers in the last ten years. From 2014 to 2024, city of Hickman property taxes have gone up 296%. Norris School District property taxes have gone up 245%. Our national inflation rate has gone up 132%. So when we sometimes talk about different things affecting different things, this, this is what has happened in the last ten years. One other thing I wanted, wanted to talk about this morning-- trying to pull up my screen here or whatever. I did, I did go and get ahold of Keisha down at the Fiscal Office, and she did pull up some numbers for me. This is the LB1107 credits. So this is the numbers that is factored-- I talked about in-- and it's on pa-- it's line 10 on the first sheet of our green sheet. It's the net receipts. And this is, this is what is factored into the net receipts. In other words, this is what we lower those net receipts. In '22-23, that was \$491 million. This is the income tax property tax credit. In '23-24, it's \$560 million. In year '24 and '25, it's another \$580 million. In year '25-26, it's \$600 million. And in year '26-27, it's \$621 million. So that is revenue that-- on line 10 there, when we say net revenue-- that is not-- that's how it's counted on our fiscal statement. It took me two years in Appropriations. I remember asking our State Treasurer, well, where does this show up as a cost outlay, as appropriation outlay? It took me two years in Appropriations to figure this out. So it's not easy. We do some challenging things here sometimes. This doesn't show up in the budget other than it shows up as a decrease in net receipts. That's what that income tax property tax credit does. On the flip side of this-- and I'm one of the few persons I-- that I-- I am not for front-loading the income tax property tax credit if we don't pass some of these other things for this specific reason. I'm assuming the number is 25% of the people-- or, the dollars that don't get claimed. Those 25%-- or \$140 million of \$560 million-- when they don't get claimed, they now go into our revenue stream and they are now income to the state, or \$140 million a year. If we don't do anything else with property taxes and we only pass that front-loading, what that does is that will take away \$140 million of income that the state now is getting every year because people aren't claiming them.

KELLY: One minute.

DORN: We can't blame ourselves. We can blame the people for not claiming them. I often talk about that third page, the way-right column. When we come back next year, if these numbers are accurate, we're \$431 million in the hole. You start adding-- we front-load

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this, you start adding \$140 million every year onto there-- and some of these years would be \$150 million-- that pretty quick gets up to \$1 billion. I'm OK with front-loading, but some of these other things have to happen. But if we don't have some of these other things passed, we need to be careful about front-loading this. Thank you, Mr. Lieutenant Governor.

KELLY: Thank you, Sen-- thank you, Senator Dorn. Senator Brandt, you're recognized to speak.

BRANDT: Thank you, Mr. President. Thank you to the Education Committee and Senator Murman for bringing LB3-- LB1331. This bill is about property tax relief. This is part of a solid solution when combined with LB388. This bill is about making tax relief easier for the people of Nebraska by front-loading the money from tier two or LB1107 that we are currently going through gyrations now as taxpayers to claim and putting it on our December statement. This bill is about helping students like LPS who will no longer be equalized after next year. And they will receive a base amount of aid. So this bill helps all public students-- school students in the state by increasing foundation aid from \$1,500 to \$3,000 a student. I want to go through a few of my schools real quick so people in the state have kind of an idea of, of what we're talking about here. Crete Public Schools will receive an additional \$6.3 million under this bill, increasing state aid 51%. Deshler: \$1.4 million additional, increasing state aid 279%. Dorchester will receive an additional \$1.1 million, increasing 196%. Fairbury-- a school that desperately needs equalization aid-- you will increase \$4.3 million, 322%. Fillmore Central: increase, \$2.8 million, 299%. Meridian: increase, \$1 million, 96%. Norris: increase, \$8.7 million; go up 179%. Shickley: increase, \$1.3 million, 377%. Thayer Central: \$2.2 million, 340%. Tri County: \$2.3 million, 175%. And finally, Wilber will increase \$2.8 million, 231%. This is a nice cross-section of what schools are like in this state. I would like to yield the rest of my time to Senator Conrad, who sits on the Education Committee and voted the bill out, to see what her opinion of the bill is.

KELLY: Thank you, Senator Brandt. Senator Conrad, you have 2 minutes, 25 seconds.

CONRAD: Very good. Thank you, Mr. President. And thank you, Senator Brandt, for the additional time. I voted the bill out because I generally believe in a couple of things. One, getting more resources to our public schools helps to keep our public schools strong, ensure that they have the resources they need to teach our kids and recruit

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and retain top talent in our classrooms and have the, the other materials and resources they need to carry out the important work of educating future Nebraskans. So I also passed out the measure in an effort to establish good faith in collaboration in understanding with the goals that my friend, Senator Linehan, was trying to bring forward in regards to additional property tax relief. And I know you and I have talked many times about this, as I have with Senator Hughes and other members. There's a lot of good ideas out there to update and modernize our TEEOSA program, including the Nebraska plan-- which I am a cosponsor of and that you've worked on for a long time-- that also accomplishes a lot of our same goals of getting resources to the schools and getting a better handle on property taxes. And the more money that we send out to the schools, it helps to relieve the burden--

KELLY: One minute.

CONRAD: --on the local property taxpayer. Senator Linehan's 100% right about that. There's no disagreement about that at all. Thank you, Mr. President. So I, I am grateful that that connection remains strong. Everybody understands and realizes that there's yet to be consensus on identifying either new revenue streams or existing revenue streams that can help make these additional resources to public schools possible. But I think-- even though it may not seem like it, we're probably all a lot closer than it might feel in trying to address property taxes and trying to make sure that our schools have the resources they need to, to carry out their important work, so. I voted the measure forward because I think it's an important conversation to have and probably one of the most inco-- important conversations to have for issues emanating out of the Education Committee. So with the teacher shortage, with what-- the concerns we have about accountability and test scores, and--

KELLY: That's your time.

CONRAD: --other issues, we, we really need to keep our focus on resources for the schools. Thank you, Mr. President. Thank you, Senator Brandt.

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

J. CAVANAUGH: Thank you, Mr. President. I apologize to Senator Murman. I wasn't going to speak on this bill. But I guess for the, you know, relevance to the comments, I support the IPP at the moment.

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So I rose-- pushed my light to talk about the Exec Board's letter. And I would just tell you all that this is embarrassing and disappointing. And those of you who maybe want to hide behind the letter and claim that-- wash your hands of it and say, we did it. We're done. I'll let you know that that was a letter of the Exec Board and not a comment of the Legislature. So as it stands right now, the Exec Board has said that they disapprove of this kind of language, but the Legislature has not. So those of you who have not spoken out, who have not done anything, who've not taken an affirmative declaration that this is not the type of place and language that's appropriate, that is going to be a stain on your record for posterity. Those of you who want to think of yourselves as statespeople and do nothing, this will reflect on you forever. There's a saying that-- all that has to happen for evil to triumph is for good men to do nothing. I'm not saying this place is full of good people, but I'm saying if you thinks-- think of yourself as such, you are doing nothing. You have done nothing. You have enabled nothing. This place will be made worse as a result of the inaction and sweeping under the rug that has gone on here. And for the record, there was a hearing that I was invited to and said I would attend and was not afforded an opportunity to testify. I was told I would not testify. There was this investigative committee where they supposedly interviewed some people. No one ever talked to me. No one told me. I found out about this hearing when I sat down on-- or, this report when I sat down at my desk here. This is not how you treat people. This is not how you solve problems. This is not an appropriate way to deal with bullies. On the outside looking in here, the people of Nebraska are left with nothing but to think that this place is full of inactive cowards. It's embarrassing. We should all be embarrassed by what has transpired here. We can't bother to stand up and say we disapprove of this language? Four, five people, plus the Exec Board wrote a letter? And I would tell you-- I haven't read the letter, but I heard it read across-- there was a lot of CYA in there, a lot of "cover yourself." The Exec Board sai-- stating what they did, the hoops they jumped through to get to this point. This is not about a person. This is not about the people who were the, the subject of these comments who you might not like or you might disagree with politically. And it's not about the person who made the comments who you might agree with politically or you might like or might be a-- fear of retribution. This--

KELLY: One minute.

J. CAVANAUGH: Thank you, Mr. President. This is about the language itself. It is not appropriate for this place. It's not appropriate

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way to engage in debate for the people of Nebraska. So those of you who have not done anything, who have not said anything, I'm sorry for you. I feel bad for you. I feel bad how this is going to reflect on you, that you don't have the wherewithal to say, we should not talk this way to each other. We should not talk this way on behalf of the people of the state of Nebraska. So I hope you all do better. I hope you all aspire to the dignity of this office. And I hope that you-- we do more. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I, I don't really have any intentions with this bill one way or the other. I think there's some decent things in it and some things that I disagree with. I had this motion filed, and I really, genuinely have appreciated people having the conversation about the bill this morning. Yes, your silence is complicit. Senator von Gillern got up and shared something deeply personal and stood up for victims. And I appreciate that he was also standing up for me, but he was standing up for victims. Senator Slama, the same. Senator Blood, Senator DeBoer, Senator George Dungan, Senator John Cavanaugh. They stood up that morning for victims. Everyone has been silent except for the nine people that signed a letter trying to have my motion-- my resolution sabotaged: Senator Albrecht, Senator Lippincott, Senator Hardin, Senator Kauth, Senator Murman, Senator Bostelman, Senator Brewer, Senator Erdman, Senator Clements. You've all introduced bills that I disagree with, and I have never demanded that they not have their public hearing. How disrespectful to the institution. And in addition to that, you stand by that language in doing that. And every single one of you who sits in your seat now and doesn't say anything stands by that language. You stand by it. You stand by another senator demanding a sex act be performed by another senator on the microphone. And you kind of condone it if you say that it's just free speech. Free speech does have consequences. And a censure motion is also free speech. A censure motion on the floor is a debatable motion that we all can talk about. It is more speech, and I have been denied that. I have been denied more speech, and so has Senator John Cavanaugh and so has Senator George Dungan. All three of us have been denied more speech. And not only that, you have failed us and you have failed Nebraska. Your silence-- I don't care if you come up to me and say nice things to me. Your silence in the public forum is what I care about. That is what matters. You want to protect children from porn but you don't care if my children are subjected to this public media circus? Or Senator John Cavanaugh's children? Our

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children could have been here. They're fourth graders. You don't care. You're morally bankrupt. You sit here and you say nothing. And nothing will ever compel you to do the right thing. I am so sorry to Senator Slama for not standing by her in the past.

KELLY: One minute.

M. CAVANAUGH: And I am grateful that at least some semblance of progress has been made by this cover your ass letter. But you all sitting in your seats remaining silent is a failure of duty. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Hansen, you're recognized to speak. Senator Linehan, you're recognized to speak.

LINEHAN: Question.

KELLY: The question's been called. Do I see five hands? I do. The question is, shall debate cease? 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.

ASSISTANT CLERK: 20 ayes, 1 nay to call the question. Oh--

KELLY: The house is und--

ASSISTANT CLERK: To place the house under call. I'm sorry.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Day, McKinney, Bostar, McDonnell, and Dungan, please return to the Chamber and record your presence. The house is under call. Senator Linehan, we're lacking Senator McKinney. How do you wish to proceed? We will proceed. Members, the question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 34 ayes, 2 nays to call the question, Mr. President.

KELLY: Debate does cease. Senator Machaela Cavanaugh, you're recognized to close.

M. CAVANAUGH: Thank you, Mr. President. It's-- I don't even know how many days-- four, six days left? I don't know. I'm concerned about

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the trajectory that we are on with our policymaking. There are good things in LB1331, like front-loading LB1107. And if you don't know what front-loading LB1107 means, yeah, I didn't really either. But I'll let somebody else explain it. It's pretty typical Nebraska. I-- my brother and I talked about how this institution has failed us and victims. And the next person to speak is a woman who calls the question. No acknowledgment whatsoever from any of you. Cool. It's just this trainwreck just keeps happening. It's like a loop where every 15 minutes is another trainwreck. I, I already had a complete breakdown last week. A complete breakdown on the microphone. And it has really shown-- the last two weeks have really shown me that, when people say that this is a family, this is not a family I want to be a part of. Because you all are abusive to me. Because you all know that I approach everything with the best of intentions and integrity and that I want to do the good work for this state. And you are abusive to me. And you all should be standing up on this next round and saying whether you agree that Senator Halloran had every right to demand a sex act from one of the Cavanaugh's or you don't agree that he should have done that even if he had the right to. Every single member should stand up and speak out. But you won't because you are cowards. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Members, the question is the motion to indefinitely postpone. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 0 ayes, 36 nays on the motion to indefinitely postpone, Mr. President.

KELLY: The motion fails. I raise the call. Senator DeKay would like to announce some guests in the north balcony: mam-- managers from the NREA of Nebraska representing public power utilities in northeast Nebraska. Please stand and be recognized by the Nebraska Legislature. Mr. Clerk for items.

ASSISTANT CLERK: Thank you, Mr. President. I have amendments to LB20, by Senator Dungan; amendments to LB1023A, by Senator von Gillern; amendments to LB685A, by Senator Lowe; a motion to LB287, by Senator Hunt. Actually, I have a series-- another motion to LB287, by Senator Hunt; a motion to LB541, by Senator Hunt; a motion to LB541, again by Senator Hunt; a mo-- another motion to LB541, by Senator Hunt; and a motion to LB541, by Senator Hunt. Notice of committee hearing from the Agriculture Committee. And I have L-- LR464, by Senator Slama. That will be laid over. LR465, by Senator Albrecht. That will also be

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laid over. And LR466, by Senator Albrecht. That will also be laid over. That's all I have, Mr. President.

KELLY: Thank you, Mr. Clerk. Next item on the agenda.

ASSISTANT CLERK: Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote to, to indefinitely postpone LB1331.

KELLY: Thank you, Mr. Clerk. Senator Machaela Cavanaugh, you're recognized to open.

M. CAVANAUGH: Thank you, Mr. President. I'd like to yield my time to Senator Dungan.

KELLY: Senator Dungan, you have 9 minutes and 50 seconds.

DUNGAN: Thank you, Mr. President. Colleagues, I want to take just a moment to talk about what Senator Cavanaugh's, both of them, were discussing earlier. As many of you know, my name was obviously wrapped up in this entire issue with regards to the, the LR and the harassment and things that took place here a few weeks back. I find myself in something of a strange position because I don't feel as though my name, my name was sexualized in the same way that the Cavanaugh's' name were, but certainly I was implicated in that. Excuse me. And I was a part of the LR conversation that had happened with regard to censure. And so I just wanted to take a moment to stand up and talk about that. Colleagues, we need to do better. And I said that before, but we absolutely have to do better, not just for ourselves, not just for our colleagues, but for the people who are paying attention to what we do here. So I missed the last 35 minutes because I was downstairs talking to a group of students from Lincoln. I was talking to a group of high school students. And when I talk to students about what I do here, I get really excited. And I really enjoy sharing about my job because I frankly love the opportunity to come here every day and be a state senator and represent my district. I love representing LD 26 and I love here-- I love coming here and getting to be a part of these conversations. But there is a downside to this job, and I think a lot of times it is what is said behind closed doors. I think a lot of times it is the undercurrent of sexism that we hear from each other. And we need to do better. Men in this body need to do better standing up to other men in this body. And I will be the first to say that I'm not always perfect about it. I will be the first to say that I mess up, that when I hear people say things that I think are offensive I don't always say something back. And that's wrong because that's what lets these things continue. And

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the fact that we don't stand up as a body to say more often that the words that are said are wrong permits them to continue. And so I certainly think that what was said by Senator Halloran was wrong. I'm willing to stand up here and say: Senator Halloran, I think what you said was wrong. I certainly will say that we need to in the future do better with regards to holding ourselves accountable. And we certainly need to do better with regards to holding each other accountable even when we're not on the mic. We can't just say that we're upset about things when we get caught. We have to say we're upset about them when they happen in the hallways, in the offices, in the back rooms, in the Senators' Lounge. We need to make sure that we're saying to each other, these things are unacceptable. And whether it's implicit sexism, whether it's implicit racism, whether it's implicit classism, homophobia, transphobia, whatever it may be, we owe it to Nebraskans to always stand up and say, that's not right. And in the conversation that I was having with these students downstairs, one of the things we talked about was whether or not people want to stick around in Lincoln after they leave. And I said, I love Lincoln. Right? I was born and raised here. And I left for a short period of time, and then I came back because I missed home. But part of the conversation that was shared with me was that there are people who don't feel welcome here. And they don't feel welcome here because of the language and the things that we say and do in the Legislature that makes its way to the news, that makes its way onto the evening news that their parents are watching, that makes its way into the paper, that makes its way onto Twitter. It seeps out. And it has an insidious effect because people don't feel welcome. So I'm here to say, to anybody watching at home, you are welcome. I'm here to say to my colleagues, do better. And I'm here to say to myself, do better. We owe it to ourselves. We owe it to the institution. And we owe it to Nebraskans because we are capable of being better. And I live by the creed, generally speaking, that no person is as bad as the worst thing they've ever done. I am not saying that anybody here is bad, but I am saying that actions are bad. And with bad actions should come accountability. So, colleagues, please take this not as a reprimand but as an encouragement that we can and must step up in the future. And I'm hopeful we never have to have this conversation again. Thank you, Mr. President.

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

WAYNE: Thank you. I didn't know Senator Dungan was going to say that, but it kind of leads into what I was going to say. I spoke on this floor-- and I never condoned Senator Halloran's actions. And in fact,

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the reason I was silent the first couple days is because I'm on the six-member committee, and I figured this would be a hot issue and I didn't want to show any bias one way or another. But once I was not selected out of the committee, I did get on the floor and say I didn't condone it. But Senator Dungan is correct. And I want to make sure people understand our duty in here. I was not on the floor that night. But if you'll turn to your rule books on Rule 2, 2, Section 8 and 9, it lays out exactly what you are supposed to do. And the reason I know that is, in my first year, I wanted to do a censure motion, but it had moved on. And here's what that means. Everybody has a duty to keep the decorum on this floor. Everyone has a duty to make sure we are addressing each other respectfully, et cetera, et cetera. You do that by immediately calling that person to order and everything stops. There's no more debate. You have a decision to write down the words and file a motion, and the Clerk has to read them out loud, and it is debated immediately. It stops. But even if you look up Mason Manual and our rules, once you pass that, that is a prerequisite for a censure motion. My point in saying that is, that night, Senator Machaela Cavanaugh, the entire body failed you because you have to do it immediately. This is what attorneys do every day in a, in a judiciary. It says you have to object at, at a, a evidentiary hearing or anything you-- hearsay, whatever it is, immediately or it is waived. Nobody objected. In fact, there were four other people who talked before Senator Cavanaugh talked. Senator McKinney and I were actually in my office trying to work on the bill that's coming up for him today. When we were watching-- I think Senator Armendariz was down there too-- and we started coming up. But then, based off of what I was told, it moved. So I want to be clear-- and for all my colleagues, that played out last year when Senator Slama did it to Senator Machaela Cavanaugh, when Machaela Cavanaugh was using the word "genocide." She stopped debate, said it was out of order, and filed the motion. So we all failed you. And I'm admitting that. I wasn't on the floor. I, I'm, I'm still losing weight, but I couldn't get up here fast enough. And I'm not making fun of it. I'm saying we all have a obligation every time we are on the mic. We ought to make sure we're using our words properly and professionally. But then everybody who is still here has a obligation to hold that person accountable. And that is the tool. Those two rules are the tool. And maybe people didn't know that night, and that's why I'm saying it. That, moving forward, that is the rule you have to use or we have to change our rules. If you're not quick enough to think about something, maybe you add it to a legislative day, like we do the reconsider motion. But that's how you do it. And like I said, I wasn't planning on Senator Dungan talking about this. I really wasn't

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planning on talking about it, but Senator Dungan said something. And I'm just like, maybe people don't actually know how to do it. So I wanted to be clear about that. Now I'm actually going to turn to what I was going to talk about, which was the underlying bill. But I wanted to make sure Senator Cavanaugh knows that I was clear that I did speak up, but I had-- was delayed because I have a ethical obligation to the committee I serve on--

KELLY: One minute.

WAYNE: --to be impartial. What I was going to say about the underlying bill itself is-- I just had to send a correction. Actually, it was really simple. I wasn't even getting up to talk about this. And I wrote it down so I didn't mess it up. And then I lost the note, what I wrote it on. Well, it was actually-- TEEOSA was passed in 1990, LB1059. And it was Senator Scott Moore and it was Senator-- there's two other senators. And I wrote it down because I always forget the other two. I just remember Scott because Scott was at UP when I was there. With him was the other one-- thank you, Senator DeBoer. And there was one more-- Dusk-- Busk-- Dusk-- one of-- some last name. But I know there was-- talked about on the mic and I just wanted to correct their record. But then we kind of went this other direction, and I just wanted to speak on that because I wasn't sure if people actually knew how we're supposed to hold each other accountable. Thank you, Mr. President.

KELLY: Thank you, Senator Wayne. Senator Day would like to announce some guests in the north balcony: fourth graders from Whitetail Creek Elementary in Omaha. Please stand and be recognized by your Nebraska Legislature. Senator Slama would like to recognize some guests in the south balconies, many on their sophomore pilgrimage across Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Vargas, you're recognized to speak.

VARGAS: Thank you very much. I intend to speak on the General File bill and also on the conversations that we've been having since the reading out of the report. Part of the reason I've waited until this time is I serve on the Executive Board and I do care about process. I'm not saying it's always perfect. In this instance, there are a lot of things that I disagree with in terms of process and that I think we should have done differently. But I wanted to make sure to stand up because, as one of the members of the Executive Board outside of the Chair, I want to make sure it's clear that I do believe that we have the right to free speech, but it doesn't come without consequences. Senator Halloran's remarks were hurtful. There were

offensive both to members of the Legislature and the institution itself. His comments and conduct should not be tolerated, and it is unacceptable conduct, which is the same language that is in this letter, by the way. I do support Senator Slama and Senator Machaela Cavanaugh's efforts to hold them accountable also through the LR. I've stated I support the motion to censure, her LR, and the letter of reprimand. I'm the only one that can say that for myself within the Executive Board. I can't speak for the Executive Board. The actions taken by the Executive Board is what was in front of us. But I did want to apologize because, even though we did come to an action, I also don't want that to believe that it represents each individual Executive Board's full attention or commitment to the efforts made in committee. And it's not because Senator Machaela Cavanaugh is bringing it to light only. It's because I'm only one member as a member of the Executive Board. And also, I do believe we have to do better as a body. To Senator Wayne's mention, there was more that we could have done in the moment. But as an Executive Board and as colleagues and employees, our workplace harassment policy is policy. And we do have a responsibility to be abiding by our policy and making sure that there are consequences as a result of violating it, which there clearly were as a result of this report. And I do hope it is a call to action from here on in, which is we are all held accountable to the words in our policy, we're all held accountable to our conduct to each other, how we treat each other, what we do, how we do it. We're not absolved of that. And that precedent has been made of a reprimand. Maybe not the consensus for a censure, even though I've, I've also stated I would support that. But it is also our responsibility for a future Executive Board and the members on this floor to make sure that we are protecting individuals and staff and senators to the best of our ability within our policies and improving policies similar to the-- Senator Slama has asked over the years and building that consensus with an Executive Board to do so. I just wanted to make sure that was clear, especially since I know Chairman Aguilar spoke. And I do think that things-- that we could have done differently to make sure that we are both informing Senator Machaela Cavanaugh and Senator John Cavanaugh and Senator, Senator Dungan. And I apologize for that.

KELLY: One minute.

VARGAS: But I also wanted to make sure it's clear that an action was taken that sets precedent on a standard. And I hope it's not just to Senator Halloran, but to anyone-- I've had this conversation with others off the mic-- that we all are responsible, especially the Executive Board, for making sure that people feel safe in this

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workplace. We're protecting free speech, but there are also consequences for violating that, which is clearly what this report showed. On the bill itself, I do stand in support of the bill. I want to make sure we figure out a way to fund it and find the revenue sources to do so. But I appreciate Senator Linehan and Senator Murman's work on it. And with that, I'll yield the remainder of my time.

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

FREDRICKSON: Thank you, Mr. President. Good almost afternoon, colleagues and Nebraskans. So, you know, I'm obviously listening closely to this conversation. And in, in terms of the, the bill, I, I support the bill. I'm going to vote for the bill. But I did want to speak out a little bit and make some remarks about what's been transpiring this morning and, and conversations we've been, we've been having in here. And I think as senators in this body, we, we have, we have a number of many difficult conversations and we experience a lot of challenging dynamics within here. And sometimes, for better or worse, these things play out on the floor in a very public space with a lot of eyes on us. And I, I haven't really spoken out publicly on the floor about this yet partially because I was waiting for the opportunity pending what was decided in the Executive Board today. And as we heard earlier this morning, there's not necessarily going to be a formal time to speak on this, so I wanted to use this opportunity to say a few words here. And I think sometimes it's easy to-- I don't know about other people in here, but sometimes I feel like it's not really real life in here. Sometimes it feels like we're kind of living in this-- a bit of a different bubble or a different world. And I think it can be very easy to get caught up in some of the emotions and feelings that happen. And I would implore all of us to take a step back and really think about what transpired that night in here. That was inappropriate. It was egregious. And if we're being honest with each other, there is no way that that type of behavior would ever be tolerated in a private business. And I believe-- I, I act-- I genuinely believe the majority of members in this body don't think that that-- what happened was right or OK. But I also feel like the letter that was read by the Executive Board feels a bit more like a formality than a condemnation when we have it be read and we just sort of breeze past it and move right on as though, you know, this is like a, an announcement of a new amendment filed. Say what you will about Senator Machaela Cavanaugh, but she is a very hard worker. She knows probably more about this place, about process, about rules than probably 95% of us

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in here. And she deserves respect, just like everyone else in this body. Senator Halloran's behavior was unacceptable. It was unbecoming of this position.

KELLY: One minute.

FREDRICKSON: And it is a blemish on this institution. And just because censure motions have not been formally exercised in the past does not mean they should not be exercised now. Under that logic, any behavior can continue to go. We need to put our foots down-- feet down and say no. And I'm hopeful-- and I know we as a legislative body will learn from this and I know we will do better in the future. Thank you, Mr. President.

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

BLOOD: Thank you, Mr. President. Fellow senators, friends all. I stand opposed to the reconsideration and hoping that we can do better on the underlying bills so I can also support those bills. But now I'm going to take some time, as others have, to talk a little bit on what happened today. I thank Senator Fredrickson for saying many of the things that I had planned on saying. I agree this would never happen in any workplace. You could not say those words to somebody and keep your job. And I can tell you that, when I came into this body eight years ago, I felt like we went back in time 30 years ago because I'm in that generation where I worked a lot of male-oriented jobs. And the stories that I can tell are things that have happened to me in the workplace trying to get justice are stories that are so off color-- especially since we have grade schoolers coming through-- that I can't tell them on the mic today. And I remember feeling frustrated when I would file a complaint and we would hear things like, well, you know. That's just George. That's just John. That's just how it is. They mean no harm when they talk to you that way when they would talk about their body parts and what they would do with body parts or talk about your body parts and how maybe you'd look prettier if you did this with your hair or this with your makeup or wore a different bra. Those times were that-- not that long ago. And as an elected official, I felt like I was going to come into a body where nothing like that would ever happen because there is a level-- I always make fun of, of when people were like, it's so prestigious to be a senator. It's like, I'm just a senator. I make \$12,000 a year. But there is a certain level of prestige that I expected when I came into this body and was sorely disappointed to see that we didn't really have an HR policy. And until recently, we really didn't have

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anything-- really, a workplace harassment policy. And you see that in the demeanor of some of the things that have happened over the years. You saw a senator use the F-word against another senator, for those of us that were here in the last four years. You've seen the senators throw things at other senators. Or maybe you haven't, but I have. You've seen people come on to this floor inebriated. I've seen a lot of things on this floor that I would never see in a workplace. And if you did, that person would lose their job. Period. This committee had a either-or; they picked the lesser of the two. No matter how you frame it-- and it was framed by Scott Voorhees on KFAB-- and I got lots of emails on that-- say no, it's about the book and we're just trying to express to you how bad this book is and that it may be in libraries. It's not about the book. Because if it's about the book, then I would challenge a senator to take that to their parish, St. Cecilia's, and read that at mass because, you know, it's about the book and you want to make sure they know about that language. Or take it to the restaurant downtown and read it in front of people. Would you do that? No, you wouldn't do that because you were looking for shock value. You were not trying to prove a point about the book. You were trying to create shock value. And I go back to what happened that day where I got text messages and phone calls throughout the night because women that watched that night-- especially those that knew that the context of that book-- that particular scene was a violent rape scene, a true story of a college student. You have no idea how many people on this floor, men and women--

KELLY: One minute.

BLOOD: --have been violently, sexually harassed, assaulted-- some more than once. You have no idea the trauma that was caused to the victims here in Nebraska when you used those words on this mic. You didn't victimize just Senator Cavanaugh. You victimized other women over and over again because you reminded them of the trauma. And for those of you that say, well, these people need to just get over it; that was in their past-- that is not how trauma works. And to minimize trauma like that I think it's humiliating. And I have heard it in this body since this incident. Get over it. Well, do you get over the loss of a loved one? That's trauma. Do you get over the loss of a dog if it gets hit by a car? That's trauma. You, you don't get over trauma. You carry trauma like a wet blanket, and you survive. We can do better--

KELLY: That's your time, Senator.

BLOOD: --how we handle these things. Thank you, Mr. President.

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

DeBOER: Good afternoon, morning. Sorry. Good morning, colleagues. I think that we have seen recently some flaws in our system. So I would like to propose some potential things to think about, and I thought I would propose it here. Senator Wayne mentioned this. He and I were talking. He said the way to do this in our rules is you have to immediately object to words said on the microphone. The problem is, of course, that in a rule-- in a courtroom, when you object to something, it's based on well-defined rules of evidence, which you have gone to law school to learn. And so you can make the objection in the moment. But when you're talking about the kinds of objections to language that we're talking about here, I think it's entirely reasonable that one might not be able to make those in the immediate moment that, that, that they happen. And so my proposal for us to consider would be to move the timeline out for making the objection to words to a longer period of time. Maybe you have until the end of that day, maybe you have 24 hours, maybe you have until the end of the next day-- some period, not forever, in which a person can object to words said on the floor. Because the truth is we have to do something. This has happened multiple times in the six years I've been here. So I think that if our rules provide the ability to object to words that they ought to provide the ability to object to words in a way that's feasible, and we ought to fix the rule. So I'll bring a rule change next year that would suggest that change because I do think it is important to have the ability to hold each other accountable in those circumstances where there are words which are accepted to-- which we already have in our rule book but in a way that I don't think is actually particularly feasible. So we can decide as a body next year whether or not we would like to make our rules in that way work better. But I think we should learn from the difficulties that we've had here that our rules don't work as currently written-- that particular one, anyway. So I would suggest that we take a look at that one again because-- actually, when, when it happened to Senator Slama, I was one of the ones who stood up back then because I do think that we ought to hold each other to account. So-- I also served on the Ethics Committee. I may even have been Vice Chair of the Ethics Committee. It was my LR a couple years ago or it was a joint LR of mine, Senator Slama's and-- I can't remember who else-- a few years ago to look at our HR rules. One of the recommendations that we made was that we hire someone to do some of this work for us that has some expertise in--

KELLY: One minute.

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DeBOER: --that area. And I think we should really strongly think about that, colleagues, because clearly we could put them to work. In the time that I've been here alone, we've had to hire outside counsel to do this twice-- maybe a third time that I can't think of, but at least twice. So I think that there is some work to be done. And if it's happening to senators on the floor, I suspect that, in the quiet places of this Legislature, it's happening to young staff members as well. So I think we ought to do something and I think we ought to hire someone who is specialized in that to work on these issues. I wish it were not necessary, but I believe it is. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. A lot of the things that Senator DeBoer said are along the lines of what I was planning to say. You know, I'm not a First Amendment expert or scholar. I'm not an attorney. I'm not a civil rights attorney. We have people in the body who have experience with things like that. So I don't know-- I don't know how enthusiastic or supportive I feel about rules governing speech in the body in general. We do need a system and we need to have a system that we can be sure won't be abused to silence the voices of the minority as well to silence the kinds of speech that we don't like. But nobody in this body, no single person in Nebraska listening should think that what Senator Halloran said was OK. And he does have the right to say it. And I support Senator Cavanaugh's right to censure him, and I would support that motion. There is no scenario where you should be able to say something to your coworker like what he said. And I, I do think that here in the Legislature we do have a position that in some ways rises above or, or is on some platform above mere coworkers. I mean, we are-- we didn't apply for this job with the Clerk or the Governor. Some of you did. OK. Some of you did. We know that. But we earned the right to be here and have this platform. We all represent 40, 46,000 Nebraskans. And we have the right to hire our staff, to pay them what we see fit within a range. We run all of our offices like a little business, in a way. And we all have a lot of independence and a lot of responsibility with that platform that is honestly not the same thing as any other common workplace. So it's hard to look at norms in human resources and say like, OK. What would a company do in Nebraska for their human resources rules, and apply that to what we do here. Because so much of what we do on the floor is speech. Our work is speech. We push red button, we push green button, and we push white button, and then we can do speech. That's the job here. And so that would be my concern

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with that. We all have an obligation every single time somebody rises up-- as Senator Halloran did and spoke to Senator Machaela Cavanaugh like he did-- to stand up and say, do not do that. And what Senator Justin Wayne said to that effect is right. But I also agree with what Senator DeBoer said-- with what Senator DeBoer said, which is, when it happens in that moment, especially for somebody who has experienced sexual violence in the past, it's very common to freeze. It's common to just completely freeze and not know what to do. And that was, that was my experience personally. And I've said to, to many people, to the news, everywhere that I regret so much that I didn't speak up in that moment. But I, I was sitting here in my chair and I looked up at, at the Clerk and the folks sitting up there, and my face was just like, you know, slack-jawed. Like, oh my God. I can't believe what I'm hearing. What can we do? What can we do? And so to put the onus on the person experiencing that kind of harassment in the moment to call for, for a censorship right at that moment, I think that's too high of a bar for a person who's experiencing violence. It would-- it was too high of a bar for me. And I hope that in the future if this happens-- and I hope it never happens-- I hope that the people in the body are strong enough that one of you will stand up and cut this speech off and say, this is not what we stand for in the Legislature.

KELLY: One minute.

HUNT: Thank you, Mr. President. I also think that this conversation is healthy and good for us in the Legislature. But I will say, look at the queue. Look at the people who have spoken. The only people who have stood up and spoken after Senator John Cavanaugh and Senator Machaela Cavanaugh spoke and implored us to do so are her friends, people who already supported her and, and who have been supporting her. I look around the room at, at many people who, you know-- all of you should be able to say something. All of you should be able to say something against this, whether or not you are Machaela's friend. Thank you, Mr. President.

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

DAY: Thank you, Mr. President. And good morning, colleagues. Senator Cavanaugh is right. I have not gotten on the mic to speak about this, first because I was hoping that we would be debating the censure motion on the floor and that would give me an opportunity to say what I wanted to say. It appears that that is not going to happen, so I'm going to talk today. But also, I think for a lot of us in here-- men

and women, but I think particularly women-- this stuff is really hard to talk about because we have, many of us, lived lives that are rife with sexual harassment and sexual violence. And, for me, getting on the mic and talking about this stuff-- like, I, I can't even get my thoughts together well enough to write something down to figure out what I'm going to say because my-- I, I-- my brain is scrambled eggs. I have so many things and points that I want to make. But it's hard to get my thoughts together. It, it feels like someone is sitting on my chest. I have a-- I feel like I'm going to throw up. I hate talking about this stuff partially because, I think for a lot of women like myself, we remember the first instance of some kind of ogling or sexual harassment or staring-- being stared at in public. Happened to us when we were little girls. I remember when I was a little girl with my mom at the mall-- I don't remember how old I was. I was very, very young. And there was a group of men staring at me. And my mom grabbed me and pulled me close to her and kind of, like, shuffled me out. I remember that very distinctly. And I was so young. And I think that people don't take this stuff seriously. And I think that the unfortunate reality for a lot of us is this event that happened with Senator Cavanaugh and all of the other things that have happened to us here since we have gone out of our way to become elected officials and senators representing the state of Nebraska remind us of all of those times that things like this have happened to us in our lives. And this is just another example of an event involving a man doing something disgusting and egregious that we don't want to be a part of. But here we are. And a letter is being sent out? I think you get to a point where this stuff happens so frequently in your life that you just don't expect anybody to do anything about it. But this is the Nebraska Legislature. People are watching. This is national news. And we're doing nothing about it. I need you to think about the statement that that makes to the women in your lives. Think about it. This isn't just about voting. I think that-- I think that sometimes it's, it's hard in here because we know that any vote that we take, whether we vote for or against something, can put a target on our backs politically. I've had a target on my back since I got here. Sometimes that's just part of the job. Sometimes you put a target on your back in order to do the right thing. Period.

KELLY: One minute.

DAY: I wanted to make sure that I mentioned the other incident that I had ta-- had wanted to talk about on the floor that happened a couple of nights after the original incident with Senator Halloran. I was sitting here in my chair. Senator Halloran came up and very brashly

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and loudly started talking to Senator Lippincott and Senator Albrecht in two separate incidences, mocking and making fun of Senator Cavanaugh and talking about how she watches porn. Loudly. And I see him back there shaking his head. I was sitting right here. It was so loud that I was like, he wants me to hear him. He wants me to hear him. No one does anything about it. It's unacceptable. Be grown-ups. Stand up for the right thing. Thank you, Mr. President.

KELLY: Thank you, Senator Day. Senator Raybould would like to announce some guests in the south balcony. They are ninth graders from East High in Lincoln. Please stand and be recognized by your Nebraska Legislature. Senator Bostelman would like to recognize students, teachers, and parents of fourth graders from Schuyler Community Schools in Schuyler in the north balcony. Please stand and be recognized by your Nebraska Legislature. Returning to the queue. Senator Slama, you're recognized to speak.

SLAMA: Thank you, Mr. President. Good morning, colleagues. So I'm actually disappointed I missed this. Most of my colleagues have actually left the floor, which I think is really disappointing. I'd do a call of the house, but, like, if you can't be bothered to voluntarily spend time here, I'm not going to force you. And since there's kids in the balcony, I'm going to probably filter what I need to say. I am glad we're talking about this today. Senator Halloran's comments and the letter of reprimand that followed I think is a disservice to every rape victim that reached out and poured their hearts out in my inbox, very bravely expressing the impact that Senator Halloran's comments had had on them. I have victims of some of the most abhorrent crimes you can commit against a person who reached out and let me know that they were dealing with renewed mental anguish, renewed symptoms of PTSD returning as a result of being forced to hear what was said on the mic. And I could relate to a lot of that because I was going through the same thing. And if anybody wants to ask why I look tired, why I, I'd been fried over the last couple of weeks-- now, it's not because my baby isn't sleep-- I told everybody it was because Win wasn't sleeping. He's not, but that's neither here nor there. It's because-- I can't sleep because my nightmares are coming back. And these aren't just like, oh, unpleasant dreams. It's, I am literally frozen when I wake up and I cannot do anything. I cannot move. And that's because, once again, we have a senator on the floor who thinks it's OK to talk about raping a colleague. And fine, we've done a letter of reprimand. That's what Senator Halloran's legacy will be, and that's, that's sad for him. But what I think is far more upsetting is how this process has failed Senator Cavanaugh, Senator Cavanaugh, and Senator Dungan, along with

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the rest of the state of Nebraska. Senator Cavanaugh was never asked by anybody in leadership, are you OK and what do you want to see happen as a result of this? Not once. Like, you would think that would just happen as a matter of course, to check in, see if she's OK, see what she wants to have happen. And it never happened. Point one, that's unacceptable. And point two, I still believe censure and Senator Halloran-- especially given his comments that Senator Day outlined, that Senator Arch then confirmed to the press happened-- that resignation is absolutely in order. And if he was being an adult, he, he would pick up his toys and go home. He would resign. If he had any respect for this institution or his colleagues, he would resign. But the reason why a censure isn't going to come to the floor is because some of the most disgusting forms of tribalism I've seen from this place in six years. And I've seen some ugly. I have seen some really ugly stuff come out of this place, but I'm pretty sure not being able to move forward with a censure because it would become a referendum on the victim, it's one of the most disgusting things I've seen in the Legislature. And the behind-the-scenes discussions that we had on the Exec Board--

KELLY: One minute.

SLAMA: Thank you, Mr. President. I was being asked to recuse myself as a cosponsor of this resolution. There is no precedence for that. There is no rule in parliamentary procedure that even gets close to that. And members of this body were kowtowing to people who have no idea how this Legislature works to ask that me, the only woman on the Exec Board, recuse myself for being the one who went to bat for Senator Cavanaugh. And I'm not asking you guys to get fired up. I'm not asking you guys to get emotional. Objectively look at the facts of Senator Halloran's conduct. He talked about raping a colleague. We have an investigative report that points to that. And then, under the balcony, he was making more sexually explicit comments towards a colleague. If that was reversed, would your response be any different? I'm not asking anybody to go after a friend. I'm asking you to approach this objectively. And when you approach it objectively, the answers of what is acceptable conduct and what is not--

KELLY: That's your time.

SLAMA: --is pretty clear. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. I just had one more thought, but-- and I ran out of time. I got to say one other thing. I was, I was walking out to get lunch for my staff and I heard someone talk about how all the girls are virtue signaling again. Are you serious with that? So now I want to talk about virtue signaling and what that actually is. We have come to a place in our society, in our culture where we are so divided on things. You're either in your MSNBC pod or you're in your Fox News pod. You're either progressive or conservative, whatever, and never the twain shall meet, right? It's come to a point where if somebody has a virtue such as, don't talk about raping your colleague, if someone has that is maybe a personal virtue or a personal value that they actually hold themselves, they can't even talk about that without you cynically and hatefully, cynically saying, well, they must not even think that. When you talk about the charge of virtue signaling, what you're implying if someone is virtue signaling is that this-- they're not even talking about something that they can actually believe themselves. And what does that say about you, about how cynical you've become that somebody you work with-- and who cares if you work with her? Somebody you know, that you know some kind of abuse like this has taken place, and people can't speak out against it without you accusing those people of being fake about it. They're just standing up and talking about it for attention. They're just standing up and talking about it so they can show the world that they're the moral ones and they're the virtuous ones. That's what virtue signaling means to you. But what you are doing by having this belief is vice signaling. You have to believe that people can actually have views and speak out against them and that it doesn't come from a place of opportunism, it doesn't come from a place of wanting attention or something abhorrent like that that you may think, but out of real concern for somebody's well-being. And, by the way, we virtue signal about many, many things. It can be a way of staking out your position in an argument. It's a way of forming your identity with people. It-- you know, we virtue signal about the Second Amendment. We virtue signal about climate change. We virtue signal about military spending or transgender rights or all kinds of things. But all we're doing is talking about things that matter to us. And if you can hear about someone suffering in the body and you think that speaking up against that is beneath you because it's just virtue signaling, then do you really have any values at all? I don't come in for the prayer every day and I don't come in for the pledge, but I listen every day, and I always listen to what your Christian chaplain comes in and says to you. He prays over you. We've got Christian priests and chaplains and pastors coming in to pray over you like you need an extra little

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blessing every day so that you can do the right thing, make Jesus proud, live by your values, et cetera. So for me to hear every morning this being prayed over you by someone that you're supposed to respect and then to walk around and hear someone say that what we're doing is virtue signaling, maybe you should try signaling some virtue. I haven't seen any in here from a lot of you in six years. And I'm not holding my breath. This isn't a family. You've never caught me being one of those people saying we're a legislative family. I, I'd check the record, but I don't think I've ever used that word. Last year, you all took one of the most egregious anti-family votes in the history of the state that directly attacked and affected my family, my flesh and blood. This is not--

KELLY: One minute.

HUNT: --a family. Thank you, Mr. President. But this is a place to practice what we preach, to live out our values. If, as you say, your God, your Savior, Jesus Christ, would want you to live, then what you would do is stand up against what Senator Halloran has done. And many other things too. But what triggered me and set me off was just that virtue signaling comment. I think that you need to relax with that. Think about your vice signaling and think about what virtues you really have and what would you be willing to stand up and say. What would you be willing to stand up for? Thank you, Mr. President.

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

SLAMA: Thank you, Mr. President. Good morning again, colleagues. I'm just going to talk one more on this and then I'm done. But I'm-- I am going to unpack a little bit more of what was going on behind the scenes. A question I am getting is, why didn't she pursue a censure? And the fact of the matter is we would have had to do procedural hoops to get the 30 votes we needed to restrict debate where it could be a clean censure to where other members of the body couldn't include Senator Cavanaugh's name in the censure, couldn't include my name in the censure, couldn't bring up more accusations against the victim of sexual harassment in that censure. We could not lock it down. And I'm saying this-- and I know that everybody's really enthralled that I'm talking about this-- but I'm saying this because we need to have a permanent record of what went wrong here and not be asking ourselves the questions of what went on behind the scenes because transparency's the only way we fix this process. Now, when it comes to censure, we would have needed 30 votes to suspend the rules to do what we needed to do. There were a few different routes we

could have gone procedurally. But no matter what, they needed 30 votes. And the thinking was-- is, one, we couldn't get 30 votes because you have the Republican Party doing their largest call to action for this session over misinformation about what happened on this floor. You have people lining up, state senators lining up to present strawman arguments to say that Senator Halloran's just-- he's just doing the Lord's work. No. Talking about raping your colleague-- which, again, I'm not making up. We have an investigative report that determined the exact same thing-- is not doing the Lord's work. If you want to be upset about Senator Albrecht's bill to keep porn out of kids' libraries, blame Senator Halloran because that bill was dead as soon as he made that speech. And he knows it. And anybody else who knows anything about the Legislature knows it. So if you want to point fingers and blame anyone for why that book-- why that bill failed, blame Senator Halloran. We had-- we've had threats of what we would do to Senator Cavanaugh if this censure motion was brought to the floor. We've had-- my inbox, at least, filled with really awful things. We had nine senators sign onto a letter, including a member of the Executive Board, saying that we should ignore the rules of the Legislature and not hold a public hearing on a censure motion properly brought by one of its members. And again, I know most of you know this, but I'm putting it on the record because most Nebraskans don't know what was going on and why so many people are still fired up about this. And you might ask me why I care so much, why I'm going to bat with Senator-- for Ca-- Senator Cavanaugh. We don't get along. Like, let me be absolutely 100% clear on this. Like, we don't get along. It does not matter. If you see something happen like that, you go to bat for that person. Senator Cavanaugh didn't do anything to deserve that crap getting said about her on the mic. She didn't deserve--

KELLY: One minute.

SLAMA: --having an influx of people come in and say that Senator Halloran's a good person. It's Senator Cavanaugh that deserved it. No, she didn't deserve any of that. And as soon as we get to the point as a Legislature where we start sacrificing our colleagues and ignoring the rules because we don't like a person, we're lost. We are so lost. And I say that and I care because Senator Chambers went after me in 2020 for months and no one stood up for me. And the ones that did stand up-- stand up for me said that I should apologize for a mailer that was sent out without my control, without my knowledge. He went after me for months, saying some of the worst things sexually you can say about a person, and no one went to bat for me. So I'm going to go to bat for Senator Cavanaugh and go to bat for this

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institution because Nebraskans deserve so much more from the most public workplace than this really clearly unprofessional conduct. Thank you, Mr. President.

KELLY: Thank you, Senator Slama. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. Enrollment and Review-- Enrollment and Review reports LB388 to Select File with amendments. Also reports LB388A to Select File-- to Select File. I have motions to LB388 from Senator Linehan. And I have a motion from Senator Machaela Cavanaugh to allow for the censure of Senator-- to suspend the rules to allow for the censure of Senator Steve Halloran. That's all I have, Mr. Pre-- oh, I'm sorry. And I have a motion to recess until 1:30 p.m.

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

[RECESS]

DORN: 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.

ASSISTANT CLERK: The-- there's a quorum present, Mr. President.

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

ASSISTANT CLERK: Yes, thank you. A new resolution: LR467, by Senator Dungan. That will be laid over. And that's all I have, Mr. President.

DORN: Thank you, Mr. Clerk. We will proceed to the first item on the-- this afternoon's agenda.

ASSISTANT CLERK: Mr. President, when the, when the body left LB1331, there was a motion from Senator Machaela Cavanaugh to reconsider the vote to indefinitely postpone the bill.

DORN: Seeing no one in the queue. Senator Machaela Cavanaugh, you're recognized to close on your motion.

M. CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues. I hope people had a nice lunch. So I didn't have a plan for this bill. And I agree with some parts of the co-- committee amendment and disagree with other parts, but we'll go to a vote on this and then

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the committee amendment will come up. So things will start moving forward. I don't know if the-- I think there's other amendments filed. I appreciate those that engaged in conversation this morning. One of our colleagues just asked me, so what's going to happen now? And the answer is nothing. Reading the letter was what happened? That was it. I did file a motion to suspend the rules and-- for censure, but it is up to the Speaker to take that up, which is why I filed the resolution to begin with. So if the Speaker chooses to take it up, then we will have that debate. Otherwise, the reading of the letter is what we got, so. Thank you, Mr. President. I yield the remainder of my time.

DORN: The question is the motion to reconsider. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 0 ayes, 24 nays on the motion to reconsider, Mr. President.

DORN: The motion is not adopted. Mr. Clerk, returning to the bill.

ASSISTANT CLERK: Mr. President: LB1331, introduced by Senator Murman. It's a bill for an act relating to education; to amend Sections 79-201, 79-205, 79-206, 79-207, 79-210, 79-1107, and 79-1108.03, Reissue Revised Statutes of Nebraska, Section 79-209, 79-237, 79-8,150, 79-10,141, 79-1108.02, and 79-11,159, Revised Statutes Cumulative Supplement, 2022, and Sections 79-101, 79-238, 79-239, 79-729, 79-8,145.1, 79-1054, 79-10,150, 79-3501, 79-3602, and 79-3703, Revised Statutes Supplement, 2023; to redefine terms; to change provisions, terminology, duties, and penalties related to truancy and attendance; to change powers and duties relating to the State Department of Education, State Board of Education, and Commissioner of Education; to change provisions relating to applications and requirements for option students, high school graduation requirements, alternative teacher certification programs, student loan repayment assistance, innovation and improvement grant programs established by the State Board of Education, the Summer Food Service Program, special education expenditures, programs for learners with high ability, behavioral health points of contact, state lottery funds used for education, behavioral awareness training, and the College Pathway Program; to harmonize provisions; to eliminate an innovation grant program established by the, by the department and a mental health first aid training program; to repeal the original provisions; and to repeal outright Section 79-11,160, Revised Statutes Supplement, 2023. The bill was first, first read on January 17 of this year. It was referred to the Education Committee.

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The Education Committee placed the bill on General File with committee amendments.

DORN: Senator Armendariz would like to recognize 52 fourth graders that were up in the south balcony. They have since left, but they are from Ma-- they were from Masters Elementary in Omaha, Nebraska. Senator Raybould would also like to recognize 80 students: fourth graders from Randolph Elementary in Lincoln, Nebraska. They are in the north balc-- south-- north balcony. Please stand and be recognized. Senator Murman, you've been recognized to open on the bill. You're now recognized to open on the committee amendment.

MURMAN: Thank you, Mr. President. The committee amende-- amendment, LB-- or-- excuse me-- AM3313 totally replaces the bill, LB13-- LB1331. And we've actually been talking about the committee amendment all morning. And what the committee amendment does is front-loads-- loan-- front-loads the credits of, of property tax relief, LB1107 relief, that property taxpayers were getting through a credit on their income tax. And instead of doing-- instead of that happening, the property tax relief proportionally goes to the school districts or the local units of governments where the property is located. So-- and-- in other words, property tax relief is front-loaded. And you will not see-- you will not have to-- the taxpayer will not have to do-- have a accountant to try and figure out what that relief is. It'll go directly to the schools. And then, with the other legislation that's passed, will be assured of property tax relief. The other thing it does is increase foundation aid. Last year, with-- foundation aid was established at \$1,500 per student. That'll be doubled and increased to, to \$3,000 per student, \$1,500 more per student. So with that, I appreciate all the work that the Education Committee has done in getting this all together and passing it out 8-0. We actually have been working on this starting last-- I think late last summer or early fall. And this is the bills and-- the bill and the amendment that we've come up with. So I appreciate your green vote on AM3313. Thank you.

DORN: Thank you, Senator Murman. Senator Erdman, you're recognized to speak.

ERDMAN: Thank you, Mr. President. And good afternoon. So I had maybe made a comment about this. I want to do it again today. They were working on this, LB1333 and LB388, since September. And I'm not sure exactly what the holdup was. But when you bring bills this significant and LB388 and you start in September, it would be my understanding, knowing that the session starts in January, that those

bills would be prepared and ready to go when we hit the ground running in January, 1st of January. And here we are, day 54, and we've seen LB388 on day 51. And I don't-- I'm not blaming Senator Murman or Linehan, but I'm just saying that if I were organizing this and I was the Governor and I had put together a committee, there would have been a charge to say, we have to have this ready to go when we hit the ground in January. So we have a little time left and we have a pretty significant bill in front of us. And we have made adjustments to TEEOSA more times than I want to count. And so we're going to do that again. The TEEOSA formula is broken. It has been broken from the very first day because it's so complicated. Very few, if any, can understand the application thereof. So if people would have taken the liberty to read LB79 that we introduced a year ago and then we amended it by AM314, which talked about the EPIC option, how we were going to fund schools, there was a whole new proposal there on how to fund schools. Eliminates TEEOSA, and it's a very objective formula. There is a provision for each school to get a basic funding according to the needs-- how many classes they have and how many students they have. There's a education fund that, if you have more students or growth, you can have a greater budgetary authority. There is one for building new facilities. There's one to account for special ed. All of that is very objective. And it's in LB79 amended by AM314. And obviously, few-- maybe a handful-- has even taken the time to review that. We wouldn't even be talking about this today because as we worked with a couple-- three or four-- three superintendents to put this proposal together, the question they had was, will you be able to, under the EPIC option, make a monthly distribution to our school instead of twice a year like we currently do? And the answer was yes. And their response was, if you can make a monthly distribution, it helps my cash flow tremendously. The second question was, will you be able to tell me on July 1 what my budget will be for the year? And I answered, yes, we can. They said that is an advantage as well because we really don't know what our revenue will be until they set the valuation, which is the last week in September. So there are several provisions in the EPIC option that solves a lot of the issues that we're speaking about today. But no one has taken the time to read it. No one has taken the time to ask questions. No one has taken the time to try to negotiate with me if they didn't like what they read. But they just keep moving forward with doing the same things, the same things that we've done year after year after year. This has got to be maybe the 60th or 70th time we've adjusted TEEOSA since it went into effect. We keep doing that every year. We'll do it again next year. You will. I won't be here. And the year after and the year after that. I can guarantee it

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because that's what we've always done. And so it's very difficult to come on day 54 with a bill this significant. But yesterday was an interesting vote on LB388. And as I was analyzing how to vote on that, it came to me that if we didn't pass LB388-- passed General File yesterday-- this bill would have never seen the light of day because it wouldn't have been necessary. So we have LB1331 in front of us, which is supposedly--

DORN: Time.

ERDMAN: Thank you.

DORN: Seeing no one else in the queue. Senator Murman, you're recognized to close on the amendment. Senator Murman waives. Colleagues, the question before the body is the adoption of AM3313. All those in favor vote aye; all those opposed vote nay. There has been a request to place the house under call. The question is, the hou-- shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 27 ayes, 3 nays to place the house under call.

DORN: 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. Senator Day, Senator McKinney, Senator Kauth, the house is under call. Please return to the Chamber. Senator Day, please return to the Chamber. The house is under call. All members are present. A machine vote has been started. Senator Murman, will you take call-ins? Senator Murman will.

ASSISTANT CLERK: Senator Wayne voting yes. Senator Clements voting yes. Senator Bosn voting yes. Senator Albrecht voting yes. Senator McDonnell voting yes. Senator John Cavanaugh voting yes. Senator, Senator Moser voting yes. Senator Dover voting yes.

DORN: There has been a request for a roll call vote. Mr. Clerk, please do the roll call.

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 John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes.

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Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. 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-- excuse-- 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 yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. 47 ayes, 0 nays, Mr. President, on the adoption of the committee amendment.

DORN: AM31-- AM3313 is adopted. Mr. Clerk. Raise the call.

ASSISTANT CLERK: Mr. President, I have a, an amendment. Senator Murman would move to amend with AM2474.

DORN: Senator Murman wishes to withdraw. So done. Without objection. Next item, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next item is FA327, from Senator Dungan. I have a note that he wishes to withdraw that.

DORN: So done. It is withdrawn.

ASSISTANT CLERK: Mr. President, the next item is AM3264, by Senator Murman.

DORN: So done. It is withdrawn.

ASSISTANT CLERK: The ne-- the next item I have is a motion from Senator Machaela Cavanaugh to bracket the bill.

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

ASSISTANT CLERK: Mr. President, I have nothing further to the bill.

DORN: Seeing no one else in the queue. Senator Murman, you're recognized to close. Senator Wayne, for what reason do you rise?

WAYNE: [RECORDER MALFUNCTION]-- being taken down.

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DORN: Senator Machaela Cavanaugh, the mo-- you had a motion on the floor.

M. CAVANAUGH: I can withdraw it and the next one.

DORN: So ordered. Without objection. Mr. Clerk.

ASSISTANT CLERK: Mr. President, I have nothing further on the bill.

DORN: Seeing no one else in the queue. Senator Murman, you're recognized to close on LB1331.

MURMAN: Well, the amendment, AM3313, replaces the bill, so I will appreciate your green vote on LB13-- LB1331.

DORN: Colleagues, the motion before the, the Legislature is the, the adoption of LB1331. All those in favor vote aye; all those opposed vote nay. Have all voted that care to? Mr. Clerk, record.

ASSISTANT CLERK: 45 ayes, 0 nays on the advancement of LB1331, Mr. President.

DORN: LB1331 is adopted. Mr. Clerk, next item.

ASSISTANT CLERK: Mr. President, the next item is LB1331A, by Senator Murman. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out the provisions of LB1331. The bill was first read on March 25 of this year. It was placed on General File.

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

MURMAN: LB1331A is simply the A bill on LB1331. I'd appreciate your green vote.

DORN: Seeing no one else in the queue. Senator Murman, you're recognized to close. Senator Murman waives. Colleagues, the question before the body is the adoption of LB1331A. All those in favor vote aye; all those opposed vote nay. Have all voted that care to? Mr. Clerk, record.

ASSISTANT CLERK: 38 ayes, 0 nays on the advancement of LB1331A.

DORN: LB1331A is adopted. Mr. Clerk, next item.

ASSISTANT CLERK: Mr. President: LB233, introduced by Senator John Cavanaugh. A bill for an act relating to child support enforcement;

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to amend Sections 43-512, 43-512.07, and 68-1713, Revised-- Reissue-- Statutes of Nebraska, and Section 68-1201; to provide for the child support payment disregard; to eliminate child support income for purposes of determining eligibility for the aid of dependent children program; to require implementation of a child support disregard policy; to harmonize provisions; and to repeal the original sections. The bill was read for the first time on January 10, 2023. The bill was referred to the Committee on Health and Human Services. That committee reports the bill back to General File. There are committee amendments, Mr. President.

DORN: Senator John Cavanaugh, you're recognized to open on the bill.

J. CAVANAUGH: In light of the fact there's a committee amendment and an amendment to the committee amendment, I would waive my open so we can move on to the amendments.

DORN: As the Clerk stated, there are committee amendments. Senator Hansen, you're recognized to open on the committee amendment.

HANSEN: Thank you, Mr. President. Yeah, I'll describe a little more about the committee amendment. I'm sure Senator John Cavanaugh will then expand a little bit more on the amendments as a whole and how they pertain to the bill. So right now, we're looking at the committee amendment, AM2064. It was voted out of HHS Committee on a 7-0 vote. And it clarifies that the child support income disregard only applies to the determination of ADC eligibility and not SNAP and LIHEAP. Specifically, this amendment strikes the original provisions of the bill and it starts the following new provisions. (1) renumbers the subdivisions to make consistent with new amendment. Section 2 requires DHHS beginning January 1, 2025 to pay the recipients of any payments, aid, or assistance the current child support collected pursuant to assignment. Such payments shall not be considered income for the purposes of calculating recipient's eligibility for assistance. DHHS shall-- shall disregard the amount of child support paid to the recipient in calculating the amount of the recipient's monthly assistant payment. Section 3 requires income from child support to not be included in determining assets or income when determining eligibility of ADC. Section 4 requires DHHS to implement the policy of adopting a child support disregard described in this amendment. And Section 5 is just the repealer section, so. Like-- again, the committee amendment, along with what Senator John Cavanaugh was trying to do with his amendment as a whole with the bill-- he can touch on more, but I would respectfully ask for your

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green vote on this amendment. And I am in favor of LB233 as well.
Thank you, Mr. President.

DORN: Thank you, Senator Hansen. Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator John Cavanaugh would amend the standing committee amendments with AM3338.

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

J. CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues. I want to start by thanking Chair Hansen and the members of the Health and Human Services Committee for kicking this bill out a year after it had its hearing after we did some more work on it. And I appreciate Senator Hansen's introduction on AM2064, which fixed some of the mistakes that we had in the original drafting of the bill. We all learn, you know, these bills need to be done in, in iterative processes where they need to be improved. So AM2064 improves on the original bill. And I appreciate the committee kicking that out 7-0. AM3338 represents the work that I've done since the bill was kicked out to work with the department and the Governor's Office to get this bill in a form that will actually be something they can execute for us. So-- and I, and I appreciate Speaker Arch making this a Speaker priority. So this amendment makes two changes to the committee amendments. First, in response to the que-- request from the department for a delayed implementation date to ensure sufficient time to make necessary changes to their computer system, the amendment would change the implemen-- implementation date from January 1, 2025 to July 1, 2026. So we're giving them a year and a half of extra time to get this implemented, at their request. Second, in response to a request from the Governor's Office, this amendment would put a cap on the amount of the child support income that is passed through and disregarded when calculating households' eligibility for ADC programs. When calculating their ADC benefits, the amendment would cap the pass-through and the disregard at \$100 for a family with one child and \$200 for a family with two or more children. So what this bill does-- just so you all understand where we're at-- if somebody applies for ADC and they are a single-parent household, they have to identify who the noncustodial parent is. And then the state is required to go after the noncustodial parent for-- to establish a child support order. Once they do that, then that noncustodial parent has to pay child support into the state. Currently, when that noncustodial parent pays that child support, the state keeps it. Does not go to the support of the child. So what this bill does, as fully implemented with all the amendments, would say,

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in that situation, if you have one child, the, the state will pass-through \$100 to the custodial parent to ta-- for the care of the child. If you have two children or more, the state will pass-through \$200. So it caps that amount. So no matter how big the child support order is, we're only passing through that amount. It also caps the amount that can be-- that will be disallowed, or not used, for-- as-- for eligibility requirements. So we say the \$200 we're passing through is not used-- assessed against folks for eligibility requirements. This is important for a number of reasons. One of them is, in these situations, families are not always getting the money-- meaning that the noncustodial parent is not paying that money. But this bill stands for one simple principle, and that is that when a parent pays money for the support of their child, the state should not take that money. That money should go for the support and welfare of the child. That's what this bill does. It has a lot of intricacies and complexities that I've learned along the way by working with the department and the Governor's Office, and I really appreciate their, their willingness to work on this to get it to this point. But that intricacy and interplay with federal money and how it's accounted for is solved by AM3338. So if you think that when a parent pays money for the support of their child it should actually go for the support of the child, you should vote for AM3338, AM2064, and LB33 [SIC]. If you think the government should take that money, then by all means vote against the bill. But I think we all agree that when a parent pays for the support of their child that it should actually go for the support of their child. I would say I've had a few questions about the fiscal note, and we'll have the A bill after this. The fiscal note as written is still under the original bill, which is, is LB30-- LB233. The fiscal note when we advance this bill is going to be substantially smaller. And with the delayed impleme-- implementation should have no General Fund impact in the current biennium. But the fiscal note will go down by tens of millions of dollars into somewhere in the couple hundred thousand range, I think. We don't know exactly until we get there. But that's-- with all of these amendments, with the constraints on the top end, with the delayed implementation, the cost is substantially decreased. So I'd ask for your green vote on AM20-- or, AM3338, AM2064, and LB20-- LB233. And I'd be happy to take any questions if anybody had them. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Good, good afternoon, colleagues. I rise in support of the amendments and the underlying legislation that

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my friend, Senator John Cavanaugh, has brought forward. I am a proud cosponsor of this measure and have been working, I think, on these issues I think for most of my professional life. As many of you know, I started off my career as a baby lawyer, working as a policy advocate at Nebraska Appleseed both as a law clerk and then right out of school helping to develop their policy program on behalf of low-income working families and new immigrants. And that experience was, of course, formative in terms of my understanding about how to interface with this legislative body to advance justice and equity and pull levers of power to make sure that working men and women and vulnerable Nebraskans perhaps had an opportunity for strong advocates and strong voices in the halls of power on policies like this to make sure that they, they had an opportunity to succeed, which benefits, which benefits all of us. Additionally, after doing that work as a policy advocate and a public interest attorney helping families navigate the public interest-- or, public benefits system, I then of course was elected to the Nebraska Legislature. And my district in north Lincoln is historically and presently one of the iss-- districts in greatest needs in terms of families living in poverty. And so these issues strike close to my heart but are critically important for my district as well. That's why I was proud to join Senator Machaela Cavanaugh, Senator John Cavanaugh, and then myself had a trio of bills pending before the Health and Human Services Committee to hopefully finally bring some much needed attention and action to Nebraska's lack of attention and action to address and update our TANF program and other work support programs. And that lack of attention and action had led to Nebraska becoming an extreme outlier in terms of not utilizing our allocation of federal funds for these critical family work support programs and instead just stashing them into a, quote unquote, rainy day fund which piled up and piled up and piled up. So after great hearings on those three bills last year before the Health and Human Services Committee, I was proud to bring forward interim studies to continue the conversation. And I passed out an article to each of you today that appeared in the Nebraska Examiner covering one of the interim studies that we had this fall-- actually before the Appropriations Committee because the TANF rainy day fund became such a big flash point in our budget discussions last year as well. And I wanted to make sure that senators both on Health and Human Services and on Appropriations had a chance to think more deeply about the issues in the interim period. We heard from an incredible set of testifiers, the Nebraska Catholic Conference, State Auditor Mike Foley, and Voices for Children, who came forward to talk about the need to make program adjustments and evolve our work support programs in Nebraska to address the fact that

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we are an extreme outlier when it comes to TANF rainy day funds piling up and that we're seeing some real red flags in the program. When these programs were started in the mid-90s, there were, you know, roughly 15,000 families or so that were utilizing--

DORN: One minute.

CONRAD: --these work support programs. Thank you, Mr. President. Over time, for a variety of reasons-- and not all bad-- you've seen a precipitous decline to today only about 3,000 of the most needy families getting this direct support from the state. And today, only about 30% of the funds that we get returned to us from the government are taxpayer funds returned to us-- which are meant to support needy families-- are actually going to needy families. So that's problematic in a lot of respects. But this is one commonsense issue that I think we can come together on and find consensus to at least make sure the state of Nebraska stops ripping off child support payments for low-income working families in the administration of this program. So I'd urge your support. Thank you, Mr., Mr. President.

DORN: Thank you, Senator Conrad. Seeing no one else in the queue. Senator John Cavanaugh, you're recognize to close on AM3338.

J. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Conrad, for that context. And I had forgotten-- I was remiss in not bringing up the interim study hearing. And I appreciate everyone that's encouraged me along the way on this bill. There was that hearing. And I've heard from many of you who heard about this unfair situation where parents are-- think they're paying for the support of their child and this government's taking it. So this is an opportunity to correct it in a small way and to help, as Senator Conrad said, those-- stop taking money from those most needy working Nebraskans. And we can help-- in that regard, help lift people out of poverty. We can make our system work better. And we can make sure that parents who think they're supporting their children are actually-- the children are actually getting the benefit of that support. So I would encourage your su-- your vote-- green vote on AM3338 and the subsequent amendments. Thank you, Mr. President.

DORN: Thank you, Senator John Cavanaugh. Colleagues, the question before the body is the adoption of AM3338. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 41 ayes, 0 nays on the adoption of AM3338.

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DORN: AM3338 is adopted. Seeing no one in the queue. Senator Hansen, you're recognized to close on AM2064. Senator Hansen waives. Colleagues, the question before the body is the adoption of AM2064. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

ASSISTANT CLERK: 41 ayes, 0 nays on the adoption of AM2064.

DORN: AM2064 is adopted. Seeing no one in the queue. Senator John Cavanaugh, you're recognized to close on LB233. Senator Cavanaugh-- John Cavanaugh waives. Colleagues, the question before the body is the adoption of LB233. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

ASSISTANT CLERK: 38 ayes, 0 nays on the advancement of LB233.

DORN: LB233 is advanced. Mr. Clerk, next item.

ASSISTANT CLERK: Mr. President: LB233A, intertu-- introduced by Senator John Cavanaugh. It's a bill-- it's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out the provisions of LB233. Bill was first read on March 25 this year. And it was placed on General File.

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

J. CAVANAUGH: Thank you, Mr. President. This is the A bill for the bill we just advanced. And as I said in my opening remarks, this bill will come down substantially on Select because of the two amendments that you just adopted. So I'd ask for you to advance this bill so we can have it on Select with the other bill and then can change it when it gets there. Thank you, Mr. President.

DORN: Senator Cle-- thank, thank you, Senator John Cavanaugh. Senator Clements, you're recognized to open.

CLEMENTS: Thank you, Mr. President. Would Senator John Cavanaugh yield to a question?

DORN: Senator John Cavanaugh, will you yield?

J. CAVANAUGH: Yes.

CLEMENTS: Thank you, Senator Cavanaugh. I saw that the fiscal note is \$3.1 million. I didn't hear earlier-- if you had an estimate, what do you think it will be reduced to?

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J. CAVANAUGH: Thank you for that question. So our best estimate would be that, when fully implemented, the program would cost about \$195,000 a year. But again, this will-- the de-- the delayed implementation that we just adopted would mean that it won't go into effect until 2026-2027 biennium.

CLEMENTS: OK. Thank you. Thank you, Mr. President.

DORN: Thank you, Senator Clements and Senator John Cavanaugh. Seeing no one else in the queue. Senator John Cavanaugh, you're recognized to close. Senator John Cavanaugh waives. Colleagues, the question before the body is the advancement of LB233. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

ASSISTANT CLERK: 37 ayes, 0 nays on the advancement of LB233A.

DORN: LB233 [SIC] is advanced. Mr. Clerk, next item.

ASSISTANT CLERK: Mr. President: first, I, I have an announcement. Natural Resources Committee will hold an Executive Session in room 2022 at 2:30 p.m. Natural Resources Committee in room 2022 at 2:30 p.m. Also, I have two items as well. Senator Wishart has amendments to LB993. And Senator Linehan has-- introduction of a new resolution: L-- LR468, by Senator Linehan. That will be r-- laid over. Mr. President: General File, LB631, introduced by Senator McKinney. It's a bill for an act relating to parole; to amend Sections 83-189, 83-190, and 83-196; to change the qualifications for members of the Board of Parole; to provide for removal of a member of the Board of Parole as prescribed; to change quorum requirements for hearings of the Board of Parole and provisions relating to grounds for parole; and to repeal the original sections. Bill was first read on January 18 of this year. It was referred to the Committee on Judiciary. That committee placed the bill on General File. There are committee amendments.

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

McKINNEY: Thank you, Mr. President. LB-- and good afternoon, colleagues. LB631 is a bill that I have prioritized for two years in a row because I strongly believe that we must make changes to our parole board and our criminal justice system. As you all might remember, prior to the introduction of LB631 last year, there were various stories and news articles pertaining to the ineffectiveness of our state's parole board and a lack of attendance of parole board members at hearings. Ironically, after I introduced LB631 last year,

the attendance of board members changed, which you could see in the handout that was passed around a little bit ago. And before I move forward, I would like to make it clear that this isn't about any specific board member or board members. This is about my efforts to try to improve our system and the outcomes for the men and women that mi-- that have and might go before the board in the future. Although I prioritized LB631 last year, I was not able to get it out of committee nor debate it last year, so today I'm thankful and grateful that we can have this conversation today because these discussions are needed most importantly to improve our state. With time, I have worked with others to take their feedback and, through those conversations, we have an amendment today that'll come up eventually that I believe improves the bill and also hopefully will improve our system going forward. And since this morning, I have had, you know, some discussions with members of the Governor's team and other individuals to try to make some additional changes to the amendment that will beco-- that will come before us. And I know many people might have some questions today, and it's cool. I'm, I'm OK with answering a lot of your questions. The overall premise of why I've done the amendment the way I've done it and why I introduced this bill is because the reality is the criminal justice system in the state of Nebraska has been a failure. And if we don't do something about our criminal justice system, it doesn't matter that people decided to vote to build a prison. The problem is going to persist, and we have to do more than just build our way out of the problem. And one of the ways we can address that is by looking at our parole system and trying to make sure that our parole system is operating how it's supposed to. And it's not a logjam or-- and it, it's not putting up unnecessary barriers to people transitioning back into society or it's not putting up barriers that are sending people back into our system that don't need to be there. We currently have a lot of people sitting in prison today that are way beyond their parole eligibility date. But because our system has been ineffective and these departments and, and agencies are sort of siloed in a lot of ways, it's not working for anybody-- not for us, not for the people inside, and not for our communities. And we talk a lot about public safety in this building, but public-- but good public safety is making sure that the people that we tasked with running these agencies and departments are effective and doing the right job, making sure that they're showing up to work and making sure that they're serving these populations and making sure we are actually rehabilitating people and not being overly punitive for no reason. Making sure that people aren't eligible for parole but sitting in prison three years beyond that eligibility date for whatever reason.

That is why I brought this bill. That is why I brought the amendment, to try to do whatever I can as a senator to improve the system because the system is broken and it has never worked, and we have to be honest about that. I know people are cool with being tough on crime, but the reality is being tough on crime doesn't work. If it did, we wouldn't be building a prison. And that's just the truth. We wouldn't need to be building a prison because our, because our jails wouldn't be filled. Our prisons wouldn't be filled if being tough on crime worked. If raising crimes and penalties' enhancements worked, we wouldn't be building a prison. Literally. And I know people are hesitant to change and cautious of change and-- it's cool. But we have to change. We cannot keep going with business as usual or the status quo because it doesn't work and it-- and has not been working. The data doesn't point to it. Every report that has come out in the last ten years has shown that the system of incarceration and criminal justice in the state of Nebraska doesn't work for anybody-- not for the people that are incarcerated, not for this body, and not for the taxpayers. We talk a lot about saving taxpayers' money and property tax relief and all those type of things. But this is a part of the problem. And this is, this is why there isn't-- why we're not getting as much relief as we need. Because instead of spending \$350 million on a prison, we could be giving \$350 million to property tax relief. We wouldn't have to be trying to raise sales tax and those type of things to try to get property tax relief if we figure out how to run a efficient criminal justice system that is focused on helping people and re-- and rehabilitation instead of trying to be o-- overtly punitive for no reason other than just punish people and then wonder why they keep coming back. And we're wondering why the system isn't changing. Wondering why, even if you build this new prison, it's going to be overcrowded day one. We have to get ahead of it because the state is going broke. And somebody's going to be coming back here asking for more money to expand the new prison or to keep the Nebraska State Penitentiary open. How are we going to pay for that? Senator Dorn gets up after every A bill and asks, how are we going to fund this? How are we going to spend this money? We have to get better at criminal justice in the state of Nebraska. We have to be better. We have to make sure that our parole board, our parole system, our criminal justice system is better. We have to focus on community corrections. We have to focus on career readiness. We have to make sure people are reentering society as best as possible. And no, it won't be perfect, and we have to understand that. There is no perfect system in the world. People are going to mess up. We can't expect perfection because that's impossible. But we can do our best to make sure that we can help as many people as possible. And that's

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why I brought this bill, to try to improve our system as best as possible. And thank you.

DORN: Thank you, Senator McKinney. As the Clerk stated, there are committee amendments. Senator McKinney, you're-- are recognized to open on the committee amendment.

McKINNEY: We can move past it.

DORN: Senator Wayne, you are recognized.

WAYNE: Thank you, Mr. President. Thank you for reading my mind. So the committee amendment-- actually, there's amendments to the committee amendment that completely changes the bill. I will talk briefly about the one bill. And I see Senator Clements is probably going to look up at the fiscal note. So the fiscal note on LB348, which was about \$14 million, that is, that is gone. We are working on an amendment to combine both LB1126 and a \$1 million study. So it'll be around \$1 million. We were working with-- I'm not. Senator McKinney is working with the Governor's Office and Senator Bosn to figure out everything else. And then-- so we are taking that fiscal note drastically down. So I'll yield the rest of my time to Senator McKinney.

DORN: Senator McKinney, you're yielded 9:10.

McKINNEY: Thank you, Mr. President. So-- can we just go-- well, we don't have to go to the other amendment. So I'll discuss what's in the amendment since I believe people have questions of what's in the amendment. So Senator Wayne's bill, LB348, is included in amendment. It's the community work release bill. And it empowers the Nebraska Division of Parole Supervision to contract with providers to establish community work release and treatment centers at various locations throughout the state and allow transitional housing facilities outside of Omaha and Lincoln. Also included, it adds provisions of LB334, which is Senator McDonnell's bill. It's a reentry housing network and the State Advisory Committee for Reentry Housing. The network-- it will be responsible for establishing minimum standards for reentry housing facilities and ensuring that reentry housing facilities are in compliance with those standards. Why this is needed is because we have a lot of reentry housing facilities throughout the state, and some are good and some are not. And there's been issues about some sort of-- kind of being slumlords in a way and just getting grants from the state or other, other resources and just housing people but not having the best facilities

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for those individuals reenter-- reentering society. And I believe that's something that we have to fix if we ever want to get things right with that because I do think we need more community work release housing and also transitional housing. But we have to make sure that we have some standards in place to make sure these, these facilities are ran properly and the people that are being housed in those facilities are not just going home to inadequate facilities and, and just being taken advantage of, if I'm being frank. Also in the amendment-- not this amendment, but the other amendment-- is, set up the Reentry Continuity Advisory Board, which will include Inspector General of Corrections, the Director of Correctional Services or his or her designee, Chairperson or-- of parole board or his or her designee, probation administrator or his or her designee, five additional members appointed by the Governor, which shall include an individual with experience in reentry and restorative justice delivery, a victims right representative, a formerly incarcerated individual, individual with expertise in mental health or behavioral health, and an individual with expertise in public policy. Also included in this-- it'll be a change that the department will do a quarterly report regar-- regarding any reentry service center pilot program being conducted. Also, the, the, the Office of Probation Administration will do a quarterly report regarding individuals serving sentences of postrelease supervision. Also-- which will be included in this, it'll-- it will say that, in admit-- in, in, in administering any grant, state agency, or political subdivisions shall not in-- shall not exclude any person from consideration solely because such person or any person associated with such person is currently or has previously been on probation or parole. And in the amendment I'm working on, it says: So long as they have a undersigner or a cograntee. I worked-- talked in conversations this morning with the Governor's Office about that. Next. Language around members of the Legislature being able to take electronic devices inside of our Correctional facilities as well. But overall, this bill also includes Senator Bosn's career readiness bill. I believe that's LB1126, I believe, and her LB1145, which moves the administration of parole under the Department of Correctional Services as well. And she'll get up and discuss that as well. And that's pretty much it for the amendment. And I'll be-- once we get to the other one, if anybody got any questions, I'm cool with answering any questions anybody have. Thank you.

DORN: Thank you, Senator Way-- Wayne and Senator McKinney. Mr. Clerk for items.

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ASSISTANT CLERK: Thank you, Mr. President. First of all, I have MO743, MO745, and MO744 by Senator Conrad with a note that she wishes to withdraw them.

DORN: So ordered. Without objection. So ordered.

ASSISTANT CLERK: Mr. President, next I have amendment AM3262 to, to the Standing Committee amendment, by Senator McKinney.

DORN: Senator McKinney, you're recognized to open on your amendment.

McKINNEY: OK. So this is the amendment I was discussing. And if Senator Bosn would like to discuss the portions of her bills that's in the amendment, that'd be cool.

DORN: Senator Bosn--

McKINNEY: Thank you.

DORN: --you're yielded 9:40.

BOSN: Thank you, Mr. President. So-- and thank you, Senator McKinney, for working with me on adding portions of my bills into your priority bill, LB631. So-- and I'll-- I'm on the queue to talk again on this bill. So LB631 has several different pieces of legislation worked into it. Senator McKinney and I are working on an amendment that I think, as Senator Wayne said, we worked on with the Governor's Off-- or, with PRO as well as Director Jeffreys from the Department of Correctional Services. This is a collaboration and an effort to try to move, to move in the right direction with the Department of Correctional Services. So if we-- if you look at this amendment, essentially, I'm-- I am in support of passing AM3262 to Select knowing that there's going to have to be another amendment that makes some modifications to that. And I, I know everyone's getting tired of people standing up here and saying, pass it to Select and we'll fix it between then and now. However, this is-- as you can see, it's 52 pages and it is almost all underlined because there is a lot of new legislation in here. So if you look through the bill-- and I'll go through a lot of different portions, starting specifically with my legislation, which was, as he indicated, LB1145, which moves the department of-- or-- excuse me-- the Board of Parole under the Department of Correctional Services. So we-- that bill had a hearing. We had lots of testimony at that hearing. There, I think, was some ini-- initial confusion that we were getting rid of the Board of Parole, so I want to make sure that everyone knows that this doesn't get rid of the Board of Parole. Those individuals will still be

working with the Department of Corrections. The goal here is to have the right hand talking to the left hand and having a smooth transition so that individuals who are coming out of the Department of Correctional Services are set up for a path of success. And rather than having-- in-- inmates say, I didn't get this programming so I couldn't get parole because the programming wasn't offered, or vice versa, in-- inmates saying on parole they, they wished they had had this programming, we now have the opportunity to have a smooth transition for those individuals. And, and certainly we have the support of the Department of Corrections in doing this. So that's in a couple of different sections because of the way that it's worded. I did just speak with the legal counsel for the Judiciary Committee about that, and he explained why that had to be. Then if you go to page 46 of the amendment, AM3262, Section 54 starts the National Career Readiness Certificate Pilot Program. This is a program that I worked on over the interim. It had several cosponsors. This is an opportunity for us to provide an educational training program in the Department of Correctional Services so that individuals who are there are given the opportunity to further their education, develop their skills, and be ready to hit the ground running when they are released from incarceration. The chances of someone being successful when they're released from incarceration are infinitely better if they have a skill, if they are motivated, if they feel good about their worth as compared to someone who comes out, maybe doesn't have a GED, doesn't have any-- have a job or a driver's license, and is going to resort back to their old ways. So this is an opportunity to, to put our money where our mouth is and say, we're tired of same old, same old. We're going to work with individuals to-- towards a path for success. For what it's worth, several of you toured 180 RAP over the last year. That's the program in Omaha with Omaha Metropolitan Community College. The team there that we met with was incredible. They did a really nice job. They have taken that program and run with it. And it's a huge success. I'll get the number; I don't have it in front of me right now of what their recidivism rate is, but it's very minimal. So this is an opportunity for us to develop that same type of program here in Lincoln. Also working with the Southeast Community College team on this, and we had their support. They came to the hearing and also testified in support of LB1126. So I'm grateful to those who passed that out. I'm also grateful to the Speaker, who gave it a Speaker priority. And I think this is-- this particular bill is an opportunity for us to really make a difference for individuals who maybe hadn't had those chances, those same opportunities that some of us have had. So those are the two portions of the bill that are mine. And I will yield the rest of my time back to Senator McKinney.

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DORN: Senator McKinney, you're yielded 4:30.

McKINNEY: Thank you. Would Senator McDonnell like to discuss his LB334?

DORN: Senator McDonnell, you're yielded 4:20.

McDONNELL: Thank you, Mr. President. Thank you, Senator McKinney. I stand in, in favor of LB631 and AM2098 and AM3262. I appreciate the reentry bill that I introduced last year being put into this package. The-- some of the discussion that's already happened today, you talk about a person that has been incarcerated. Now they're ready to reen-- reentry and they're, they're going to reentry-- reenter society. And some of the things that we were being told about the housing that people were making money off of from the, the Nebraska taxpayers was not adequate. It was not only not adequate, it was really in, in poor shape and not fit for these-- for any human being to be living in. So we, we talk about recidivism. We talk about what happens. To give these people a chance to be the best version of themselves after they have paid their debt to society, we have to look at all aspects of that coming out, out of the prison. And of course we'd like to look at the, the-- kind of the three-legged stool in prison where you talk about the, the brick and mortar, the, the facilities and, and what actually goes on in, in prison. But the, the opportunity of actually getting a, a, a skill that they can actually bring to society and, and go out. But there's simple things. There's simple things, just like making sure that they have their driver's license, making sure that they have their Social Security card, that they are ready-- they have a, a permit going through the permit process for getting their, their driver's license so they're that much ahead of the, of the game. But housing is definitely a big part of this. And as the-- as we pay for that reentry housing to give these people the best chance we can, we should make sure that, that housing is, is adequate and up to livable standards for any human being and making sure that, that, that, that's another hurdle that these people don't have to overcome when they are released from being incarcerated by the state of Nebraska. Thank you, Mr. President.

DORN: Thank you, Senator McDonnell. Senator McKinney, you're yielded back 2:16.

McKINNEY: Thank you, Senator Bosn, and thank you, Senator McDonnell, for, for discussing your portions of the bill. I think each piece is important to trying to improve our system as best as possible. Making sure people have career readiness when they're returning back to

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society probably is one of the most important pieces to this because one of the things I always say in meetings is it makes no sense that the state houses people for years and the only thing they have when they get out is \$100 and a, and a driver's license or ID. It makes no sense that we're not making sure that when these men and women are returning back to society that they're not going into a trade. They're, they're not a-- they're, they're not able to go straight into employment in some type of capacity. They shouldn't have to search around and find a job. They should have a clear idea of where they're going to go as far as a career. And as a state, we should be preparing them for that if--

DORN: One minute.

McKINNEY: --we don't want them to, to come back. And tha-- and, and that's why it's important. And if anybody has any other questions, I'm open to them. So thank you.

DORN: Thank you, Senator McKinney, Senator McDonnell, Senator Bosn. Senator Holdcroft, you're recognized to speak.

HOLDCROFT: Thank you, Mr. President. I, I rise in opposition to LB631. And let me just kind of bring us into perspective here. LB631 as it was presented was four sections in five pages and had only to do with the Board of Parole. That was the only topic on it. It had some restrictions. There was some issues with that. So the committee amendment, AM2099-- AM2098 fixed some of those issues. It expanded the bill to eight sections and six pages. Eight sections and six pages still focused only on the Board of Parole. And now we have AM3262, which is 61 sections and 52 pages. So we just went from 6 pages to 52 pages and we went from 8 sections to 61 sections. We have added six bills into this amendment, which is still titled, you know, Board of Parole. And there is something in here on Board of Parole. Now, the committee amendment, AM2098, came out of committee 5-3, and I voted against it because I oppose, I oppose the direction to the, the Board of Parole. And I'll address that probably on my third time up. But I'm concerned about the number of things that have been, have been added to this, this, this amendment and this bill. And I-- and we're kind of in no man's land here because Senator McKinney I know is working very hard with, with the Governor's Office, with the Department of Corrections to fix some of these issues. There's some good stuff in here: Senator Bosn's bill, Senator McDonnell's bills. So we've really-- we've jumbled some what I consider to be bad stuff with some good stuff. And I have a number of questions for Senator McKinney on, on-- just to get some clarity at this point. And I know

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he's working on stuff. So, Senator McKinney, if you're, you're working on something and it, it's no longer applicable, please just let me know. Otherwise, I'd just like to get some answers, some questions about where some of these things came from. I will first preface that Sections 1 through 19 of the bill are LB348. So-- and that came out of committee 8-0. There-- since then, we've, we've had some issues with it, but I know Senator McKinney's working hard on that. And so I'm, I'm going to kind of skip over that. And I-- my first question-- and I have some questions for Senator McKinney if he'll yield.

DORN: Senator McKinney, will you yield?

McKINNEY: Sure.

HOLDCROFT: And again, Senator McKinney, if you're working on these things, please just let me know and I'll-- we'll go on. On page 13, Section 20, it states: Beginning October 1, 2024, the Board of Parole shall electronically submit a quarterly report to the Judiciary Committee of the Legislature and-- of the Legislature and the Appropriations Committee of the Legislature regarding any reentry service center pilot programs being conducted by the Port of-- Board of Parole.

McKINNEY: That'll be--

HOLDCROFT: Where, where did that come from?

McKINNEY: That'll be changed.

HOLDCROFT: OK. Moving along then. Section 21, same page, at the bottom: Beginning October the 1st, the, the Office of Probation-- same thing-- electronically submit a quarterly report to the Judiciary Committee of the Legislature and the Appropriations Committee. Is that still--

McKINNEY: I'm working on that too.

HOLDCROFT: You're going to work that one?

McKINNEY: Yup.

HOLDCROFT: And that came from-- that didn't come from a bill. That just came from--

DORN: One minute.

McKINNEY: Just reporting requirements for the bill.

HOLDCROFT: OK.

McKINNEY: For, just, the system.

HOLDCROFT: Just an addition.

McKINNEY: Yeah.

HOLDCROFT: OK. Then moving on to number-- page 19, Section 25. The office shall establish performance metrics for probation officers. Such metrics shall measure efficiency in providing re-- rehabilitative and reentry services to probationers. Such a metric shall-- and it lists the metrics. Where did that requirement come from?

McKINNEY: Me.

HOLDCROFT: OK. Moving on then to page 27, Section 33. Oops.

McKINNEY: I'm changing that too.

HOLDCROFT: OK.

McKINNEY: Yep.

HOLDCROFT: You're way ahead of me here, sir, Senator McKinney. OK.

DORN: Time. Thank you, Senator Holdcroft--

HOLDCROFT: I'll, I'll be back. Thank you.

DORN: --and Senator McKinney. Senator Bosn, you're recognized to speak.

BOSN: Thank you, Mr. President. So I understand some of Senator Holdcroft's concerns here. And I was hoping to kind of go through this page by page with Senator McKinney so we can talk about some of the changes that are coming and what some of these sections do. Would Senator McKinney yield to some questions?

DORN: Senator McKinney, will you yield to question?

McKINNEY: Yeah.

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BOSN: Thank you, Senator McKinney. So Section 4, which is on page 3, line 13, that is what was originally in LB348. Is that correct or was that the original LB631?

McKINNEY: That was LB348, Section 4? Yeah.

BOSN: Correct.

McKINNEY: Yep.

BOSN: OK. So that was LB348. And that allows individuals to be essentially released to a community work release center-- excuse me-- under certain parameters, right?

McKINNEY: Right.

BOSN: And that's Section 4. And you worked that-- you worked through that with both PRO and Director Jeffreys?

McKINNEY: Yeah.

BOSN: So then on-- and one of the changes that they asked you to make was as it relates-- at least from my notes from our discussion-- that it was going to be moved to three years instead of two years. And that's on page 3, line 24.

McKINNEY: Yep.

BOSN: OK. So are you changing that back to three years?

McKINNEY: Yep.

BOSN: So then if we move forward to page 7, Section 13, that talks about the work release-- or-- excuse me-- the release of records, documents, and reports. Do you see where I'm at?

McKINNEY: You said page 7?

BOSN: Page 7, Section 13.

McKINNEY: OK.

BOSN: And this is where we had talked about a compromise of working that word "shall" into a "may." Is that correct?

McKINNEY: Yeah. Yeah. We talked about that.

BOSN: And that alleviated some of the concerns that we had with presentence investigation reports being released when maybe that wasn't a good fit for some incarcerated individuals but may be a good fit for others.

McKINNEY: Right.

BOSN: And the next section that I was going to ask about is on page 13, and that talks about-- Section 20. And that's where some of these changes where we're moving this from the Board of Parole into the Department of Correctional Services have been worked out. Is that your understanding?

McKINNEY: Yes. You said page 13?

BOSN: Page 13, Section 20. You had said that part of the modifications you were going to make between now and Select--

McKINNEY: Yeah, that'll be change from parole to the department.

BOSN: Department of Correctional Services or something--

McKINNEY: Yeah.

BOSN: However we're wording that.

McKINNEY: Yep.

BOSN: So then turning to page 14, Section 22. Can you-- so this is the original bill, LB922. Is that correct?

McKINNEY: Yes.

BOSN: And that's a bill that's still in committee.

McKINNEY: Mm-hmm.

BOSN: Whose bill is LB922? I can't remember.

McKINNEY: Mine's.

BOSN: Oh. I-- all right. And can you tell me what the goal of LB922 was? I recall that hearing now, but for those who weren't there.

McKINNEY: The goal of LB922 was to allow for business owners who are on parole to be able to get grants from the state.

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BOSN: Because if I understand and recall the testimony of those who came in, some of them run businesses. Like, let's just say you run a-- you run a dry cleaning service--

DORN: One minute.

BOSN: --and you couldn't qualify for certain loans because you were-- solely because you were a board of-- or, you were on parole or had been on parole.

McKINNEY: Yes, but it's only for grants if you're seeking a grant through, like, the department or parole. Because you could get a grant if you went-- if you wanted a grant through, like, the Department of Economic Development, you could get a grant. But if you go through the Department of Corrections, they have a arbitrary rule that denies you.

BOSN: And in my-- I recall the individual who came in and he said it was sort of almost cleanup language because you could for some and not for others and there really wasn't any consistency.

McKINNEY: Right.

BOSN: And so the goal of Section 22 is to still be in compliance with federal funding under subsection 2 but to allow those individuals the opportunity that anyone else would have for purposes of applications of grants.

McKINNEY: Yes.

BOSN: OK. I know we're probably out of time, but I am next in the queue. And so if Mr.-- or, if Mr. President would allow me to end now and then--

DORN: You may continue.

BOSN: Thank you. Senator McKinney, would you be willing to continue going through some of these con-- modifications?

DORN: Senator McKinney, will you still yield to a question?

McKINNEY: Yes.

BOSN: So then we go to page 15, subsection E and F, and that is the modification to allow members of the Legislature to bring a cell phone into the Department of Correctional Services.

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McKINNEY: Yes. And I'm going to strike the inspect-- Section F.

BOSN: OK. And that was part of the agreement asked for by the inspect-- or-- excuse me-- by the director of Department of Correctional Services.

McKINNEY: Yes, because it'll-- it would conflict with the MOU that was signed earlier this year.

BOSN: OK.

McKINNEY: Yep.

BOSN: And is it your un-- you've been to the prison for events for Circle of Concerned Lifers and other events. I've seen you there.

McKINNEY: Yeah.

BOSN: And is it your understanding that right now we would be in violation of the law if we went in with our cell phone?

McKINNEY: Yes.

BOSN: OK. So this would grant us that exception?

McKINNEY: Yes.

BOSN: All right. Then we go to page 19, and that talks about performance metrics. Can you tell me a little bit about why you wanted to have performance metrics? There's a section that provides that for probation and also for parole.

McKINNEY: Mainly because I believe that everybody in the system needs to be evaluated and should be held to a standard, you know. It, it-- and it's not to make anyone's job harder, but it's to say, like, are you an effective probation officer? Are, are you doing, doing the things you need to do to make sure that the people that you're tasked with serving are making sure that they're on track to, you know, reenter society in the best way and transition back into society in the best way? Are the people-- just put it plainly, let's say you got a officer who is in charge of 50 people. What if all 50 people are going back to prison? Let's look at that. Why is that happening? Pretty much.

BOSN: And when you negotiated this with Director Jeffreys, he supported that language?

McKINNEY: Yes.

BOSN: Thank you. And then if you go to page 27, it's Section 33(2), lines 25 through 28-- as part of our agreement, you're striking that section. Is that correct?

McKINNEY: You said page 27?

BOSN: Yes, sir.

McKINNEY: OK.

BOSN: This is the term limits.

McKINNEY: Yeah, I'm going to strike it.

BOSN: And then there was some discussion on page 30, Section 35, line 5 where we were discussing changing that quorum from three members to four members or four members to three members. Can you tell us a little bit about why we're doing that-- or, why we're moving that back?

McKINNEY: Because there's, there's times where you need three people to be able to hold the hearings because although I believe people should be going to work, there are, there are instances where two people might not be able to show up due to illness and you still would like for those hearings to take place so people can potentially be paroled or not have their cases delayed over time.

BOSN: And so this would benefit the individuals who have perhaps had a parole hearing set for months--

McKINNEY: Right.

BOSN: --had family members take time off of work to come down to the Department of Correctional Services for-- or wherever they're being incarcerated-- for a parole hearing only to find out that they don't meet quorum because somebody got a flat tire that day?

McKINNEY: Right.

BOSN: And that-- OK. And then--

DORN: One minute.

BOSN: I think that goes through some of them. And I may go through more of these in an effort to try and help the others who maybe

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didn't have that opportunity. But I-- again, I think that LB631 and this amendment are a good effort by the parties to work together. I appreciate the opportunity to have those bills added into this and that Senator McKinney was willing to work with me and others to get something moving forward. I think there's a lot of work to do. And I know that there's no one who's more frustrated with the Department of Correctional Services than Senator McKinney. But I think this is an opportunity for us to step forward to say, OK. What we're doing isn't working. Let's try something new. So I am-- while I understand it's 52 pages-- Senator Holdcroft is correct-- I am asking that we green light AM3262 and ask for your support on this amendment. Thank you, Mr. President.

DORN: Thank you, Senator Bosn and Senator McKinney. Senator Holdcroft, you're recognized to speak.

HOLDCROFT: Thank you, Mr. President. And would Senator McKinney yield to some additional questions, please?

DORN: Senator McKinney, will you yield?

McKINNEY: Yes.

HOLDCROFT: I was a little confused with your response on the change of the quorum from three to four. So you're-- right now, the quorum-- their requirement for quorum is three people, but you're going to bump it up to four people have to be there verse three people.

McKINNEY: No, I'm going to take it back to three. In the amendment, it says four, and I'm going to take it back to three.

HOLDCROFT: OK. Thank you very much. OK. Then onto page 32. See if I-- what the issue there-- OK. The issue-- the, the paragraph-- subparagraph 3, it's line-- starts with line 7-- says: The department, in, in consultation with the board, shall maintain a list of individuals who are eligible for parole but are expected to complete their entire sentence in the custody of the department and be released with no supervision. That-- does that not already exist or is that something new that we're asking for?

McKINNEY: I believe it possibly might exist, but it's unclear, so--

HOLDCROFT: You're just trying to make it a, a requirement.

McKINNEY: Right.

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HOLDCROFT: OK. Then page 41, Section-- I'm sorry. Page 39, Section 41.

McKINNEY: Page 39?

HOLDCROFT: Page 39, yes. And I'm looking at subparagraph 3. And it says here: Parole-- line 18 is what I am starting at here. It says: Parole shall not be-- shall not be-- shall not be denied for a committed offender solely because the department did not offer or de-- or delayed programming due to operational issues, including staffing shortages, maintenance issues, or lack of funds. Was that a recommendation that came from the Department of Corrections or was that something-- I mean, I understand there are some issues with programming, but you just wanted to make that as an exception?

McKINNEY: No, that, that-- it, it wasn't a recommendation from them. That is something I had put in originally in LB631.

HOLDCROFT: OK. Thank you. Moving on to page 44. OK. This gets into the early release or early discharge.

McKINNEY: That's-- that whole section is going to get striked.

HOLDCROFT: OK. Section 49. Thank you. All right then moving on to page 45. Let me see here. Risk assessment tools. It looks like Section 50. It's at the bottom of the page. There are 30 of these. On or before 1 October 2025, the department shall complete a study examining risk assessment tools employed by, by the department. What is your in-- your in-- your intent with those risk assessment?

McKINNEY: Well, the problem is the Department of Corrections has a risk assessment tool. Probation has a risk assessment tool. And parole has a risk assessment tool. The purpose of the study is to look at them all and try to-- and, and trying to see if we could just use one so everybody isn't evaluating somebody's risk assessment in a different way. Let's just have one tool to evaluate somebody instead of using three different tools across three different agencies that are in the criminal justice system. Why, why should we have three different tools when there's a bunch of intersection of all these agencies?

HOLDCROFT: OK. Very good.

DORN: One minute.

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HOLDCROFT: Thank you, Mr. President. Just got a couple more here. On page 46, down at the bottom, Section 54 starts on page 20-- or, line 29. It talks about a National Career Readiness Certification Pilot Program. That-- and that's from-- oh, I'm sorry. That's from LB1126. That's Senator Bosn's bill. That's fine. I mean--

McKINNEY: Yeah.

HOLDCROFT: On page 47, (Section) 56: Prior to discharging an individual from a facility of the Department of Corrections Services, the department shall provide such an individual with a, an opportunity to obtain a state identification card or renewal. That's a new requirement. Isn't-- is it, is it a new requirement or do they do that already?

McKINNEY: I believe they're supposed to already do it.

HOLDCROFT: OK.

McKINNEY: Yeah.

HOLDCROFT: It's just a good thing. I think it's probably the right thing to do if they're not doing it already.

McKINNEY: Yep.

HOLDCROFT: Page 48. Comprehensive rev-- reentry plan, Section 57. It's on-- starts on line 3.

DORN: Time.

HOLDCROFT: Thank you, Mr. President.

DORN: Thank you, Senator Holdcroft and Senator McKinney. Senator Bostelman would like to recognize underneath the south balcony a guest: his sister from Milford, Nebraska, Jolene Pohlman. Please stand and be recognized by your Nebraska Legislature. Senator Holdcroft, you're recognized to speak.

HOLDCROFT: And this is my third time, I think.

DORN: And this is your third time.

HOLDCROFT: Thank you. I just wanted to wrap up talking about the Board of Parole, and that's where this all started, was the perception that the Board of Parole is not doing it's job, that it's missing meetings. And I would point out, first of all, there are five

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members of the Board of Parole. And you only need three to be able to vote someone on to parole. So if, if it's-- happens someone just can't make the hearing, it's not like they don't occur. I mean, it's not-- the, the graph that Senator McKinney provided showed where there were missing members from those hearings, but that didn't mean that hearing did not occur. During this-- during the interim, I, I, I really felt inadequate about sitting on the Judiciary Committee and, and hearing about the Board of Parole and the issues they're having. So I attended 30 hearings of the Board of, of Parole. 30 hearings. Typically, they have about 150 hearings a month. They're held in the last half of the month, the last two weeks of the month. They're scheduled at the various Corrections centers. They can have up to 20 hearings at one location at one time. But they hold about 150 hearings a month. That's well over 1,000 a year. Keep in mind that there are less than 6,000 in-- individuals incarcerated in the state of Nebraska. So they hit a large number of parole-eligible, incarcerated personnel. And they do their job extremely professionally. I mean, I'm very impressed with them. The, the 30 hearings that I attended, all five of them were present. They all come prepared. They know exactly who is going to be at the hearing. They go through their, their per-- their, their parole plan. The parole plan identifies, OK. If you're granted parole-- and when they grant them parole, if they're eligible on that date, they go out the door the same day. But they better have a plan of where they're going to work, where they're going to live, who's going to, who's going to be their support agencies and, and their support plan. And they, they should be ready to go. If they don't have that, then-- and then their chances of getting a parole are, are limited. I would say that I think the average for parole being-- you know, based on the number of hearings is between 70% and 80%. So 70% to 80% of the people who appear before the parole board get parole, as oppo-- and then, of course, they have a recidivism rate that's probably between 10% and 20%. So if, if we go through all these steps of trying to make it easier to put people on parole without some kind of reentry plan-- which the Department of Corrections is working on-- then you're just going to end up with a higher recidivism rate. So some of these are-- these requirements that we're putting on the board for training, for, for absentee days, are just, I think, unnecessary and just add to their workload. In addition to the hearings that they do in the second half of the month, the, the parole board hearings, they also do hearings in the first half of the month. And typically, it's just two members of the board. They sit down with an incarcerated individual who is not eligible for parole for about two years. And they kind of go through the plan. They explain exactly what happens,

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what's going to happen in about two years or in a year when you come before the board. You better have this, this, this, and this. And again, they're very professionally run. They typically have support agencies. I, I'll give a shout-out here to 180 RAP. They, they cover primarily the--

DORN: One minute.

HOLDCROFT: Thank you, Mr. President. They cover primarily the Community Corrections Center in Omaha. And then you have RISE, which is here in Lincoln, which covers the Community Corrections Center in Lincoln and also the women's work release here in Lincoln. A very supportive organization, typically show up, and they have typically good things to say, and they've been working with these individuals to help them with reentry. But I have been very, very impressed with, with the Board of Parole. That's why I voted against AM2098 because I think it's unnecessary the restrictions and the requirements that we're putting on the Board of Parole. Thank you, Mr. President.

DORN: Thank you, Senator Holdcroft. Senator Wayne, you're recognized to speak.

WAYNE: Thank you. Let's be clear. The Bo-- the Board of Parole makes \$90,000 a year. That is their full-time job. Now, tell me, at what job can you miss multiple meetings and not go to? It's really that simple. At what job do you not have training and policy and procedures? It's been two years Senator McKinney's been working on this bill. Two years for them to implement some policies and procedures. They chose not to. And our job as a policy to make sure-- policymakers is to make sure that they have some. We do it to ourselves, right? We pass policy and procedures. We just spent all morning talking about one of them. My point is is adding some training and some requirements around a board who are dealing with people's lives I think are very important. And they're making \$90,000 a year. Their trips are paid around the state when they go have them. It's not costing them anything. So think about that. If you get to travel for your job and they're paying for it-- you're making \$90,000 a year, you can show up to the meetings. I don't think it's that hard. I think you should be able to do your work and make sure that you have the training, make sure you're going to national conferences, make sure you're understanding what it is. And I won't get into the conversations where we're talking to the, the board and some of their answers. They're not even close to what's going on nationally. And I don't mean far left or far-- I'm talking the most conservative trainings around prison reentry and how to make sure

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we're doing better. We're not attending. We're stuck in the same mode. And this is a, a, a push to move them somewhere. And the idea of moving this back under Corrections is that we heard over and over since I've been down here-- and you don't have to believe me. You can talk to Senator Brandt, who was on Judiciary-- is, no, it's their fault. No, it's their fault. No, it's their fault. And it's this constant finger-pointing of why people aren't getting the programming. For example, Corrections got rid of their violence prevention programming because Corrections found out it didn't work. That is a mandatory class for people's plan to get out with parole. They're clearly not talking to each other. This is making sure that there is going to force communication by having everything underneath one and putting the parole board back to the original tent to be kind of like a oversight of who is getting out and who is eligible for parole. But the operations are being consistent with Dar-- Department of Corrections. I'll give you an example. You're-- we have three different assessment forms. Three different assessments on whether people are, are going to recidi-- commit crimes again and, and how they are going to do if they're going to be successful. Three different ones that are used by three different departments. Think about this. Judiciary presentence investigation is different than Corrections, and Corrections base their ability and their whole programs around the one they use. And then the parole board uses another one. So you could do everything right in Corrections and still not meet the requirement for parole board because we're using different assessment tools. One of the things this bill does is say, hey. Within the next couple years, you better-- we need to figure out one. We need to figure out the right one. So those are just simple changes that have huge impact that we're missing the boat on because these two are fighting over territory. And in the meantime, our prison systems aren't getting the, the, the services they need. The people who are, are incarcerated aren't getting the services they need. So this is a necessary bill. And I think-- I want to thank the Governor's Office, PRO, and I also want to thank McKinney. I haven't been in the--

DORN: One minute.

WAYNE: --meetings. I've been in one meeting. McKinney has headed this for two years. And he's worked with Senator Bosn and everybody to pull this together to be something that is palatable for everybody while keeping the, the system moving on the right track. So, again, I want to praise Senator McKinney. I want to praise Senator Bosn. I want to praise the Governor. And I want to praise the Governor's team at PRO and also Mr. Jeffreys at the Corrections for sitting down and

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bringing a fresh look to this and figuring out how we can move some things forward. Thank you, Mr. President.

DORN: Thank you, Senator Wayne. Senator Blood, you're recognized to speak.

BLOOD: Thank you, Mr. President. Fellow senators, friends all. I stand in support of both the McKinney amendment, the Judiciary amendment, and the underlying bill as it will soon hopefully be amended. And I also want to say good job to Senator McKinney, who has been working on this. You heard a little bit from Senator Wayne in reference to the parole board, but I think, in some ways, he's been awfully polite and probably politically correct. But the one thing that continues to stick in my mind and why I think this bill is so important is there was one parole board member who was actually from my county who tried to justify how hard it was to work for almost \$90,000 a year and be expected to show up at things-- he's saying this to a group of people in a hearing that make \$12,000 a year-- and how justified he was in complaining about, how dare we? How dare we be concerned that he had missed any of the hearings? And then when we talked about it last year-- I don't know if you remember that-- he stood out in the Rotunda behind the glass calling people out, trying to get them to not support something like this. So I love the fact that Senator McKinney is trying to shake things up. I actually think there's one person, at least, that maybe needs to not be reappointed-- remember that when you guys do appointments-- to that board. And I think that we have to remember what their purpose is. And if they aren't there to do their purpose, perhaps they need to find a different board or committee that they can maybe find time for because I don't know a lot of our other commissions and boards that pay that well, let alone pay for your mileage as well on top of it. So I just want to say, good job, Senator McKinney. I am in full support of both the amendments and the underlying bill. He worked with people and talked with people until he got some good middle ground. And it's for the greater good of all. So with that, I would yield any time I have left to Senator McKinney.

DORN: Senator McKinney, will you yield?

McKINNEY: Thank you. And thank you, Senator Blood. Again, my amendment replaces the committee amendment. And overall, what I'm attempting to do is just try to improve our criminal justice system to improve our outcomes so we don't have to build or expand our prison that's going to be built on the other side of Lincoln. I think we also have to do all that we can as senators to improve the

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outcomes of the people that we incarcerate if we're going to incarcerate them. We can't continue to say we're going to be tough on them but not do what we can and try to make sure that we, we improve them and improve the outcomes of those who go inside. And part of that is making sure we improve the parole system, and that's what I'm attempting to do. And that's what I've been attempting to do. And that's what I'll continue to do as long as I'm in the Legislature, is try to improve our system to work better for people regardless of if they're incarcerated or not, regardless if they have a felony or not. I try to do my best to work for people because that's what I was sent here for, was to work for the people of this state and the people of my district to make sure that they're not forgotten about and the people who are sitting on these boards are not just looking at them as another number or another person that's coming before them. And that's why I ask for your green vote to move this forward so we continue to try to improve our system and improve our state for the better. With that, I'll close. Thank you.

DORN: Thank you, Senator McKinney and Senator Blood. Seeing no one else in the queue. Senator McKinney, you're recognized to close on AM3262.

McKINNEY: Again, AM3262 replaces the committee amendment. And I'll ask for your green vote. Thank you.

DORN: Colleagues, the question before the body is the adoption of AM3262. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

ASSISTANT CLERK: 29 ayes, 7 nays on the adoption of AM3262.

DORN: AM3262 is adopted. Seeing no one else in the queue. Senator Wayne, you're recognized to close on AM2098.

WAYNE: Thank you, Mr. President. Senator McKinney's bill-- amendment replaces my amendment. So you still need to vote-- or, the committee amendment-- so you still need to vote green to keep his amendment in to LB6-- LB631. Thank you.

DORN: Thank you, Senator Wayne. Colleagues, the question before the body is the adoption of AM2098. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

ASSISTANT CLERK: 33 ayes, 8 nays on the adoption of the Judiciary Committee amendment.

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DORN: AM2098 is adopted. Mr. Clerk for an item.

ASSISTANT CLERK: Mr. President, Senator McKinney would move to amend LB631 with AM147. I'm sorry. I have a note here you wish to withdraw that.

DORN: Without objection. So removed.

ASSISTANT CLERK: I have nothing further on the bill, Mr. President.

DORN: Seeing no one else in the queue. Colleagues, the question before the body is the advancement of LB631. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

ASSISTANT CLERK: 30 ayes, 7 nays on the advancement of LB631.

DORN: LB631 is advanced. Mr., Mr. Clerk, next item.

ASSISTANT CLERK: Mr. President: LB631A, introduced by Senator Wayne. It's a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out the provisions of LB631. The bill was read for the first time on April 2 of this year. It was placed on General File. I have no amendments on the bill.

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

WAYNE: So people are con-- not confused, this is Senator McKinney's bill. Couldn't find him, and I had to get it dropped yesterday, so that's why it's there. But this is LB631, Senator McKinney's bill. And that's why my name's on it because I had to get it dropped yesterday. Thank you.

DORN: Seeing no one else in the queue. Senator Clements, you're recognized to speak.

CLEMENTS: Thank you, Mr. President. Would Senator McKinney yield to a question?

DORN: Senator McKinney, will you yield to a question?

McKINNEY: Yes.

CLEMENTS: Senator McKinney, this bill has-- LB631 has been changed quite a bit. And I was just wondering if you have an idea of what the fiscal note is pro-- projected to be.

McKINNEY: I'm not sure. It might be maybe \$1 million possibly.

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CLEMENTS: Are, are you working to get it reduced [INAUDIBLE]? Because we're not going to have very much to work with.

McKINNEY: Yeah. I'm working it through. That's why we're working on amendments. But we needed this to get introduced to try to work through those amendments.

CLEMENTS: OK. Thank you. Not able to vote for LB631A with an unknown fiscal note, fiscal cost. But thank you, Mr. President.

DORN: Thank you, Senator Clements and Senator McKinney. Senator Bosn, you're recognized to speak.

BOSN: Thank you, Mr. President. I just wanted to rise and answer. So Senator Clements asked some questions about the cost. As it relates to the program that I have in there, the career readiness program, that's a pilot program. There are some funds in that bill. We have some paths for those funds. I, I had previously spoken with Senator Clements about different options for where those funds could come from, and I will get all that stuff to him and, and certainly be able to speak more on that later. But I believe it was \$500,000 to, to develop those programs and get those things implemented into the schools-- or-- excuse me-- into the, into the Correctional facility to, to start us off somewhere. We also had several conversations with Southeast Community College about opportunities for sponsorships from some of the employers in the community who expressed a significant interest in working with individuals who are going through that program. And so some of that may also be covered by scholarships. Thank you, Mr. President.

DORN: Thank you, Senator Bosn. Seeing no one else in the queue. Senator Wayne, you're recognized to close.

WAYNE: Thank you. And just to follow up with Senator Bosn, there was \$1 million in there for a study. And this goes to the county, county jail issue and short-timers. The reason that dollar amount was in there is because we discovered that UNO uses-- we use one of their assessments tools. So it's kind of a conflict. We are working with PRO to reduce that. So it'll probably be around \$200,000. But we just put a number in there in the bill to have a number. But, but because of the potential conflict of UNO doing it at cost with their assessment, we, we had to leave a number in there, but we are working with PRO to significantly reduce that to around \$200,000, \$250,000. So with that, I would ask for a green vote.

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DORN: Thank you, Senator Wayne. Seeing no one else in-- oh. Colleagues, the question before the body is the advancement of LB631 [SIC]. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

ASSISTANT CLERK: 28 ayes, 0 nays on the advancement of LB631A.

DORN: 631-- LB631 is advanced. Mr. Clerk for items.

ASSISTANT CLERK: Thank you, Mr. President. I have amendments to be filed to LB541 by Senator Machaela Cavanaugh. Senator Hunt to LB541. Machaela-- Senator Machaela Cavanaugh to LB541. Machaela Cavanaugh-- Senator Machaela Cavanaugh has amendments to LB764. I-- motion to LB764 by Senator Machaela Cavanaugh. Amendments to LB541 by Senator Conrad. To-- amendments to LB126 by Senator Day. Amendments to LB126A by Senator Day. Amendments to LB937 by Senator Linehan. Amendments to LB317 [SIC] by Senator Linehan. Amendments to LB1023 by Senator von Gillern. Senator Wayne has amendments to LB1243. And I have a committee report from the Committee on Natural Res-- Committee on Natural Resources regarding gubernatorial appointments. That's all I have, Mr. President.

DORN: Mr. Clerk for items.

CLERK: Mr. President, next item on the agenda: General File, LB1300, from Senator Bostar. I've got a priority motion: Senator Machaela Cavanaugh would move to indefinitely postpone the bill pursuant to Rule 6, Section 3(f).

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

BOSTAR: Thank you, Mr. President. And good afternoon, colleagues. LB1300 adopts the Pacific Conflict Stress Test and Foreign Adversary Contracting Prohibition Act in response to escalating global tensions. LB1300 prepares the state's supply chains and critical infrastructure for the risk of a Pacific conflict that Beijing consistently signals might occur. The bipartisan House Select Committee on the Chinese Communist Party has reported that any invasion of Taiwan would likely include cyberattacks and other disruptions targeted at the U.S. homeland. Given that Nebraska is the home strategic command and other critical American assets, it's not hard to imagine Nebraska being a target of cyber attacks and other disruptions. We cannot control these global risks, but we can and should prepare for them. LB1300 directs the Department of Administrative Services and the Investment Officer to audit

procurement supply chains and state-managed funds in order to assess the risk of disruption in the event of a Pacific conflict and to create a contingency plan to mitigate the risk of supply chain disruption. The act also creates the committee on Pacific Conflict that will assess current vulnerabilities in Nebraska in the event of a Pacific conflict and to develop a plan to address outstanding risks to Nebraska's critical infrastructure, telecommunications, state supply chain, cybersecurity, as well as public safety. Maligned actors are gaining access to network systems through loopholes in ordinary, commercially available technologies independent of country of origin. However, Chinese companies are particularly dangerous due to the institution of China's 2017 National Intelligence Law, which increases the risk of Chinese companies funneling sensitive American data to Beijing. Under Article 7 of the law, all businesses registered in China are obligated to hand over whatever information the Chinese Ministry of State Security demands of them, and that could very well include sensitive user financial and health information. This law requires network operators, including all companies headquartered in China, to store select data within the country and allow Chinese authorities to do spot checks on a company's network operations. To counter this threat, LB1300 would prohibit companies organized under the laws of a foreign adversary or having its principal place of business within a foreign adversary from bidding upon any state or local procurement contracts for any information, surveillance, LIDAR, communications technologies, networks, or related services. LB1300 advanced from the Government, Military and Veterans Affairs Committee: 6 yes votes, 1 present, not voting, and 1 member absent. I would like to thank the Governor's Office for their work on this bill. And I'd like to thank Senator Ballard for prioritizing the legislation. Thank you, colleagues. I would encourage your support for LB1300. I am sure there is extensive debate to come.

DORN: Thank you, Senator Bostar. Senator Machaela Cavanaugh, you're recognized to open on your motion.

M. CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues. Well, I already said it to her off the mic, but I want to thank Senator Slama for making sure that everybody knows that you can work on the human side of things and still disagree on policy. So I have an IPP motion filed because I am trying to block Senator Slama's amendment to this bill. And, and so this is actually how things are supposed to work: you're kind and collegial to one another even though you might disagree fundamentally on policy. You still persevere forward and try your best to do right by each other. So

this is exhausting. I don't know about you all. I left here last night about 30 minutes before we adjourned hoping to see my kids still awake, but they were asleep. But then I, I went to sleep, so that's fine. But, but I am, I am, I am exhausted, and this is giving me a reminder of days passed last year where we would break for dinner and I would come back from dinner and I would just talk about salads. I'm going to try and not do that as much as possible. But, you know, if I have to stand up here by myself for eight hours since nobody is in the queue, I guess that is what I will do. So if people are wondering what is this about, this is about LB764. This is about a tweet. We are allowing ourselves to be governed by a tweet. And that's not how we should make policy. If we want to advance LB1300, we should just advance it in its intended form. And there's a lot of debate internally here about how to approach the amendment. There's not really any agreement amongst anyone, whether they're voting for it or not voting for it or can we dispense with it or not dispense with it. So this is an interesting moment for us. And I genuinely-- I don't know if we've ever had a debate of winner-take-all on the floor since it was enacted. But that was before my time. So winner-take-all, what is it? Nebraska is unique. We're unique in so many ways. One, we are a Unicameral. We are, within ourselves, a experiment in democracy apart from the rest of the nation. Our one house, our nonpartisan one house, was born out of the ideas of a former member. And we have functioned or disfunctioned semi in harmony for decades. And we are a deliberative body. So that makes us unique. Additionally, we split our electoral votes for president. We split our electoral votes for president by congressional district. We have five electoral votes. And I was actually thinking about this a couple weeks ago. We've only ever split one singular electoral vote. The other four have remained together. And I didn't know what would happen if-- is it if you win two of the congressional seats you automatically get four votes? I assume that that's the case, but I have not been-- I've never actually looked into it because I've, I've never seen that as a possibility. But what we do in splitting the electoral votes the-- in Nebraska is we create a greater opportunity for our constituents across the state to have their voice heard in the presidential process. And that is a really cool thing because we are a diverse state. We have large urban centers and we have large masses of rural areas. And we have diverse interests and diverse needs. And the fact that we split our electoral votes and allow the populations that are served by that congressional district to decide, to decide where their presidential vote goes makes us extremely unique in a good way. It is good to give the people more power. It is good to put more of a voice into the hands of the population. And

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that's what this does. Additionally, for those of us that reside in CD 2, both Democrat and Republican, the splitting of the electoral vote is a huge economic driver. Enormous. The fact that we have one electoral vote in play at a national level means that we have an infusion of money from a national level coming in trying to win that electoral vote. It is a massive economic driver for Nebraska's eastern part of the state. And as we saw with the budget, when we swept cash out of the-- I think it was the Civic/Convention Center turnback tax-- when we took that money out of that, that is funded by economic development in Omaha. That is funded by people coming into Omaha for events. So that funds your communities. I think that we are switching over on the agenda now. How much time do I have left, Mr. President?

DORN: 2:30.

M. CAVANAUGH: OK. So we're switching over on the agenda, but we are going to be talking on this bill for, for some time, so. Thank you, Mr. President.

DORN: Thank you, Senator Machaela Cavanaugh. Mr. Clerk for agenda items.

CLERK: Thank you, Mr. President. Pursuant to the Speaker's agenda: turning to Select File, LB262A. I have nothing on the bill, Senator.

DORN: Oh. Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB262A be advanced to E&R for engrossing.

DORN: All of you have heard the motion. All of you in favor say aye. Opposed, same sign. It is advanced.

CLERK: Mr. President, next item: Select File, LB287A. I have nothing on the bill, Senator.

DORN: Mr. Ballard for a motion.

BALLARD: Mr. President, I move that LB287A be advanced to E&R for engrossing.

DORN: You've all heard the motion. All those in favor say aye. Opposed, same sign. It is advanced. Mr. Clerk.

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CLERK: Mr. President, next bill: Select File, LB867A. I have nothing on the bill, Senator.

DORN: Mr. Ballard for a motion.

BALLARD: Mr. President, I move that LB867A be advanced to E&R for engrossing.

DORN: Colleagues, you heard the motion. All those in favor say aye. Opposed, same sign. It is advanced. Mr. Clerk.

CLERK: Mr. President: Select File, LB1200A. I have nothing on the bill, Senator.

DORN: Mr., Mr. Ballard for a motion.

BALLARD: Mr. President, I move that LB1200A be advanced to E&R for engrossing.

DORN: Colleagues, you heard the motion. All those in favor say aye. Opposed, same sign. It is advanced. Mr. Clerk.

CLERK: Mr. President: Select File, LB1355A. I have no E&R amendments. Senator Vargas would move to amend with AM3231.

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

VARGAS: Thank you very much. LB1355A is the companion A bill to my priority bill. This is the opioid recovery grant program and the creation of a couple different cash funds. So I want to thank you for your overwhelming support of this bill. This is a General Fund neutral bill. These are cash funds-- actually, settlement funds. So I urge your green vote of AM3231, which will make the bill operational. No general funds, or zero net General Fund obligation, and cash funds for the underlying bill. Thank you.

DORN: Seeing no one in the queue. Senator Vargas, you're recognized to close. Senator Vargas waives. Question before the ado-- body is the adoption of AM3231. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the amendment.

DORN: AM3231 is adopted. Mr. Ballard for a motion.

BALLARD: Mr. President, I move that LB1355A be advanced to E&R for engrossing.

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DORN: Colleagues, you've heard the motion. All those in favor say aye. Opposed, say, say nay. LB136-- LB1355A is advanced. Mr. Clerk.

CLERK: Mr. President: Select File, LB852. First of all, Senator, there are E&R amendments.

DORN: Mr. Ballard for a motion.

BALLARD: Mr. President, I move the E&R amendments to LB852 be adopted.

DORN: Colleagues, you heard the motion. All those in favor say aye. Opposed, say nay. It is advanced. They are adopted. Mr. Clerk.

CLERK: Senator, I have nothing further on the bill.

DORN: Mr. Ballard for a motion.

BALLARD: Mr. President, I move that LB852 be advanced to E&R for engrossing.

DORN: Colleagues, you heard the motion. All those in favor say aye. Opposed, say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President: Select File, LB1088. First of all-- excuse me. There are no E&R amendments, Senator Ballard.

DORN: Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB1088 be advanced to E&R for engrossing.

DORN: Colleagues, you heard the motion. All those in favor say aye. Oh. All those in favor say aye. Opposed, say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President: Select File, LB1306. I have nothing on the bill, Senator.

DORN: Mr. Ballard for a motion.

BALLARD: Mr. President, I move that LB1306 be advanced to E&R for engrossing.

DORN: Colleagues, you heard the motion. All those in favor say aye. Opposed, say nay. It is advanced. Mr. Clerk.

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CLERK: Mr. President: Select File, LB1306A. I have nothing on the bill, Senator.

DORN: Mr. Ballard for a motion.

BALLARD: Mr. President, I move that LB1306A be advanced to E&R for engrossing.

DORN: Colleagues, you've heard the motion. All those in favor say aye. Opposed, say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President: Select File, LB1030. I have nothing on the bill, Senator.

DORN: Mr. Ballard for a motion.

BALLARD: Mr. President, I move that LB1030 be advanced to E&R for engrossing.

DORN: Colleagues, you heard the motion. All those in favor say aye. Opposed, say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President: LB1027. First of all, Senator, there are E&R amendments.

DORN: Senator Ballard for a motion.

BALLARD: Mr. President, I move the E&R amendments to LB1027 be adopted.

DORN: Colleagues, you heard the motion. All those in favor say aye. Opposed, say nay. They are adopted.

CLERK: Senator, I have nothing further on the bill.

DORN: Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB1027 be advanced to E&R for engrossing.

DORN: Colleagues, you've heard the motion. All those in favor say aye. Opposed, say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President: Select File, LB1027. I have nothing on the bill, Senator.

DORN: Senator Ballard for a motion.

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BALLARD: Mr. President, I move that LB1027A be advanced to E&R for engrossing.

DORN: Senator Clements, you're recognized to speak.

CLEMENTS: Thank you, Mr. President. LB1027A is part of LB1027, which is allowing one parent to sign up for home school rather than two parents. And the Supreme Court says they have to change their software to add the term "educational dec--" "educational decision-maker" in addition to "parent" and "guardian." And that will cost \$10,000 to add two words in their software. And I believe they have enough funding already. I know they do. This is similar to the case where we had court interpreters earmarked. And we're-- I'm going to ask you to vote no on this A bill to free up \$10,000 for other bills because I believe the agency already has enough. No, let me-- just a minute. Let me talk to the Clerk.

DORN: Mr. Clerk for a motion.

WAYNE: Mr. President, Senator Clements would move to indefinitely postpone LB1027A.

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

CLEMENTS: Thank you, Mr. President. I just don't believe this expense is necessary. I believe the agency has the ability to carry out the, the funding of this with their existing funding. And would, would Speaker Arch yield to a question?

DORN: Will Senator Arch yield to a question?

ARCH: Yes.

CLEMENTS: Speaker Arch. This is-- Fiscal came up with \$10,000 cost to add two words to their software regarding LB1027. And I'm, I'm confident they have the funding already in their current appropriations. If we just indefinitely postpone this A bill, would that hurt the basic LB1027? Do you know?

ARCH: No.

CLEMENTS: It would not?

ARCH: No, it would not. This is strictly-- this is strictly funding. And if, and if we don't-- we've-- we did this previously on a, on a, on a bill a few days ago. If, if we say that fiscal note is wrong and

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we say that funding is not necessary and we don't fund it, then, then we don't fund it.

CLEMENTS: Thank you, Speaker Arch. All right. Well, I would ask for your green vote on MO1353. Thank you, Mr. President.

DORN: Thank you, Senator Clements and Senator Arch. Senator Vargas, you're recognized to speak.

VARGAS: Thank you. It's not a question for Senator Clements, but I, I'm not entirely sure that what was just said is correct. So technically, if we don't pass an A bill and an agency says, well, we needed those funding to make that bill operational or to do it, we've had in the past agencies that have chosen not to do the actual intent of the bill. So if we don't fund, you know, the programmatic side of things, that doesn't mean necessarily that the bill will go into effect because agencies or staff can say, we were not provided the funding to do X, Y, and Z. That's why we try to work on the A bill and make sure that it's operational or eliminate it with cash funds so we can cover it. Because that would mean that, technically, if we don't pass any of our A bills here, we are on the hook for passing all of our regular bills. And that's-- it doesn't, it doesn't push the executive branch to operationalize every one of our bills if we don't pass A bills. So I just want to make sure that that's clear. And it's not a good precedent for us to do either. We should try to work out the A bills to fund it. And I, I hope we can do that for all the rest of them because I don't think this is-- I don't think we should do this, but. I'll, I'll defer to Senator Clements here if he's-- wants to respond.

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

CLEMENTS: I thank, thank Senator Vargas for his input. I do want the provision adopted. It was an amendment by Senator Conrad. And I think the cost is overstated to add two words to a computer program. But I think it's probably prudent for me to withdraw the motion and ask for a green vote on the A bill. I withdraw that motion.

DORN: Without objection. So ordered. Senator Machaela Cavanaugh, you're recognized to speak. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Sorry. Would Senator Clements yield to a question?

DORN: Senator Clements, will you yield to a question?

CLEMENTS: Yes.

M. CAVANAUGH: Oh. Actually, you withdrew your motion, so never mind. Thank you. I yield the remainder of my time.

DORN: Senator Armendariz, you're recognized to speak.

ARMENDARIZ: Thank you, Mr. President. I don't know the answer to this, so I was wondering if Senator Clements would yield to a question.

DORN: Senator Clements, will you yield to a question?

CLEMENTS: Yes.

ARMENDARIZ: Thank you, Senator Clements. So in regards to Senator Vargas's concern, do you think you could pass an A bill with \$1 and still get the intent of the bill absorbed within the agency without actually putting dollars on it?

CLEMENTS: Yes.

ARMENDARIZ: OK. Thank you. Thank you, Mr. President.

DORN: Thank you, Senator Armendariz and Senator Clements. Colleagues, seeing no one in the queue. The motion before you is the advancement of LB1027A. All those in favor vote aye-- say aye. Opposed, say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President: LB1051, Select File. First of all, Senator, I have E&R amendments.

DORN: Senator Ballard for a motion.

BALLARD: Mr. President, I move the E&R amendments to LB1051 be adopted.

DORN: Colleagues, you've heard the motion. All those in favor say aye. Opposed, say nay. It is advanced-- or, adopted.

CLERK: Mr. President: Senator Ballard, I have nothing further on the bill.

DORN: Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB1051 be advanced to E&R for engrossing.

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DORN: Colleagues, you've heard the motion. All those in favor say aye. Opposed, say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President: Select File, LB874. First of all, Senator, I have E&R amendments.

DORN: Mr. Ballard-- Senator Ballard for a motion.

BALLARD: Mr. President, I move that the E&R amendments to LB874 be adopted.

DORN: Colleagues, you've heard the motion. All those in favor say aye. Opposed, say nay. They are adopted.

CLERK: I have nothing further on the bill, Senator.

DORN: Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB874 be advanced to E&R for engrossing.

DORN: Colleagues, you've heard the motion. All those in favor say aye. Opposed, say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President: Select File, LB1393. First of all, I have E&R amendments, Senator.

DORN: Senator Ballard for a motion.

BALLARD: Mr. President, I move the E&R amendments to LB1393 be adopted.

DORN: Colleagues, you've heard the motion. All those in favor say aye. Opposed, say nay. They are adopted. Mr. Clerk.

CLERK: Mr. President: Senator Conrad, I have MO1271. Senator Conrad moves to indef-- indefinitely postpone LB1393, but I have a note she would withdraw that.

DORN: Without objection. So ordered.

CLERK: In that case, Mr. President, Senator Hansen would move to amend with AM3278.

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

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HANSEN: Thank you, Mr. President. Colleagues, we got a few amendments on, on the underlying bill. One of those-- one of them was the one that, if you remember a couple weeks ago, we ended up on the budget. We bring it-- brought it back to Select File with the intent of removing a portion of an amendment that I had on there that had to do with kind of a business tax holiday. And also allowing the commissioner to collect below a 0.7 yield factor. So actually lower the unem-- business tax if needed if, if that fund gets too high. So that's what this amendment, AM3278, does. It lowers the combined tax rate by 5% for five years after giving the Commissioner of Labor the ability to collect a lower amount if they deem it physically viable. Currently, the commissioner is not able to collect below a 0.7 yield factor, which is part of the reason there was such a large amount in the separate fund. With this amendment, the commissioner can go to a 0.5 yield factor, which will result in the employers paying less in taxes. We've already passed this on a previous bill, but we didn't want to mess up the budget and the timing, so we took it off with the intent of adding it on here since it's germane and it's in the same section of the statute. So this amendment previously was adopted with a 39-0 vote. And so I would encourage your vote on AM3278. And then Senator Conrad has a couple amendments that I am in favor of that kind of tightens up part of the NIL language that, that she was willing to bring forth. And it's, and it's a good idea. So thank you, Mr. President.

DORN: Thank you, Senator Hansen. Senator DeKay and Senator Brewer have three guests underneath the north balcony: Ethan Zeisler from Naper, Naper, Nebraska; John Reiman from Butte, Nebraska; and Peyton Wickersham from Butte, Nebraska attending the FFA Convention. Seeing no one in the queue. Senator Hansen, you're recognized to close on your amendment. Senator Hansen waives. Colleagues, the question before the body is the adoption of AM3278. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

CLERK: 35 ayes, 0 nays on adoption of the amendment, Mr. President.

DORN: AM3278 is adopted.

CLERK: Mr. President, next amendment: Senator Conrad, I have AM3305 with a note that you would withdraw and substitute FA350.

DORN: Without objection. So ordered. Senator Conrad, you're recognized to open.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. First, I want to thank my friend, Senator Hansen, for the collaborative effort to bring forward this serious and constructive amendment that I think advances the original intent of the bill and identifies a few points of clarification from introduction, General File debate, and then to present day. Colleagues, what this amendment would do is essentially ensure fidelity and clarity to the understanding of how our public records laws work in regards to university operations and activities. So basically, the initial NIL framework that Senator Hunt passed and Governor Ricketts signed years ago essentially provided a, a trade secret exception for certain terms of the NIL contract from disclosure under the public records laws. So if these NI deal-- NIL deals or contracts or activities are happening in a purely private sense, they'll remain unavailable through public records requests. However, if the university starts to now or in the future involve themselves in any NIL-related activities, those types of communications and documents would be subject to the public records requests as understood by, by current law. And the other piece that I think is important and relevant about the disclosure of contract terms-- and I take to heart the Governor's testimony in regards to when he came to open on this bill at the Business and Labor Committee. You can hear time and time again Governor Pillen talking about the need to update our-- and strengthen our NIL framework to protect student athletes. And I think that's a goal that we share. However, I, I think it's becoming increasingly clear as we see how NIL plays out that it-- we have to maintain the ability of the student athlete to disclose contract terms voluntarily if they see fit. Let me give you a concrete example. So if a student athlete receives a beneficial or profitable deal to do marketing for a certain company, sometimes it can be very beneficial for marketing purposes and value purposes for the student athlete to say, hey. I just got X amount of dollars to do a deal for Sprint Mobile or Coke or whoever it might be, and then that can kind of up their, their value, so to speak, in the NIL marketplace and help the student athlete compete for more deals or better deals. So we want to make, make sure that the student athlete maintains total control on a voluntary perspective as to whether or not to disclose contract terms. But we want to make sure that, as the student athlete in private entities are involved in NIL, anything that's not related to a public institution or public dollars, that's going to remain private. But any entanglement or activity or operation that utilizes a public entity, a public employee, or public funds, that's going to be subject to public records laws, which would be the understanding under existing law. And this would just clarify it. So Senator Hansen

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and I have had a chance to talk to University of Nebraska representatives and the Governor's Policy Research Office. We came together on this consensus compromise language that's written out in FA350. I think it's a great solution and path forward to make sure we're protecting student athletes and protecting the public's right to know when university agents or operations are involved in if public dollars are involved. So I would urge your favorable consideration of FA350, which I think enjoys widespread support. Thank you, Mr. President.

DORN: Thank you, Senator Conrad. Seeing no one in the queue. Colleagues, the question before the body is the advancement of FA350. All those in favor vote aye; all those opposed vote nay.

von GILLERN: Mr. Clerk, record.

CLERK: 33 ayes, 0 nays on adoption of the amendment, Mr. President.

von GILLERN: The amendment advances. Mr. Clerk.

WAYNE: Mr. President, Senator Conrad would move to amend with AM3306.

von GILLERN: Senator Conrad, you're welcome to open.

CONRAD: Thank you, Mr. President. This floor amendment is also, I think, fairly considered a friendly amendment. I appreciate Senator Hansen's cooperation, the university's cooperation, and the Governor's Office cooperation. If-- again, if you look at the initial framework for the NIL-- the Name and Image Likeness Act that Senator Hunt brought forward years ago and Senator Ricketts signed-- it does provide a private cause of action for the student athlete to litigate certain matters if they were to arise, which is, I think, pretty typical in contract law and in other areas of state law. I was concerned that there was a far too broad blanket immunity provision in LB1393 that would undercut the rights of student athletes to litigate important issues if they, they do arise. And you will know from a quick Google search that, as the dollars and cents become ever more lucrative and involved in the quickly evolving NIL world, litigation also has, has become more prevalent. However, we want to make sure as aligned with the intent of the bill and the Governor and Senator Hansen and the university to make sure that the NIL state law protects the student athlete. So if there is any sort of meritorious claim that the student athlete would have in regards to these issues, they should retain the private right of action that they have in the existing law. And we don't need to have the large blanket immunity,

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the broad grant of immunity to individuals in the university system that would prevent a student athlete from exercising their right. So I thank Senator Hansen for his support and collaboration and also the Governor's Office and the university officials. I'm happy to answer any questions but would appreciate your support. Thank you.

DORN: Thank you, Senator Conrad. Seeing no one else in the queue. Colleagues, the question before the body is the adoption of AM3306. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

CLERK: 33 ayes, 0 nays on adoption of the amendment, Mr. President.

DORN: AM3306 is adopted. Mr. Clerk.

CLERK: I have nothing further on the bill, Senator.

DORN: Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB1393 be advanced to E&R for engrossing.

DORN: Colleagues, you heard the motion. All those in favor say aye. Opposed, say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President: Select File, LB876. I have no E&R amendments. Senator Holdcroft would move to amend with AM3211.

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

HOLDCROFT: Thank you, Mr. President. AM3211 to LB876 reverts to the existing language for the current safe haven law on the books. AM3211 adds staff fire stations, staff law enforcement agencies, and emergency care providers to the list of locations where a newborn child may be surrendered. It also has funding for a public information program that includes a website and also training for first responders who may accept children that are surrendered. This is-- there are no safe haven baby boxes in it. Those have been removed. And the excessive language from DHHS has also been removed.

DORN: Thank you, Senator Holdcroft. Mr. Clerk for an item.

CLERK: Mr. President, Senator Holdcroft would move to amend AM3211 with AM3224.

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

HOLDCROFT: Thank you, Mr. President. The intention of AM3-- AM3224 to AM3211 is to amend another one of my bills from this session, LB741-- or-- I'm sorry-- and LB974. I want to thank Speaker Arch for allowing me to bring this amendment on Select File. I introduced LB974 to harmonize the penalty for motor vehicle homicide of an unborn child while driving under the influence with the penalty for motor vehicle homicide of any other person while driving under the influence. The Judiciary Committee heard LB974 on February the 29th. The bill received support from victims' families, a mother and grandmother who tragically lost her daughter and grandson when a drunk driver who was going more than 100 miles per hour crashed into another vehicle and took the lives of two women and a child who were-- who was due to be born shortly. The bill also received support from testimony from the Attorney General's Office and County Attorney General's Office, County Attorney's Office, and 48 letters of support, including the Mothers Against Drunk Driving, Project Extra Mile, the Catholic Conference, and the Family-- and the Nebraska Family Allowance [SIC]. The bill was favorably voted out of committee last week with six votes in the affirmative. Under existing law, the penalty for motor vehicle homicide of an unborn child while driving under the influence is a Class IIIA felony, which carries a maximum sentence of only three years in prison. The current penalty for motor vehicle homicide of any other person while driving under the influence is up to 20 years in prison as a Class IIA felony. Additionally, both laws currently provide for an enhanced penalty if the defendant has previously been convicted of a prior DUI. As it sits now, this, this presents a great-- this presents a great discrepancy in potential penalties across two similar laws that both apply to fatal crimes committed while operating a motor vehicle while intoxicated. LB974 would address this inconsistency. The penalties for other fatal crimes having matching penalties, regardless of whether the victim was an unborn baby or any other person. These crimes include first-degree murder of an unborn child, second-degree murder of an unborn child, manslaughter of an unborn child, and motor vehicle homicide. In all these instances, Nebraska law recognizes the dignity of the life of the preborn baby by conferring the same penalty classification as that for cases for any other victim. Unfortunately, motor vehicle homicide of an unborn child while driving under the influence is a crime that has occurred with some frequency in Nebraska; and given the loss of human life in the course of that crime, the current penalty limiting incarceration as no more than three years is simply inadequate. It is unfair for the victim and the victim's family. This legislation would offer greater latitude for judges in determining the most appropriate sentences without imposing

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such restrictive sentencing limitations. To reiterate, LB1974 does not increase penalties. Rather, it harmonizes the penalty for motor vehicle homicide of an unborn child while driving under the influence with a penalty for motor vehicle homicide of any other person while driving under the influence. I would ask your support of AM3224 to AM3211. Thank you, Mr. President.

DORN: Thank you, Senator Holdcroft. Senator Conrad.

CONRAD: Germaneness.

DORN: Senator Conrad, Senator Holdcroft, Speaker Arch, please come forward. Senator Conrad, you're recognized.

CONRAD: Thank you, Mr. President. It's my understanding that Senator Holdcroft's going to remove the amendment. And I'll remove my germaneness challenge. Thank you.

DORN: Thank you, Senator Conrad. Senator Holdcroft.

HOLDCROFT: I would move my-- withdraw my AM3224.

DORN: Without objection. So ruled. Seeing no one else in the queue. Senator Holdcroft, you're recognized to close on AM3211. Senator Holdcroft waives. Colleagues, the question before the body is the advancement of AM3211. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

CLERK: 27 ayes, 0 nays on adoption of the amendment, Mr. President.

DORN: AM3211 is adopted. Mr. Clerk.

CLERK: I have nothing further on the bill, Senator.

DORN: Senator Ballard for a motion.

BALLARD: Mr. President, I move that LB876 be advanced to E&R for engrossing.

DORN: Colleagues, you've heard the motion. All those in favor say aye. Opposed, say nay. It is advanced. Mr. Clerk.

CLERK: Mr. President: Select File, LB876A. I have no E&R amendments. Senator Holdcroft would move to amend with AM3273.

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

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HOLDCROFT: This amendment just adjusts the fiscal note to take out the baby boxes. It moves that money actually over into the-- it's only \$65,000, I think, for, for the information program. That includes the website and, and training for the first responders.

DORN: Seeing no one else in the queue. Senator Holdcroft, you're recognized to close. Senator Holdcroft waives. Colleagues, the question before the body is the adoption of AM3273. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

CLERK: 33 ayes, 0 nays on adoption of the amendment, Mr. President.

DORN: AM3273 is adopted. Mr. Clerk.

CLERK: I have nothing further on the bill, Senator.

DORN: Senator Ballard.

BALLARD: Mr. President, I move that LB876A be advanced to E&R for engrossing.

DORN: Colleagues, you've heard the motion. All those in favor of the advancement say aye. Opposed, say nay. It is advanced. Items for the record.

CLERK: Mr. President, your commi-- Committee on Judiciary, chaired by Senator Wayne, reports LB795, LB162, LB1126, LB1195 to General File, some having committee amendments. Amendments to be printed from Senator von Gillern to LB1023. That's all I have at this time.

DORN: Mr. Clerk, next item.

CLERK: Mr. President: Senator-- Mr. President: Senator Brewer, LB399, General File. It's a bill for an act relating to the Nebraska Power Review Board; eliminates legislative findings; changes and provides procedures relating to board approval of an application for construction of a privately developed renewable energy generation facility; changes provisions relating to unauthorized construction of certain facilities; harmonize provisions; and repeals the original section. Bill was read for the first time on January 12 of last year and referred to the Natural Resources Committee. That committee placed the bill on General File. Mr. President, when the Legislature left the bill, pending was the bill itself, the committee amendments, a motion to recommit the bill to committee from Senator John Cavanaugh, as well as a reconsideration of that motion.

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DORN: Senator Brewer, you're recognized for a one-minute refresh.

BREWER: Thank you, Mr. President. All right. Real quick. This is Senator Bostelman's personal priority bill. It simply is taking the current requirements, which is for the renewables, to provide [INAUDIBLE] their wind company or solar company. They need to reply-- comply with the Power Review Board requirements, which is the form which is now required for them to fill out. Nothing new there. It's an application to the Power Review Board. They have to be able to provide [INAUDIBLE] plan. They have a joint transmission agreement. That's simply then to move the power where it needs to be. And then they have to consult with Game and Parks. We've asked to add a power purchase agreement to this, which would go directly from the company that is the renewable and a public meeting. And that is all LB399 is asking for, two things: public meeting and a PPA. Thank you, Mr. President.

DORN: Thank you, Senator Brewer. Senator Bostelman, you're recognized for a one-minute refresher on the committee amendment.

BOSTELMAN: AM2702 is to ensure the same public input review on both public power and private development energy facilities projects prior to construction. It requires notice of public meetings for either private or public proposed projects, and set guidelines and procedures for those public meetings. Provisions apply to industrial facilities and private development projects generating greater than ten megawatts of electricity and requires that each develop-- developers have a notice of public meeting with an opportunity for public input and interaction. The developer-- private developers join public power and making application to the Power Review Board before beginning construction of a proposed project. Both follow the same hearing and other procedures. Provides that if a private developer follows the list of requirements that are already in Nebraska law and has a notice of public meeting and provides a report such as minutes to the Power Review Board and has a power purchase agreement with the Nebraska Public Power-- Nebraska Public Power Utility. And PRB shall approve the project. Thank you--

DORN: Time.

BOSTELMAN: --Mr. President.

DORN: Thank you, Senator Bostelman. Senator John Cavanaugh, you're recognized for a one-minute refresher on your motion.

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J. CAVANAUGH: Thank you, Mr. President. That was nice. That was funny. So we're back on, I think, the motion to recommit and the refresh. But anyway. So I motioned to recommit because I thought we needed to have more conversation in the Natural Resources Committee about this. And I reconsidered because I think people didn't get an ample opportunity to talk about it. But this bill does a number of things as it's currently written as a proposed amendment and the proposed amendment to the proposed amendment that would adversely affect private businesses' ability to build in the state of Nebraska. So that's why I'm in favor of the recommit. I will tell you that I've had some really-- I-- productive conversations with Senator Brewer and his office and Senator Bostelman and folks in public power and folks who are in-- private developers about potential way forward with this bill. We just aren't quite there yet. We had until 4:30 today. And, of course, by 4:30, you know, we're having some real earnest conversations.

DORN: Time.

J. CAVANAUGH: So we're going to keep talking on this--

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. And almost good evening, colleagues. It's after 4:30. We can call it evening. It's 5:00 somewhere. I do rise today in favor of the motion for reconsideration. And if we were to vote green on that, then also in favor of the recommit to committee. Ultimately, as I explained last night, opposed to AM2702 and LB399. I wasn't able to hear, so I don't know whether or not Senator John Cavanaugh explained this, but there are currently conversations happening between folks on both sides of this issue. I want to yet again start off by commending Senator Brewer and his staff for working so hard on this. I-- as, as they said to me earlier today: although we disagree on many issues, we always can work together on these kind of things to try to come to some consensus, and I really appreciate that. So my experience throughout the process on LB399 has been one of cooperation and consideration. There's just a lot of various moving parts here, and so that's why it takes a little bit of time to figure this out. I am confident that hopefully we can, we can figure something out here

today. But until that happens, we're going to be talking a little bit more about the bill because I do think it's important to highlight some of the issues. Last night, we talked about some of the problems in play with AM2702. And we also spoke about some of the problems with the upcoming amendment-- I think it was AM2912, which is the other amendment proposed by Senator Brewer. And what's interesting about them, for those who weren't paying attention last night or didn't-- weren't-- didn't tune in, the issues that are raised by AM2702 are somewhat answered by AM2912, but AM2912 introduces new issues that were not originally a problem in AM2702. So for those who aren't as familiar with the process of how this legislation happens-- or, you know, the sausage making, as you will-- sometimes you can introduce a bill to fix one problem and then sort of unintentionally have a consequence crop up that introduces another. AM2702 in its current language I think has either the intentional or possibly unintentional effect of creating this very discretionary environment which is very uncertain for public-- I'm sorry-- for private energy producers to enter into. Under the current law, there is a, a, a list of rules or a list of-- sorry-- of criteria where if a private energy developer meets that criteria, then there's no need to hold this additional meeting. And the Power Review Board ultimately doesn't have the discretion to tell them yes or no about being built. If they meet that criteria, then they are allowed to proceed with their project in Nebraska. The changes in AM2702 modify that mechanism. So instead of being a list of things that if you meet them, then you can automatically sort of proceed with the project. Instead, it becomes a discretionary process where you apply for your project to be approved. And then if you meet the criteria-- which includes additional hoops to jump through-- then it goes to the Power Review Board, and they can determine either aye or nay with regards to whether or not your project is allowed to proceed. The problem that that presents is if you're a, a, a private energy company or a private, private business and you want to invest in Nebraska, in order to meet the requirements of the criteria that are laid out in the new statute, it's going to cost a certain amount of up-front capital and investment. And by increasing the amount of hoops to jump through, it increases the amount of up-front cost for those companies only to say that, down the road, they may ultimately be denied the ability to proceed with the project. You, you ask any business person in here whether or not they're going to proceed with a project that's ambiguous as to whether it's approved or not, and they're going to tell you, you know, we may do that, but it depends on how much I'm gonna have to pay for that. So we need to ensure that we are not

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creating an environment that ultimately is so uncertain that it de-incentivizes these, these producers--

DORN: One minute.

DUNGAN: Thank you, Mr. President-- from coming into Nebraska. And that's my concern about AM2702. Ultimately, I still maintain concerns with the underlying LB399 and sort of the general, broad concepts here. I don't think that we should be in the, the business of telling these organizations, you know, you're not welcome here. Or, if you are welcome here, you have to do these additional things. I think these renewable energy sources are positive, both for Nebraska from an environmental perspective but also from an economic perspective. And I think that we should be doing everything in our power to encourage them to come into the state and show them that they are welcome here. So, colleagues, I intend to continue having a little bit of this conversation tonight. My hope is the conversations between the stakeholders involved here will be fruitful. And I appreciate the hard work from both Senator Brewer and his staff, as well as my rowmate, Senator John Cavanaugh, and others who have worked on this. And I look forward to continuing this conversation. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. So when I ran out of time on the refresh, I was talking about what we're up to in the Legislature tonight. So we're on LB399 and AM2702 and then my motion to recommit and then my reconsideration of that recommit, which means it did not pass. So I'm asking that you all give us another opportunity to, to recon-- or, recommit this to committee. And the reason for that is that there's still work to be done, which I guess would be evidenced by the fact that we are, at this point, still talking with the folks who are affected by this bill and how it will affect them. So-- and to that point, like I said, I've been talking with Senator Brewer and his staff and Senator Bostelman and folks-- the stakeholders in-- affected by this on both sides. And we are working towards some sort of hopefully amicable resolution. Just takes a little bit of time and-- like all the things, you know-- diamonds are forged under pressure like this-- our legislation is forged in the last few steps sometimes. So we're working to try and find a solution forward. But in the meantime, we're going to keep talking on this because as-- without some sort of compromise agreement, the, the bill-- it will have detrimental effects to this industry, private developers in the

state of Nebraska. And so that's my problem with AM2702 as written and the proposal of AM2912. And so to go back to where we are, on AM2702 on page 1, the first change, Section 1, line 16 is, a private electric supplier means an electric supplier producing electricity from a privately developed renewable energy generation facility that is not a public power district, a public power or irrigation district, a municipality, a registered group of municipalities, an electric cooperative, an electric membership association, any other government entity, or any combination thereof. A private electric supplier is limited to the development of those facilities as provided in subsection 4 of this section-- and then subsection 4. So that's the addition; they're limited. A private electric supplier is limited to the development of those facilities provided in subsection 4 of this section, which maybe seems a little redundant because subsection 4 says: Private de-- privately developed renewable energy generation facility means-- and then adds-- and is limited to-- so this is some exclusive language-- a facility that (a) generates electricity using solar, wind, geothermal, biomass, landfill gas, or bio gas, including all electrically connected equipment used to produce, collect, and store the facility output up to and including the transformation from-- steps up to the voltage to 60,000 volts or greater, and including supported structures, buildings, roads, unless otherwise agreed to in a joint transmission development agreement, which we'll talk about joint transmission development agreements at some point later. So there's a couple other parts to this. I can keep reading. Let's see. Or (b) a development-- developed, constructed, and owned-- developed, constructed, and owned in whole or in part by one or more private electric suppliers. And (c) is not wholly owned by a public power district, a public power or irrigation district, municipality. So there's, there's a question about that-- the exclusive language. So technology is developing at a pretty quick rate. And so by putting in this sort of limitation, I think we're potentially causing limits on unknown future developments in the renewable field that I'm not capable of pontificating on at the moment. But, you know, there's things that we didn't think exist. I can tell you-- actually, I'll tell you a, a, I think, great story. I had never heard of--

DORN: One minute.

J. CAVANAUGH: --small modular nuclear until Senator Bostelman told me about it. So I'd never heard of it. I was only familiar with nuclear power. And then Senator Bostelman mentioned it to me during a hearing or after a hearing one time, and I said, I have no idea what you're talking about, and since have learned a lot about that. But this is a

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technology-- if I were creating the list and said, only things in this list would not be included. And so it's important that we not make bounded lists that limit our technological developments and potential for new industries. So I will push my light and talk a little bit more about this and other parts of this bill. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I just am in the queue to help take time as things are being worked through on this bill. It would probably be more interesting if people who are well-versed in this bill that are-- that really love LB399 wanted to get on the mic and talk about the actual bill. That would be nice. That would help out your colleagues. Not me. I'm-- I am currently doing the helping. But, you know, if you love LB399, you should maybe-- now's the time. Now's the time for LB399. Ha-ha. Get it? So-- I mean, I'm fine with voting on the motion to reconsider. I would happily recommit to committee and let them work on this and bring it back another time. But here we are. I literally have nothing to say. I am just here to fill the space until somebody somewhere has something else to say or that the agreement is finished, everybody's herded together, then we go for our dinner break. Maybe this'll get done before our dinner break. That'd be good. Maybe it won't. Then you'll get to hear me talk some more unless other people want to talk who are well-versed in this bill. Have I said that yet? I think I've said that. If you want to talk about this bill, please do. I actually think my staff put some-- one sec. OK. My staff put together stuff. I just remembered that. So I'm going to see. They put together on LB399, LB399, LB1300, and-- ha-ha. They did. All right. Well, now I can-- let's see here. Got a summary. The Farmers Union asks you to vote no. Nebraska Farmers Union is strongly opposed to LB399 for a host of reasons. Here are our top seven. First, when it was heard last year, the second house made their views about the, the need for the bill very clear. In addition to Senator Brewer's testimony, there was one proponent. There were six in-- in-person opponents and 51 comments, for a total of 71 to 1 oppose. OK. Second, from a process standpoint, the substantive proposed amendments are such-- of such a nature they need a-- to have a hearing, which they have not. OK. Third, LB399 is radically anti-business bill that would change current Nebraska law that was the result of years of compromise passed in 2016 that balances the need to protect our public power system while allowing our successful private-- public-private partnership to move forward in a fair and reasonable fashion. Wind energy and now solar energy

represent massive forms of successful rural economic development. Rural communities have the-- that have harvested their wind resources are growing, have new jobs, new tax base, new landowner incomes, and prospering. Yes, new capital investments in rural Nebraska do make a positive difference. Our private sector partners have invested--

DORN: One minute.

M. CAVANAUGH: Thank you-- have invested \$6.159 billion in new tax base in rural Nebraska, producing \$17.6 million of new annual income for Nebraska farmers and landowners and \$17.6 million of new annual income-- additional local tax revenues for the next 20 years and 2,200 new, good-paying jobs with benefits. LB399 pulls up the welcome mat. So I think I'm about out of time, but it ends with: Are we pro-business or not? And I, I, I mean, I'm not not pro-business, you know. I think business is good. I think we should be enacting policies that encourage the growth and development of business in our state. Most of that means investing in workforce and human resources and the like. Thank you, Mr. President.

DORN: Thank you, Senator Machaela Cavanaugh. Senator Fredrickson, re-- you're recognized to speak.

FREDRICKSON: Thank you, Mr. President. Good afternoon, colleagues, Nebraskans. I rise today-- well, first and foremost, I just want to say I'm-- I've been appreciative of this conversation. We, you know, went into pretty late last night with this. And, obviously, we're picking this back up today. And as some folks have maybe touched on before, there has been a lot of conversation going on around this bill with Senator Brewer and his staff as well as with stakeholders and other interested parties. And I'm, I'm genuinely appreciative of all the work that's been putting into this. And as folks are probably aware or have probably heard, there is-- it seems like we're getting closer and closer to some agreement. So I feel really hopeful and optimistic that we are going to find a way to move this bill forward this year where all stakeholders can sort of come to some form of agreement here, so. I also want to say that this is also-- I mean, this is, this is a testament to, I think, kind of hard work in this Chamber where folks s-- may-- you know, folks introduce legislation, they are open to feedback, they listen to parties that are impacted by, by the legislation, and they're willing to figure out a way to make things work. So I think we owe Senator Brewer and his staff a nod of appreciation for their openness for that, as well as all who have been working on this-- working on this concern. I will say, without the agreement or without the amendment that I understand is

being developed currently, I still remain opposed to LB399 as it currently stands. And I spoke about this a little bit last night when I-- I, I just want to kind of bring us back to some larger shared goals we have for the state and some global points on that. And, you know, we-- we're, we're talking a lot about this year providing much needed sustainable property tax relief for Nebraskans. And again, I support that as a worthy goal to have in our state. I also think that while we're going about that and while we're doing that as a goal, we need to be diversifying our revenue sources and be open to new revenue sources in our state to ensure that we are being fiscally responsible whenever we are cutting property taxes. So one way that this has been impactful in Nebraska is through private development of renewable energy sources. So since 2016, over \$6 billion has been invested in the state from private investment in larger-- in renewable energy sources. And that's a significant amount of money. And I think that there's room to be also-- you know, conversation-- there's room for conversation around larger responsibilities to-- with these companies. You know, not just kind of investing in that way, but how do they invest in the communities? How do they ensure that they are being responsible stewards in Nebraska? How are they ensuring that the communities where they are developing renewable energy sources are well taken care of, that they are providing good jobs for, for those folks as well? And that's something that I continue to be open to conversations around as well. I also want to say that I, I, I deeply respect and appreciate the rights of private landowners. And should private landowners decide that they wanted to look at different ways to diver-- diversify their income-- so let's say, for example, you are a farmer and you've got a patch of land that, for whatever reason, isn't yielding as strong of a crop as it historically has. Or maybe you have a patch of land that's not farmable for whatever reason. Or maybe you have a bad yield year because of, of weather. You know, being able to make that decision as a private landowner that, hey. I want to put some solar panels on this part of my land or I want to put something else there-- that's probably wise diversification--

DORN: One minute.

FREDRICKSON: --of income for-- thank you, Mr. President-- for those individuals. And so, you know, that's not my business what people decide to do with their private land. You know, if they choose that that's how they want to do that-- what they want to do with their land that might not be yielding agriculturally, then that's something that I think the state should not create undue burdens to pursuing that. So, again, I want to reiterate: I am greatly appreciative to

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all folks who have been involved in negotiating around this. As I understand, there are amendments that are being drafted that there is agreement around-- hopefully agreement around-- and hopefully we will move this forward. Thank you, Mr. President.

DORN: Thank you, Senator Fredrickson. Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President. Well, I was gone for part of last night, so I wasn't able to join in the conversation. And I just want to-- thought it'd be important to kind of weigh in on this. I did listen to Senator Brewer's comments last night and want to reiterate a couple of those. First of all-- I'm going to yield some time to Senator Brewer-- nobody's waiting for an amendment. It's drafted. It's been dropped. All we got to do is get rid of the blocking motions and it's ready to drop and we can go talk about the final motion-- or, the final amendment to really move the bill forward. So if we're sincere about moving this forward, then let's get with it. Let's go do it. But I don't think that's what we're doing here. I think we're filibustering. OK? So we're not waiting for any negotiations to take place. That's already been done. And Senator Brewer has a, an amendment that eliminates the need for the Power Review Board to approve these projects. OK? But what he's asking for is that before you put a renewable facility out there, that there has to be a public hearing, at least one, where community people can weigh in. I don't think that's too much to ask. Imagine if someone wanted to put a nuclear plant right in your town. Would it be important for the local community or sections of Omaha or Lincoln to weigh in on that? That's what you're asking people in the Sandhills to do. That's what you're asking them to do. There are people who have owned ranches that have been in their, in their family for decade-- or, for, for generations. And they bought those ranches because of the pristine beauty of the Sandhills. And we're being told that you should have private developers to come in and, and buy up leases and put these large chunks of concrete in, in the ground to put up these wind generators that are going to ruin the landscape. And that's what people are concerned about. I get it. You've got private landowners that have property rights. But you know what? Your neighbor has property rights too. And if what you do on your land interferes with what I do on my land or blocks my view, I should be able to weigh in on that. That's what we're asking for. That's what Senator Brewer's asking for with this bill and with this amendment. That's all he's asking for. With that, I'm going to yield the remainder of my time to Senator Brewer.

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DORN: Senator, Senator Brewer, you're yielded 2:20.

BREWER: All right. Thank you, Senator Jacobson. All right. It would be easy to get angry at this point because we are in a true filibuster over a bill that should have never been filibustered. There's-- as, as much as people want to get on the mic and say this is going to cause billions of horrible things, we're just trying to do a few things to protect the people that have to be around these facilities. But John Cavanaugh has been good about helping to work through to get to a place where we, we got an agreement. We can't post it on the board yet because of what's already up there. But there's AM3336. And what that's going to do is, if you remember right, I said we'd do two things: we're going to have a power purchase agreement and we'd have a public hearing. This will cut that to where we just now have the public hearing. So if we have a filibuster tonight, it will be over having a public hearing. I think we're to a point now where we can come to an agreement. We've been back and forth with public power, Power Review Board on one side, with the out-of-state and out-of-country wind, solar, renewables on the other side. I think we're, we're, we're just maybe one more tweak there, but I think that's something we could do here on the floor. So hopefully we can wrap this up--

DORN: One minute.

BREWER: Thank you, Mr. President-- we can wrap this up, get some closure to things, and move on to more important stuff. Thank you, Mr. President.

DORN: Thank you, Senator Jacobson and Senator Brewer. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Hello, colleagues. I still remain in favor of the reconsider motion. So I look at my watch and my, my Move ring is completely full because I've been running back and forth a bunch between the lobby and in here and talking to a number of people, along with Senator John Cavanaugh and others. And so, just to be very, very clear, there have been continuous, ongoing negotiations between Senator John Cavanaugh, myself, other stakeholders, Senator Brewer's office, Senator Brewer's staff. There's amendments that are being talked about, tweaked, drafted. And so the, the implication that this is a, a lie, that we are simply filibustering and lying about an amendment being worked on, is, I think, unintentionally untrue. And so I, I just want to make sure those paying attention understand that. There's been a lot of work, actually, that's been

done over the last day and a half amongst a lot of people to try to get to a place where this is something that folks can find a workable path forward. When I work on a bill, I generally try to bring a solution. I think it's always important to not just say no but try to have some alternative suggestions as to what you do stand for, what you do work on. And that's what I-- has been attempted on this bill. Again, I am in the background of-- I'm not on Natural Resources. I, I am certainly not one of the committee members who heard this originally. So I am playing catch-up a little bit with regards to this issue and some of the stakeholders involved here. My understanding is that one of the initial amendments or the initial amendments that were proposed to LB399 were, were done so in good faith in an effort to address a number of the concerns. But I also understand that perhaps those amendments were not, you know, signed off by some of the people they would affect. And so it's not as though a, a total agreement was met and then somebody pulled back on that. It's that these amendments were dropped in an effort to address the legitimate concerns of those that it would affect. Those individuals read them and said, hey. I really appreciate the fact that you're trying to address these concerns, but it still has an issue in these few ways. And when a, you know, future amendment comes down-- as Senator Brewer said-- there's an additional amendment that's, that's been offered that seeks to further address those concerns. Sometimes you have to run that by the stakeholders or the people it affects. They read it and say, love the concept, but here's my concern. This line affects us this way. What if we change that? So there's tweaks that happen. So there's been a lot-- and I want to un-- underline that-- a lot of back-and-forth and a lot of effort, I think, by a number of people, again, to get to a place where we actually can find some consensus on this. So for those who are watching at home or are watching us run back and forth in the Chamber, I just want to make very clear there are ongoing negotiations happening and have been going on for about a day and a half. With that being said, I do, I do hope that we don't take the entire night on this bill. I certainly don't want to. I certainly don't think anybody does. But a lot of times you-- I've seen both Republicans, Democrats, everybody across the spectrum do this. You, you talk on the mic in order to give the individuals who are negotiating time to continue working on what is ultimately going to be the, the potential agreement. Now, again, I, I can't say whether or not that agreement will be reached, but I can tell you we are closer than we were before, and that's about all we can ask for. So I think that we're in a good place right now. And I, I do urge my colleagues again to consider the motion to reconsider. If you'll

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remember, I think the original reconsideration motion is on the motion to recommit, which was brought by Senator John Cavanaugh because he had concerns that the bill had changed so much from its initial form. If you look at the underlying LB399 and compare that to AM2702 and then, you know, the future amendments that were out there-- I think AM2912-- you, you will see an evolution of what the bill says and what the bill does. And I think that's what's made it somewhat of a moving target and a little bit difficult for folks in the industry to be able to say exactly whether they have concerns--

DORN: One minute.

DUNGAN: Thank you, Mr. President-- whether they have concerns, and-- if they do have concerns-- what those concerns might be. And so at the end of the day, please trust the process. There are people who are working diligently to find some common ground on this because I think that's what we all want to do. So please hold tight. Continue to listen to the conversation, as I do think we're going to keep talking about some of the underlying implications of this bill. And I, I appreciate the input from people who live in agricultural areas who are more directly affected by the subjects we're talking about with regards to having it in their backyard. Again, in LD 26, where I represent, in northeast Lincoln, we don't have that. So it is helpful for me, Senator Jacobson and others, to hear your perspectives and understand where you come from. We have to listen to all voices in these conversations. And I appreciate the conversation we've had so far. With that, thank you, Mr. President.

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

BREWER: Thank you, Mr. President. Well, hopefully folks understand why I've become discouraged. As I said yesterday, if you look at the queue and everybody who's opposed to this bill, they're from the big cities. They don't have them. They never will have them. But they want to dictate what the people who live in rural areas have to deal with. Add to that the fact that-- here's, here's the negotiation because my, my temper is starting to boil over. So I'm at a point where we're going to make this as clear as I can possibly make it. AM3336 is the amendment. That's cutting it in half. I'm not cutting anymore. There's nothing left. Big wind out there in that lobby that's lining everybody up want nothing more than the bill to be nothing. OK? So AM3336, that's the bill. If you don't like it, then let's go ahead. Finish the filibuster. And you can be known for filibustering this place over a public meeting. It is ridiculous that

we've come to this point here. Now, I've been trying to work with folks, but to chop it any more means there's nothing left. Why do we have bills if all we're going to do is come here and negotiate it down to nothing? And remember who we're negotiating with. They're not from Nebraska. Some aren't even from this country. Why don't we lean hard toward public power, the very ones I said were number one in the nation and number five in the nation? There's the ones we ought to try and listen to. Listen to our Power Review Board. They're trying to protect us. That's what they're here for. And yet we want to bend over backwards, we want to run back and forth between these talking heads for big wind out there who get everything they want. Since 2016, they run this state. They go where they want. They do what they want. And that's worked out real nice for them. Now, I'd like to think that these billions upon billions of dollars that's supposedly put into our economy-- that, for some reason, we don't see much of-- was the truth. But you can write down any number you want and preach about it on the mic. It doesn't mean anything. So here's where we're at, folks. We're going to either vote on this amendment and be done with it or I pull the amendment, we'll go back to the original bill and have everything the way it is. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, colleagues. Thank you, Mr. President. So I appreciate Senator Brewer's frustration. And I'm, admittedly, feeling similar to Senator Brewer about the frustration of where we're at. I would say the amendment he's talking about is pretty close, I think, to where we're going to end up. There is some conversation, concern about a portion of the bill and what it actually does. I was just out in the Rotunda and I missed some folks talking, but I was talking to all the people that this bill affects. And it's a classic conversation about these two sentences. And everybody says, they do nothing, so why can we-- why can't we put them in there? And the other side says, they do nothing. Why do you need them in there? And so that's where we're at, is having a conversation where the proponents for some language argue it does nothing and the opponents to the language say it does nothing. So Senator Brewer's frustration is well-earned about this. And if-- we need to figure out what exactly we're trying to accomplish because we write these laws here and there is-- you know, maybe we don't do the best job all the time, but we should aspire to get it right the first time, or at least by Final Reading. But if we're writing a law that has language in it and nobody knows what it does, that should be a concern. And this is-- it's not Senator Brewer's fault. It's not Senator Jacobson's fault.

It's not anybody's fault in here that this particular language is being parsed so aggressively or thoroughly. But the, the conversation-- the reason we are where we are and we're continuing to take time is because we had a conversation last night toward the end of the, the night and we've had conversations off the microphone about-- that we would continue having this conversation and filibuster until we get to an agreement. And I do think that there is-- we're very close to an agreement on this. But I-- if I tell you I'm going to do something, I'm doing it. I'm, I'm-- sometimes I regret telling you that I was going to do it, but I still am going to do it. So that's where we might be at the moment. But that's, that's why Senator Brewer, I think, is frustrated, is he has made some really reasonable concessions, in my opinion, about this. And we are, we are haggling over the, the tiniest bit of this bill. And I see that as a genuine frustration on his part. So I, I respect that feeling and I, and I feel it in the same-- my-- in my own way. But I will continue to-- I've been out in the Rotunda talking to folks about this and telling them we need to figure out what our path forward is so that we can, we can get this bill moved. So I will keep talking about it. And I'll push my light again. I think I have one more time to talk. But just-- there is-- sometimes it just takes a long time to get to a real compromise, and sometimes we don't really-- we all learned this this week, I think-- we don't really make an honest effort at compromise until we are under the gun, until we have the, you know, the, the real threat in front of us. So on AM2702, we're talking about-- we were talking about the language on line 16 of page 1 that adds in: A private electric supplier is limited to the development of those facilities as provided in subsection 4 of this section--

DORN: One minute.

J. CAVANAUGH: Thank you, Mr. President-- which they're currently already limited to. And then next line is: Private developer renewable energy generation facility means-- and then this is the new language-- and is limited to a facility that generates electricity using solar. So there's about three mentions in a-- in about a four-line space of what a renewable energy developer-- private renewable energy developer is. And it's a little bit circular, but it references to itself. It says that a renewable energy developer is a renewable energy developer who develops renewable energy of this type. So maybe not the most elegant language. So there's some question about that. I'll push my light, talk a little bit more. But I'm hopeful that we are close to a resolution. I will keep working at

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it to get us to a place where we can all breathe a sigh of relief and feel good about the work we do here. Thank you, Mr. President.

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

BOSTELMAN: Thank you, Mr. President. Good evening-- or, good afternoon, Nebraska. I want to make a couple comments. I agree totally with Senator Brewer. It seems like the goalpost keeps getting moved, keeps getting moved, keeps getting moved. And I think he's done significant work as far as what he's willing to change the bill to because it only does two things, folks. Only does two things. One thing is is to have a, have a meeting at the location that affects the people where the projects will be built. And the other one is, pub-- purchase agreement, of a power purchase agreement. And if you go out and ask-- and if they're honest-- if you go out and ask those companies out here that are out here saying no, no, no, no, no, ask them-- ask them how many-- how many projects do they have that don't have a power purchase agreement? And they're going to tell you, well, we-- maybe one, maybe, maybe two. Maybe. Because our investors want to make sure we have a place to go with the, with the energy with the electricity when it generates so we don't want to have a stranded asset. So right now, they already have power purchase agreements. They have contracts. There's nothing new. So that's what, that's what is in the bill now. That's what's being asked about. If there's tweaks here or there, I, I-- you know, I don't-- I, I, I think we as a body, we as senators need to take the bull by the horn right now. And let's do what Senator Brewer has asked. Let's pass his AM3336. And then-- that's on General File. And Select, if there's more that needs to be done, then let's work on it. Pretty plain and simple. Not hard. But we need to make that decision right here. And we can do that. The other thing I want, I want to talk about real quick is I find it interesting that people are standing up and talking about, oh, how much money this has brought in the state, all the economic development, all the jobs, all the things that this-- that, that the renewables are doing for the state. Hmm. I have a bill, LB566. And that was to study-- to take a look at what exactly is going on, what those impacts are, and what really's being brought to the state. And those same people out here that are saying all these things are the ones that opposed it. It's on General File. But they're the ones that said, no. Oh, no. You can't look at that. But we're going to tell you how much money is being brought in. We're going to tell you how many jobs are being brought in. So that's what's going on here. If, if you're going to stand up, if we're going to have that discussion on how valuable the economic development stuff-- and that's fine. I'm

all about that. I have a bill, LB566, and that was the intent of that bill. And the night before it went before the Exec Board, three-page letter come in to sink the whole bill. And then everybody came in and opposed it. Oh, you're opposed to this? Oh, you're opposed to-- no, I'm not. It was just to say, OK. If we're receiving those type of benefits off of all the different types of generation, then let's look at it. What is it exactly? So let's bring LB566 up. I-- if, if that's what we want to do-- now, if you want to-- if we want to look at that and compare that, let's get LB566. It's on General File. Let's amend that in and let's get that done too because I think that's important for the state to look at.

DORN: One minute.

BOSTELMAN: So once again, I think it's time that-- we can be here till cloture on something that may be, as some folks are saying, one or two words, then let's, let's make the decision. Let's pull the motions. Let's pull the amendment. Let's put Senator Brewer's AM336 [SIC] on. Let's pass it. Let's move on. Let's get work done. And then they can work on it to get it to Select. That is, is, I think, a responsible thing. Because if, if we're truly wanting to work on this and truly wanting to get something done, that's what we need to do. And if those in the lobby are standing in the way, let's say enough and let's just move this on and let's get to the rest of the work that needs to be done tonight. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Well, I do see that the people that are leading the opposition are actually speaking with staff to-- I think, I assume-- try and get a, a quick resolution. I understand the frustration when it takes time to get the agreements and fighting over the words and wordsmithing and-- like, I, I, I, I share everyone's frustration. Like, just-- let's just get this done. But it, it is taking time and we have un-- I mean, unfortunately, fortunately, we have several hours left on debate on this bill. So this isn't going to ultimately take this to cloture. It's just going to take it until they have the compromise ready. And unfortunately, that is taking time. And I think everyone is frustrated by that. I know that Senators Cavanaugh and Dungan are frustrated by that. I know that Senators Bostelman and Brewer are frustrated by that. I'm mostly a spectator in this one, but I can see their frustration. But I, I would say that I will take umbrage any time anyone says that Senator John Cavanaugh is being disingenuous about anything. It's

not-- like, he's not capable of being disingenuous. He is working in good faith and really trying to help bring people together and build a coalition around this. So I just would ask that people have patience. And, you know, if this takes a little bit more time but ultimately ends-- as a result doesn't take to cloture, isn't that a good thing? So if we have to wait until after the dinner break to move this forward, I, I view that as a win for everyone, that we have come to a compromise and moved a bill forward and we still will not have taken several hours on it. I know it's frustrating. Believe me, I know it's frustrating, but, but it's, it's the process. And we-- the process off the mic is laborious. It requires Bill Drafters. It requires the coalition of people that you're working with on interested parties on both sides, you know, weighing in. And I will say that I have actually discussed this issue with my aunt who lives in the Sandhills, and she and I don't necessarily see eye to eye on it. So this isn't something that either Senators Cavanaugh, like, just jump into re-- readily because we have family members who have a personal interest in, in this legislation. So we need to take that into consideration and-- personally, you know, we-- like, oh, Christmas is going to be hard. Well, actually, we don't see her at Christmas. New Year's is going to be hard. Because she lives in the Sandhills. Sometimes she's snowed in. But I know that Senator John Cavanaugh is working in good faith, and I just ask that the body have patience. And we will get this sorted out and we will move forward to another filibuster, so. Hurry up and wait sort of thing. How much time do I have left?

von GILLERN: 1 minute, 7 seconds.

M. CAVANAUGH: OK. Well, I was going to yield time if anybody wanted time. I don't know if Senator Brewer wants any more time.

von GILLERN: One minute.

M. CAVANAUGH: Would you like time-- I yield my time to Senator Brewer.

von GILLERN: Senator Brewer, you're yielded 53 seconds.

BREWER: Thank you, Senator Cavanaugh. All right. So, so everyone knows, John Cavanaugh and I have been working closely with about everybody who's interested. And we have a compromise figured out. And we're going to be talking on the mic. I, I have a amendment that'll be coming up, the one I talked about, AM3336. And some of what we'll do is just clarifying to make sure that we're both on the same sheet

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of music. But I think we're in a good place where we can put some cloture to things and, and move on. I thank John for his patience because he has been way more patient than I have been. And he figured out how to thread the needle and get both sides to find a middle ground.

VON GILLERN: Time.

BREWER: Thank you.

VON GILLERN: Thank you, Senator Brewer and Senator Cavanaugh. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. Good evening. So I've been listening to the debate. Senator Brewer was a little upset. I appreciate that. This bill, as I said earlier, should have been on consent calendar. I can't believe that we spent this much time on this. I've learned a few things in the 594 days that I've been here. And I learned more than I wanted to learn about the lobby. Nothing happens here unless a lobby agrees. And Senator Brewer correctly stated, and he said these people don't even-- not even Nebraska companies. Senator Bostelman made comments about trying to figure out how much actual economic development or contribution they make to our economy. They don't want you to know that. I'll give you a little history. Back in 2007, I was county commissioner of Morrill County, and they wanted to put wind energy in Morrill County. They came to the commissioner meeting. I asked the question, how much does one of those wind towers cost? He said, I can't say. I said, how much electricity is one tower going to generate? I can't say. So would you say that the wind tower will generate enough, enough electricity over its lifetime to pay for the tower? He couldn't say. It's not that he couldn't say. He knew. He just didn't want to tell me. Because here's the advantage, is the advantage is the tax incentives. And Buffett himself has said no one would build one tower without the incentives. So one of the reasons why they replace these towers after a certain period of time is they get new tax incentives. So I am not in favor of wind energy or solar. And if I would have been Senator Brewer, I would [INAUDIBLE] and taken it to the five hours that we have left and see if we got 33. Because I think his bill was very reasonable. I think he wanted the Power Review Board to review these things. And the experience that I've had with these hearings that I've been attending, that I attended, these people are willy-nilly, do whatever they want because they know they're an authority because they have the lobby supporting them. So you seen what happened yesterday when we voted on LB388 and the lobby thought that I was with them. Guess

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what? They all let out a big groan when I voted yes. You heard it. Been here 594 days. Never heard that before in my life. Did yesterday. Because the lobby didn't win yesterday. Imagine that. First time ever. So, Senator Brewer, you can negotiate whatever you want. It's your bill. But I'd just taken the five hours, whatever we got left, and vote on it. It's hard to believe that the lobby has that much influence. And I think probably it's because they make a contribution to people's campaign funds. That could possibly be the answer. So I'll vote for whatever Senator Brewer thinks the right answer is. But I would be in favor of adopting LB399 just as it was. Thank you.

DORN: Thank you, Senator Erdman. Senator Blood, you're recognized.

BLOOD: Thank you, Mr. President. Fellow senators, friends all. I was trying to contribute to allowing people to get together and negotiate, and I think that we just heard that that's exactly what's happening. You're going to see later on that I'm going to be pulling my amendment because Senator Brewer did satisfy my concerns in reference to the meetings. And I was sincerely trying to make it a better bill. And it looks like that's the direction we're going. With that, I would yield any additional time I have to Senator Brewer if he would like it.

DORN: Thank you, Senator Blood. Senator Brewer, you're yielded 4 minutes and 26 seconds.

BREWER: Thank you, Senator Blood. Well, I, I don't have anything profound to tell you that I didn't tell you last time. But I just thought that Senator Blood was being so gracious, it would only be right of me to take the time. Again, this, this has been a process. I understand what Senator Erdman's saying, but I'm also one of those guys that believes that I-- I'll take 70% of something rather than 100% of nothing. And, and, and that's how I approached this. We put up-- we put up a lot of issues. We went back and forth on some things. But I don't think that we need to eat time that's so valuable at this point in the session, so. Just standby. Senator John Cavanaugh will be having some of a exchange that'll help clarify everything for everybody. And we'll move on. Thank you, Mr. President.

DORN: Thank you, Senator Brewer. Senator Machaela Cavanaugh, you're recognized.

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M. CAVANAUGH: Thank you, Mr. President. I think I am going to just yield my time to the Chair. Thank you.

von GILLERN: Thank you, Senator Cavanaugh. Seeing no one in the queue. Senator John Cavanaugh, you're recognized to close on your motion.

J. CAVANAUGH: I would move to withdraw my reconsider.

von GILLERN: So ordered. Without objection.

CLERK: Mr. President: Senator John Cavanaugh, I have MO1324 to bracket the bill with a note that you would with-- withdraw that as well. Mr. President--

von GILLERN: Without objection. So ordered.

CLERK: Mr. President, next, I have FA331, FA330, from Senator Du-- both from Senator Dungan, both with notes that he would withdraw those.

von GILLERN: So ordered.

CLERK: In that case, Mr. President, Senator Bostar would move to amend with AM3296.

DORN: Senator Bostar, you're welcome to open on the amendment.

BOSTAR: Thank you, Mr. President. I told Senator Brewer that I wouldn't take a lot of time on this amendment, but I did want to talk about it briefly. I have-- the pages are currently distributing-- I think they might be making copies. They're distributing an article that ran in the Flatwater Free Press about compensation for executives of public power districts, especially compared to the amount of compensation received by lower level staffers that work in the industry and do the hard work of making sure the lights stay on. And the disparity in that compensation, considering the sourcing of all those funds, is ratepayer dollars, public dollars, is fairly extraordinary. The fact that you can pull a seven-figure salary working for a public power district is something that I think we should all really think about if that's right. So I'll speak briefly to the amendment. The amendment says that if you are an employee of a public power entity and your total compensation were to exceed \$200,000 in a year, your compensation package would be subject to a majority vote by this body for approval. And if it failed that vote or if it wasn't taken up by this body, your compensation would be--

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have-- it would have to be lowered underneath that threshold. Whether or not that's the right number is, is open for debate. But I think the current system is broken. And in the article, you actually notice that Senator Brewer has some quotes in there. One of the things that Senator Brewer points out is, it, it-- and I'm paraphrasing-- it seems like it's a lot of money that could have gone to lowering the rates that Nebraskans are paying for their power. And I think that's actually exactly right. So when you get the article at your desk, I would invite you to read it. It's fascinating. It's good reporting. I appreciate their reporting. And, like I said, I said I wouldn't take a lot of time with this. I'm not trying to drag this out. I know that work's being done on this underlying bill. And I really appreciate, appreciate the efforts of everyone who's working to make sure LB399 has all of the amendments it needs in order to move forward. And I, and I'm definitely not trying to stand in the way of that. Just trying to bring to light a serious issue relating to the utilization of public funds in our state. With that, thank you, colleagues. Thank you, Mr. President. And I would ask to withdraw AM3296.

von GILLERN: So ordered.

CLERK: Mr. President, next, I have Senator Blood's AM3053 with a note that she would withdraw that.

von GILLERN: So ordered.

CLERK: Senator Dungan, I have AM2804 with a note he would withdraw that.

von GILLERN: So ordered.

CLERK: Then, Mr. President, Senator Brewer would offer AM2912.

von GILLERN: Senator Brewer, you're welcome to open on the amendment.

BREWER: All right. The, the amendment, AM2912. We need to-- we-- I'd ask that we'd pull AM2912, please.

von GILLERN: So ordered.

CLERK: Mr. President, I have AM2848 from Senator Fredrickson with a note that he would withdraw that.

von GILLERN: So ordered.

CLERK: In that case, Mr. President: Senator Brewer, I have AM3336.

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von GILLERN: Senator Brewer, Brewer, you're welcome to open on the amendment.

BREWER: Thank you, Mr. President. All right. AM3336. That eliminates the requirement that was in the original AM2702, that there would be two areas: the first being the power purchase agreement and the second being a public hearing. So the power purchase agreement part of that is being eliminated by AM336 [SIC]. And that leaves only the, the public hearing. Thank you, Mr. President.

von GILLERN: Thank you, Senator Brewer. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. President. Thank you, colleagues, for your patience. And thank you, Senator Brewer, for your work on this and your staff. So we did get there. It took us an hour longer than we needed, but. So I appreciate Senator Brewer's work on AM3336. And I would wonder-- ask if Senator Brewer would yield for a question.

von GILLERN: Senator Brewer, will you yield?

BREWER: Yes.

J. CAVANAUGH: Thank you, Senator Brewer. So I think I saw you had a copy of AM2702 in front of you, and I was hoping to have a conversation with you about something on page 1 of that. Do you have that?

BREWER: I do.

J. CAVANAUGH: So if we look at lines 16 through essentially line 20, the-- we've added in some language that says: A private electric supplier is limited to the development of those facilities as provided in subsection 4 of this section-- subdivision (4). And then it goes down to subdivision (4). And then it says: A private renewable developer-- renewable energy generation facility means and is limited to-- so we've added in "it's limited to--" a facility that-- and then it lists a certain number of things. Is it your intention with that language to limit the type of new technologies that could be brought online?

BREWER: Well, I think part of it was to kind of establish where we are with current renewables. As we would go into something that, say, we're not able to foresee now, that, that it's some type of fusion energy, that would need to be added to statute at some point in the

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future so that they had clarification that that was something they could do.

J. CAVANAUGH: But with, with the addition of that specific language, the intention is not to limit new technologies.

BREWER: Correct. Correct.

J. CAVANAUGH: OK.

BREWER: Sorry.

J. CAVANAUGH: So I just want to make sure for, for the record. For those reading for posterity, we're talking about this section that adds this language on line-- sorry-- page 1 of AM2702. And the intention is not to limit new technology. What, what is the intention with that language, if I may ask?

BREWER: Well, if we, if we read-- just keep reading on that. It says: Generate electricity using solar, wind, geothermal, biomass, landfill gas, or biogas, including all electrical connections-- equipment used to produce, collect, store the facility output up to and including the transfer that steps up the voltage to 60,000 volts or greater and include supporting structures, buildings, roads, and, and-- otherwise agreed to joint transmission development agreement. So I guess it's just clarifying everything that is expected of them.

J. CAVANAUGH: OK. Clarifying. Thank you. Thank you, Senator Brewer. And, and again, thank you for your patience and work on this. And, colleagues, I-- thank you, Senator Brewer. I'll say something else I guess before-- so I support AM3336. You all know how I feel about this bill as originally written. And it's been a real good conversation with Senator Brewer and others about this to get to this place. So this bill does-- this amendment does what Senator Brewer has said, which is AM3336 pares back the new requirements that we're placing on private developers. It requires them to still have a meeting in the area, the county where they are having a public meeting in the county where they're-- seek to build. But it does not add that new onerous requirement that they go to the Power Review Board and it does not require-- have that onerous requirement that they get a power purchase agreement before they enter into a project. And those two requirements were really ones that the industry would have probably left the state or not continue building here. So we've got some more open-- openness, transparency, opportunity for comment.

von GILLERN: One minute.

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J. CAVANAUGH: Those are all really good things. And so gets, gets us some of those things but also does not unduly destroy or, or hinder an industry in this state. So I really appreciate that work. And I appreciate Senator Brewer's willingness to clarify this particular paragraph. And so I would encourage your green vote on AM3336. Thank you, Mr. President.

von GILLERN: Thank you, Senator Cavanaugh and Senator Brewer. Senator Brewer, you're recognized to close on the amendment. Senator Brewer waives closing. Question before the body is, shall AM3336 advance? All in favor vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 42 ayes, 0 nays, Mr. President, on adoption of the amendment.

von GILLERN: The amendment advances. Mr. Clerk.

CLERK: Mr. President, Senator John Cavanaugh would move to amend with AM-- excuse me-- with FA351.

von GILLERN: Senator John Cavanaugh, you're welcome to open.

J. CAVANAUGH: All right. I'll be quick because I know everybody's had their fill with this bill. So this just changes a little bit. The-- in this bill, there's a increased bonding requirement. So the, the-- currently for decommissioning in statute, these facilities have to have a bond at the tenth year for decommissioning. And the bill would change it to three years. Senator Brewer and I, as part of this negotiation, agreed to meet in the middle, essentially, at six years. And I would point out to you that in the decommissioning requirement for the local agreements, the local agreements can be more restrictive. So a county can say you need to have bonding sooner than that. The statute just set it at ten years. So this would, again, make it-- take away some of the excessive burden that is-- may have been inadvertently placed on these facilities and allow folks to engage in commerce in a private manner without interruption and undue burdens of the state. So-- which is, of course, something we all want to do. So I encourage your green vote on FA30-- FA351. Wow, we're-- 351 floor amendments. So green vote on FA351. Thank you, Mr. President.

von GILLERN: Thank you, Senator Cavanaugh. Seeing no one in the queue. You're welcome to close. Senator Cavanaugh waives closing. Question before the body is, shall amendment-- FA351 advance? All those in favor vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 41 ayes, 0 nays on adoption of FA351, Mr. President.

von GILLERN: The floor amendment is adopted. Mr. Clerk.

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

von GILLERN: Senator Bostelman to close on the committee amendment. Senator Bostelman waives closing. The question before the body is, shall the committee amendment, AM2702, be adopted? All those in favor vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 44 ayes, 0 nays on adoption of the committee amendments, Mr. President.

von GILLERN: The amendment is adopted.

CLERK: I have nothing further on the bill, Mr. President.

von GILLERN: Senator Brewer, you're welcome to close on LB399. Senator Brewer waives closing. The question before the body is, shall LB399 be advanced? All those in favor vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 44 ayes, 0 nays on advancement of the bill, Mr. President.

von GILLERN: The bill is advanced. Mr. Clerk.

CLERK: Mr. President, a single item: Senator McKinney amendment to be printed to LB164. Mr. President, concerning the agenda: when the Legislature left LB1300, pending was an indefinitely postpone motion from Senator Machaela Cavanaugh pursuant to Rule 6, Section 3(f). Senator Bostar had opened on the bill. Senator Machaela Cavanaugh had opened on the motion.

von GILLERN: Returning to the queue. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Mr. President. Not going to lie, I wish we had taken the last bill right up to dinner. But we've got 18 minutes. We could take a longer-- we could take a 45-minute dinner. That'd be OK. That'd be cool. Anybody want to-- well, we don't do a motion. We just stand at ease for dinner, so. OK. So, LB1300. I actually don't fully know what LB1300. It's something to do with China. One moment. If anybody would like-- I only have one more time in the queue after this. So if anybody would like to yield me time or talk themselves, that would be fab. OK. So there have been 11 attempts to reinstate winner-take-all or a national popular vote method in Nebraska since 1992. So the bill was actually originally enacted in 1991. DiAnna

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Schimek led the charge. I don't know, know if-- how many of you know former Senator Schimek, but she was here for former Senator Day. And it's always lovely to see her. And, and, you know, it's kind of an amazing thing that she did. And ever since then, Nebraska has been in play for federal office for president. And so that has been a huge economic driver in the Omaha area. And why should you care about economic driver in the Omaha area? Well, when there are events at our arenas, et cetera-- which, there are presidential events at our arenas, et cetera-- during a presidential year, that money, a portion of that tax is turned back to smaller communities' community development. So it actually impacts all of us. And I can tell you that presidential events on both sides are, like, sold-out crowd events. So this is not chump change by any means at all. So. LB764 is also still in committee. It has not been executed on. It has not been voted out by a majority of the members. It is sitting in committee. So I have had my wonderful staff put together some information in opposition-- oh. Former Senator Al Davis, who I believe was just out in the Rotunda for the previous bill. Here's a little bit of what he had to say. OK. The first election for winner-take-all took place-- took place was 1824, and James Madison said he didn't think people had-- the founders had intended that that would be the development. But what happened was the big states wanted to expand their power, and so they developed the winner-take-all approach. And then the other small states had to follow along. So it didn't start out as an honorable thing. Winner-take-all was and still is a tool which larger states and the dominant party would like to use as a weapon to drive policy. So, again, it takes away the citizen's voice. A popular vote is a--

von GILLERN: One minute.

M. CAVANAUGH: Thank you-- it-- is a much more equal process. And it's something-- I actually have always been kind of flummoxed by the electoral college because I-- it just-- like, as a child learning about government and trying to figure out the whole processes, et cetera, it's like, OK. So you vote but then you have electoral votes and-- really, it-- without winner-take-all, it diminishes our voice in, in the process because you'll see pundits carving out maps based on just number of electoral votes. And we don't get-- we won't get any of the presidential candidates coming to this state to talk to the people in this state about their platforms, and that is a disservice. And I know we can't control that, but we can to a certain degree. And our split electoral votes is the mechanism we have available--

von GILLERN: Time.

M. CAVANAUGH: --to us. Thank you, Mr. President.

von GILLERN: Senator Hunt, you're recognized.

HUNT: Thank you very much, Mr. President. Good evening, colleagues. And good evening, Nebraskans. Today, I stand before you, as many of our colleagues do, to discuss one of the cornerstones of our democratic process here in Nebraska, our unique system of apportioning electoral college votes by congressional district. Discussions have arisen, as they have for many, many of the past years, about potentially shifting to a winner-take-all system in an amendment that was filed to LB1300. And I think that it is crucial for us to have a robust conversation, not only about what that amendment does and what the implications are, not only for Nebraska, but for all of you electorally, but for the reasons that this is even being brought forth at this time in our session. As Senator Cavanaugh explained, Nebraska and Maine stand alone in the United States as two states that do not adhere strictly to the winner-take-all rule in presidential elections. Instead, what we do in Nebraska is we award two electoral college votes to the statewide popular winner, and then we apportion the remaining votes according to the popular vote winner in each of the congressional districts. This system is really amazing. It's really special because it ensures that we have a more nuanced reflection of our state's diverse political views, our diverse demographic backgrounds that we have, and it also fosters a greater sense of inclusivity and representation. Now we are in a mess today, April 3, day 54 of a 60-day session just before dinner at 5:49 p.m. because Senator Lippincott's bill to do away with this system has been amended into LB1300. It's an unfriendly amendment. Senator Bostar does not appreciate this. Speaker Arch does not appreciate this. Many members of the Legislature who have been in conversation on the sides throughout last, you know, entire day that we've been here on the floor do not appreciate this. It's an unfriendly amendment, and it kills the bill. It kills the bill that does a lot of really other great things that we need for first responders, for our, our, our military veterans, for people who serve. The amendment itself represents LB764, which is still in committee. It has not been executed on. We haven't had an Executive Session. It hasn't been voted out. And as a member of the Government, Military and Veterans Affairs Committee, where this bill currently sits, I can tell you that this bill is not currently ready for the floor. And it's not going to be ready for the floor in the next four days either. What's going to happen is, with this bill amended onto Senator Bostar's LB1300, is if

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we get to a vote on this, if we move past Senator Cavanaugh's procedural motions and we actually get to the meat of that winner-take-all amendment and we actually get to a vote on it, this will be an accountability vote to Donald Trump for all of you. What's going to happen is-- not necessarily the GOP, not necessarily the official Republican Party, but Donald Trump himself, Charlie Kirk, whatever other white, right-wing podcaster that you can think of who would like to see Donald Trump reelected and feels that Omaha's one electoral vote could make or break his ability to be reelected. What's going to happen when they see that vote whether it passes or not is all of you who didn't support that are going to be ground into the dirt by these men. You are not going to believe the doxing--

von GILLERN: One minute.

HUNT: Thank you, Mr. President-- the harassment, the abuse that you and your family and your loved ones are going to experience. And that's not a threat from me. That's what happens in the Republican Party when Donald Trump puts a microscope on a person who's not voting his way, right? And we see that happen all over the country. And right now, that microscope is on Nebraska. And you guys are playing with fire. Senator Slama is playing with fire by it putting the-- on this bill for a, quote unquote, test vote, or whatever the reason is. You can support winner-take-all. Let that be its own debate. Let that be its own conversation later. Let us give Senator Lippincott the respect and dignity that his bill deserves by debating a bill that's in the right condition to actually be on the floor. Let it have come through the Government and Military and Veterans Affairs Committee fair and square so you can win fair and square. Don't do this messy stuff.

von GILLERN: Time.

HUNT: Because when you take the vote, you're going to be under the microscope too. Thank you, Mr. President.

von GILLERN: Thank you, Senator Hunt. Senator Blood, you're recognized.

BLOOD: Thank you, Mr. President. Fellow senators, friends all. I might stand in support of the IPP motion. But at this time, I have questions about the underlying bill, and I would hope that Senator Bostar would yield to some questions. Sorry, Senator, Senator Linehan. I need to talk to Senator Bostar.

VON GILLERN: Senator Bostar, will you yield?

BOSTAR: Yes, of course.

BLOOD: Thank you, Senator Bostar. I'm going to try and do this quickly so I can get all my questions in in five minutes.

BOSTAR: Perfect.

BLOOD: All right. I know you're a, a really good explainer, but I only have five minutes. So I'm looking at Section 8, and it's going to create a new committee with five voting members, and two people are going to be appointed by the Governor. Can you just briefly talk about what the purp-- briefly talk about what the purpose of that is?

BOSTAR: Yeah. So that would be the committee on Pacific Conflict. So the, the purpose would be to identify and evaluate threats and risks faced by the state of Nebraska should a conflict in the Pacific break out. And those are fairly multidimensional threats. So big picture: identify threats and see if there are opportunities to mitigate them.

BLOOD: So when you say Pacific c-- what do you mean?

BOSTAR: A conflict in the Pacific theater of the planet we are on.

BLOOD: Which would include which countries?

BOSTAR: Well, a, a lot.

BLOOD: Because it's obviously not going to be in the ocean, right?

BOSTAR: I would imagine a lot of the conflict would probably be in the ocean. I think-- and that, and that leads to some of the consequences we're talking about, right? You can have a conflict in the Pacific between countries that are unrelated to your trading partners. But if your trade routes go through the Pacific while there's a war happening, that is a consequence that we should be aware of and think through and see if we can mitigate.

BLOOD: Especially with ag. I agree.

BOSTAR: Yeah.

BLOOD: So-- and, and then the-- they would make sure-- they'd meet-- I think if I've read it correctly-- it was, like, every three months. They'll do a report just in time for the Governor to announce it during his State of the State or whatever the yearly speech happens

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to be. And that they're going to check with staff to make sure that we're not entering into contracts with any adversaries. Does that sound correct?

BOSTAR: Correct. Yeah. There would-- there's-- yes.

BLOOD: So the piece that I see missing that-- again, I, I'm not getting good answers on, not just from you but from the administration. When we talked about it in the budget, I didn't get a good answer-- is, where's our cy-- cybersecurity part of it? Is that part of this? Because it seems that, you know, we are-- we're-- we don't want China or Russia to buy up land and we don't want to have contracts with them. And I'm not saying those are bad things, but we seem to be lacking at the number one way that people can hurt ag, which is cybersecurity. And I don't see-- and I know that we're not going to announce how we do our cybersecurity, but I don't see how we are really addressing it in a way that makes me feel secure that it's handled. I mean, I, I know I go back to things like-- again, during the pandemic, we didn't even blink twice when the Russian mafia and the Nigerian crime ring stole millions of dollars of taxpayer money infiltrating our system. We know that NDEE had unsecure sites-- and it wasn't until I talked about on the mic that it was no longer that way. That we have has-- had little bits and pieces that, in 2024, should be handled. And again, we should have an IT committee. That I don't see being handled. Shouldn't cybersecurity--

von GILLERN: One minute.

BLOOD: --be a part of this bill, Senator Bostar, in your personal opinion or not?

BOSTAR: So-- I mean, I think to some extent it is. Now, is this legislation the, the, the final question on everything-- the final answer on everything that we need to do? No, absolutely not. But, you know, it does go into procurement for the state and political subdivisions relating to networks, equipment, information technology, things of that nature. And it does-- you know, there is an element where the committee would be able to evaluate exposure and risks related to cybersecurity. But, you know, does this solve every, every problem? No, it doesn't. I, I, I think it improves things greatly, but-- and I'm also not saying that I wouldn't entertain recommendations to add sections to this. So if you come up with something, I'm happy to look at it.

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BLOOD: Thank you, Senator Bostar. And I think that's something that maybe we should talk about some more because I feel we have a deficit in that area. Thank you, Mr. President.

von GILLERN: Thank you, Senator Blood and Senator Bostar. To Speaker Arch for an announcement.

ARCH: Colleagues, the Legislature will stand at ease now until 6:30. Thank you.

[EASE]

_____: Attention, senators. The Legislature will begin in five minutes.

von GILLERN: The Legislature will now reconvene. Senator Conrad is recognized. Senator Conrad, you're first up in the queue. You're welcome to open.

CONRAD: Thank you so much, Mr. President. Good evening, colleagues. Good evening, Nebraska. I just wanted to rise in support of LB1300, introduced by my friend, Senator Bostar, which contains a host of important issues emanating from the Government Committee. I believe that this was also prioritized by my friend, Senator Ballard, and I appreciate his designation thereof so that we could move these important measures forward. The Government Committee worked very hard to pull these pieces together, and it's primarily related to issues to help with measures to keep our communities and our state and our country strong under the auspices and umbrella of national security issues. It helps veterans. It establishes a Asian Affairs Commission, which our friend, Senator Sanders, has worked diligently on for years. And then a host of other important issues. But really, I think at the heart of this issue is our shared commitment to ensuring secu-- security for our citizens. And that was top of mind for all of us on the Government Committee as we were looking at the i-- the measures that the Governor brought forward, that individual members brought forward, and that we wanted to make sure were passed this year. So I did just want to note that, in addition to how important the underlying bill is, I wanted to also recognize the extraordinary juxtaposition of attempts to utilize this measure related to security and our veterans for a divisive, national, partisan battle. That's, that's not we-- who we are in the Nebraska Legislature. We, we shouldn't respond to tweets as they come out. We have rules. We have a process. We figure out how to come together. And on issues like this-- particularly issues like this-- we should not be putting our

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citizens' security at risk for political tricks. That's wrong. It's absolutely wrong. I understand that senators have limited amount of vehicles available to them at this late stage in the debate to move measures forward, but the measure that has been attached-- which is causing a great deal of concern-- has never been execed in the Government Committee. We weren't asked to exec on it in the Government Committee, it's my understanding. It has not been prioritized. It has not been advanced. And it has not moved through our process accordingly because it was not a priority issue this year until some tweets popped up. And that's not serious governance. That, that's, that's not how we should operate in the Nebraska Legislature. And I would mi-- remind my friend, Governor Pillen, as I saw him use the power and prestige of his office to issue a media statement in response to said tweets. I'd also like him to think and look very carefully at the wording in that press release, which called upon Republicans in the Nebraska Legislature to take this issue up. And if there's a national spotlight on Nebraska over this issue right now, let me use this as a moment to educate our fellow Americans. We are unique--

von GILLERN: One minute.

CONRAD: --in this Unicameral Legislature. We run and we serve without party labels. We are nonpartisan and independent. We are one house. That is a gift that our citizens gave to us decades ago that we have fiercely protected. And when people forget-- whether they be former Presidents, present Governors, or members of this body-- it is our duty to remind each of us and the broader public of the oath that we took to serve in a nonpartisan institution. So that being said, I'd like the body to quickly realize that the divisive measures which have been attached are not germane. I think that senators recognize that. We need to remove them so that we can move forward with LB1300, which advances important security issues for Nebraska. Now is not the time to play partisan games with serious security--

von GILLERN: Time, Senator.

CONRAD: --issues contained in LB1300. Thank you, Mr. President.

von GILLERN: Thank you, Senator Conrad. Senator Machaela Cavanaugh, you're recognized. And this is your third opportunity.

M. CAVANAUGH: I still have a close, correct? Yes. OK.

von GILLERN: Yes.

M. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues. I don't know about you all, but I am having little, like, flashbacks, PTSD coming back from this short dinner break and wanting to just talk about salad, which I did have a Greek salad for dinner from Sultan's Kite. It was delicious. So-- OK. LB1300 is Senator Bostar's bill that-- it was Adopt the Pacific Conflict Stress Test Act and the Foreign Adversary Contracting Prohibition Act. OK. I honestly-- I'm sorry-- I, I was so distracted with other things happening that I'm not sure if I support LB1300 or not. I probably do, but I'm going to have to take a look at it in between times on the mic. So I have an IPP motion and I have additional motions after that. This is a debate on my side. And by my side I mean me, not my side of the aisle or anything like that. For me, this is a debate about winner-take-all or how we split our electoral votes. But I know that this is also an important bill, LB1300, and people are probably going to want to talk about it. And we don't have the committee amendment up yet, but if you are interested in sharing your thoughts on the actual bill, please feel free. We will be here irregardless, so substantive debate on LB1300 is probably warranted in addition to substantive debate on winner-take-all because neither of those things is on the board. So you can choose which lane you want to be in and which thing you want to talk about. So I'm going to reiterate some points again. Splitting of our electoral votes is an economic driver for the entire state because it's not just about what comes to Omaha or Lincoln. It's about what comes to arenas in Omaha and Lincoln. There's a turnback tax, and it goes into a cash fund. And that cash fund funds smaller communities' economic development projects for cultural enrichment. So it is important. And when presidential candidates come to Omaha, arenas sell out. It does not matter who it is. It is a sold-out show. So we don't want to lose that. That's huge for Omaha and for the state. Additionally, it waters down the voice of the people. The consolidation of electoral votes in other states has caused it to be mostly a math game in federal electoral politics. And you can watch all the pundits talking about the math. Well, they just need this state and the state and the state, and then other states in the union are completely disregarded, completely ignored by one party or the other. In Nebraska, that's not the case. We aren't taken for granted. We aren't ignored. It helps boost our economy. It helps with voter turnout, for other things.

von GILLERN: One minute.

M. CAVANAUGH: Thank you, Mr. President. So that's what this is about for me. I had started reading about-- from former Senator Al Davis's testimony at the last hearing, and I think I was, like, at about one

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minute at the time-- oh. And interestingly, Senator Lowe had asked him at the hearing if he voted for winner-take-all, and he said: I did. And he said: Now you're opposed. Senator Davis-- Al Davis says: Yes, I am. I thought it through. In fact, somebody made reference to that. I was going to mention it. The filibuster that he referenced was my last year in the Legislature, and the thing failed because there was a dispute about some exchanging votes over a marijuana piece. That's interesting. So that's what happened to that one. But I think the more I think about it, the more I think we are better served--

von GILLERN: Time.

M. CAVANAUGH: Thank you.

von GILLERN: Thank you, Senator Cavanaugh. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. President. Well, first off, colleagues, just-- I have this handy-dandy counter some of you've been asking about that counts the number of times I talk so I don't have to rely on the Chair to tell me when it's my third time. If I do my job, I'll know it's my third time. So it's just some personal accountability that I'm engaging in to better serve all of you. So I-- you know, I don't know where I'm at on this bill yet. I talked to Senator Bostar about it. I, I do like some of the stuff that's in the committee amendment. I have some questions about, you know, the underlying bill. But I did want to talk-- I was going to talk about some specifics of the bill, but I had a subject matter I wanted to talk about on the last bill, and I think I've figured out how to tie it to LB1300. So I had up on my computer here something I didn't get to talk about, which was the map of the interconnections of our grid in the United States. And so the United States, the continental United States, is divided into three sections. We have the Eastern Interconnect, which is essentially everything east of the Rockies, north of Texas is called the Eastern Interconnect. Then you have the Western interconnect, which is west of the Rockies, excluding Texas. And then you have Texas, which is the Texas Interconnect. So those are basically three self-contained grids. And we've been talking about electric generation. And basically, you put electricity on the grid in Nebraska, it's on the same grid as New York, Connecticut, Maine. Granted, a lot of that electricity doesn't get there. Really doesn't-- none of it gets there because it's that path of least resistance. It's going to go to the first light bulb that it comes across. But they're interconnected. And the reason this is relevant

to this bill, which is Senator Bostar's-- I think it was Pacific threat assessment, something along those lines. It's something like that. Somebody can correct me. But anyway-- but because-- his bill is, is about foreign adversaries and foreign threats, and one of the concerns are soft targets-- so things that can be damaged more easily than, say, a hardened target like a courthouse. Although, the Cap-- this Capitol building doesn't probably qualify as a hardened target. But a courthouse, federal building, a military base, things that have some sort of-- you know, those bollards, barricade things you can't drive close to and things like that. And a lot of other hardened-- hardening aspects of it. They're hard to attack. So-- but there are things like power lines out in the middle of nowhere that somebody could blow up one of the pylons and take out a power line. And the reason that is relevant and interesting is because you knock out, say, one key power line, and then that forces all the electricity generated on one side of it to go around. And then that can overload those power lines. And then you have a domino effect where you knock out other power lines. And so I was thinking about this, and I was thinking about the 2003 eastern United States blackout. This was right before I went to college, if I'm dating myself. Or-- yeah. Well, maybe I was in college. I don't know. However old I am. Anyway. But a power outage started-- I want to say it was in Ohio. And then it kind of went around Lake Erie on a domino effect, knocking out overloading circuits and over-- and forcing power generation offline to protect itself until you got the state of New York and all of New England was knocked out. And then Ontario and Canada got knocked out, curved around and back up. And that was a result of essentially one pretty key transmission line being overloaded and then forcing it to-- the-- all of that generation to another power line, which caused that to overload and then dominoed all the way across the Eastern-- to the Eastern Seaboard and Mid-Atlantic. And that was sort of an organic mistake. I don't remember what the specific reason was. I think something went offline--

von GILLERN: One minute.

J. CAVANAUGH: Thank you, Mr. President-- and then caused, you know, everything to go haywire, as it were. But you could manufacture that. And that's one of the things we're, we're concerned about. I think. Senator Bostar can correct me if I'm wrong, or Senator Ballard, whose-- this is his priority bill-- could correct me. But those are the types of things-- we're trying to prevent somebody from intentionally creating a cascading failure that could take out the entire Eastern Interconnect, which goes, again, from the Rockies to the East Coast down to Florida, excluding Texas, up to New England,

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and then really does include Canada as well. So there, there's a real potential for that risk. And so that's why I say I'm thinking through on this bill. And as I'm talking about it, I appreciate it a little bit more as I talk on it-- which, again, is why we talk on these bills and we think through these issues. Some of us do it out loud. So I'll go and look up the history of the 2003 blackout for you all because I'm sure you're all really interested in this issue.

von GILLERN: Time.

J. CAVANAUGH: Thank you, Mr. President.

von GILLERN: Thank you, Senator Cavanaugh. Senator Hunt, you're recognized.

HUNT: Thank you, Mr. President. Good evening, colleagues. We are debating a bill, LB1300, that I think is a great bill. This is a bill that went through our process in the Government, Military and Veterans Affairs Committee. During the course of the hearing, Senator Bostar, who introduced the bill, answered questions about the nature of the bill. You know, we, we had some good back-and-forth about what it does and what it aims to do and, and who supports it and who's against it. In the Executive Session-- subsequent Executive Sessions in the Government Committee, we found this bill to be a vehicle for some other really great pieces of policy that I and certainly Chairman Brewer and people who have bills that have been amended into this bill by the committee would like to see get a day in the sun. And I think that there's a way to make that happen if we can take off the amendment that adds LB764, introduced by Senator Lippincott, out of the queue of amendments for this bill. My concern-- I mean, it's-- it would make sense to a lot of you. It wouldn't be very confusing to hear that. There are a lot of different vote cards going around on this motion, on this measure to introduce a winner-take-all system in Nebraska. I've heard of vote cards that have 32. I've heard of vote cards that have 16. I've looked at them both. And it makes me a little bit too nervous to even have this come up for a vote. We can certainly talk about germaneness of a bill like LB764 on LB1300. I don't think it passes the germaneness test. Senator Slama, who introduced the amendment, said on Twitter that she doesn't think it passes the germaneness test. The function of this amendment, what it would actually end up doing is just be a litmus test, a purity test for you registered Republicans in the body for the election of Donald Trump. That's all that's happening in Nebraska. And now Nebraska is trending on Twitter. Everybody's watching what's happening in the state right now because of these motions that have been filed on this

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bill and are likely to continue to be filed on subsequent bills. We've also heard all the gossip and rumors about other bills that are going to have LB764 amended on it. And when you think about all of the other important measures that we have before us this session, with so few days left-- tomorrow, Thursday, and Friday, these are the last two days we have to get into any General File debate. And by doing things like filing motions, very, very, very controversial measures-- measures like LB764 that the Government, Military and Veterans Affairs Committee has chosen to keep in committee, has chosen not to exec on yet. We have not introduced an amendment to this. We have not had a vote on this. It's not ready for the floor. But with very, very precious few days left here in the body, with so many other prioritized bills yet to be heard on General File for even the first round of our three rounds of debate, this is what's going to take up a lot of the oxygen. And colleagues are walking around saying, you know, it would be really great if we could just move past this and get to a vote, get to a vote on the, on the amendment and we can put it to bed. It's not that simple. I get it. Yes, it would be great to get to a vote and to move past it, but then what you have is then you get into your purity test. Then we've got a vote-- we've got a record up on the board that Donald Trump, his little friends, Charlie Kirk, whatever right-wing--

von GILLERN: One minute.

HUNT: --incel podcaster is watching what's happening in the Legislature. And then what they start to do is what they've already done to Senator Aguilar. They put your name on the internet-- they've already done this to many of you because I've heard that you guys are getting phone calls to your offices, and I'll talk about that on my next time on the mic. They put your name on the internet. They put your phone on the internet-- not necessarily your office phone, friends-- your cell phone, your home address, your wife's name. How's she going to like that? This is how they move and this is how they work. And by having a record vote on this, you are going to be a target for them. Whether you vote yes or no. You're opening yourself up to a target for this machine that we see will stop at nothing to elect Donald Trump. And that's exactly what's going on. They think they can't do it without the one vote in Omaha. I say he should come here and earn it. Come take the electoral vote from Omaha. If you earn it, you can have it, Donald Trump. Thank you, Mr. President.

von GILLERN: Thank you, Senator Hunt. Senator Blood, you're recognized.

BLOOD: Thank you, Mr. President. Fellow senators, friends all-- the few that are left in the Chambers. I might be in support of this IPP motion. I'm not talking about the upcoming-- coming amendment because it's not on the board. I still want to keep talking about this bill, LB1300, because I still have concerns. And one of the concerns that I have is this weird trend that has started with the new Governor, where so many of the people that come and testify on bills are actually vendors. They're not professors from the university, from Creighton, from Offutt Air Force Base, specialists that can give us unbiased information and data about things like security. Instead, it's American Global Strategies, advisory firm out of Maryland. It's China Tech Threat. I'm glad to see that somebody that-- is in reference to technology and how it can threaten Nebraska was on the testifier list. But I think it's weird because this is not the only bill that this has happened. This is one of, I think, four bills this year, and I'm including one over the interim. So I don't know what that means. I find that very suspect, not just as a senator but as a citizen, where we are trying to tip the scales in the hearings and only put out the information that we think you need to know not what you truly need to know by bringing in the experts. And you can say, well, these people do this for a living. They are experts. But I believe they come with a certain bias while if we get that-- the, you know, the data, the science, the facts from professors and scientists and people who give us unbiased information, I think there's a difference. And we know that cyber actors in China have used malware to hold at-risk, critical U.S. infrastructures, such as systems that provide water, electricity, and fuel to U.S. citizens. And they do this to provide options for China in case we ever do have a crisis. So in some ways, even though we have a great U.S. cybersecurity force, we know that we are constantly on our toes trying to protect the United States from these types of cyber actors, bad actors. At the federal level, we have the U.S. Cyber Command and the National Security Agency. And they can test these threats. And we know that China's what's known as a near-pure adversary. You know, during the last election, we were worried about how Russia was involved in interfering with our, our elections. And what we really didn't know-- but thank goodness people-- some people at the federal level knew-- is that they were conducting espionage on our national security. So then I started looking at Nebraska-- and I remember seeing a picture of Governor Ricketts. And I want to say it's 2016. I'm, I'm-- it's either 2016 or 2017. And he went to China and he asked China to invest in Nebraska. Now, that was before we made them the big scare. Right? I kind of feel like we're in World, World War II. And I'm not saying that we should not be beware-- we should not be concerned. But

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what I'm saying is is sometimes I'm wondering if we're approaching this correctly. We're talking about vendors and contracts. But literally just eight years ago, we were in China asking them to invest in our state. So what are we truly trying to do here? Are we trying to justify bringing on these vendors and spending outrageous amounts of money to have them work in Nebraska because maybe they're friends with somebody in the executive branch?

von GILLERN: One minute.

BLOOD: Or are we truly trying to make Nebraskans safe? And if we're truly trying to make Nebraskans safe, then where is our state's cybersecurity effort? Where is our state's IT committee in the Legislature? I feel that we're constantly putting the cart before the horse and we never have a really strong foundation when we go into these efforts. And I can list many near misses over the last decade, 20 years where we had fails in technology because we didn't have enough people knowing what was going on and how it worked. And so with that, I would yield back any time, Mr. President. Thank you.

von GILLERN: Thank you, Senator Blood. Senator Dungan, you're recognized.

DUNGAN: Thank you, Mr. President. Good evening, colleagues. I believe I generally rise opposed to the IPP motion. And I'm still listening to the conversation with regard to LB1300, but it does sound like, from what we've talked about so far, that it, along with the potential forthcoming committee amendment, does contain a number of, of good bills. And so I want to make sure that I have a chance to still hear that conversation. I do understand that the IPP motion is up on the board because of the potential of another amendment coming up-- which has been discussed now I think a little bit-- pertaining to winner-take-all. And I, I think it's already been explained and I'm sure we're going to have more conversations about it, so I'm not going to dive too far into that right now. Except to say that I do remain opposed to the idea of a winner-take-all system in Nebraska for a couple of reasons. One, I don't believe in diluting the vote of individuals. And I think that the current system that we have in Nebraska makes us special. When I travel to other conferences and when I talk to people about our state legislative system, they're constantly taken aback by all of the things that make us unique. One of those things, obviously, is the Unicameral-- which we are standing in right now. But when I talk to my colleagues or friends from other legislatures or other senates and I explain to them that we only have one body, and in that body is 49 nonpartisan, independent senators,

they can't really fully understand or appreciate how that would work. But I think that what we've proven over the last many decades that we've been a Unicameral is that it does work, and it works for a number of reasons-- not the least of which is that it encourages us to work together. Certainly, those who are followers of the Legislature see that we disagree from time to time. And I think even today, if you've been watching for a while, you've seen some of those disagreements and you've seen the ebb and the flow of-- excuse me-- emotions and frustrations. But at the end of the day, the intent of the way that our system is, is constructed here in Nebraska is to encourage us to work together and to not answer to any particular party. And I think that that second part is important because what it does is it encourages us as senators to vote how we believe and to vote how we feel, not just to vote how we are told. And when I talk to folks in other state senates or state legislatures, that is not the case. It couldn't be further from the truth. I was talking to an individual who's a, a younger state senator-- I think it was from Minnesota-- and they were talking about the expectations from the party. And I was asking them, you know, when you, when you come to the floor, what is that like? Are you expected to vote a certain way? Are you expected to say a certain thing? And, you know, what they essentially said is that if you have disagreements or the piece of legislation or a bill that you can express those, obviously, full-throated, but they expect it to be in committee. And by the time it makes it to the floor, it sounds like you are expected to, for lack of a better way to put it, get in line. And I respectfully take issue with that. You know, you'll see any number of us on any day in this body disagree with each other and you'll see us push back on each other. Even if we're from the same political affiliation or political persuasion, we do argue and we push back on each other vehemently. And I can tell you that there's frank conversations that happen behind closed doors when these cameras are off where we disagree with each other all the time. But that's how it should be. And my fear is that we have seen a consolidation of power on the national level and an expectation that certain people get in line. And, to me, that is not the Nebraskan way. I believe the Nebraskan way is to be independent, to do what you believe is right for your constituents, and to vote the way that you actually feel, not just the way you think you should vote. And when we talk about the implementation of a winner-take-all--

von GILLERN: One minute.

DUNGAN: Thank you, Mr. President-- we see now an outside influence, an outsized influence, power imposing upon Nebraskans and state

senators in here who are independent, an expectation that you will vote a certain way. And if you don't vote a certain way, we see threats and we see fear being utilized to attain that goal. And I think that's wrong. So we'll have plenty of time to talk about the, the motions. We'll have plenty of time to talk about the underlying bill, but I just wanted to make sure I stated some of those things on the record and encourage my colleagues to continue to be independent and, in doing so, continue to be Nebraskan. Thank you, Mr. President.

von GILLERN: Thank you, Senator Dungan. Senator Day, you're recognized.

DAY: Thank you, Mr. President. And good evening, colleagues. I rise in support of LB1300 and in opposition to the IPP motion. But I would like to get up tonight and talk about what we know is a potential amendment to this bill. And one of the reasons why we're spending so much time talking tonight is the change of the electoral college votes here for Nebraska to a winner-take-all system. Personally, I would echo the sentiments of Senator Machaela Cavanaugh in that, if it was up to me, we would have a one person, one vote system of deciding who our president is. That is not what we have. We have the electoral college that allots a certain number of electoral college votes based on population to each state. The effort in establishing this was to ensure that overly populated urban areas would not outweigh the other areas of the country and that every state would essentially have a say in deciding who the president of the country is. I think that is a noble goal. However, I feel as though, over time, we have seen some of the flaws in the electoral college system, in that it essentially dilutes the votes of certain voters. And instead of moving towards a more accurate representation of who Americans want to be president, the effort to take Nebraska to a winner-take-all state is moving away, further away, from that by further diluting the vote of Nebraskans. I hope that senators understand: if you're voting for this measure, you are voting to dilute the vote of your own constituents, particularly if you live in CD 2. That's what you're doing. I also agree with Senator Hunt in that if you earned the votes, then you get them, then you should have them. electoral politics is not something in which you realize that you can't win with the current rules so you go back to the drawing board and make a decision to take-- to change the rules so you can win. Because when you do that, you change the rules of democracy and you dilute the voice of your own voters. I don't understand it. Additionally, this is a bill that sat in committee all session that didn't even get an Exec Session, didn't get voted on. Nobody wanted to talk about it. And here we are with six days left in a very busy

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session talking about this bill because of tweets. We're scrambling at the last minute to try to get a piece of legislation passed based on politics, not based on policymaking. One of the things I've realized over my four years here is that there's a lot of people that get elected to this body to play politics. They don't care about policymaking. They don't care about democracy. They don't care about what's right for their constituents. They care--

von GILLERN: One minute.

DAY: Thank you, Mr. President. They care about winning at all costs, and they will do whatever they can to make that happen. By allocating electoral votes based on congressional districts, Nebraska ensures that each region within the state has a say in the outcome of the presidential election. This fosters a sense of inclusivity and representation that might otherwise be absent in a winner-takes-all system. It acknowledges the diversity of opinions and perspectives within our state, promoting a more nuanced and balanced approach to governance-- which, if you ever go talk to your constituents, you will hear from all of them that's what they're looking for. They're not looking for fighting and tribalism. They're looking for moderation and balance in governance. Thank you, Mr. President.

von GILLERN: Thank you, Senator Day. Senator McKinney, you're recognized.

McKINNEY: Thank you, Mr. President. I'm in support of the IPP motion. Definitely been a day, to say the least. Honestly, it's been thing after thing happening today. And this is another thing. And last night when I saw the-- somebody's phone. But last night, when I saw the tweet from the former president about this, I was like, huh, that's weird. And, you know, it's like-- it's-- it makes you think that-- you know, they want it for a reason, obviously, because this there has to be some type of fear. Because it-- if, if there wasn't some fear, it wouldn't be this, in my opinion, a last-minute urgency or last-minute Hail Mary to try to get this through because we got, what, I think six or seven days left of the session. So now we're going to super politicize and polarize the session over this thing to take away the electoral vote, which has been in place for a while, almost my whole lifetime. I think my whole lifetime, if I'm counting right. And it's, it's, it's been a thing of pride for a lot of Nebraskans, especially those in Con-- Congressional District 2 to say, you know, we've had a part in, you know, the presidential elections, you know. That's something-- that's what motivates people to get out to vote and-- especially people from my community. It's,

it's hard, honestly, to get people to vote because a lot of times people don't feel as though their votes matter or their votes are going to change things because for, for, for so long, things really don't change. And things haven't changed in a lot of ways. But, you know, when you cast a vote and then you see that, OK. I voted and we have a blue dot and we're able to influence the presidential election, that's, that's something that people are prideful about. And to have this last-minute attempt to try to take that away, that means-- or, that, that reads to me that there's some type of fear from the former president. And it's interesting, you know. He still wants to make America great again. And I would argue that, when has America ever been great? Because America was founded on a lot of things that were not so great-- you know, slavery, taking land away from Native Americans, and all type of other things. And we just have to be honest about that. And it-- and all the attempts across the country to ban books, to get rid of DEI for all these weird reasons, it's just-- you know, I think maybe after President Obama was elected, I think the world-- or, no. Not the world-- this country was like, you know, we got to go back to pre-- pre-1960s, pre-Civil Rights Act. We got to go back to that because America is not where it's supposed to be because we elected a black president. So now we got to change all these laws. And we got to get back to that because this is not the country our forefathers created. And, you know, our forefathers owned slaves--

von GILLERN: One minute.

McKINNEY: --and people don't like to tell the truth about that. And it's just-- it's just really interesting that this, this last-minute attempt to try to make these changes and-- you know, it must be some type of fear from somebody that they need this-- these votes to try to secure this election. It probably will be close, honestly. So that's probably why they want to try to take it away. And while I'm here, I'm going to fight against that because I don't think it's necessary and I don't-- and I don't think the people of Nebraska think it-- think it's necessary looking at all these emails I've been receiving throughout the day and throughout the night. I think the people of Nebraska have spoken that they don't want to take away that option, and I think everybody in this body should listen to that. And thank you.

von GILLERN: Thank you, Senator McKinney. Senator Bostar, you're recognized.

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BOSTAR: Thank you, Mr. President. And thank you, colleagues, for your attention and participation in the conversation. So we are going to, in a sense, act as if the, the committee amendment came up and we're going to talk a bit about the bills that make up this package because I, I think that there's a lot of very important stuff in here that should be discussed. And so with that, I would yield the remainder of my time to Senator Brewer.

von GILLERN: Senator Brewer, you're yielded 4 minutes and 30 seconds.

BREWER: Thank you, Mr. President. All right. We will go into AM3227. That is the Government amendment to LB1300. The amendment has a number of bills we'll run through. It makes changes to the base bill. First changes that we made in LB1300 is we're adding LB2 from Senator Sanders. It establishes a state-level Asian-American commission. Then LB869 from Senator Bostar. And that will allow our country-- county veterans service officers to assist more of our veterans, especially those in the National Guard. And we got LB887, which is my bill. It'll provide grants from NEMA to certain nonprofit organizations that need security measure updates. LB1048, which is a Senator Bostar bill, and that is to restore certain security protocols at chemical facilities in Nebraska. Then LB1243, that is a Senator McDonnell bill, to establish a, a team office at the State Fire Marshal's to help coordinate wildland response fires. And then lastly, LB1358 from Senator McDonnell. And it caps the salaries of some of our political subdivisions. Each of the senators at some point will try and get in the queue and speak on their specific bill. But the, the committee heard all the bills and voted them out as a package. LB1300 was heard on February 8. We have made amendments to LB1300 with some concerns that we had from public power. Those have been addressed. And that amendment we'll have later if we're allowed to add amendments too. But this committee bill represents a lot of work from the Government Committee. It is a lot of good bills that we were able to put together so that we were able to have this committee package put together. So I would ask for your support on LB1300 and on AM3227. Thank you, Mr. President.

von GILLERN: Thank you, Senator Brewer. Senator Fredrickson, you're recog-- Senator Slama, you're recognized.

SLAMA: So I was going to call the question. Good evening, colleagues. I was, but I can't now. Sorry, Senator Fredrickson. I, I seem to have given him a fright. But the queue has mysteriously filled up with Republicans to evidently prevent us from getting to the point where winner-take-all can be read across. It would seem as though people

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have gotten their marching orders. And I am just going to take a minute to outline because I'm feeling honest today. This is the problem with the current Republican Party in the-- and, and this is why I brought the amendment. Because we can get fired up about issues. We can make tweets and make post saying Nebraska should do winner-take-all and do call to actions to get people to give money so that you can sponsor our efforts to continue encouraging senators to pass a bill. And then when the rubber meets the road and somebody actually brings the concept that y'all are doing the call to actions on, we do stuff like this where it's slow-walking and preventing the amendment from even being read across. Don't get me wrong. I respect it. It's a grift because-- I understand that the current party infrastructure thrives off of victimhood and never actually winning because actually governing and actually following through on the ideas that you're pushing is really difficult and governing is hard. So why on earth would we try to get a win on an issue when we could just spin people up and fundraise off of it? I've been bringing winner-take-all since 2021. I'm not new to this fight. I'm here for this fight. But here, it would seem as if we have the Republican Party filibustering a motion at somebody's request-- no, I'm actually genuinely excited to find out who has requested people get into the queue to continue talking about Senator Cavanaugh's IPP so that we don't get to winner-take-all. Because somebody clearly has a problem with us actually doing the things that we're tweeting about. It would appear that, once again, Republicans can talk a big talk but can't walk the walk when it comes to actually getting things done. So I'm-- I am excited. I have not put any work into counting votes here. I would assume this would go eight hours because Senator Cavanaugh could bring a reconsider to take this to eight hours. But I'm here for it. It's going to be-- don't get me wrong. Dishonest filibusters are definitely more difficult than on issues like taxes, where you have meaty things that you can always reference. So I, I am interested to see where this goes. I am interested to see if it can go eight hours. I might hop back in and call the question just to mix things up. But it's really clear what's happening now, and I'm fascinated to watch it happen and call it out in real time. It, it puts a smile on my face. But just in case anybody's watching who's wondering why winner-take-all isn't getting read across, it's because the Republicans have gotten in the line and are now talking about a bill to prevent the actual amendment from getting read across. So thank you, Mr. President.

von GILLERN: Thank you, Senator Slama. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. President. It's my second time. Personal accountability. So-- well, when I was last on the mic, I talked about the 2003 Northeast blackout as a potential reason for the Pacific threat assessment. I, I didn't quite memorize the name. Again, sorry, Senator Ballard. So-- but then I did talk to Senator Bostar, who actually introduced this bill, and I said, was I right when I used that as an analogy for the type of threat that we're talking about? And Senator Bostar said, yeah, you're right. And this bill solves every problem you can think of. He doesn't know how much of imagination I have. So. But anyway. So the Pacific threat assessment and the report and all that-- you know, that's-- talking about these sort of-- the risk of the soft targets and these, you know, infrastructure things that could cause, you know-- that-- somebody could do a small damage to a remote location and, and cause a cascading or catastrophic failure that goes from, you know, in, in our case, Nebraska and cascades across the Eastern Interconnect all the way down to-- I don't know-- Key West, I think is all the way-- is the far end of the tip of Florida, or somewhere on that part of Maine. What's the name? Is it Sag Harbor? I don't know. There's a park-- a national park up there. Anyway-- so you could create, create this great cascading blackouts by placing conveniently or appropriately placing some sort of device, a improvised explosive device or something like that, you know, on transmission lines in the middle of nowhere. So that's what we're talking about, our-- looking at those risk assessments. Anyway. So I did promise that I will look and see what the, the cause of the blackout was. So this is from Wikipedia, so take it for what it's worth. But Wikipedia I think sometimes gets things right. Northeast blackout of 2003 was a widespread power outage throughout parts of the Northeast and Midwestern United States and most parts of the Canadian province of Ontario, August 14, 2003, beginning at 4:10 p.m. I actually remember watching this on television. Most places restored power within seven hours, some as early as 6 p.m. on August 14, within two hours. While New York City subways resumed limited service around 8 p.m., full power was restored in New York City and parts of Toronto on August 16. I think that's two days. That's a long time. At the time, it was world's-- the world's second most widespread blackout in history, after the 1999 South Brazil blackout. The outage-- which was much more widespread than the Northeast blackout of 1965-- affected an estimated 55 million people, including 10 million people in the southern and central Ontario and 45 million people in eight United States. The blackout's proximate cause was a software bug in the alarm system at a control room at the FirstEnergy of Akron, Ohio-based company. I thought it started in Ohio. I did not remember

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what the start was. Software bug. So I would imagine Senator Bostar would tell you that part of the threat assessment-- I was thinking of, you know, maybe traditional weapons, bombs, things like that-- but we're talking cyber warfare in 2003. Software bug in an alarm system caused a cascading blackout starting in Ohio that went to the East Coast up into Canada and knocked out the power for 55 million people, some of them for two days. That's what we're talking about. Those are the--

von GILLERN: One minute.

J. CAVANAUGH: --type of risks-- risk assessment things we need to be thinking about. That's what this bill is. So, you know, as I said, I don't know where I stand on this bill. I don't know. Maybe I'm talking myself into it by talking about what the real risks we're facing by not knowing the real scope and the vulnerability of our critical infrastructure. So that's a little bit of the history of the 2003 blackout. Thank you, Mr. President.

von GILLERN: Thank you, Senator Cavanaugh. Senator Hunt, you're recognized.

HUNT: Thank you, Mr. President. Good evening, colleagues and Nebraskans. For me, I understand what Senator Slama is doing. I have to say, game recognize game. She knows her concept. She knows what she's about. She moves on purpose. And I've always respected that about her. Despite obviously, you know, political differences that we have had privately and very publicly. But I see what she's doing. I support LB1300. I support the committee amendment-- which I think we would like to get to-- that has so many amazing-- eh, let me not overstate-- but so many really great measures in it. There, there is one that I really, really deeply support, introduced by Senator Sanders, to create the Asians, Native Hawaiians, and Pacific Islanders, AAPI, Commission in Nebraska. We have commissions for many underrepresented groups in Nebraska, and the Government, Military and Veterans Affairs Committee saw fit to introduce a committee amendment to create a commission for AI-- AAPI Nebraskans. And I think it's overdue. It's something I would like to see happen. And any of you who have bills that make up this committee amendment, you should talk to Senator Slama and see if you can convince her to pull this amendment off. Because until then, I think that this is too consequential for the state of Nebraska. This is one of those code red things that, even in the short remaining days of session, even with very few hours left for debate, it rises to the level of being worth the fight. Donald Trump thinks it's worth the fight. Here's

what pathetic worm Donald Trump said on his social media platform that he had to sell because he's been in so much trouble with the law. He said: Governor Jim Pillen of Nebraska-- a very smart and popular Governor who has done some really great things-- came out today with a very strong letter in support of returning Nebraska's electoral votes to a winner-take-all system. Most Nebraskans have wanted to go back to this system for a very long time because it's what 48 other states do. It's what the founders intended, and it's right for Nebraska. Thank you, Governor, for your bold leadership. Let's hope the Senate does the right thing. Nebraskans, respectfully ask your senators to support this great bill. Pathetic worm Donald Trump thinks that he knows what's best for Nebraska and what Nebraskans want, but he says he hopes the Senate does the right thing? Colleagues, Nebraskans, what's the first thing about Nebraska? We have a Unicameral Legislature. Anyway. Could get all into that. But this man is building up the Governor. You know, obviously wants this electoral vote because he's so scared he can't win the presidency without it. He's so scared that the same thing will happen that happened in the last presidential election. He'll lose, you know, if he's not in prison at that time or whatever. And I can see why it would make someone like him very nervous because he's also out of money as well. So he's in a, in a very difficult position himself. It could also be the case, of course, that Governor Pillen is trying to line himself up for a cabinet position or something like that. Many illustrious former Republicans in the Nebraska Legislature and in our state government have gone on to become members of our congressional delegation, have done service for the cabinets of various Republican presidents. And we know how politics works, and this is probably part and parcel to that. But I'm telling you guys you don't understand what it's like to be under the magnifying glass of somebody like Donald Trump, somebody like one of these incel podcasters like Charlie Kirk or Ben Shapiro-- like, all of these-- all of these men who get on their-- get on--

von GILLERN: One minute.

HUNT: --the horn, who get on-- thank you, Mr. President-- who get on their podcasts and they say things like-- this is something that Charlie Kirk said, who's been tweeting to all of you, like Senator Aguilar. He said that when he gets on a plane and he sees a black pilot he gets very nervous and wants to get off the plane because he knows that that's a diversity, equity, and inclusion hire. So this is the man that made a tweet that you're taking orders from. It could never be me. Imagine doing anything because a podcaster told you to. To use his vernacular: that's beta behavior. And that's not what we

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stand for in Nebraska no matter what beta Donald Trump says or Charlie Kirk or anyone else. We can debate winner-take-all on its merits when it's ready for the floor, and that's not the point that we're at today. Thank you, Mr. President.

von GILLERN: Thank you, Senator Hunt. Senator Riepe, you're recognized.

RIEPE: Thank you, Mr. President. I would like to say that I embrace the winner-take-all. And my Health and Human Services Committee partner, Senator Machaela Cavanaugh, invited all those with thoughts on the winner-take-all legislation to join, so I have [INAUDIBLE] into this legislative chat. So thank you, Senator Cavanaugh. I'm bringing insight to, to which only a fool would really disagree. The ideal electoral college votes should be based on the votes of each congressional district. Great idea, but not good enough for other states to adopt-- no one beyond Nebraska and Maine. So it works against Nebraska and little Maine. Fairness and full representation has been noted as an issue. How about if California, with its 55 electoral college votes, was by congressional district? If yes, California would be a different and a better state and we would be a better and different country with, with fairness and full representation. California is one example of 48 other states in which winner-take-all laws exist. Representative government equals representative engagement, which would be very different if every state awarded electoral college votes by con-- congressional districts. But they don't. The agreement-- argument is made that Omaha would lose revenue from the national media. I would remind some of my fellow senators and viewers that Iowa is just east across the Missouri River, and Omaha blasts political information all over western Iowa and eastern Nebraska so that we would not lose all of that revenue. I'm not sure that we would lose any of it because Iowa [INAUDIBLE] important state as well. There is no TV med-- media in Council Bluffs, so money is spent in Omaha to reach Iowa and especially on presidential election year. Please remember, all national-- Nebraska Senators, a vote for winner-take-all can be the one that I might be-- that might be the one critical vote to keep Sleepy Joe from the White House. Thank you, Mr. President.

von GILLERN: Thank you. Senator Riepe. Senator Jacobson, you're recognized.

JACOBSON: Thank you, Mr. President. Well, I must not be on the right list because I haven't gotten the email regarding how I'm supposed to vote. So I'm in some pretty difficult territory right now. But for

the record, I'm not here to filibuster. I'm, I'm kind of riding with the wave of, if we're going eight hours, I guess I'll ride along and, and really speak to-- on a bill, a bill that I have a personal interest in. And I'm going to be very brief and sit back down, so I'm not going to take the five minutes. But Senator Bostar and I both worked on a bill. I dropped-- I had the bill drafted. He had the same bill drafted. And so rather than both of us dropping the same bill, he did, and that would be LB869. I cosponsored the bill with him. This is a bill dealing with county veterans service committees. I had County Commissioner Micaela Wuehler from Lincoln County along with our County Veterans Service Officer Tom Gann work with me on that particular bill. What it would do is, currently, your veterans service organization or your veterans service officers, they're set up to where the county can assess a, a, a \$0.01 levy. Those dollars can be used for the VSO, veterans service officer, to help veterans who have been honorably discharged to take care of hardships that they may have, whether that be housing, food, shelter, funeral expenses, medical expenses. But the problem is, the way it's drafted today, you must have served at a time during active con-- combat overseas. So today, we have a number of, of those veterans who are in that donut hole, if you will, where they didn't serve during that time but they need help. This also opens it up to National Guard units. So this is vitally needed. We were looking for a place to move the bill. Didn't have a priority. We're able to slide it into LB1300. And-- along with the other bills that are being brought by the committee. Figured it was a safe path forward. So I'm interested in passing that bill. And I'm willing to do whatever we have to do to get that bill passed. So I'm not wild about having a bill brought on that, that could be a poison pill to not allow it move forward. So I'm interested in moving it forward. I'm, I'm certainly fine with a winner-take-all. I would be supportive of that. But if it's going to kill the bill, then I'm going to jettison that and I'm going to support LB1300 on a clean-- with the bills that are nonobjectionable. It's late in the session. We need to get some things done. I really want this bill passed. I think it's critically important to get LB869 across the finish line along with the other bills that are important. We're running out of time to restart. I would hope that the body will not take votes here that will stop LB1300 from going across the finish line. With that, thank you, Mr. President, for the time.

von GILLERN: Thank you, Senator Jacobson. Senator Dugan [SIC], you're recognized.

DUNGAN: Thank you, Mr. President. Colleagues, good evening yet again. I rise probably still opposed to the IPP in general, but

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unfortunately we find ourselves here with the IPP by virtue of what is down the line filed on here as an amendment. And in my first time on the mic, I talked a little bit about my general opposition that I have to the winner-take-all shift, the concerns that I have about the, the federal narrative. And I actually am a little bit shocked. Somebody mentioned that we were trending on Twitter-- well, X, formerly known as Twitter, whatever you want to call it. And I went, I went ahead and pulled it up. And it's pretty fascinating the things that are being talked about right now with regards to Nebraska. It's always fun when we're the centerpiece of conversation. I think a lot of people are unfamiliar with some of our customs and people are unfamiliar with some of the things we do here. But when you have people causing the antics that you see online hyping up a bunch of trolls and things like that, bringing them into the Nebraska Twittersphere, I think it's always kind of fun to see, so. I, I can't say that I would recommend reading some of the things that are being said, but certainly it's interesting. So by all means, if you feel so inclined, feel free to hop on X, formerly known as Twitter, and see the things that are being talked about here. But that being said, I think Senator Jacobson actually hit the nail on the head here. There's a number of things contained in LB1300 and the forthcoming committee amendment that are actually really, really positive. And we've seen this with other bills that have come through on the floor, where you have a, a number of things contained in a committee amendment that ultimately get drag or, you know, they have an anchor by virtue of something else that people have an issue with. And that happens. We're not all going to agree on everything all the time. But what usually happens in those circumstances is the process works. And so by virtue of what we are doing tonight, we are talking about what should and should not be included as an amendment. I'm sure there will be conversations about what is and is not germane, but that is the process. And it's, it's interesting because people will sometimes lament the process when it's inconvenient to their ultimate goal; but when it benefits what they're looking for, they are a fan of how the process works. And so I think it's important we all keep in mind that the process works for and against us, but it does so equally, and I think that's, that's helpful. I was perusing the bill and the committee amendment, and I'm actually really interested in a number of the things that are contained in that committee amendment that hopefully gets attached down the way here. One of those that was pointed out to me by a staff member who worked on this was LB887. And I don't know if LB887 has been talked about a lot here. But I was reading the committee, committee statement on LB887 and how it's tweaked in here. And what it's-- what it, what it says is this bill

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is going to create a grant program to facilitate the development and improvement of security measures at Nebraska nonprofit organizations. And on first blush, I thought to myself, well, why would that be necessary? And what it essentially does is, through the Nebraska Emergency Management Agency, it provides these grants for eligible organizations who have an application for federal nonprofit security grants to ensure it sounds like that those grants have money in order to ensure their safety. What's fascinating about this is if you scroll down in the committee statement you'll see the people that came in as testifiers. And this was introduced, it looks like, by, by Senator Brewer. And he was followed by people-- I don't know what that noise was. For people at home, there was a funny noise in the background. Senator Brewer introduced this bill and was then followed by representatives from-- a congressman, was followed by the Anti-Defamation League, was followed by Jewish Community Relations Council, the Nebraska Catholic Conference, and OutNebraska.

von GILLERN: One minute.

DUNGAN: Thank you, Mr. President. What I know from my relatively short time in the Legislature is that when you bring a bill that ultimately gets voted into a package with near bipar-- or-- sorry-- near unanimous support-- the only one not voting there was a senator who couldn't make it to the vote, it sounds like-- and you have that kind of bipartisan and nonpartisan support with no people testifying against it, it's usually a good idea. And so I, I, I, I think it's really important that we do everything we can to ensure that those nonprofits are able to benefit from this grant to ensure they have security and safety. Certainly, we need to make sure that people who are exercising their First Amendment rights to speech and be involved in politics feel safe while doing so. And when you have that many people from different sides of the spectrum getting together and talking about the importance of that safety, I think it's something that we need to act on at the Legislature, so. Colleagues, I hope that we can get to that committee amendment. I think it's vital that we address some of these concerns. And I want to thank my colleagues for discussing both parts of the bill and kind of what this process is here tonight--

von GILLERN: Time.

DUNGAN: --so that way people understand. Thank you, Mr. President.

von GILLERN: Thank you, Senator Dungan. Senator Day, you're recognized.

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DAY: Thank you, Mr. President. Good evening, colleagues. I rise again in support of LB1300 and opposed to the IPP motion. However, we are taking time to avoid getting to what is down the list, which we know is the amendment to include winner-take-all in this bill. As I mentioned the last time on the mic, this winner-take-all bill is a bill that's been introduced, as Senator Slama said, many times. It was sitting in committee this whole session for 54 days out of 60 days in the session. And now all of the sudden with six days left, we're all in a rush, fire, hurry to try to get this passed to dilute the vote of our own constituents. And sometimes I wish people would take this job a little more seriously. I feel like the fact that we have political pundits, essentially, and a former president sending out tweets or truths or whatever they are, wanting this to get passed and us scrambling to make that happen is a sign that, like, we don't take what we're doing here very seriously. Like, this is serious business. We're literally talking about changing the way we elect the president of the country. If you live in CD 2, if you represent a legislative district in CD 2, you will be diluting the vote of your own constituents, and really any congressional district. What happens at some point when Democrat votes outweigh Republican votes? Is everybody going to want to change it back? I-- like, moving further away from a one person, one vote system is antidemocracy, and that's what this bill does. By allocating electoral votes based on congressional districts, Nebraska ensures that each region within the state has a say in the outcome of the presidential election. This fosters a sense of inclusivity and representation that might otherwise be absent in a winner-take-all system. It acknowledges the diversity of opinions and perspectives within our state, promoting a more nuanced and balanced approach to governance. As I said before, if any of you go to the doors of your constituents and you actually have conversations with them, people are sick and tired of the fighting and the infighting within parties. Frankly, they're sick of political parties. Nobody wants us to push ourselves further into tribalism within politics. People don't want that. And as Senator Hunt mentioned, I think that reading the tweet that came from Donald Trump illuminates the fact that he has no idea what he's talking about when he's talking about Nebraska politics. Like he knows what the people in Nebraska want? Give me a break. But he doesn't know that we have a Unicameral? Give me a break. Furthermore, Nebraska's split electoral system--

von GILLERN: One minute.

DAY: --encourages presidential candidates to campaign in areas that they might otherwise overlook. In a winner-takes-all scenario,

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candidates often focus their efforts on swing states, neglecting others where the outcome seems predetermined. However, by dividing its electoral votes, Nebraska forces candidates to engage with constituents across the state, listening to their concerns, and crafting policies that resonate with a broader spectrum of the population. Doesn't that sound great? Isn't that what we're always talking about? One of the benefits of the Unicameral system is it forces us to work together with each other. Isn't that the type of thing that we should be fostering within electoral politics, forcing candidates to work with a broader swath of the population regardless of which end of the political spectrum they stand on? This approach not only ensures that Nebraska's interests are heard but also promotes political part--

von GILLERN: Time.

DAY: Thank you, thank you, Mr. President.

von GILLERN: Thank you, Senator Day. Senator Sanders, you're recognized.

SANDERS: Good evening. And thank you, Mr. President. I stand here today to introduce LB1300, which is in the package. My bill is LB442 originally that was introduced in 2021 by Senator Matt Hansen as LB442. This amendment is supported by Governor Pillen and bipartisan support. The commission will have 14 voting members-- appointed by the Governor-- of Asian ancestry. Members will serve four-year terms. This is an annual cost, and the fiscal note is nearly identical to the comparable commissions. The commission would cost the state 250-- \$255,000 annually. The Amer-- the Asian-American community in Nebraska comprises of 3.5% of Nebraska residents, and they are the fastest growing minority group in the state. This includes descendants from over 20 Asian countries and those who claim multiple races. The Asian-American community in Nebraska has a tremendous impact on our state. Asian Americans are enthusiastic contributors to our workforce, and Nebraskans enjoy products of Asian American culture, ranging from cuisine to public events and holidays. We see their impact in Nebraska sports, like the Nebraska basketball player Keisei Tominaga, who represented in Japan in the 2021 Olympic Games in three-on-three basketball. Additionally, Asian-American countries contribute greatly to our security of our state and nation. At Offutt Air Force Base in my district, 2% of the workforce there identifies as Asian. Work-- we work closely with countries such as Japan and the Philippines to defend the United States' interests at home and abroad. This bill has a personal meaning to me as a senator of Asian

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descent. My parental family came from the Philippines in the 1920s to work in the sugarcane industry in Hawaii, then on their own coffee farm also on the island of Hawaii. I am fortunate to connect with the Nebraska Filipino community in this-- in my district and learn more about their own heritage. Thank you for your time and attentiveness. And I welcome the opportunity to any que-- questions you may need answered. Please vote green when the time comes on AM3227 and LB1300. Thank you, Mr. President.

von GILLERN: Thank you, Senator Sanders. Senator Blood, you're recognized. And this is your third time.

BLOOD: Thank you, Mr. President. Fellow senators, friends all. I am indifferent about the IPP motion. Once all the issues are resolved with LB1300, I will likely be in support. With that, I would ask Senator Sanders to yield to a question.

von GILLERN: Senator Sanders, will you yield?

SANDERS: I, I sure will. Thank you.

BLOOD: Thank you, Senator Sanders. Senator Sanders, I, I agree that this would be a great commission to start. But my concern is you said the Governor will be the one that appoints the 14 on that commission. Is that correct?

SANDERS: Yes. I believe that's how the process works. And then the Legislature--

BLOOD: I'm going based on what you said. I thought you said 14, and I could be incorrect. So do you have concerns about his xenophobic attack on the Flatwater Press gal that wrote an accurate story about nitrates in the water that came from Piller Farms and, when interviewed about it, he said that "the author is from Communist China. What more do you need to know?" Do you think that it's appropriate that we would allow the Governor to then appoint people to a committee where it's really our job to embrace a culture?

SANDERS: I think that's why this committee is an important piece of Nebraska because the Asian community is so great and-- from 20 different countries. It's even hard in my own family to distinguish what countries they come from. But I think this is-- the purpose of the commission is to educate, number one.

BLOOD: So when there's a xenophobic attack in the future, then maybe we'd have a commission-- much like the congressional commission-- who

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came out against our Governor, saying that indeed he made a, a xenophobic, xenophobic attack on, on the young woman. So do you anticipate that, should our Governor do that again, that this commission would be able to do that?

SANDERS: I think the commission could certainly educate the question around that. Absolutely.

BLOOD: And how would you see that happening?

SANDERS: Well, first to decide if the word "communist" is used in-- from any country.

BLOOD: Hmm.

SANDERS: That, that--

BLOOD: Seems racist, yeah.

SANDERS: --could certainly happen. So you need to divide that question, right? And, and who is, who is the question, where is it coming from, and what country?

BLOOD: What were your feelings on that statement as a Filipino-American?

SANDERS: I hear, I hear quotes and statements all the time that are incorrect. Because I'm Filipino from Hawaii, they assume I'm 100% Hawaiian.

BLOOD: Fair.

SANDERS: So-- right? I think--

BLOOD: I heard somebody ask Senator Vargas two days ago when we were in line for, for tacos that one of the senators was looking to him to learn how to make a taco. I mean, I, I hear dumb stuff in this body a lot. And Senator Vargas is such a good man to not punch that guy in the face. So my concern with your bill is not that you're forming this commission. I am 110% behind it. My concern is that, unfortunately, when we have these commissions, it is the Governor that appoints. And should you guys end up having any type of coffers and, down the road, they need to steal more money, will they steal money from your group? So I, I do support what you're trying to do, but I have some concerns. And I appreciate you-- because I didn't get a chance to get to you to tell you I was going to be talking to you

about this, so I appreciate you answering the questions. Thank you, Senator Sanders. So I am looking at parts of the amendments that I like. I have concerns about some of the things in the underlying bill. Sometimes I feel like Nebraska takes big bites of things they don't clearly understand, and that is a concern for me. But mostly, the concern that I have is-- you know, we were a national embarrassment when it came to the words of our Governor in reference to a young lady who was only doing her job, who was here in Nebraska doing the research, doing the hard work. And I don't remember--

von GILLERN: One minute.

BLOOD: --an apology ever being made. And now we want this person who is our, our leader in chief, our-- the head of, of the state to now appoint people to this committee. And it kind of makes my stomach turn a little bit, so. Thank you, Mr. President.

von GILLERN: Thank you, Senator Blood. Senator Fredrickson, you're recognized.

FREDRICKSON: Thank you, Mr. President. Good evening, colleagues. Looking at the board, I rise today, I, I believe, in support of LB1300. I think-- this has been said a few times on the mic tonight, that-- I think a lot of hard work and thoughtfulness has gone into this bill. I think there's a lot of good amendments on this bill. The forthcoming amendment hopefully will get on the board and we'll be able to advance this piece of legislation, which I think, as I said earlier, the executive branch, Senator Bostar, number of folks who have bills on here-- Senator Jacobson, Senator Sanders-- have all put a lot of work into these bills. And I'm hopeful that we can get that across the board. You know-- so we're, we're getting down to the last few days of the session, and certainly we, we have, late nights and it kind of becomes a little bit of a-- you know, what I refer to sometimes as like a, a, a silly season. And, you know, as Senator Hunt mentioned earlier, you know, game recognize game. I think Senator Slama's pulling some shenanigans here, which has, I think, added something to the bingo card that I didn't have on this year's bingo card. And I've made a pretty robust one given last session, so. I'll, I'll speak briefly about the potential amendment about winner-take-all. I think that this has been-- just to speak, I think, very frankly and directly about this. You know, when I started getting texts about this from reporters-- like, I, I think it was a day ago or it was yesterday-- and I-- at first, I was, I was a little confused as to why I was getting these texts. And I later came to realize that this was because someone had tweeted about this on

social media. And my initial thought was, well, this is fascinating because we have such a limited amount of time. We have very ambitious goals this session. And I think, as we've been debating the last few days with LB388 and some of the legislation we debated earlier today-- and so my initial response was, well, no, there's-- that's-- I, I don't know where any of this idea would come from. This doesn't have a, a priority designation. This is not out of committee. This is-- not been named as a priority of the Legislature this, this year. And apparently this tweet or-- I, I don't know what, what platform it exactly was sent on-- but this was sent out and it kind of put everyone into a little bit of a scramble, it seems. And, you know, that has been-- it's been a fascinating thing to watch because, you know, we're a legislative body. And we are not supposed to make policy based on tweets. And I've talked on the mic before in here about-- one of the-- I think one of the more, more challenging things that isn't frequently publicly talked about about being in politics is there is a lot of pressure. We have pressure from constituents. We have pressure from, you know, various stakeholders in the industries in, in-- depending on what committees we sit on. We, we hear a lot from different lobbyists, et cetera. And we have pressure from each other. But I think one of the most savage things out there on a national level is the amount of bullying that happens in politics. And what worries me is the, I think, disintegration of distressed tolerance, the disintegration of--

von GILLERN: One minute.

FREDRICKSON: Thank you, Mr. President-- of being able to have a thicker skin. Because the only way to stop a bully is to stop the bully. We don't have to bend over as a legislative body-- a serious, deliberative body-- the only deliberative body in the state-- because an incel tween tweeted something. I don't know if we're going to get to a vote on this tonight. It's almost 8:00. We'll hopefully adjourn by 10. But I'm not going to live my life based on what's said on Twitter. I, I take this job a lot more seriously.

von GILLERN: That's your time.

FREDRICKSON: Thank you, Mr. President.

von GILLERN: Thank you, Senator Fredrickson. Senator Walz, you're recognized.

WALZ: Thank you, Mr. President. I yield my time to Senator Ibach. I'm just [INAUDIBLE]. I get that-- I got that from Senator-- or, Justin

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Wayne. He does that all the time. I thought I'd try it. I'm going to yield my time to Senator Dungan.

von GILLERN: Senator Dungan, you're yielded 4 minutes and 35 seconds.

DUNGAN: I don't understand-- thank you, Mr. President-- why it would not be funny for me to talk. I talk so little. It seems like that'd be a funny joke too to yield time to me. No. I appreciate the time, Senator Walz. She asked if I'd like a little more time to talk about the bill and to talk about the underlying parts of LB1300. And I said yes because I think it's important that we continue to talk about that as well. As I said, I'm sure that we will get to a further discussion about winner-take-all versus not supporting that. But in going through what's going to be eventually contained in the committee amendment, there was another one in here that I thought was of particular interest, and that is seemingly wrapping in LB1243, introduced by Senator McDonnell, into the, the body of LB1300 with a committee amendment. And what that is, is it's adopting the Wildland Fire Response Act. And yet again, it's a, it's a-- I, I opened up the committee statement to make sure I could fully understand it. And it's a bill that has 7 aye votes, 0 no votes, and 0 present, not noting-- not present, not voting votes, and only it looks like a litany of support. And then I think there was one neutral testimony but no opponents. So yet again, when you see a bill that comes up on a committee statement with that kind of universal support and that kind of universal proponent testimony, it usually means one of-- well, it means two things. One, it means it's a good bill usually because it doesn't have a lot of opposition and it seems like it's just a good idea. And it also means that whoever introduced that bill did a good job of coordinating their testimony and making sure they-- and coordinating their bill to make sure there was no opposition. For those who don't know, when you're, when you're getting a bill ready, if you-- in my opinion-- if you really want to do it right, you'd spend quite a bit of time in the crafting of the bill talking to the stakeholders and trying to identify what sticking points there might be for those who would oppose it. If it's at all possible, I think it's generally best practice to try to address those concerns ahead of time, whether that's during the interim or once the bill's been dropped and people have expressed concerns. Because if you're able to address a lot of those problems up front, you generally find yourself in a position, where you're not going to get as much drag. If you have a hearing-- and let's say, you know, these 10 people come in and testify for it but you get 10 to 15 people opposed to it, that's going to cause a lot of pause for the committee. That's going to cause a lot of pause for other individuals in the Legislature because

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we do rely on these committee statements pretty heavily. So I opened this up and I saw there was no opponents. And it looks like we had testimony from a vast number of our, our, our great firefighters across the state of Nebraska and specifically firefighters who are in-- not some urban districts like here in Omaha or Lincoln. But rather, we have the state volunteers fire assoc-- State Volunteer Firefighters Association coming in to testify. We have the Chadron Volunteer Fire Department. We have the Platte Valley Twin Loup Task Force coming in to testify, Fairbury Rural Fire Department. And so this clearly was a bill that does a, a, a good job seemingly addressing the concerns of some of the firefighters and the volunteer firefighters in greater Nebraska. And essentially what this does is it creates the Wildla-- the Wildland Incident Response Assistance Team in the office of the State Fire Marshal. I would have a few questions exactly as to what their duties are. But I don't see Senator McDonnell here, so I won't, I won't ask him those questions. But hopefully--

von GILLERN: One minute.

DUNGAN: --we can-- thank you, Mr. President-- have a little bit more conversation. But from my review of the bill, it really does seem like what this is doing is it's creating an additional response team within the office of the State Fire Marshal, ensuring that they're being compensated appropriately, ensuring that they have the equipment that's needed for the wildland fire incidents that they have to deal with. And it seems like a really good idea for us as the state of Nebraska to continue to support our first responders, not just in Lincoln, not just in Omaha, but across the entirety of the state. We had a, a good conversation earlier this week about ensuring that all of our first responders and police officers have retirement. We have to make sure we do the same thing with making sure they have the proper support and the proper teams to fight the fights they have out there. So, again, generally supportive of this bill, supportive of the committee amendment, I believe, once it gets up here, and supportive of what I found in LB1243. Thank you, Mr. President.

von GILLERN: Thank you, Senator Dungan. Senator John Cavanaugh, you're recognized. And this is your third time.

J. CAVANAUGH: Thank you, Mr. President. Just recording for posterity. OK. So I appreciate what Senator Dungan was saying. I, I think there's generally a lot of good stuff in this bill. I've been talking mostly about the necessity for making sure that we are securing our soft targets, as you call it. And I was thinking about when I was

talking earlier that one of the things I made reference to was could have a cascading failure that would go from, say, Nebraska or probably more likely be somewhere in the middle-- but since we're in Nebraska, we'll talk about Nebraska-- and cause a cascading failure that goes all the way from here down to Key West. And then that made me think-- I was talking to somebody about famous former Key West resident, Jimmy Buffett. And-- Beau knows what I'm talking about. Beau knows Buffett. So Jimmy Buffett, who was a famous musician who has passed-- since passed away, unfortunately. He died about a year ago. Act-- just in the last year, September 2023. Got his start at a bar in Key West and had such great hits as "Cheeseburger in Paradise," "He Went to Paris--" what's a-- well, the reason-- one thing I was talking about is changes in latitude, changes in attitude, which I thought was a great-- it's, like, a great phrase for, like, changing your location can help change your perspective. Things look differently when you're sitting up in the chair, like Mr. President up there. I'm sure he's got a, a unique perspective on everything that transpires out in the, in the Rotunda here in the-- I'm sorry-- in the, in the body. And if you're out in the Rotunda looking in the glass, different perspective. When you're off on the sides, under the balconies, different perspective. And then the light comes down. Again, change of perspective. So-- sometimes where you stand depends on where you sit is another great phrase about perspective relative to location. That is one that says-- I think speaks for the proposition that you might support something if you are a member of the group that it affects or you might oppose something because it is a-- you're a member of the group that it affects. So, you know, where you stand depends on where you sit. So those are interesting things. This is relevant again. I know it's-- can be a circuitous journey. But the fact that we're talking about the Pacific threat assessment or Pacific threat-- I-- Senator Ballard's walked off when I was going to ask him again. I keep forgetting to ask him what the actual name is. I wanted to say Pacific-- is it Pacific pet insurance? Oh, that's what-- it's Pacific pet insurance. Anyway. So-- but we're talking about rel-- threats relative to location. So-- and the, the threat in this particular case we're talking about is from a-- you know, particularly threats that come out of the Pacific Rim. Not that we're not worried about threats that maybe come from other locations. And, of course, we-- the United States has enemies in other places. I remember on Senator Ba-- or, not Ballard-- Senator Hardin's bill where I learned about the list of national security threat list, which included North Korea. I think it included China and companies owned by China. It included Russia. And it included-- this was the one that surprised

me-- Nicolas Maduro, who is the head of state of Venezuela. So it's not the state of Venezuela. It is Nicolas Maduro and his subsidiaries or companies. So, you know, in this case, we're talking about threats that have an origin from a specific--

von GILLERN: One minute.

J. CAVANAUGH: --location and not necessarily-- or, you know, threats from a specific ideology or group. We're talking about it just more as a regional threat. I would say that the redundancy and, you know, resiliency in the reporting under this, this bill I would imagine will help protect us from threats regardless of their geographic origin. At the beginning of this bill, I think Senator Blood asked Senator Bostar what we meant by Pacific. And I-- he said, I think it was the Pacific Ocean on the planet Earth or something along those lines, which I thought was a, a great summary of what we meant. But anyway, I think that the threats that will be addressed by this are not only those-- or-- coming from the Pacific region. It would be any threats from anywhere. It just-- I think the precipitating event is perhaps threats that are, are originating there. But we will in-- build in redundancies for other locations. But just always remember: changes in latitude, changes in attitude. Thank you, Mr. President.

von GILLERN: Thank you, Senator Cavanaugh. Senator Dungan, you're recognized.

DUNGAN: Thank you.

von GILLERN: This is your third time.

DUNGAN: Thank you, Mr. President. Changes in latitude reflect changes in attitude. Is that what you just said? Latitude and attitude. OK. These are definitely-- this is Legislature after dark. We have found ourselves in 8:00 where we're, we're talking about those kind of things, which I appreciate. Now, colleagues, I do, I do rise again to continue to look into this bill. I think it's important that we continue to have a conversation about some of the things that are contained in this and contained in both the original LB1300. But also some of the bills that are contained in the committee amendment. I'm just making sure I pull it up here. Another one that I wanted to highlight here is LB1048. This is one that was also introduced by Senator Bostar. I believe Senator Bostar, the primary introducer of LB1300, has a few bills that are in this. But this is a bill that essentially has to do, as I understand it, with the standards that surround the cybersecurity and the infrastructure security of

chemical facilities in Nebraska. These are the kind of things that actually I think are, are some of the most important things that we do here in the Legislature that aren't really things people think about until it's in front of them. I was talking with-- again, I, I mentioned this earlier on the mic for anybody who's been paying attention all day. I talked to a group of students earlier, and they asked me, how often do you and your fellow senators all vote the same on an issue? And I thought about that. And the reality of the situation is we actually find ourselves voting all the same on a vast majority of the issues that we have before us. Because what a lot of the public doesn't see-- if they're not tuning in to some of the more salacious debates-- is that a lot of what we do here in the body is pass measures and put forward measures like LB1048. It's not usually going to make a headline. It's not usually going to be something that I think catches the attention on Twitter. And it may not be something that gets a lot of debate but for an opportunity like today where we actually have time to delve into this. But bills like LB1048 really are the kind of things that we do to make Nebraska stronger, to make Nebraska better, and, clearly-- as seems to be the underlying theme of this entire package-- to make Nebraska safer. And so what LB1048 does is it proposes requiring certain chemical facilities in Nebraska to participate in a federal program relating to cybersecurity and infrastructure security. The bill specifically defines chemical facility and federal standards by reference to federal regulation. And it looks like it also further defines federal agency so as to refer to the Cybersecurity and Infrastructure Security Agency of the United States Homeland-- Department of Homeland Security. The bill includes legislative findings related to the necessity of security measures for those chemical facilities. And the NEMA, the Nebraska Emergency Management Agency, and the Nebraska Department of Environment and Energy are then directed to publish the mandated requirements on their agency websites. There's changes, I think it looks like, that were made by the committee that ultimately clarify the bill's mandate on chemical facilities applies to such facilities that were previously subject to the expired federal program. I'd imagine that was in order to not cause an overly burdensome or onerous requirement on the entities that weren't previously subject to that. The amendment also then goes further to clarify that the state mandate would be preempted if the federal standards are then reauthorized by Congress. So to put that simply, it sounds like there were federal standards that were in place with regards to both cybersecurity and infrastructure security for chemical facilities. Those federal standards, it sounds like, lapsed or for some reason did not apply. And what this bill says is if you were previously

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subject to those rules and requirements with regards to your security, you are--

von GILLERN: One minute.

DUNGAN: Thank you, Mr. President-- you are once again going to be-- you're, you're going to be required to do that up until the point in time in which you're preempted by federal standards when they're once again reauthorized by Congress. So what I like about this bill-- again, it's simple. It's not salacious. It's not something that you're going to probably hear a lot of people talk about. There were no opponents. I only see one proponent on here. These are the good governance bills that we actually focus on. And I really wish the people of Nebraska had an opportunity to see that, most of the time, we're doing things that keep the lights on, that keep things safe, and we're actually agreeing with each other. So I hope that we can finally get to that amendment at some point and have a conversation about some of these other bills that keep us safer and ensure a better Nebraska. Thank you, Mr. President.

von GILLERN: Thank you, Senator Dungan. Senator Vargas, you're recognized.

VARGAS: Thank you. I rise in support of LB1300. I think I'm against the, the IPP, I guess, right now. I just don't really like IPPs too much. But, but I also am in support of some of the amendments, so I wanted to make sure to rise against that. We're not yet discussing the other underlying bill, which I want to make sure we maintain the traditions that we currently have in, in our Unicameral system in terms of how we split our electoral votes and are earned. I think it's good in terms of revenue and I think it's also good in terms of representation on all sides, on all political aisles. But I just wanted to rise in support of the underlying bill. Appreciate Senator Bostar for his work. And hopefully, we will get to continue to work on some more work here up until 10:00. As somebody was saying earlier, we-- not always amazing things happen after 8:00. Much fewer people here on the floor, energy is a lot-- much, much lower. But there's still work that we're trying to get done for the sake of, of the state. So, again, appreciate everyone and appreciate Senator Bostar and-- yep. Support the underlying amendment. And see where we continue to go from here.

von GILLERN: Thank you, Senator Vargas. Seeing no one else in the queue. Senator Machaela Cavanaugh, you're recognized to close.

M. CAVANAUGH: Thank you, Mr. President. Sorry, colleagues. I was out in the Rotunda. So there's a lot of moving pieces happening here and a lot of conversations about procedure and what to do on this and where are the votes on this piece of the procedure and where are the votes on this piece of the procedure. And I'm just going to lay it out for you all. I don't trust you. I don't trust the Republicans in this body at all, except for Senator Slama. I do trust you. I don't trust you. You don't keep your word to me. So this might be a trauma response, but you have destroyed so much trust over the course of six years. And then this morning, you decimated it. You decimated it. And I am being pressured by everyone on every side to trust you. But you don't deserve it. You do not deserve my trust. And I can salvage Senator Bostar's bill and I can salvage getting the committee amendment on there. You have done this. Senator Slama hasn't done this. And I haven't done this. You have done this. You have brought this on yourselves. Senator Slama is trying to get you on the record. You're not? Oh, OK. And I don't trust you. And you have screwed both of us over in a million different ways. And we are in conflict on our goals right now. But we agree you're not trustworthy. Well, I'm not going to speak for her. She can say if she agrees with that or not. You're not. You're not trustworthy. I went into the lounge to talk to a couple of you and you told me you were voting a different way than you told Senator Wayne. And I'm supposed to trust you. This is democracy. Democracy is on the line and I am supposed to trust you. And Democrats want me to trust you and they want to move this forward. I want to throw up. And I want to go to bed. But I can't because I don't trust you. And you don't deserve to be trusted. There are so many knives in my back and in my stomach and in my heart from all of you repeatedly, publicly, today. Today. I don't trust you. I'd like a call of the house and a roll call vote.

von GILLERN: 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 opposed vote nay. Mr. Clerk.

CLERK: 20 ayes, 0 nays to place the house under call, Mr. President.

von GILLERN: 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. Senators Wishart, Machaela Cavanaugh, Senator Linehan, Senator DeBoer, Senator Halloran, McDonnell, Wayne, please check in. The house is under call. Senator DeBoer, would you check in, please? Thank you. All unexcused

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members are present. A roll call vote has been requested. 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 voting yes. Senator Bosn voting no. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting no. Senator Day voting no. 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. 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 voting no. Senator Meyer voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne voting no. Senator Wishart voting no. Vote is 1 aye, 41 nays, Mr. President, on the indefinitely postpone motion.

von GILLERN: The motion is not successful. I raise the call. Mr. Clerk for a motion.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote just taken on M01339.

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

M. CAVANAUGH: Thank you, Mr. President. I am being asked to take a leap of faith when I have no faith. That is very hard. There are a lot of things that have transpired in this body votewise that I have disagreed with. But this is bigger than me. It's bigger than all of us. And I-- whether I'm right or whether I'm wrong, I don't have faith that the people in this body will honor the vote card. And that is a reflection on you. Because my first few years, I ran vote cards all the time. I would run them for the Speakers because my vote cards were always solid. They were always solid. But now people lie to my face, lie to each other's faces. And I just, I just don't know how to trust you. At all. Do you know how many people from the Exec Board

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have talked to me about what happened in the Exec Board? Two. Two. I had the votes. I had the votes to get my resolution out of that committee. And now you want me to trust you on something even bigger? You want me to trust you? And Democrats want me to trust you. I clearly have no choice because no one else is going to stand with me. And if this trust fall fails, I will say that you all have failed democracy. You already showed that you are cowards. You already sat silent this morning and two weeks ago. You lied to me. I had the votes. But I am standing alone. I withdraw my motion.

von GILLERN: Without objection. So ordered. Mr. Clerk.

CLERK: Mr. President: General File, LB1300, introduced by Senator Bostar at the request of the Governor. It's a bill for an act relating to government; adopts the Pacific Conflict Stress Test Act and the Foreign Adversary Contracting Prohibition Act; provides severability; and declares an emergency. Bill was read for the first time on January 16 of this year. Referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with committee amendments, Mr. President.

von GILLERN: Senator Brewer, you're recognized to open on the committee amendment.

BREWER: Holy cow. I didn't know we were [INAUDIBLE]. All right. AM-- yeah. I'm in the right book. That's good. AM3227. Again, this is an amendment to LB1300. It was heard on February 8. The proponents were the Lieutenant Governor, DAS, Congressman Flood's Office, and a whole bunch of folks from the [INAUDIBLE] security. There was some opposition from electric utilities, from Black Hills Energy, and we've worked with them to try and fix those issues. The vote out of committee was 6-0-1. AM3227 makes a committee priority bill. And it combines the following bills: LB2, from Senator Sanders, which is the Asian-American Commission; LB869, and that is Senator Bostar's bill, to allow the county veterans service officers to assist more of our veterans, especially those from the National Guard; LB887, which is mine, which grants-- has grants from NEMA to nonprofits to help with security issues; LB1048 from Senator Bostar to restore certain security protocols for chemical facilities in Nebraska; and LB1243, Senator McDonnell's, and that's, establish a team in the office of the State Fire Marshal to coordinate wildland fire response; and lastly, LB1358, from Senator McDonnell, and that is to cap salaries of some of the-- our political subdivisions. With that, I would ask for your support on AM32-- AM3227 and on LB1300. Thank you, Mr. President.

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von GILLERN: Thank you, Senator Brewer. Mr. Clerk for a motion.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to bracket LB1300 until April 18.

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

M. CAVANAUGH: Thank you, Mr. President. I'm taking a leap of faith that none of you deserve. I will withdraw my motion and the next one.

von GILLERN: So ordered. Mr. Clerk.

CLERK: Mr. President, Senator Slama would move to amend with AM3339.

von GILLERN: Senator Slama, you're recognized to open on your amendment.

SLAMA: Thank you, Mr. President. And good evening, colleagues. I'm grateful we can kine-- finally get to this moment and debate AM3339, which is the text of LB764, to bring winner-take-all to the state of Nebraska. As many of you know, I've been a leader on this issue. I introduced winner-take-all in 2021. And given recent events that have been referenced this evening, there seems to be a renewed national interest in how Nebraska apportions our votes in presidential elections. In 1991, we switched to our current system, which I believe unfairly makes Nebraska a, a split state. 48 other states have a system in which they do not divide their electoral votes; Nebraska is one of two, along with Maine. This means that unless we have a close race with one Democratic candidate or a Republican candidate being close in an election, we are rendered to irrelevancy. To argue that there is economic impact from the blue dot is not accurate. There have been two times where the Omaha 2nd Congressional District has been in play for a, a presidential election, and I would argue that the city of Omaha probably gets as much revenue and interest as they do when people come and stay in Omaha versus Council Bluffs when candidates come to visit there. But we have had a renewed national interest in winner-take-all, and I'm grateful for that. I'm grateful that people who failed to show up to the committee hearing and actually advocate for this early on in 2023 when Senator Lippincott-- who's taken the reins and has been a great champion for this bill-- didn't show up and testify in favor of the bill, weren't nearly this fired up in 2021 when I brought the bill. And I want to take this to a vote. There are a lot of people on both the state and national level saying we should do this. And there are a bunch of my

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colleagues who argue that we should do this. But when the rubber meets the road, where do you stand? Republicans all too often can talk the talk, but they can't walk the walk and actually get the thing they're seeking achieved. Well, here, we have an opportunity to do it now. I would encourage you all to vote green on AM3339. I anticipate there to be a back-and-forth on germaneness. And we'll have that discussion. But you know what? winner-take-all needs to be discussed on the floor. We've had our current system since 1991. We nearly got rid of it in 2016 when one person switched their vote. And now we're back under a national spotlight with people wondering why we apportion presidential votes the way we do. Many would argue it does not make sense. It makes sense in the same vein as when candidates for Congress sign a term limits pledge and then self-regulate themselves out of office after a certain number of terms. You water down your influence. Nebraska waters down their influence when other states have not followed Nebraska's lead when it comes to the apportionment of presidential votes. So what we will likely do is have a germaneness challenge, and that'll be up on the board because somebody will make a motion to overrule the Chair. I would anticipate that would be me. And make no mistake about it: that vote on your motion to overrule the Chair is your vote on winner-take-all. We're going to find out where you stand. You cannot hide behind this being just a procedural vote. You will be called out for what it is. The state is watching. The country is watching. We have the numbers. I believe we have the numbers. So let's finally get this done and ensure that Nebraska is apportioning its presidential votes in a winner-take-all system just like the other 48 states in the country, excluding Maine, and the way we used to do it prior to 1991. I look forward to this debate. I'm hopeful that more people will get in the queue, but we'll see. I'd anticipate we get to a vote on this tonight, but just know you're not going to be able to hide behind procedural hoops to say, well, you know, I support winner-take-all, just not in this situation, not in this bill. And we'll talk about why this amendment is germane, why it does fulfill the single-subject rule if we were to attach it. We'll handle all of those arguments in due time. But just know: this vote, this is where you can walk the walk instead of just talking the talk. Thank you, Mr. President.

von GILLERN: Thank you, Senator Slama. Senator Bostar, for what purpose do you rise?

BOSTAR: Challenge germaneness of AM3339.

von GILLERN: Senator Bostar, Senator Slama, and Speaker Arch, please approach. Members, I would rule that the amendment is not germane to the bill. Senator Slama, for what purpose do you rise?

SLAMA: Motion to overrule the Chair.

von GILLERN: It's the ruling of the Chair that the amendment is not germane. Senator Slama has moved to overrule the Chair. Each senator will be allowed to speak one time. There's no yielding time. Senator Slama, you're welcome to open on your motion to overrule the Chair.

SLAMA: Thank you very much, Mr. President. You did a great job of outlining that. Special thank-you to Brandon for ensuring we're sticking to the procedure here. We're now in a motion to overrule. Germaneness on this amendment has been challenged. I would argue that we've been very intentional about-- in the Legislature about how we handle germaneness. And amending the text of LB764 into this bill fulfills the requirements that the Legislature has set for ourselves in what germaneness means. This bill came out of the Government Committee. The bill we are considering now came out of the Government Committee. If somebody's going to argue that it wasn't germane and therefore it violates the single-subject rule, you can't argue that either because, after General File, once this amendment would be attached, the title of the bill would be adjusted to reflect the inclusion of winner-take-all into this package of bills into LB1300. So as long as that title includes winner-take-all on Select, we're covered in terms of the single-subject rule as well. And that's why I think a lot of people missed a little bit of the nuance. I, I know my post on Twitter saying that adding LB764 wouldn't necessarily be germane. I think that really does miss out on the nuance of what I was trying to get at, which is very simple, in that germaneness means what we want it to mean in the Nebraska Legislature. The courts have largely upheld at-- how we choose to regulate ourselves. And if we have the votes, odds are the courts will rule that it is germane. So if you want winner-take-all in the state of Nebraska, this is your chance. This is the last train out of the station. There are no other Government bills that this can be attached to reasonably. There are a bunch of motions and amendments filed on every other logical bill to attach it to. I'm fine with illogical-- it, it being attached to illogical bills. I think if we fail on this motion to overrule-- which, again, this is your vote on the record for winner-take-all, where you stand on winner-take-all. And that if we can't overrule the Chair here, I can't imagine this passing on any other bill yet this session. So I would ask that you stand with me in ruling this amendment to be germane because this is the last chance to pass

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winner-take-all in this session. This is the best chance we have to pass winner-take-all this session. And odds are it will be the best chance we have to pass winner-take-all for the next several years. We have a tough legislative cycle coming up. So to pretend that we would have the same strong numbers that we have this year next year is very unlikely. We have the chance to seize the moment here and actually vote for what we believe. I know it's easy to send out emails and say you support this issue and get people fired up about it knowing that it's not going to go anywhere. But when you actually have the chance to vote on this issue, where will you stand? I'm asking each of you on the floor to stand with me and have the courage to vote for winner-take-all, to have your actions match your words, and to not hide behind, well, procedurally, I just, I just couldn't. I mean, I'm worried. What if, what if we only get 31 votes? Are you kidding me? If you're going to send out fundraising emails saying democracy is at stake, send out Twitter posts saying we have to do this because the presidency is at risk, and-- you don't think that's important enough to hit your green button and take a vote because it might-- right-- might risk the bill? If this issue is important to you, if you're going to put out tweets and say, I support winner-take-all, here's your chance to vote for it. Thank you, Mr. President.

von GILLERN: Thank you, Senator Slama. Senator Bostar, you're recognized.

BOSTAR: Thank you, Mr. President. And thank you, colleagues. So just to, to kind of go over a little bit where we are. So the motion is to overrule the Chair. The Chair ruled that the amendment was not germane. So overruling the Chair is to say that it is germane. And so what I am asking for is anything but an affirmative vote. So the way this works is it is a majority of those present. I'm just kind of looking at the Clerk just for another nod-- yeah. Because there's some question about this-- that I had, not the Clerk. So right now with the number of individuals checked in, it would take 23 green votes to overrule the Chair. If we care at all about the bills within LB1300, if we care at all about the legislation in the committee amendment that the Government, Military and Veterans Affairs Committee put together, it is imperative that we do not reach 23 green votes. If we do reach 23 green votes, the whole thing is dead. It's that simple. Colleagues, you will all have an opportunity to vote on winner-take-all, the apportionment of the electoral vote in the state of Nebraska. I'm, I'm confident in it. I'm sure of it. There will be an opportunity. Senator Lippincott introduced that legislation. It's gotten a lot of attention recently, of course. And I believe there will be an opportunity for us to vote on it. I don't

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think this is the way. This is, strictly speaking, a motion to overrule the Chair. And this is a motion to kill a package of bills out of the Government, Military and Veterans Affairs Committee. If we get to 23 greens, it's all dead. So, colleagues, what I'm asking for is to vote no or don't vote so that we can advance LB1300. There will be other opportunities to bring up the legislation that has garnered so much attention right now. But there are veterans who are relying on this bill. Our own state security is relying on this bill. Firefighters-- wildland firefighters are relying on this bill. A lot of good work has gone into this and a lot of people are counting on us to see this through. So, colleagues, I am begging you. Don't kill this whole package. It doesn't deserve it. The people who will be helped by it don't deserve it. Please do not vote green. Thank you, Mr. President.

von GILLERN: Thank you, Senator Bostar. Senator Wayne, you're recognized.

WAYNE: Thank, thank you, Mr. President. Just for those who are wondering about the germaneness and why it's not germane. There's six, eight bills in this, and none of them open up Chapter 32. And there's no logical conclusion from the bills that are in this to Chapter 32 or to the underlying amendment. So there's, there's no connection at all. Will Senator Brewer yield to a question?

von GILLERN: Senator Brewer, will you yield?

BREWER: Yes.

WAYNE: Is this still in your committee?

BREWER: Yes.

WAYNE: Has it been voted out of your committee?

BREWER: It has not. It did not have a priority and, therefore, didn't have a path ahead.

WAYNE: Thank you. Colleagues, you know, I've-- I talk about germaneness all the time. I even try to figure out how we can do things and open up the germaneness sometimes. But this doesn't open up anywhere close to that section of chapters. It's not germane at all. So, again, I am asking for a-- what am I asking for? I'm so used to me overruling the Chair. I'm asking for a red vote or present, not voting on your sheet. So a red vote or present, not voting on your sheet. Thank you, Mr. President.

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von GILLERN: Thank you, Senator Wayne. Seeing no one else in the queue. It is the ruling of the Chair that the amend-- excuse me. I'm sorry. Senator Slama to close.

SLAMA: Thank you very much, Mr. President. You know, I can see-- I can see the writing on the wall here. I'm pretty sure I can accurately predict what's going to happen. I, I think that we're going to continue getting emails saying the future of our country is at stake, donate money to blank cause to keep winner-- to bring winner-take-all to the state of Nebraska. People who are sitting here and are probably going to be present, not voting because I doubt y'all would have the courage to vote no are going to add on to that. And when they're at their county conventions, they're going to say, of course I support winner-take-all. Oh my gosh. It's just the silliest thing ever that this is how we apportion our votes in presidential elections. And when given the chance to actually vote on winner-take-all, you're going to sit back and you're not going to hit your buttons because you don't think in your heart of hearts that it's an important enough issue for you to have the fight on. You just don't even want to try it. You're going to say the country's at stake and we're all in danger if it doesn't pass. But you're going to say it doesn't quite rise to the level of you actually hitting a button. So when it comes to whether or not we're going to get 23, which-- I haven't, I haven't worked this bill. I haven't counted-- like, the country-- the future of our country's at stake. Like, if you're going to tweet out on an issue, if you're going to put out press releases on an issue and try to pressure this Legislature to do something, maybe when the concept actually comes up and people are voting on it, maybe y'all should do the work. Maybe y'all should do the work in the committee hearings when the bill is actually introduced rather than firing off a tweet in a press release with, like, five days of session left. So yeah, we're going to take a vote on winner-take-all because the issue deserves a vote. It's deserved a vote for years. And I'm not bringing this because there's some angry tweets or-- on-- some posts on whatever platform the post happened on. I'm doing it because I genuinely believe in this issue. And when it comes to germaneness, I could have just white-copied Senator Bostar's bill. I could have just replaced the entire thing with winner-take-all. But out of collegiality, I said, nope. We are not going to mess with the work that the Government Committee did. These things can all coexist. And it's up to this legislative body to vote green to overrule the Chair and to ensure that winner-take-all-- if y'all are going to fundraise about it, if you're going to show up to your county conventions and say you support it-- to give us a vote on the board

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so that the people of Nebraska know where you really stand. So I'd encourage you, if you support winner-take-all in the state of Nebraska, vote green to overrule the Chair. Thank you, Mr. President.

von GILLERN: Thank you, Senator Slama. It's the ruling of the Chair that the amendment is not germane to the bill. This motion will require 23 votes to be adopted. The question is the adoption of the motion to overrule the Chair. All those in favor vote aye; all opposed vote nay. There's been a request for a roll call vote, reverse order. Mr. Clerk.

CLERK: Senator Wishart voting no. Senator Wayne voting no. Senator Walz voting no. Senator von Gillern voting no. Senator Vargas voting no. Senator Slama voting yes. Senator Sanders voting no. Senator Riepe voting yes. Senator Raybould. Senator Murman voting yes. Senator Moser voting no. Senator Meyer voting no. Senator McKinney voting no. Senator McDonnell voting no. Senator Lowe voting no. Senator Lippincott not voting. Senator Linehan voting no. Senator Kauth voting no. Senator Jacobson voting no. Senator Ibach voting no. Senator Hunt voting no. Senator Hughes voting no. Senator Holdcroft voting no. Senator Hardin voting no. Senator Hansen. Senator Halloran voting no. Senator Fredrickson voting no. Senator Erdman voting yes. Senator Dungan voting no. Senator Dover voting yes. Senator Dorn voting no. Senator DeKay voting no. Senator DeBoer voting no. Senator Day voting no. Senator Conrad voting no. Senator Clements voting no. Senator Machaela Cavanaugh voting no. Senator John Cavanaugh voting no. Senator Brewer voting no. Senator Brandt voting no. Senator Bostelman voting yes. Senator Bostar voting no. Senator Bosn voting yes. Senator Blood voting no. Senator Ballard voting yes. Senator Armendariz. Senator Arch voting no. Senator Albrecht voting no. Senator Aguilar. Vote is 8 ayes [SIC-- 9 ayes], 36 nays, Mr. President, on the motion to overrule the Chair.

von GILLERN: Motion to overrule the Chair fails. Mr. Clerk.

CLERK: Mr. President: committee amendments. Senator McDonnell would move to amend the committee amendments with AM3317.

von GILLERN: Senator McDonnell, you're welcome to open on the amendment.

McDONNELL: Yes. Thank you, Mr. President. AM3317 is one line. It changes the average percent to insert a cumulative. Actually, takes two words out and adds one word. Thank you, Mr. President.

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von GILLERN: Thank you, Senator McDonnell. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. This is regarding county commissioner pay increases, which is limiting them to consumer price index. And if they go-- let's say they go four years between a raise in pay, if you use the average-- if the average was 3% for four years, they'd get a 3% pay. By making it cumulative, if it's 3%, 3, 3, 3, you-- it-- there'd be a 12% pay. And so it is letting them add-- if they skip a pay increase, they don't lose that inflation amount. And so I, I think it is fair to allow for-- if they're restricted to the amount of inflation increase, fair to count each year cumulatively. And that's what this amendment would do. So I, I support AM3317. Thank you, Mr. President.

von GILLERN: Thank you, Senator Clements. Seeing no one else in the queue. Senator McDonnell, you're recognized to close. Senator McDonnell waives. Question before the body is, shall AM3317 be adopted? All those in favor vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 37 ayes, 0 nays, Mr. President, on adoption of the amendment.

von GILLERN: The amendment is adopted. Mr. Clerk.

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

von GILLERN: Senator Brewer, you're welcome to close on the committee amendment. Senator Brewer waives closing. Question before the body is, shall AM3227 be adopted? All those in favor vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 41 ayes, 0 nays, Mr. President, on adoption of the committee amendment.

von GILLERN: The committee amendments are adopted. Senator Bostar, you're welcome to close on LB1300.

BOSTAR: Thank you, Mr. President. And thank you, colleagues. It was not a direct path to the point we are at now and it wasn't an easy one. And so I just want to express my appreciation for all of you. And I mean that. And, and-- so those of you who took time in the beginning to figure out a plan, Senator Cavanaugh, that effort was invaluable. And then everyone doing what it took to protect the legislation and protect our efforts to help those that are going to

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be benefited by the legislation. And so just want to say thank you to all of you. Thank you, Mr. President.

VON GILLERN: Thank you, Senator Bostar. The question before the body is the advancement of LB1300 to E&R. All those in favor vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 41 ayes, 0 nays on advancement of the bill, Mr. President.

VON GILLERN: The bill is advanced.

CLERK: Mr. Pres-- President, next item on the agenda: LB1300A, introduced by Senator Bostar. It's a bill for an act relating to appropriations; appropriates funds to aid in carrying out the provisions of LB1300; and declares an emergency. Bill was read for the first time on March 25 of this year and placed directly on General File.

VON GILLERN: Sandra Bostar, you're welcome to open.

BOSTAR: Thank you, Mr. President. And thank you again, colleagues. This is the A bill following LB1300. The underlying bill doesn't really have a fiscal note, but this is to follow to capture things from the, the committee amendment. To my knowledge, having gone through it, there isn't really a whole lot to it. But as it's put together, we'll have, we'll have a better representation of any costs, if applicable, on Select File. Thank you.

VON GILLERN: Thank you, Senator Bostar. Seeing no one else in the queue. You're recognized to close. Senator Bostar waives closing. Question before the body is, shall LB1300A advance? All in favor vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 38 ayes, 0 nays on advancement of the bill, Mr. President.

VON GILLERN: The bill advances. Items for the record, please.

CLERK: Thank you, Mr. President. Series of motions to be printed from Senator Linehan to LB233. Amendment to be printed from Senator McDonnell to LB840. Amendments to be printed from Senator Machaela Cavanaugh to LB1300. Amendment to be printed from Senator von Gillern to LB840-- series of amendments-- excuse me, Mr. President-- to be printed to LB840. And amendment to be printed from Senator Conrad to LB1393. Mr. President, as it concerns the agenda: Legislative-- General File, LB1363, introduced by Senator McDonnell. It's a bill for an act relating to revenue and taxation; changes provisions

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relating to the rate and dis-- disbursement of the documentary stamp tax and the Military Base Development and Support Fund, the Nebraska Film Office Fund, the Innovation Hub Cash Fund, and the Economic Recovery Contingency Fund; harmonizes provisions; provides an op-- operative date; and repeals the original sections. Bill was read for the first time on January 17 of this year and referred to the Revenue Committee. That committee placed the bill on General File with committee amendments, Mr. President.

von GILLERN: Thank you, Mr. Clerk. Senator McDonnell, you're welcome to open.

McDONNELL: Thank you, Mr. President. Good evening, colleagues. I'd like to thank the Revenue Committee for their diligent consideration and affirmative vote on LB1363, my priority bill. This positive outcome is a significant step forward in our shared mission to enhance and strengthen the well-being of the Nebra-- of Nebraskans, and it could not have been achieved without the committee's thoughtful engagement and com-- commitment to the state's fiscal health and community development. LB1363 is a legislative proposal designed to refine Nebraska's Documentary Stamp Tax Act. It aims to boost businesses and economic growth within the state's military sector by investing in initiatives such as the United States Department of Defense SkillBridge Program, veteran mental health services, military research and development planning, as well as supporting veteran-owned businesses. Moreover, the bill proposed increased funding for local commun-- counties, affordable housing, homeless services, behavioral health, innovation hubs, federally qualified health centers, a state grant office, and the Nebraska Film Office. The documentary stamp, a critical component of our state's fiscal framework, has been multiple-- multiplied re-- revisions since its establishment, each reflecting a change in economic dynamics and priorities of our state. Initiated in 1968 following the proactive repeal of the federal Documentary Stamp Act of 1965, the Nebraska Documentary Stamp Tax has been fundamental to our state's financial strategy. The latest revision in 2005 set the rate at \$2.25 per \$1,000 of value, demonstrating our shared commitment to meeting community needs and driving growth across the state. LB1363 now seeks to further refine the documentary stamp, enhancing the effectiveness and sustil-- sustainability as a support mechanism for our counties, affordable housing initiatives, homelessness and mental health services and valued veterans through targeted programs like the SkillBridge Program. I've been working on an amendment developed through close collaboration with key stakeholders which aims to decrease the overall increase of the documentary stamp. It proposes

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the removal of rigid earmarks within the Affordable Housing Trust Fund and addresses technical issues in the allocation process of the federal qualified health centers as identified by the Fiscal Office. This strategic recalibration is designed to ensure a more equitable and impactful distribution of funds, supporting essential services while fostering economic growth within Nebraska's military sector and other critical areas. At its core, LB1363 and its amendment represents a holistic approach to resource allocation by tackling systematic issues like the state's underutilization of federal grants. The bill not only refines our fiscal policy but also opens up a new pathway to prosperity. The legislation effort, with its carefully considered amendments, underscores our deep commitment to improving the well-being of Nebraskans and guiding our state forward towards a more prosperous and inclusive future. At this critical junction, I call of each of you to, to reflect on the significant impact of LB1363 with its, with its enhancements could have on the lives of our constituents. This bill is more than just a piece of legislation. It is a pledge to advance our state's development and a symbol of what we can accomplish when we come together for Nebraska's greater good. Let's proceed in a unified vision and a steadfast resolve to effect enduring changes. And I invite you to carefully consider the support of LB1363. Now, with the Revenue Committee, when I first started off-- and I'll, I'll give you a handout of where we currently are with the documentary stamp, with the, the county affordable housing trust, site development, homeless shelter assistance fund, behavioral health. Now, you're going to see at the bottom where we currently are where my amendment was to the Revenue Committee. And then the Revenue Committee came out with their own amendment. And you'll see that at the bottom with AM3250, where they're looking at the county Affordable Housing Trust Fund, Site and Building Development Fund, homeless shelter trust fund, behavioral health services. Working with the Governor's team on this. Coming to an agreement before the session started on moving our doc stamp from \$2.25 to \$3.25. One of them was the grant office. Looking at-- actually having a federal grant office-- last year, we missed out on potentially-- and again, not knowing how much we would have received-- in over \$2 billion worth of federal grants that we never even applied for. So we started having that kind of discussion. And all the way through, as you see, some of the things-- I was just talking about the military support fund, the iHub, the grant services, federal qualified health, and the, the Film Office. I believe Revenue's going to talk-- Senator Linehan-- a little bit about that and what they were trying to help out with some of the tax incentives for the Film Office. So where we are, where we started,

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it'll show you on the sheet where we currently are today, where my bill is, which I still would like to pursue and have those, those discussions. But also, I appreciate what the Revenue Committee did and handed out in their amendment of, of AM20-- AM30-- AM3250. Thank you, Mr. President.

von GILLERN: Thank you, Senator McDonnell. As the Clerk stated, there are committee amendments. Senator Linehan, you're recognized to open.

LINEHAN: Thank you, Mr., Mr. President. Good, good evening, colleagues. AM3250 to LB1363 changes the amount and distribution of increase to the documented stamp tax. I'm sorry. AM3250 limits the increase to \$0.35, as Senator McDonnell just stated. The distribution of the increase is \$0.05 increase to the amount currently going to the Behavioral Health Services Fund to increase the total amount to \$0.35. \$0.10 to the Economic Recovery Contingency Fund for creating and operating an office for grant funding on behalf of the state. \$0.20 to the Innovation Hub Cash Fund, operational support of innovation hubs. These targeted assignments will allow for smaller increase that provides specific assistance to three areas that need those funds. I would ask the body to support AM3250 and LB6-- LB5-- LB1363 as amended and advance it to Select File. And as Senator McDonnell also noted, he had requested money from the Film Office, but the Revenue Committee already-- and it's now on Select-- in one of the Revenue packages gave the film industry a tax credit. So we thought we'd start there instead of here. So with that, I appreciate your green vote on both the amendment and the LB, LB1363. Thank you.

von GILLERN: Thank you, Senator Linehan. Turning to the queue. Senator Jacobson, you're recognized.

JACOBSON: Thank you, Mr. President. Well, I rise in opposition to AM3250 and LB1363 because of the doc stamp fee. I think we heard earlier when Senator Clements brought the-- his priority bill, the inheritance tax elimination, that we're going to have to find revenue replacement for counties if we're going to really eliminate that, that revenue source. I made it abundantly clear I hate property taxes and I hate inheritance taxes, but I hate property taxes more. So in order to get the inheritance taxes eliminated and be one of the last states in the country to no longer have to pay an inheritance tax at the state level, we've got to make sure that we can make the counties whole on that loss of revenue source or we're going to cause a property tax hike, which I would oppose. So to get there, the counties are currently getting \$0.50 of the \$2.25 doc stamp. So if we move it to \$3.25 or \$3, that money needs to go to the counties as

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revenue replacement in order to make the math work on the inheritance tax elimination. So do we want to spend money on films and other spending projects or do we want to eliminate inheritance tax? That's the choice you're going to have. I'm interested in eliminating the inheritance tax. So I'm going to preserve that income stream to be able to make the inheritance tax bill work. So for those reasons, I'm going to vote no on both the AM and the, and the bill itself. Thank you, Mr. President.

von GILLERN: Thank you, Senator Jacobson. Senator Erdman, you're recognized to speak.

ERDMAN: Thank you, Mr. President. I was wondering if Senator McDonnell would yield to a question or two.

von GILLERN: Senator McDonnell, will you yield?

McDONNELL: Yes.

ERDMAN: Senator McDonnell, I seen on the fiscal note it was \$0.75, but I believe, off the mic, you told me it was \$0.30-- you're raising it \$0.35. Is that correct?

McDONNELL: My, my original bill was \$1 to \$2.25 to \$3.25. That fiscal note is no longer accurate because what Senator Linehan just read from the Revenue Committee, they were raising it \$0.35.

ERDMAN: OK.

McDONNELL: There's handouts coming out right now by the, the pages-- and thank you for doing that-- that'll show you the current doc stamp, what was proposed under my original LB1363, and now it's been appro-- proposed under AM3250.

ERDMAN: OK. So do you know how much \$0.35 is going to raise?

McDONNELL: It's, it's on the sheet that's being handed out [INAUDIBLE].

ERDMAN: OK. I'll wait to see that then. Thank you. All right. Thank you.

von GILLERN: Thank you, Senators Erdman and McDonnell. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. Not very often I get up and speak against a McDonnell bill. But in this case, I did tell him ahead of time I was not in favor of this bill. This is a sales tax increase when you sell your property. It's another way to say it. A doc stamp is when you sell your property. This is a sales tax increase of about 25% to whatever number we're using, up to 33%, depending on which number. And the other thing is is my LB1344 deals with iHubs. And the reason that's important is because right now there are only three in the state. Two have-- are in Omaha that have about \$30 million behind them from Senator Min-- McKinney's bill a couple years ago that is now going to move to the inland port to be dispersed to those iHubs in, in the Omaha area. So I don't think we're ready yet to have a guaranteed funding source. If you think about LB1344, which is my bill, I have a tax credit that I'm actually going to pull off of Final Reading to lower the amount. Right now, it's \$2 million-- or, \$3 million-- nope-- it's \$6 million per year. I'm pulling that back off of Final Reading and cutting it down to \$500,000. This is just a simple thing of, I haven't voted for any sales tax increase. I'm not going to do it today. And so that's where I'm at. I-- this is truly a sales tax increase on your property. I understand what Senator McDonnell's doing. I actually like it if it-- I just don't like where all the money's going right now. But I don't like the sales tax increase for that. If it'll be used for something else, then we could probably talk. If affordable housing is our number one issue or number two-- some people say number three-- then increasing the doc stamp to make it more expensive when you sell is kind of going reverse order. And I also have an issue-- and this is what I told Senator McDonnell-- is I don't like taking funds that are used for housing-- and I understand right now a little bit's already going to behavioral health-- and moving them to something else. I think we have to find different funding sources for those things. I think we have to figure out this housing cri-- crisis that we're in and, and go from there. So that's where I'm at. This is not a filibuster. I'm not going to engage in one until it gets the Final Reading. That was a joke, but nobody's laughing. So I will end there. Thank you, Mr. President.

von GILLERN: Thank you, Senator Wayne. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. Chairman-- Mr. President. I also stand in opposition to LB1363. And I'm glad to see that the Revenue Committee did reduce the request. But I also have other uses for the documentary tax and-- especially the counties. I've been working with NACO and the counties on inheritance tax. Actually, they were

filibustering the inheritance tax bill. But I've worked out an arrangement with them, but they would like some documentary tax increase to fund the revenue they would lose on inheritance tax. And so I would like to keep the inheritance tax where it is for the time being. And the counties had some good points, I thought. The counties collect documentary tax. It's when you sell property the seller is required to pay this tax because it records the deed. And the county records the deed. They have to keep the deeds on file for, I think, forever. And so it's a filing fee. And it helps fund the register of deeds in each county. And the-- they're getting only \$0.50 out of \$2.25. The-- to keep those deed records on file indefinitely. This would be a 15.5% increase of the cost of the documentary tax fee on a house sale. I see the committee amendment has another \$0.05 added for the behavioral health. Behavioral health has been getting \$5.2 million a year. This would increase it to \$6.1 million a year. There are other-- we have funding for behavioral health in the, in the budget directly also. So this, this is in addition. And we had a lot of discussion about behavioral health. We actually reduced their base because they hadn't been using all the money they had. And I'm not proposing reducing their rate, but I don't think an increase is needed at this pi-- time. The-- and like Senator Wayne said, the iHub-- there's only three iHubs-- and the amount in the committee bill is \$0.20, which is \$3.5 million a year to go to three iHubs. And this is-- Senator Wayne is a promoter of the iHubs, but he said they don't need-- they don't need any of that. So the-- that-- \$0.20 of this increase he's thinking may not even be used. So why do we tax somebody when the real promoter of an entity doesn't think they need it? So those are my reasons that I'm going to be voting no on this bill. And I would appreciate it if you would also think of, in the future, allowing the counties-- when we get around to inheritance tax again-- to use that for some of the replacement revenue. That would give every county some revenue statewide, and especially because the county is the one that's collecting this tax and recording those deeds and, and keeping those records permanently. Thank you, Mr. President.

von GILLERN: Thank you, Senator Clements. Senator Dover, you're recognized.

DOVER: Yeah. I rise in opposition to the amendment, AM3250, and also the LB1363. My main concern is that I would, I would-- having been on Appropriations with Senator McDonnell, I'll say that there probably isn't anyone that's probably more creative, more diligent in finding sources of funds, except for maybe-- Senator Wayne's as clo-- a close second. But I would say that we need to be very, very careful when we

start increasing taxes. I would say I really believe that the doc stamp is really a source for housing. I mean, the majority of the lion's share of the doc stamp has always gone toward affordable housing. And I would suggest we keep doing that. I do have a bill that's still in committee that will be coming out next year. But if affordable housing really is one of our major concerns, I would suggest that-- what my bill did was basically took \$0.25. And the best use of funds is to put down payment assistance. So basically, what the bill would do that'll be coming up next session is \$0.25 doc stamp increase on a house sale of \$1 million-- excuse me. \$1 million home sales would be somewhere around \$250, which I think is not too burdensome. And that would go toward down payment assistance and a revolving fund. And over a number of years, there would be \$50 million revolving in and out for down payment assistance. I really think we need to prioritize what's most important in our state, and I don't think there'd be any one that-- in the-- in this area that would probably disagree that affordable housing isn't one of them. I also don't believe that getting rid of inheritance tax should be funded with the doc stamp. I can understand somewhat of the connection there. But I do believe that doc stamp should be kept low. I think it is-- increase the cost of sales [INAUDIBLE]. I think if we do choose to increase \$0.25 or whatever that that should go toward affordable housing because that's a, a larger challenge that we have here in the state of Nebraska. So I would speak against AM3250 and LB1363 and also, in the future, also using doc stamps to get rid of inheritance tax. Thank you. I yield the rest of my time to the Chair.

von GILLERN: Thank you, Senator Dover. Senator McDonnell, you're recognized.

McDONNELL: Thank you, Mr. President. Just to discuss a few things. So right now, as, as long as we're not getting too confused with the amendment, AM3250, we are talking about the increase of \$0.35 based on the, the iHubs, the grant services. And the Film Office, as Senator Linehan mentioned, was, was taken out. But we still are looking at the homeless shelter assistance, behavioral health. And if you look at the-- what I handed out last time while I was-- while I was speaking, your left-hand column is your current, and then it has to do with the amendment-- the original amendment, AM2783, to the-- LB1363. Working with the Revenue Committee, working with the, the Governor's Office. We started off at the dollar. The idea of where we can do with the, the doc stamp, what's going forward in the future based on potentially using it in some other way. We think this was a good investment of, of the taxpayer dollars. And again, Senator Wayne did talk to me. And, and he's not wrong. It is-- it's an increase

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based on the idea that we currently are at \$2.25 and we are adding the \$0.35. Originally, we were talking about going to \$3.25. So we have made those adjustments. Having those discussion-- the, the documentary stamp. The history of it has worked, has made a positive impact. We think this is a reasonable request through the, the Governor and his team moving forward. It is my priority bill. I am asking to move this forward on to General for it to-- from General to Select. I appreciate working with the, the Revenue Committee. And I think \$0.35 is a reasonable request. Thank you, Mr. President.

von GILLERN: Thank you, Senator McDonnell. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. The one thing I didn't mention my first time up was the-- what's labeled as grant services. And I'm-- I've been told that the Governor wants to have some-- somebody that does work on federal grants to get more federal dollars on various projects. But adding this to the cost of a house for selling a house doesn't make that much sense to me. It's-- it would be \$1.7 million per year. I'd rather have the Governor come and ask for [INAUDIBLE] Department of Economic Development or HHS, somebody, to ask for that in their budget next year and-- rather than take \$1.7 million from house sales that it-- I don't see where it's related to a sale of a house. The-- I heard, I heard Senator McDonnell talk about homeless shelters. On the handout he has, there is no change. The committee amendment does not change homeless shelters. I do support keeping funding of homeless shelters, which is \$0.25. \$4.3 million a year in homelessness is related to housing and house sales. Funding homeless shelters is a related item in housing, so that does make sense to me. So I am-- again, I'm not in support. I'm, I'm going to be a red vote on AM3250. I don't have any amendment of my own. I just would like to see this stay the way it is. So I ask for your red vote. Thank you, Mr. President.

von GILLERN: Thank you, Senator Clements. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. So I think I, I have this figured out. I was just visiting with Senator McDonnell off the mic. And a \$0.35 increase in the doc stamp should raise about \$6.2 million. And-- because \$0.25 is \$4.4 million according to his chart. And so I'm calculating it to be \$6.2 million. So, so I was wondering if Senator McDonnell would yield to a question. Se-- Senator McDonnell, this idea of raising the doc stamp and going to the inland ports and

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where you're going to spend this money, was that, was that something that was brought to you or was that your idea?

McDONNELL: No, that was, that was worked on with the, the Governor's team. There was a number of different people in-- involved, as you see, the differences with the idea of the county, film offices, federal qualified health centers, grant services, iHubs. So that was all part of the discussions and brought to either our office or the Governor's.

ERDMAN: Then the next question may be a loaded question, but you heard Senator Wayne comment about the iHubs maybe don't need this funding right now. Would you agree with that or not?

McDONNELL: No, I, I would not agree with that based on the-- working on this through the, the fall-- again, with the Governor's team-- trying to come up with a total of a-- we ended up coming up at that point a total of \$1. It's now \$0.35-- was that we felt there was the need there.

ERDMAN: OK. All right. Thank you. That, that's all I have. So let me, let me finish up with this. You heard Senator Clements talk about wanting to do something to try to help the counties replace the inheritance tax. And he was considering raising the doc stamp as well. And I'm not in favor of raising taxes of any kind. But I will say this: I'm really, really, really glad I've sold all my properties in Nebraska and we're closing on the 12th so I don't have to pay this extra doc stamp because it'll cost me another couple hundred bucks. So I'm glad I'm going to be out of Nebraska and stop paying these taxes. But I'm not in favor of raising the taxes. I don't care where you send it. I'm not in favor of raising the doc stamp. And so that's where I'm going to be. Thank you.

von GILLERN: Thank you, Senator Erdman. Senator Clements, you're recognized. This is your third time.

CLEMENTS: Thank you, Mr. President. Would Senator Yi-- Wayne yield to a question?

von GILLERN: Senator Wayne, will you yield?

WAYNE: Yes. Ebony and Ivory.

CLEMENTS: Thank you, Senator Wayne. Regarding the iHub fund, you mentioned you don't think it's necessary. It-- does i-- would the i-- money for iHub, would that be related to housing?

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WAYNE: No, it's, it's not related to housing. And the reason why I say it's-- we don't-- they don't need it right now is there's-- the applications are actually closed. So it-- there's only three. And the-- inside the Omaha area, we have \$30 million going to a innovation district through the inland port, which is going to the iHubs-- that are potentially going to the iHubs. So we-- you don't need any more right now. We should wait and see how they are, are functioning. So that's why I don't think they need them.

CLEMENTS: Right. That would be, like, \$3.4 million a year. And do you think their funding is adequate-- adequate now?

WAYNE: Yes. They have private dollars, donations. There are, there are nonprofits and they are, they are being funded right now.

CLEMENTS: Thank you, Senator Wayne.

WAYNE: Thank you.

CLEMENTS: So we have one increase here that is not necessary. And I'd rather just leave the documentary tax where it is. And I-- thank you, Mr. President.

von GILLERN: Thank you, Senator Clements. Seeing no one else in the queue. Senator Linehan, you're recognized to close on the committee amendment.

LINEHAN: Thank you, Mr. President. I, I know there are concerns, but I-- there's some confusion. The Revenue Committee looked at this. We studied it. It's late at night. I know everybody might be not happy quite with this, but I feel like we owe it to Senator McDonnell. And I would all-- ask you, unless you've got up and said otherwise, to please vote green on the committee amendment and the underlying bill. If there's a real issue we have to address before Select, we can do that. But I think at 9:30 at night, Senator McDonnell's priority bill deserves to go to Select. Thank you very much.

von GILLERN: Question before the body is the adopt-- adoption of the amendment, AM3250. All those in favor vote aye; all opposed vote nay. There's been a request for a call of the house. The question is, shall the house go under call? All those in favor vote aye; all opposed vote nay. Record, Mr. Clerk.

CLERK: 23 ayes, 4 nays to place the house under call, Mr. President.

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von GILLERN: 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. Senator DeBoer, Senator Bostar, Senator Hughes, Senator Dungan, Senator Bosn, Senator John Cavanaugh, please check in. The house is under call. Senator DeBoer, Senator Hughes, Senator John Cavanaugh, please check in. The house is under call. Senator Hughes, would you please check in? The house is under call. Senator Hughes, please check in. The house is under call. Senator Linehan, the vote is open. Would you accept call-in votes? Senator Linehan, the vote is open. Will you accept call-ins?

LINEHAN: Yes.

von GILLERN: We're now accepting call-ins.

CLERK: Senator Wayne remaining a no. Senator Dungan voting yes. Senator Lowe voting no. Senator Bostar voting yes. Senator Dorn voting no. Senator Lippincott voting no.

von GILLERN: There's been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Aguilar. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting no. Senator Blood. Senator Bosn voting no. Senator Bostar voting yes. Senator Bostelman voting no. Senator Brandt voting yes. Senator Brewer voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh. Senator Clements voting no. Senator Conrad voting no. Senator Day. Senator DeBoer not voting. Senator DeKay voting yes. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson not voting. Senator Halloran. Senator-- voting no. Senator Hansen. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser. Senator Murman voting yes. Senator Raybould. Senator Riepe voting no. Senator Sanders voting yes. Senator Slama. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne voting no. Vote is 15 ayes, 22 nays, Mr. President, on the adoption of the committee amendment.

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von GILLERN: The committee amendment is not adopted. I raise the call. Returning to the queue, debate on the bill. Senator Jacobson, you're recognized.

JACOBSON: Thank you, Mr. President. And I appreciate the vote on the amendment. Just to remind everyone again: we can kick it to Select, but there's nothing on the table to change. I heard nothing that's going to make this bill better. So kicking it to Select will appro-- will appro-- will really get us nowhere. It-- we'll just having another bill out there that's got a, a fiscal note that we can't afford. So I would encourage another red vote on the bill itself and let's keep moving. Thank you, Mr. President.

von GILLERN: Thank you, Senator Jacobson. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. Pre-- Mr. President. So I'm going to take a little time. So I've been in this situation before, where you have an amendment from the committee and you're not always sure where you are. And it's kind of late. And I think McDonnell's good at talking and figuring out how to get to a yes. I know I have issue with the bills, and that's why I said in the beginning I think it's a problem. But I think it's something that maybe we can resolve. And I would hope we can give McDonnell the night to help figure that out. I think if you were to see what McDonnell has done over the years down here and help people get from General to Select to work on that, I think we owe that to him. And so I know right now-- again, it's late at night. It's 9:30. You're not going to get some, some quality negotiations done with people on both sides. So what I would ask is that we could-- I don't have a motion pad or I would have filed a motion. But if, if-- I'm talking and see if somebody's hopefully doing something. But I would like to make sure we adjourn so it gives us the time to talk. I'm not fully abandoning the idea, but I do think, at 9:30 at night, it's sometimes hard to make a hard run and figure out where people are on all the issues and what all the issues were. I know I talked with Senator McDonnell ahead of time, but I can guess some people are against this bill who probably have not talked to him and have not figured out if there's a path. And to Senator Jacobson's point, there may not be a path, and that's OK too. But I think one thing that makes this place unique with us just being a Unicameral is-- and 49 of us-- is, we can have that dialog and we can figure it out within a shorter period of time. But I know 9:40 isn't the time to try to figure that out and come up with a decent bill. Now, in General File-- for those who don't know-- because I'm taking time-- not to lecture, but to see what-- the commotion up there and

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let them figure it out. On General File, if a bill doesn't advance, it's not dead. It's just been a long practice for the last 30 years to allow it to be dead. But it actually is-- it has to be-- die three times before it's dead. So it's just never-- because of time, you never get a chance to bring it back up. But I don't necessarily know if it's, it's a way to go or not. So I'm going to let those individuals on their bill will talk about it. And this is the same courtesy that I would hope anybody would extend to anybody in this body at 9:40 at night on a personal priority because I'm pretty sure, from at least of people that I talked to, a lot of people didn't know what this bill did and kind of were against it when you started reading it. And I think we could at least have a conversation about-- within the 24 hours of how to fix it. That's all I'm saying. Again, I don't know if it'll change my position on it. I just told Senator McDonnell yesterday-- and today I was doing the actual work. And then you saw me running around on the floor, so I never had a full chance to sit down and talk to him. So that's why I pushed my button because I saw the board. And I just wanted to give somebody a opportunity to make sure that we extend the same courtesies that we do to almost everybody in here. I don't think I ever seen a lot of that, so. Thank you, Mr. President.

von GILLERN: Thank you, Senator Wayne. Senator Hunt, you're recognized.

HUNT: Thank you, Mr. President. Good evening, colleagues. Good evening, Nebraskans. I just have a brief comment to put a coda on my day. Today was an eventful, newsworthy day in the Legislature. I was driving in today, and I said, I hope something exciting happens today because, you know, sometimes these things make life worth living. And today was an exciting day. Senator McDonnell changed his official party registration. That made a lot of national news. We took up an amendment to make Nebraska a winner-take-all state. That made national news. Nebraska was trending on Twitter. National news channels are talking about our state, and a lot of people were tuning in and watching. And what I want to tell people who have been driving me crazy in the media-- not our local journalists, who are doing amazingly and perfectly. And anybody trying to report on what's happening in Nebraska, don't look at anything in any other state to represent what's happening here, because it's different here. Look at our local journalists and our local reporters to figure out what's happening on the ground here because they're the ones sitting under that balcony every day in the room where these things are happening. And so all you have to do is look at that last vote that we took on the amendment on Senator McDonnell's bill to see why Nebraska is so

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different. That board was lit up like a Christmas tree, red and green, across parties, across urban, rural, across age, across demographic. And that's what we're actually about here in Nebraska. And what happened today in here makes me very proud. I'm proud of our colleague, Senator McDonnell, for sticking to his own convictions and finding a home and a party that he feels he can belong to. I did the same thing last year when I registered as a nonpartisan. I understand what that means. And to see the discourse in the national media, it seems like a lot of people jump to conclusions about that. But that does not actually represent what we stand for in Nebraska. So I'm proud of us today. Proud of that last vote. Thank you, Mr. President.

von GILLERN: Thank you, Senator Hunt. Mr. Clerk for a priority motion.

CLERK: Mr. President, Senator Wayne would move to reconsider the vote taken on the committee amendment, AM3250.

von GILLERN: Senator Wayne, you're welcome to open on the committee amendment.

WAYNE: Thank you. And I'll just be real brief so we can get out of here. And it's more like a-- just a, a lesson. So not-- present, not voting, you can reconsider. Or if you're on the prevailing side, you can reconsider. So I was on the prevailing side, so we're reconsidering. So with that, thank you, Mr. President.

von GILLERN: Thank you, Senator Wayne. Mr. Clerk for items.

CLERK: Thank you, Mr. President. Series of items at this time. Amendments to be printed from Senator Wayne to LB25. Additionally, priority motion: Senator Hardin would move to adjourn the body until Thursday, April 4, 2024 at 9:00 a.m.

von GILLERN: Members, you've heard the motion. All in favor say aye. All opposed, nay. We are adjourned.