

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 3, 2025
Rough Draft

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighteenth day of the One Hundred Ninth session-- first-- Legislature, First Session. Our chaplain for today is Father Stephen Hilgendorf, St. Barnabas Church in Omaha, and that's in Senator John Cavanaugh's district. Please rise.

STEPHEN HILGENDORF: Let us pray. Almighty God, who has given us this good land for our heritage, we humbly beseech thee that we may always prove ourselves a people mindful of thy favor, and glad to do thy will. Bless our land with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogancy, and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom, in thy name, we entrust the authority of government, that there may be justice and peace at home. And that, through obedience to thy law, we may show forth thy praise among the nations of the Earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in thee to fail. All of which we ask through thy most holy name. Amen.

KELLY: I recognize Senator Jacobson [SIC] for the Pledge of Allegiance.

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

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

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

KELLY: Are there any corrections for the Journal?

CLERK: I have no corrections this morning, sir.

KELLY: Are there any messages, reports or announcements?

CLERK: There are, Mr. President. Communication from the Referencing Committee concerning the re-reference of LB595 to the Natural Resources Committee. Additionally, a series of committee reports by

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the-- concerning gubernatorial appointments from the Nebraska Retirement Systems Committee. Notice of committee hearing from the Education, Business and Labor Committee, as well as the Urban Affairs, the Agriculture Committee. New LR, LR37, introduced by Senator Conrad and others; that will be laid over. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator John Cavanaugh would like to announce some guests under the South balcony. Hannah, Maria, Isaac, John, Edmund, and Joseph Hilgendorf from Omaha. Welcome, and please stand and be recognized by the Legislature. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR32. Mr. Clerk, please proceed to the first item on the agenda.

CLERK: Mr. President, first item on the agenda. Confirmation reports from the General Affairs Committee concerning the gubernatorial appointment of James S. Brummer and Nathan Michael Lon Francis to the State Electrical Board.

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

HOLDCROFT: Thank you, Mr. President. Good morning, colleagues. I present for your approval today the appointment of two individuals to the State Electrical Board: James Brummer and Nathan Michael Lon Francis. Both came before the committee on January 27. The State Electrical Act was created in 1975. The Act provides all laws regarding, regarding electrical licensing and inspection in the state. The State Electrical Board sets the policy and directs the efforts of the executive director of the State Electrical Division. The board adopts rules and regulations necessary to enable and carry into effect the State Electrical Act. First, James Brummer came before the committee for reappointment for a third term to the State Electrical Board. Mr. Brummer is a senior planner/scheduler for Nebraska Public Power District, where he has worked for the past 34 years. The committee was impressed with Mr. Brummer's electrical background, and working both in rural and Nebraska Public Power for over 40 years, and unanimously approved the reappointment of Mr. Brummer to the Electrical Board. Second, Nathan Michael Lon Francis came before the committee for the appointment to the State Electrical Board. Mr. Francis is from Fairbury, Nebraska and is the electric distribution superintendent for the city of Fairbury, where he has worked for the past ten years. This is Mr. Francis's first appointment to the board. The committee appreciated his expertise and experience working in the

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electrical field, and unanimously approved his appointment to the State Electric Board. I urge the body to support the appointment of both James Brummer and Nathan Michael Lon Francis to the State Electric Board.

KELLY: Thank you, Senator Holdcroft. Seeing no one else in the queue, you're recognized to close. And waive closing. Members, the question is the cont-- the adoption of the report and confirmation of the report from General Affairs. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on adoption of the committee report, Mr. President.

KELLY: The report is adopted. Mr. Clerk, next item on the agenda.

CLERK: Mr. President, next item. The Government, Military and Veterans Affairs Committee would report favorably on the gubernatorial appointment of Daryl Bohac as director of the Nebraska State Historical Society.

KELLY: Senator Sanders, you're recognized to open.

SANDERS: Thank you and good morning, Mr. President, colleagues, and Nebraska. On January 24, the Government Committee held its hearings on the appointment of General Bohac as director of the State Historical Society. Last year, this body passed Senator Erdman's LB1169. This-- that bill made the Historical Society a code agency, and gave the governor the authority to appoint its director. General Daryl Bohac was the person chosen for that role. In 2023, General Bohac retired as the adjunct [SIC] General of the Nebraska National Guard, and director of NEMA after ten years in those roles. Besides his long tenure of honorable military and public service, he also holds a bachelor's degree and a Ph.D. in psychology. He also has a farming background. In the hearing, we heard from him about his commitment to preserving and sharing Nebraska's history. We also heard about the complex administrative problems that he had to deal with as the commanding officer of Nebraska's military department and emergency management agency. Our committee voted unanimously to recommend his confirmation to this role. I urge you to vote green to confirm the appointment of General Bohac as director of the State "Hisoric"-- Historical Society. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President, and good morning, colleagues. I rise in full support of this nomination that is before the body for confirmation. I have had the opportunity to get to know and to work with Mr. Bohac, primarily through his esteemed service leading our National Guard. And, as a member of the Government, Military and Veterans Affairs Committee for the past two years, we got to frequently interact with him and hear about his leadership, vision, style, goals, and more about how he was able to adeptly lead this critically important organization that is our National Guard forward through a great deal of tumult, including through, through COVID. And I really have admired and appreciated that Mr. Bohac always brings a thoughtfulness to his work in a leadership role, and has worked very hard to ensure that our National Guard was not caught in the moment of political weaponization from any point on the political spectrum. And I think he'll bring that same nonpartisan, nonpolitical kind of lens to his leadership over History Nebraska, which we know, of course, has been troubled in recent years, but maintains a critically important mission in our state. So, I have had the opportunity to hear from many employees of History Nebraska, both present and past, really, who felt very unsettled at the state of disarray and continual leadership changes, and some of the different politicization that had been wrought-- brought forward on that important state agency. So, I commend Governor Pillen for this selection, because this is a person this is a Nebraskan who's well known to us, who has excelled under very, very challenging circumstances, and who works very, very hard to listen to make sure that all points are being heard, and who tries to bring forward, then, really solution-based leadership that is nonpolitical and in the best interests of the mission. I believe Mr. Bohac will help to reset things at History Nebraska, and will help to usher in a renewed focus on the critical mission of that organization instead of some of the personalities or politics that have frustrated its critical work. So, I encourage you each to support the nomination of this exemplary Nebraskan, and look forward to seeing his good work in this role. Thank you.

KELLY: Thank you, Senator Conrad. Senator McKeon and Clouse would like to recognize some guests in the north balcony: students from the Buffalo County Youth Advisory Board. Welcome, and please stand and be recognized by your Nebraska Legislature. Senator Conrad, you recognized to speak.

CONRAD: Thank you, Mr. President. I wanted to also use this as an inflection point to lift up another point not connected, necessarily, of course, to, to Mr. Bohac's confirmation, but as impacting the History Nebraska agency itself, as it is germane and relevant to this item before us on the agenda here today. So, it will be no secret to even a casual observer of state government that there has been very high-profile wrongdoing alleged at History Nebraska in regards to the utilization of some funds within their control. These allegations rose so high as to merit and warrant an actual criminal case being filed against the former director of History Nebraska. And I know that many in this body who worked with me and Senator Erdman as this agency was restructured, restructured in the last biennium were watching that case play out very carefully, and there's been a very recent development in regards to that case, which I think it's critical to note for the record. So, while our Attorney General is waging war on the Legislature, on the people's rights of initiative, running around all over the country, bringing politically-charged litigation to further a radical political agenda-- right here at home, his agency couldn't even prosecute this case to protect public funds, and it was dismissed because they didn't timely prosecute it. So, while you give the Attorney General a pass, because it may or may not align with your politics in terms of how he utilizes his office, his office was in charge of protecting the public trust and public resources in regards to potential wrongdoing in this agency by the former director. And they missed. The case got dismissed because the Attorney General didn't do his job. So I challenge you to think about this when we take up the Attorney General's budget; I challenge you to think about this when he asks you to carry weight to advance his political agenda. If the Attorney General's office can't even prosecute a basic, straightforward criminal case to protect public resources, they need to get their priorities in order. And we, as the people's branch, need to hold them accountable. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Seeing no one else in the queue, Senator Sanders, you're recognized, and waive closing. Members, the question is the adoption of the committee report from Government. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on adoption of the committee report, Mr. President.

KELLY: The committee report is adopted. Mr. Clerk.

CLERK: Mr. President, the Government, Military and Veterans Affairs Committee would report favorably on the gubernatorial appointment of Michael R. Gloor to the Nebraska Accountability and Disclosure Commission.

KELLY: Senator Sanders, you're recognized to open.

SANDERS: Thank you, Mr. President. On January 24, the Government Committee held its hearing on the appointment of Senator Mike Gloor as a member of the Nebraska Accountability and Disclosure Commission. Senator Gloor holds degrees from Hastings College, the University of Utah, and the University of Minnesota in Human Resources and Health Care Administration. He has spent his long career in health care management, with 27 years as chief operating officer, and then president and CEO of Saint Francis Medical Center in Grand Island. He was a member of this body for eight years, serving as chair of our Banking, Commerce and Insurance Committee, and then as chair at-- of the Revenue Committee. He has been asked to continue his public service as a member of Nebraska Accountability and Disclosure. As elected officials, we are all aware of the role that NADC plays in keeping political campaigns honest and legal. Senator Gloor's long professional career and his public service in this body make him an excellent candidate to serve on the NADC. Our committee voted 8-0 to recommend his confirmation. I would ask you to vote, vote Green, to vote for conf-- and to confirm Senator Mike Gloor as a member of the NADC. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I rise in support of former Senator Mike Gloor's appointment to the NADC. I have had the privilege and honor of working with Mike Gloor on some policy issues when I first started here in the Legislature. He and I had both brought forward a tobacco tax increase, not to create more revenue, but to impact health outcomes related to smoking. And he has been a wonderful champion of various health care issues. And I know he's also a former hospital administrator, so he has that in common with two of our lovely colleagues that we're serving with right now. And I've just always appreciated his willingness to have open dialogue, and be supportive of everyone in the Legislature in any way that he can. He's just, really, a phenomenal person, and I think he will bring a lot of integrity and strength to the NADC, so I'm grateful to his willingness to continue to serve our state in this capacity. I did want to

mention-- and I have to find it. When we have these gubernatorial appointments, when you look at the agenda, it will tell you-- it doesn't say on the agenda who we're talking about. You have to go to the Journal, and it gives you the Journal page. So, colleagues, if you're not familiar, you can go to the main page of the Legis-- the-- today's agenda online, and you click on "View Day 18 Activity," and then you click on Full Journal, not Daily Journal, because our Journal clerk hasn't done the Daily Journal yet. So you go to the full Journal, and then you can just go down to the page listed on our agenda, and it will tell you who is being put forward for confirmation today. But then, we previously-- only the committee of jurisdiction had access to the individual that we were confirming information. So last year-- or maybe it was the year before-- the Clerk's office put forward a-- on the UniNet where you can then look up all of the people that we're confirming, because it's not just important to the committee of jurisdiction, it's important to all of us when we're confirming individuals. I haven't found where it is this morning, I'm-- you know, it's Monday morning, I'm a little slow. But I will find it, and-- with the Clerk's help-- and let you all know where it is exactly that you can look for-- oh. Ha! I found it. Look at that. Applications. Makes sense, because they're applying. It is the first thing to look up. It's "Gubernatorial Appointment Lookup - View Resume and Financial Statements for Gubernatorial Appointments." So, colleagues, if you ever want to look up who we are debating on the floor, that is where you go. And it has a nice little dropdown menu and-- see Mike Gloor, and you can view his resume. And as I said, he is a health care administrator, so. Thank you to, to former Senator Gloor again, for his willingness to continue to serve the state. He has been such a gift to public service, and I look forward to continuing our relationship. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues. It's great to start off our list of confirmations and nominees this morning with so many talented individuals who are seeking continued public service in these new roles. First, with Mr. Bohac, who's-- now will be installed as the director of History Nebraska, and now, with Mr. Mike Gloor, who will secure a seat on the Nebraska Accountability and Disclosure Commission. I rise in strong support of Mr. Gloor, and here's why. Mike and I had an opportunity to serve together during my prior period of service. And Mike brings the thoughtfulness, hard work, diligence and intelligence that you might expect from a former

health care administrator. I know we have a few other of those who have similar resumes in our body today, and you know Speaker Arch, Senator Riepe bring that same sort of lens to, to their work in the body. And I will tell you that, in serving with then-Senator Gloor, that he and I had a significant amount of very sharp disagreements on a host of policy issues that were before the Nebraska Legislature during our time of shared service. However, we also found an opportunity to work together where our political ideologies aligned, and we were able to find common ground, common-sense solutions for key issues that were facing Nebraska. And I will tell you that, even though we did have significant and sharp disagreements over certain policy issues, Senator Gloor always conducted himself with kindness and professionalism. And he always worked very hard to build and stay in relationships with each colleague that he had the opportunity to serve with. And I think he'll bring that same professional background in diligence, and that same personal style and leadership style to his work on the Nebraska Accountability and Disclosure Commission. Which, let's not forget, has conducted its work on some very highly-charged political issues in an incredibly nonpartisan way. Our state watchdogs on campaign finance and political reporting could so very easily be weaponized for partisan political purposes, and the great people that make up the boards prevent that, and the great staff there prevent that as well, of course due to the longtime leadership of longtime director Frank Daley. And, and now I see that we'll be welcoming a new director to the ranks. But that's an important part of our political culture in Nebraska, and that tradition and style needs to carry forward. And I have full confidence that my friend Senator Gloor will very carefully steward that tradition of nonpartisan regulatory behavior and approach when it comes to campaign finance matters and political issues that are before NADC. Thank you, Mr. President. I would urge your [MALFUNCTION].

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

QUICK: Thank you, Mr. President. And I rise in support of this-- of, of this confirmation to the-- or, appointment to the NADC. I've known Senator-- well, previously Senator Gloor for a long time. He was the chief operating officer of the Saint Francis Medical Center where my wife worked for 44 years, and I'm proud to, to support this. I've also known him on a personal level, meeting with him several times in Grand Island on issues that face Legislative District 35, which I represent, and which he represented as well. I also-- I know he did a lot of great things for Grand Island while he was in the Legislature, and,

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and, and helped with some other issues as well, when I would always-- he was, he was always open when I came to his door to talk to him about issues that were happening in Grand Island. So, for me, it was really important to, to have that ear, and I try to, to do the same thing and, and provide that same service to-- for people in my district. And so, with that, I support this, this appointment. And thank you, Senator Gloor, for applying for that. Thank you, Mr. President.

KELLY: Thank you, Senator Quick. Seeing no one else in the queue, Senator Sanders is recognized, and waives closing. Members, the question is the adoption or the-- of the report from Government and Veterans Affairs. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

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

KELLY: The committee report is adopted. Mr. Clerk.

CLERK: Mr. President, the Government, Military and Veterans Affairs Committee would report favorably on the gubernatorial appointment of Lee Will as the director of the Department of Administrative Services.

KELLY: Senator-- Senator Sanders, you're recognized to open.

SANDERS: Thank you, Mr. President. On January 24, the Government Committee held its hearing on the appointment of Mr. Lee Will as director of the Department of Administrative Services. Mr. Will holds a degree-- holds degrees from the Indiana University of Pennsylvania and from the University of Pittsburgh. Mr. Will was internal candidate chosen to lead DAS. In a way, he has been training for this position for the last decade. He has worked with DAS since 2015, rising from the position of budget management analysis to deputy budget administrator, to [INAUDIBLE] chief financial officer of DAS. In our confirmation hearing, Mr. Will was responsive to our questions, but also careful to admit when he did not know the answer to a question. I think he brings a humility to this position that will serve him well. He has done a good job in his decade of service to the state of Nebraska, and the only testifier at the confirmation was his former boss, Jason Jackson, who preceded him as DAS director. It is in the recommendation of the Government Committee that this Legislature confirm Lee Will as DAS director. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, colleagues, I rise, I guess, still undecided. So I will-- the reason I pushed my light is I serve on the Government Committee, and was there for the hearing about Mr. Will. And I did ask him a good number of questions. And when we execed, I said I was going to be present, not voting at the time because I still had more questions I wanted to ask and answer Mr. Will, and, in the efficiency of this body, I have-- we've gotten already on the floor and debating this before I've had a chance to follow up with Mr. Will and ask my additional questions. But I thought this was a, a good-- one, a good opportunity to talk about a very important position in the state, but two, a good opportunity to talk about the importance of present, not voting. So, I was present, not voting at that time, not because I was going to-- intending to oppose the appointment of Mr. Will, but I was intending-- well, I hadn't made up my mind yet. I've had great, great opportunity to work with Mr. Will previously, as-- in his role as budget director, and he and I have been on the opposite side of a number of issues, but we have worked together to find ways forward on certain projects. I've worked with him on things like rental assistance for rural communities, which was, I think, like, a three-year battle ranging from the Ricketts administration to this administration. I've worked with him on funding for the Commission on Public Advocacy, which, again, is, is-- affects rural communities; it's for indigent criminal defense for serious offenses in our rural communities, making sure that those got-- are getting funded through general funds. And obviously, we've been on opposite sides of the governor's major proposals. And so, I'm-- I guess I'm saying all that to say that I can work with Mr. Will; I've worked with him on a number of things, and having a, a difference of opinion about the policy is not the-- you know, necessarily the question here. The question, of course, for important jobs is qualifications, and whether you can undertake the oversight of this massive organization. And so, I did ask some questions about planning for what happens if we see a dry-up of federal funding. The state does rely heavily on federal funds for a number of projects, and I'm still waiting to hear what is our plan if we lose NIH funding, or-- that goes to the universities for research. I believe it's something like \$150 million a year goes to the university from the National Institute of Health for research, and that would be either jobs that we lose, or-- and-- or jobs we can't bring in. And certainly, we lose the value of the research that is generated, and obviously the intellectual

property that's created a result-- as a result of that. And then, the state is left with the question of backfilling, or making sure that we are not just terminating those positions, which are high-paid, professional positions that we want. But my question to Mr. Will, when he came before the-- our hearing, was what's this-- how is the state preparing-- the administration preparing and planning for these potential cuts? And I know it's a very fluid environment, and I don't know if anybody could honestly tell you-- stand up right now and tell you what is the status of the federal executive orders and how they address or will affect funding that this state gets for any number of things. But, by very nature of that fluidity of that situation, I think it's important that we have a plan going forward. So, I'm, I'm still waiting to hear answers on those sorts of things, and I have other questions. I'm going to run out of time here, so I might push my light and pull out my notes here, to see what other questions I'm, I'm still looking at. But, but again, I was a present, not voting; you certainly can be present, not voting. At this point, if you want, you can be-- you can be a "no" vote as well, if that's how you feel. But I'm just telling you, that's where I'm still at, is I'm not ready to vote to appoint Mr. Will permanently, so I'm reserving my right to be a present, not voting at this point. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. Good morning, Nebraskans. Good morning, colleagues. I've served on the Government, Military and Veterans Affairs Committee-- you know, this is my seventh year now. And in that committee, we do work a lot with the Department of Administrative Services. We do their confirmations and they do bring a lot of bills before our committee. And so, I have had the opportunity to work with Mr. Will, Mr. Jackson before him. You know, for better or for worse, a lot of times we're on the same side, and a lot of times we're not. But that's the nature of the job, and I think that we've always had a very cordial and productive working relationship, to be sure. I do have to disagree with the chair of our committee, Senator Sanders, who said that Lee Will was responsive to questions, that he-- I mean, I, I don't think that he was responsive to a lot of our questions, between Senator John Cavanaugh and myself. I think that he dodged a lot of questions, kind of, you know, reflecting a pattern that we're seeing in-- a lot in government right now, whether that's at local and state government, or in the federal government, where we see people being elevated to positions of great power and great influence, and struggle to be direct with their responses in

confirmation hearings in particular. I asked him about-- you know, at the time, Governor Pillen had recently-- I'm going to get this 80% right-- but had, had a press conference and a, a press release, talking about the extent to which Nebraska intended to work with the Trump administration carrying out immigration orders, and empowering ICE in Nebraska to round up and deport immigrants and migrants in Nebraska. And, as we've seen in other states, even people who are citizens, even people who are veterans have been detained by ICE. And I wanted some questions about how Mr. Will planned to implement that in Nebraska. The director of the Department of Administrative Services, formerly the COO of DAS, you know, he's one of the people in charge of implementing the governor's agenda around executive orders. He's one of the people charged with implementing appropriations. He has great influence and power over how these executive orders are carried out, and he was not able to speak to that. He didn't only not speak to it, he dodged it. He said, you know, that's not really something that I'm in charge of; that's not really something I would be doing. But we know from his past in DAS, as the COO and before that, that not only does he have a role in that statutorily, but he is a great advisor to the governor. You know they're talking about this stuff. So it bothered me that he wouldn't answer that directly. You know, I, I wanted him-- my direct question to him-- and I-- a very direct person. I wanted him to commit to protecting sensitive locations and committing to safeguards in sensitive locations like churches, hospitals, schools, daycare centers, places like this in Nebraska, to make a commitment that Nebraska would not send law enforcement, National Guard, anything like that into these sensitive locations to round up kids and, and immigrants. And that was not something that he could commit to, and it was something he pretended like he'd never thought of in his life. So, that was a complete dodge. One other thing we talked about that he did, he did provide a little bit of a response to some clarity was last year, Governor Pillen's administration announced an initiative regarding vacancies in positions in the state government to eliminate nearly 1,000 positions that had been vacant. And I asked Mr. Will how many of those positions had been eliminated at this point. Are we up to a thousand yet? Where are we in that goal? He wasn't able to provide a, a response, and he didn't follow up with me with a response, but he estimated it was about a few hundred. And I also asked him how much that has saved taxpayers now that that's been implemented, and he wasn't able to answer that either. But I can tell you guys, there have been reports on this already. Hardly nothing. Hardly nothing. So, one concern I have, in addition to other things I've mentioned, in addition to the

implementation of the-- you know, what was it called? The Rights of Women executive order? He says that hasn't been implemented in any way. They haven't taken any action on that. I'm concerned that, having a workforce staffed by contractors and temps in Nebraska, that we have a less accountable and less professional workforce in this state. Thus, you know, those are the kinds of questions I was asking him. It sounds like these decisions by the Pilleen administration haven't actually reduced costs, but they have artificially--

KELLY: That's your time, Senator.

HUNT: --lowered the level of government by shrinking our workforce. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I'm listening to the-- Senator Hunt and Senator Cavanaugh talking about this particular appointee and his testimony in front of Government, I-- I'm not sure yet. I'm not a "yes." I'm definitely not a "yes." And I'm probably a "no." I tend to be present, not voting, generally speaking, on gubernatorial appointments that I don't agree with, because I think if this is who the governor wants, for the most part, then fine; I don't have to vote for the person, but, but I'm not going to vote against them. But there have been occasions where I have felt that the person being put forward was misaligned enough with the position that I would vote against them, and this is one such instance that I am considering voting against Mr. Will's position. Last year, we had budget debate, and then we had a special session that, for the most part, we seem to have ignored happened. Because it was urgent, urgent that we addressed property tax relief; so urgent that we had to come back for a special session just to do that thing. And I bring that up for a few different reasons. One, it was frustrating as all get out for everyone involved. Two, we seem to no longer have that same urgency, because we're not talking about property tax relief 24/7 since we've been back this January, and we didn't do anything in special session to offer property tax relief. But I bring this up in the context of Mr. Will's appointment because, at that time, I shared with you, colleagues, and with Nebraska, Mr. Will's-- I don't even know what you would call it. Interjection into the budgeting process, and emails that he sent in April of last year to agency heads, telling them how much they were going to cut arbitrarily from their budgets to make the special session budget work while we were currently debating the actual

budget. So, Mr. Will, in my view, plays pretty heavily into the government waste of that special session in that he does not work with the Legislature, he does not communicate with the Legislature; he works behind closed doors, in secret, to try to dismantle our budget so that we can offer property tax relief and massive income tax cuts to the wealthy. From my viewpoint, Mr. Will has done a great deal of harm to the economy of Nebraska by supporting policies that are bad business, bad public policy that benefit only the few. Mr. Will is now the acting director of the Department of Administrative Services, and the Department of Administrative Services-- regardless of the fact that this legislative body-- well, the last year's legislative body-- put forth legislation to strengthen our procurement process because it has become so murky and "untransparent," and we continue to have no-bid contracts of large amounts of money coming out of DAS with no explanation. And they fill out a form. There's a form you're required to fill out, colleagues. It's called the Procurement Exemption/Deviation Form [SIC]. And you can-- reasons for an exemption, for not doing a RFP for a contract. There is "Sole Source - Sole availability at location;" "Sole Source - Uniqueness of service;" "Restrictive - (Competitively bid but restricted to particular brand);" "Emergency"-- that's just emergency; "Competitively Bid - Under 15 calendar days;" "Other Circumstances." And we repeatedly see "Emergency" box being checked. And then you go down to the second page of this form, and there are a series of questions-- five of them, to be exact. I'm about to run out of time, so I'm going to get back in the queue. But there are five questions, and let me tell you, not very often are those questions answered, so no clarity is given to why an emergency is declared for multimillion dollar no-bid contracts, and Mr. Will is at the helm of this. I don't think that that's good government. I don't think that that's responsible to the people of Nebraska. And that's certainly--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

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

CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise in opposition to this confirmation that is before the Legislature. And let me be clear, I have appreciated the opportunity to work with Mr. Will over the last biennium, and we have had many constructive conversations on key issues that were part of Governor Pillen's

agenda, or budgetary-related proposals. I also want to reaffirm that I deeply admire, respect, and am grateful for any Nebraskan who steps forward to serve their state in a public service role. And so, while I have appreciated the opportunity to work with Mr. Will over the past few years, and I do admire his long standing and ongoing commitment to public service, I, I do rise in opposition to this nomination, and here's why. I had the opportunity to watch most, I believe, if not all, of the Government Committee hearing's review of this nominee and, much as you've already heard from my friend Senator Hunt, who's a member of the committee and others, I, I was really taken aback by the lack of candor and the level of evasiveness when senators asked Mr. Will about issues he just didn't want to talk about. Or, that perhaps he was trying to hide the ball on the impacts of the Pilleen administration. Or, he was not aware of major initiatives in state government, which is strange, considering he, he lists his work as the chief operations officer of the state of Nebraska. So, whether it was his role in envisioning or implementing the governor's executive order in relation to gender, whether it was his role envisioning or executing the governor's executive order in relation to immigration, whether it was his role envisioning or executing the governor's executive order in relation to vacancy savings, each of these areas were met with a considerable amount of evasiveness. And let's be clear, the governor has a right-- any governor, this governor included-- to pick his people; to surround himself with agency directors and policy staff that he has a good deal of trust in working to advance his objectives, and who have significant tech-- technical expertise to execute upon his initiatives in state government. But, that being said, the people also have a right to ensure that a nominee will put the public interest in front of any one person, including a powerful person like the governor. And I do not have a strong sense that this nominee will put the public interest ahead of Governor Pilleen, and that's why I'm ultimately voting "no" on this nominee and this confirmation. I think there is considerable evidence in regards to not only one of the most expensive and longest and least successful special sessions in Nebraska history that Governor Pilleen and Mr. Lee Will helped to engineer as yet another cautionary tale before we would provide any sort of additional promotion to that track record. I think that we also have to listen to what we're hearing from our constituents and from other stakeholders about budget shenanigans that are happening at his direction and under his watch in the last biennial budget, and as proposed this year. I see my time is running short, so I'll punch in again to detail those matters. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. OK. So, I had my-- got my notes from the hearing, and I think Senator Machaela Cavanaugh did hit on a little bit, about no-bid contracts. That was one of the subjects I visited with Mr. Will about, and I thought it would be interesting for folks to hear a little bit of that. Senator Machaela Cavanaugh went through the reasons for no-bid contracts, which are things like sole source, sole provider. But the one that, yes, I thought was interesting is the emergency no-bid contracts, including emergencies that are as a result of a bill that we passed that has an emergency clause. So, we passed a bill-- I think it now, it's two years ago-- that was-- I think it was Governor Pillen's first year, that said, basically, we needed to do an efficiency study, and we set a effect-- you know, an emergency clause in that bill for July 1 or June 30 or something along those lines, which then created an emergency that then allowed for the hire of an efficiency consultant using a no-bid contract. And so that, you know, that's a problem on our part, that's a mistake on our part, that we shouldn't create an artificial emergency, especially, you know, if it's something that we want to look at efficiency, it's in a-- inefficient. You know what they-- what do they say? "Measure twice, cut once;" "Pennywise, pound foolish." There's a whole lot of analogies for acting in haste. "Haste makes waste," obviously another one. Acting in haste in the interest of accomplishing something when really, you should maybe take a step back and do it the right way and-- to make sure you get it right. So, anyway, that-- I-- we were having a conversation about that, and the part that struck me was I don't think I yet got an answer, I don't know if anybody else has gotten an answer to how do we find the folks who are the recipients of these no-bid contracts? And I'm talking about the ones that are in these emergency situations. So there's the folks that are sole-source and all that; they're-- maybe already have some kind of contract to serve as a type of computer system and all of that. That, that's a different thing. But I'm talking about when you create a new thing, like a need for an a efficiency consultant, and it's an emergency, how do we settle on the person to whom we offer the no-bid contract? Is it just that they have some kind of relationship connection to someone in the administration? Is it that they, you know, that we Googled and found, said we're looking for government efficiency consultants? And that's, you know, not the only example that I had. Another example of-- I think it was a no-bid contract with a group that ultimately drew down, or is drawing down, \$307 million in

climate pollution grants. And I might get this wrong, and actually the print is very small here, but it was with a group called-- well, now I can't find it, but-- the Nebraska BioEconomy Initiative. That's what it's called. And I-- we settled on that because I was concerned about that \$307 million maybe being part of a federal freeze, and so maybe we won't even get that money anymore. But how do we find a person to help us shepherd that through and get a no-bid contract? Are they somebody who is a friend, an acquaintance, a LinkedIn connection to somebody in the administration? Or is there a formal process to find no-bid contractors? Because the concern, of course, is we might hire somebody who's not qualified. And I know Mr. Will did say that these people have to meet the qualifications, and so I'm not questioning the qualifications, though people might take issue with the work product that they have produced, and you can have lots of other issues. I'm just simply talking about the process by which we obtain the individuals we, we give a no-bid contract to. Are there people who get no-bid contracts, who have no discernible relationship established with the, the government or members? Or is it really do you have to be somebody's buddy to get a no-bid contract? That's my question. And I-- that's why, one, we should certainly avoid no-bid contracts under any circumstance if we can, but I do wonder if, if anybody can tell me what the formal process is to give somebody a no-bid contract. So, that was one of my big questions, and Mr. Will-- with Mr. Will, and I don't think I've satisfactorily had that answered yet. So-- I'm going to be out of time here. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Continuing on about the no-bid contract process. Oh, I have too many tabs open now. So, there are-- the, the various reasons for a no-bid contract, and I read over what they were. And now I've lost my document, so I apologize. But one thing I wanted to also discuss was a, a no-bid contract that we, we passed-- or, that we engaged in, which I've heard-- many of you have heard me talk about several times before, is with Epiphany. And, when we entered into this no-bid contract with Epiphany in the summer of 2023, it was because it was an emergency, because of a date that we had to have the contract signed and executed by July 1 of 2023, but we didn't pass the bill until late May of 2023, which, of course, was-- meant that we didn't have the time to go through the bidding process. This was a manufactured emergency. So, by manufactured, I mean normally, when we have something by a date certain and we know that that's not going to work, the administration comes to us and says,

"Hey, that's not going to work. That's too soon. Can we extend the deadline?" And then we make an amendment, and it takes about ten minutes for us to do that, and we amend the date certain, and then everybody moves forward and the government functions the way it's supposed to, and we go through a transparent bidding process. But that's not what we did in 2023. Instead, we did the opposite, and we made sure that we didn't go through a robust bidding process. And then, there were questions about this. Lots of questions. Not just from me; there were lots of questions about this. And one such question came from a reporter to Lee Will, and the question was: How was Epiphany chosen, given the contract was not competitively bid? The answer: Epiphany is led by Kristen Cox, who is the former executive director of the governor's office of management and budget for the state of Utah. She assisted in orchestrating a 35% improvement across Utah's executive branch. She has firsthand experience delivering transformative results in government. That is not an answer. That is not an answer as to why they were chosen, or how they even found them. Why were they chosen? I still don't know why they were chosen. What I do know is that they had another no-bid contract with the state of Nebraska in May of 2023 that had never been disclosed. It was with the Department of Labor. And in March of 2023, they had a meeting with agency heads to basically give a presentation of their services. That's also not mentioned here. Why do I bring this up? Well, for a lot of reasons. First of all, let's not forget that that happened. That's important. Second of all, it's because it speaks to this pattern of behavior of continuing to try to shift government from sunlight to darkness, and the role that Mr. Will plays in that shift. He sits at the center of it in most of cases. I recently had a meeting with-- well, I've had lots of meetings, but I had meeting with some of our non-code agencies, and they were unaware of the fact that they were included in an email from Mr. Will that he sent in April of 2024, directing agencies on their budget cuts, and then saying, specifically, that we would have to figure out how to handle non-code agencies because we can't tell them what to put in their budget requests, so we're going to have to basically get creative. I'll find the actual email; I shelled it-- shared it with the Appropriations Committee last week, and I can share it with everybody here as well. It looks like I'm getting close to out of time. I got to say, I'm not a fan of the light, because I'm not always looking up there, and then I don't know when it went on, and if I have one full minute or 10s left, so. How much time do I have, Mr. President?

KELLY: One second.

M. CAVANAUGH: OK.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you--

KELLY: Senator Conrad, you're recognized to speak, and this is your third time on this particular motion.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise in continued opposition to this confirmation report, and thank my colleagues on the Government, Military and Veterans Affairs Committee for helping to further illuminate some of the dialogue in regards to this public hearing on this nomination, and my colleagues who have brought forward other significant issues that impact this confirmation. So, in addition to an evasiveness on implementation of key initiatives that Governor, Governor Pillen has put forward, a key role in the disastrous special session, and ongoing concerns relating waste, fraud and abuse of taxpayer dollars, as evidenced through a growing trend of no-bid contracts, there is also a significant track record when it comes to, really, budget tricks and shenanigans. And I want to make sure to lift that up in an even greater detail in regards to the last biennium and the special session adjustments, and the governor's budget that has been proposed to us this biennium as well, which reflects upon Mr. Lee Will's work in this regard. So, if you want to Google it, you can look at the Flatwater Free Press; they published a story on July 23, 2024, which details how the Pillen administration, primarily through the work of Mr. Will and others, meant to direct agencies to make unprecedented cuts ahead of the special session, and withheld this information from the Legislature in the midst of our budgetary deliberations. These directives sought to slash state agency programs and appropriations to the tune of \$280 million. And you don't have to take just my word for it, colleagues, or the reporting of journalists in this state. But let me include a quote about this dynamic from one of the Legislature's most esteemed public servants, Tom Bergquist, who had served this Legislature in, primarily, the forecast budget and financial work before this-- before the Legislature, before retiring in 2022. Served for almost 50 years, 46 years. So, he's seen a lot of governors, a lot of budgets, in good times and bad times. And he called what was emanating from the Budget Office and the Pillen administration's approach to budgetary matters, quote/unquote, "Everything about this is totally unprecedented." And I think that really helps to clarify the fact that we norms are being thrown out the window, games are being played, and it's all to advance

a radical agenda that seeks to undermine government service, and services that citizens rely upon; to undermine the Legislature's sole and unequivocal role as the power of the purse and power of appropriations to bend, to borrow, to steal for any-- at any, at any juncture, to lift up radical tax cuts to benefit the most wealthy landowners in this state. And this doesn't just affect programs impacting the poor or working class, which it does, through these budgetary shenanigans; it also impacts wildly popular and successful, successful programs advancing our natural resources and our ag community, like riparian vegetation management funds that have been swept and impounded, and that hurt our ability to steward our water resources. This isn't regulated to just one aspect of government, this is system-wide, and it's wrong and it's unprecedented. And you can give your assent, but we'll continue to stand witness, because it shouldn't be normalized. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Machaela Cavanaugh, you're recognized to speak. This is your third time on this motion.

M. CAVANAUGH: Thank you, Mr. President. It shouldn't be normalized. This is not normal. It is not normal to accept an erosion of transparency in government. It is not normal to condone and confirm people who perpetuate an erosion of transparency in government. I agree with the sentiments that Senator Conrad made in her first time speaking on this confirmation, that I appreciate anyone who's willing to engage in public service. It can be a thankless job, almost always. But I still believe that we should hold our public servants to a higher standard, to the highest standard, and confirming someone who has thumbed their nose at process, procedure, transparency, good governance-- to me, it's not acceptable. The letter that I was speaking of, that I had shared with the Appropriations Committee came from a request I made to DAS in June of 2024 when I heard about the fact that the governor's office was pushing down on state agencies to cut their budgets in April of 2024 while we were doing our own budget for the biennium-- or, the remainder of the biennium, and in an effort to plan for the special session. So, this is an email dated April 6 to Kristen Cox from Lee Will: Emails below have been set-- spent framing the governor's goals for savings. Non-code agencies will have to factor into the equation to get to the targets. Don't know how the "heavy-hitters" will be treated, like state colleges, universities, etc. I will tell you how they were treated. They were told nothing, and they-- except to ask for a 3% increase in 2025. They were told to ask for a 3% budgetary increase in 2025, and then the governor's budget came out, and they were told the night before it came out that

they were actually being recommended for a 2% decrease. So, a 5% swing. That's how the non-code agencies were handled. Doesn't make us a very good partner. It goes on to have the copy of the emails that were sent to every code agency director, starting with the lieutenant governor and going down the list to DAS, to HHS, which-- I love HHS was told to cut \$200 million from their budget, because they've just got that sitting in the seat cushions, apparently. Veterans Affairs, which-- at the same time as Veterans Affairs were being told that they needed to cut \$2.5 million in '24 and \$3 million in '25 from their budgets, at the same time, they were not getting their distributions, their quarterly distributions. They weren't able to make payroll. Again, the Department of Veterans Affairs couldn't make payroll because we were denying them access to the funds that we appropriated to them. Checks were bouncing from state agencies. I see I'm the last one in the queue, so I'm not going to belabor this any longer, because I spent quite a bit of time in August talking about Mr. Will's involvement in the "degradation" of how our budgetary process is working, and how we are misusing funds, mishandling administrative functions. So, with that, I say I will not be supporting Mr. Lee's confirmation-- Mr. Will's confirmation, and I yield the remainder of my time.

KELLY: Thank you, Senator Cavanaugh. Senator McKinney would like to recognize some guests in the north balcony. Youth connected with the Youth Initiative, Nebraska Children and Found-- Families Foundation [SIC]. Please stand and be recognized by your Nebraska Legislature. Senator Clements, you're recognized to speak.

CLEMENTS: Thank you, Mr. President. I stand in support of Lee Will for director of Administrative Services. He is well qualified, he's worked here in Nebraska for a number of years, and knows the agencies well. Done an excellent job working toward a balanced budget. We've got difficult decisions and he's been helping me to prioritize what the most important items are that we need to protect, but there are definite areas where we need to cut back. We had a, a lot of new spending in the COVID years, when we had a lot of money, and there's items that were added in the budget that, really, we can do without with-- now that COVID is over. And I'm also not aware of any pattern of no-bid contracts, that's a new thing to me. I certainly haven't experienced any emphasis toward wanting to go to no-bid contracts, although I'm not very much involved in those. But I do think Mr. Will is a well-qualified person for this position, and he, he has a lot of experience in Nebraska agencies, and is not trying to hurt Nebraska, trying to make it better for all of us. Thank you, Mr. President.

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Floor Debate February 3, 2025
Rough Draft

KELLY: Thank you, Senator Clements. Senator-- Senator McKinney, you're recognized to speak.

McKINNEY: Thank you. I will yield my time to Senator Conrad.

KELLY: Senator Conrad, would you yield to some questions?

CONRAD: No, no, it's not yield to a question. He's yielding his time to me, Mr. President.

KELLY: Excuse me. Senator Conrad, you're recognized to speak with 4 minutes, 35 seconds.

CONRAD: Very good. Thank you, Senator McKinney. And thank you, Mr. President. I was hoping that my friend, Senator Sanders would respond to some questions, yield to some questions, please.

KELLY: Senator Sanders, would you yield to some questions?

SANDERS: Yes.

CONRAD: Thank you, Senator Sanders. Senator Sanders, I know that you take your work on the Government, Military and Veterans Affairs Committee very seriously, and I'm very, very excited that you are leading that committee this biennial. So, I just wanted to touch base, because I didn't have an opportunity to be a part of the executive session. If you could help to illuminate for the body, we're concerned about no-bid contracts, budget impoundment, implementation of executive orders. Were any of these issues that colleagues have raised this morning part of the deliberations in the executive session on this confirmation?

SANDERS: Senator-- thank you, Senator Conrad. It was not.

CONRAD: OK. Thank you, Senator Sanders. And then, considering that we have raised significant issues in regards to really important functions that Mr. Lee Will has played an important role in, do you think it would be incumbent upon the work of the Government, Military and Veterans Affairs Committee, since this information was not discussed in executive session, to recommit this confirmation to the committee for additional inquiry and deliberation?

SANDERS: Senator Conrad, I have people talking around me, and--

CONRAD: Oh, sorry.

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Floor Debate February 3, 2025
Rough Draft

SANDERS: --we're far from each other, so I--

CONRAD: Sure. Yes.

SANDERS: --didn't get the whole question, but I just--

CONRAD: And I know our, our, our vision is, is, is, is blocked as well. So, I was just saying in, in regards to the fact that the committee did not discuss any of these key issues regarding no-bid contracts, waste, fraud and abuse, impoundment of appropriated funds, implementation and execution of governor's key priority initiatives, a role in special session, wouldn't it seem that these significant issues should at least be deserving of further inquiry and deliberation, and thus, should be recommitted to committee?

SANDERS: Senator Conrad, I think we had that opportunity in the hearing, and we have to also keep in mind-- part of a big organization, there will be some hiccups, and there'll be some disturbance. And he tried to answer everything in the hearing. Also, when he didn't have the answer, we did get an email with some answers. And we can continue to do that if we want to debate this any longer. I know Will is out in the lobby, if you'd like to go and ask him any questions.

CONRAD: OK. So-- thank you. I appreciate your candor and leadership, as always, Senator Sanders. And I, I think that, you know, now the record is actually quite clear that significant issues that related to this confirmation were not discussed in the executive session. They-- I think it is definitely not a political or partisan issue to be concerned about no-bid contracts, the disastrousness of the Nebraska special session, or other key areas where this nominee was leading the way and that impact this institution, checks and balances, separation of powers, and citizen services and taxpayers' interests. So, it seems that perhaps a motion to recommit might be in order, since indeed there was no deliberation at the committee level on these key points. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Mr. Clerk with a motion. Returning-- turning to the queue, Senator Hunt, you were in the queue.

HUNT: Mr. President, Mr. Clerk, is there a pending motion? OK. I, I put my light on because I heard Chairwoman Sanders say that we did receive an email from Lee Will addressing some of the questions we had in our committee, and I didn't receive that. And so, I actually just

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Floor Debate February 3, 2025

Rough Draft

need, like, a little time, but there's nobody in the queue, so I'm-- I didn't receive that email, and my staff is telling me that they don't have it either. So, I mean, what are we doing? You know, let's back all the way up and say Senator Conrad should have been on this committee in the first place if it wasn't for CD3 bullying CD1 into kicking people off their committees in Committee on Committees. So now, the oversight that should be happening in committee is happening on the floor. And I'm taking time so that I can look in my email for answers that we weren't getting from this nominee in committee. Senator Sanders is coming over to me with breaking news. Sarah Skinner in Mr. Will's office sent the email. OK. OK staff, look for an email from Sarah Skinner. Thank you, Chairwoman Sanders. I think it's OK to explicitly state the politics of, of what's going on here in this work. Lee Will is a, is a partisan-- not just Republican, but incredibly conservative Republican who supports, down to the letter, what the Trump administration is doing, whatever Jim Pillen would like to do, which-- I don't even know if Governor Pillen knows what he wants to do. He's getting his orders from the top, too. Coming into the committee hearing and acting like he has no clue what could be happening with immigration and Nebraska, no clue how this gender executive order could be currently being enforced right now; it's totally above my head, it's not my job, it's not my purview. Ridiculous responses. Incredible. Incredible meaning not credible. I was incredulous to hear that. And frankly, it's an insult to our role as lawmakers and a co-equal branch of government, and it's an insult to Nebraskans who are looking to their government for oversight, for accountability, for transparency. We didn't get answers about these no-bid contracts, we didn't get answer about these requests for proposals, and we didn't get answers about how DAS is actually implementing the governor's orders. I don't think that deserves a rubber stamp. I have an update from my staff. The committee counsel, Dick Clark, forwarded the email to us. Thank you, Mr. Clark. It says: Good afternoon, Chairwoman Sanders. We are forwarding-- we're following up with the Government, Military and Veterans Affairs Committee to provide more information on the state of Nebraska vacant positions as it relates to the governor's executive order. Director Will had limited information on the subject when responding to questions, so he wants to make sure the committee has the complete data. The 2025-2027 biennium budget book includes these details on page 70, as linked here. Please let us know if the committee has any further questions. Thank you, and have a great weekend. We did not get this email. I am a member of this committee. I did not receive this email, my staff has confirmed. So once again, how is this

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate February 3, 2025

Rough Draft

transparency? How-- this is, this is the executive branch spitting in the face of a co-equal branch of government because they expect us to rubber stamp this. If we had an actual, functional government, they would be working to earn our trust. They would be working to communicate and cooperate, as has happened in previous administrations. So my point, colleagues, is I don't care if you politically agree with this nominee. I don't care if you agree with all the things this administration wants to do. What you should stand up for, first and foremost, and what former Republicans in your position have done, is for good governance, for transparency and accountability, and for the people of Nebraska who would like to be represented, and know what their government is actually doing; protecting the institution, protecting the process, so that the people know what's happening in the government that they pay for. Thank you, Mr. President.

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

QUICK: Thank you, Mr. President. I'll yield my time to Senator Conrad.

KELLY: Senator Conrad, you have 4 minutes, 55 seconds.

CONRAD: Thank you, Mr. President. And, in regards to some-- and thank you to my friend, Senator Quick, for the time. I appreciate it. I, I do want to draw an additional connection here in regards to this confirmation report and this nominee, and some of the concerns that colleagues and, and-- that I have brought forward in regards to withholding appropriated funds. So, this is an issue that we've been deeply concerned about in Nebraska over the last biennium, and definitely since 2024 and through present day. And really, what, what this is, colleagues, is this is a-- in essence, a state-level precursor to what's literally happening on the federal level right now, and causing so much consternation and headache and heartache wherein the new administration is literally withholding funds that Congress has already appropriated for critical and important functions. That's what's happened in the Pilleen administration, and under the direction of this nominee. So you have heard-- I believe, I would guess. Maybe not, and none of you have jumped out of your chairs to say otherwise, so if it's not the case, maybe you could make that clear for the record. Or if it is the case, perhaps you could lend your voice and your vote to expressing some concern. But my office has heard from Nebraskans across the state who are deeply, deeply upset that funds that we have appropriated through a very deliberate process

are not going out for citizen services as intended, but have been impounded, have been withheld, and then have been shifted around in additional budget deliberations to prop up the fiscal recklessness of this administration, including massive tax cuts for the most wealthy Nebraskans, and plundering and pilfering away record surpluses in our state fiscal climate to now a budget deficit in just mere months. So, when I hear from constituents and stakeholders across the state-- and these aren't just folks who, like I said, are relying upon work support programs or public benefits. These are ag interests; these are economic developers; these are bankers; these are business interests; these are water specialists; these are farmers that are saying what is happening in our budget under the Pillen administration is unprecedented and wrong. We secured those appropriations through the people's branch, which has the sole power of appropriation to carry out important public functions, and those monies are not getting out the door. And that's at the direction of the governor, and that has been facilitated by this nominee. So, as the governor's budget was put forward for this biennium, the same interest. The phone starts ringing off the hook, the texts start coming in, the emails start coming in, the panicked meetings start being requested. We've never before seen this approach in a governor's budget. We're concerned about what this means for a critical government program impacting a lot of Nebraskans. We're concerned that the governor is trying to take back his prior commitments that were negotiated and hard-fought through prior budgets. And why? We're not in a period of economic recession. We're not in dire straits. We're raiding government funds and duly-made appropriations to prop up reckless spending, unsustainable, inequitable tax cuts, and to hide the ball from Nebraska taxpayers. And the same thing is happening at the federal level, causing consternation and concern from our institutions of higher education to great local organizations like Lutheran Family Services, who are now in the crosshairs. So, when your constituents and your organization are in the crosshairs next, then will you see fit to rise and share your voice? Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. Just sitting here and having conversations and listening about contracts and trying to do some research; research on one particular thing that this state is putting, at minimum, \$350 million in, but it's probably going to be half a billion, and I'm just trying to get better clarification on how that is working, who's getting those contracts, how that process is

working, and that is the new prison, which, if you're new, is being sold as a replacement prison for the Nebraska State Penitentiary. But if you've paid attention the last couple years, nobody wants to close the Nebraska State Penitentiary or demolish it. I've attempted to do that multiple times, and I was told we can't demolish it because we need to save it because we still want to operate it. So, although in, like, the budget request it says replacement prison, it's not a replacement; NSP will still be open. So, we're building another prison, and I'm just curious to see how that all is shaking out. And the people of Lincoln-- Lincoln is the capital of the prison industrial complex. Like, this is wild. You'll have the Nebraska State Penitentiary, you'll have the Recession Treatment Center [SIC], which is otherwise-- other-- I mean, it's called the RTC. That's a bunch of buildings. They just built something there, 384-bed facility that is pretty much on lockdown all the time, like, 20 hours a day or more, which is wild to say. Then, we're building-- the state is building another prison, which is supposed to hold, I think, 1,200 to 1,500 individuals, which is going to be overcrowded day one. And I think it's something to pay attention to how, how those contracts-- who's getting the contract to build that? Who's taking advantage of those contracts? Because it's big business. \$350 million is a lot of money. And we should be paying attention to where those tax dollars are going for an overcrowded prison. Something we should really think about. We're building an overcrowded prison. Just think about that. The state of Nebraska, to solve its problem with over-- prison overcrowding, is building an overcrowded prison. Just think about that. Does that make any sense? Just think about it. The-- can, can you comprehend that? To solve our prison overcrowding problem, we're-- we are building an overcrowded prison, based on projections. Because we haven't, you know, passed a lot of, you know, legislation that will slow-- not even slow the amount of people going in, because the admissions are-- have decreased, if you paid attention to the State of the Judiciary last week. A lot of people are going in, but the length of stays are going up, or have gone up. So, a lot of people are spending, spending more time in prison, and we don't really have a lot of mechanisms to get a lot of people back out, unless you support Senator Holdcroft's LB215, which would give people second chances, and, and some other legislation. What I'm trying to say is we talk a lot about fiscal responsibility and needing people and spaces so we can be fiscally responsible as a state. But when it comes to criminal justice and prisons, it's a dark hole that nobody cares about. And then, we say we're in a \$432 million shortfall, but we're just dropping \$350 million into an overcrowded prison, and nobody sniffs at it or cares,

or-- it's hard to even find information about who's getting these contracts, who's doing the bidding, how do-- how, how is it working? We really need to figure this out. That's all I wanted to say, that, number one, we should not be building prisons in 2025 or beyond. We should be helping people meet their basic needs and those type of things, to prevent them from going inside of prisons so they don't be overcrowded. But we'll talk about that later. And we shouldn't be trying to lock up 12-year-olds with felonies, or 11-year-olds. We'll talk about that later, too. Thank you.

KELLY: Thank you, Senator McKinney. Mr. Clerk, for a priority motion.

CLERK: Thank you, Mr. President. Senator Conrad would move to recommit the confirmation report to the Government Committee.

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

CONRAD: Thank you, Mr. President, and good morning, colleagues. I had not planned to file this motion, but I appreciate the dialogue that we've had this morning, and I also appreciate the admission from Chair Sanders that none of these serious issues were even deliberated upon at the committee level in executive session. And so, if there was ever a time to recommit a committee report, it would be appropriate to do so when serious issues about implementation of key government initiatives and budgetary proposals, and taxpayer waste, fraud and abuse, and impacts for citizen service have been brought forward. So with that, I am planning to take this to a vote. And I was hoping that my friend Senator Lonowski would yield to some questions.

KELLY: Senator Lonowski, would you yield to some questions?

LONOWSKI: Yes, sir.

CONRAD: Thank you, Senator. And I know that you are a new member of this body and new to the committee, so you may not have a lot to compare this to. But you've heard some of the concerns that were brought forward in regards to this nominee this morning. Do you have any concerns about no-bid contracts in state government?

LONOWSKI: Thank you, Senator Conrad. At this point, I have not received any emails regarding concerns over Lee Will, I have not heard of any reports on no-bid contracts, and I really-- I was very impressed with Lee Will in our committee hearing.

CONRAD: Mmhmm.

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate February 3, 2025

Rough Draft

LONOWSKI: So, I guess in regard to no-bid contracts, you would have to be more specific about exactly--

CONRAD: Sure.

LONOWSKI: --the direction we're going with that, with that question. Thank you.

CONRAD: Sure. And, and thank you, Senator Lonowski. And I, I think you did have a chance to hear some of that at the committee level, and then you've heard additional examples here, today. And I just want to be clear, something like the letting of public contracts for multimillion dollar impacts on the taxpayer is-- has always been and should remain a, a nonpartisan, nonpolitical issue. We are always able to put aside our differences on other areas where we may have disagreement to ensure that, that taxpayers are getting good value. So, I think that we'll find a lot of ground-- common ground working on that moving forward. And if this nomination does move forward, would you work with myself and others to make sure that taxpayers are getting a good value on those contracts, and some of the other issues that have been brought forward today?

LONOWSKI: Senator Conrad, I most assuredly would work with you to do what's best for the taxpayers.

CONRAD: Great. Very good. Thank you, Senator Lonowski. I appreciate it.

LONOWSKI: Thank you.

CONRAD: I was wondering if Senator Andersen would yield to some questions, please.

KELLY: Senator Andersen, would you yield to some questions?

ANDERSEN: Yes, Mr. President.

CONRAD: OK. Thank you, Senator Andersen. And I know that you serve as vice chair of the Government, Military and Veterans Affairs Committee, and that you also have a considerable background from your work outside of the Legislature in regards to government contracting and federal contracting, and things of that nature. Is that a fair assessment?

ANDERSEN: I do have some experience. That's true.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 3, 2025
Rough Draft

CONRAD: I think at, at, at least more than some. But I will, I will let you characterize it as you see fit. And I was just hoping that-- and I know you're a new member here, but if you've heard some of the dialogue this morning in relation to the proliferation of no-bid contracts in Nebraska under this administration, is that-- are those areas or issues that concern you, or that came to bear in light of your consideration of this nominee?

ANDERSEN: No. With the, the sole source contracts, there's a specific requirement for them, and typically, it's for a specific purpose, and companies that fit the bill that there are not other competitors out there. And this is-- I have no experience with this nominee and no-bid contracts.

CONRAD: OK. Very good. And Senator Andersen, it seemed that since there were some connections here over uncertainty in "withgards" to either withholding funds or changed practices of federal funds, I know you have a dynamite bill that has been out there for many years that would require the state to take into account federal funds, create an inventory, and create a contingency plan if those funds were to be disrupted or go away. So, since that great piece of legislation is related to this dialogue, I, I just wanted to give it a shout-out and see if you wanted to, perhaps, lift up, or raise awareness, or build support for that as we connect the not-- dots on these issues.

ANDERSEN: Well, thank you, Senator Conrad. Yeah, the bill I proposed really is trying to track and lay-- raise the level of awareness and transparency of federal money that comes into the state and determine what the state's obligation is, and what the impact would be if the federal funds were no longer sent. [INAUDIBLE]

CONRAD: Very good. Thank you. Thank you so much, Senator. I look forward to working with you on that. I was hoping that Senator Guereca might yield to some questions, please.

KELLY: Senator Guereca. Would you yield to some questions?

GUERECA: Yes, Mr. President.

CONRAD: Thank you, Senator. I know you're a member of the Government, Military and Veterans Affairs Committee, as well. And was your recollection similar to my friend, Senator Sanders, that these key issues impacting this confirmation and nomination were in fact not discussed at the committee level in executive session?

GUERECA: I know there was discussion when we were talking to Mr. Will during his confirmation hearing. I'm trying to-- if there was, it wasn't a substantive-- or, it wasn't that long of discussion.

CONRAD: Mmhmm. So do you feel like you've heard some new information this morning that perhaps would be of benefit to the committee as a whole to sort through, before we rush this nomination to confirmation?

GUERECA: I think one of the most important jobs we have, one of the reasons we were elected is a fiduciary responsibility to our constituents and to the taxpayers of Nebraska. And certainly, making sure that no-- that these no-bid contracts are being used in the manner that they were supposed to should always have a little more scrutiny to it.

CONRAD: Very good. I, I agree, Senator, and, and thank you for, for sharing that. I think that's, that's all the questions I have now, and--

GUERECA: Thank you.

CONRAD: --I appreciate your commitment to transparency and good stewardship of tran-- of taxpayer funds, and then also, helping to further illuminate the committee process. And friends, I, I know that there was a great deal of partisan wrangling that went into the composition of the Government, Military and Veterans Affairs Committee, and whether it was in regards to the compens-- compen-- composition of that committee or any of our jurisdictional committees, I think that we are kind of starting down a path where we're going to see a familiar pattern this session. All of the partisan wrangling and mean-spiritedness that went into that Committee on Committees process to, somehow or another, stack committees for favorable outcomes are, are ultimately in vain, because critical issues-- whether it's confirmation reports or substantive legislative bills or resolutions that emanate from those committees are going to need to make their way through the floor. Which, of course, is happening now, and will continue to happen on matters that are before us on General File, and we'll have a chance to dig into a little bit more deeply here today. So, that short-sighted, mean-spirited approach will have ramifications. And it is deeply disappointing that a committee of this Legislature really had very little, if any, deliberation on a key gubernatorial nominee that holds considerable influence in state government. And that is, in fact, a disservice to the people, and to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 3, 2025
Rough Draft

this institution, and thus, this motion to recommit should, should garner your, your support. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Seeing no one else in the queue, you are recognized to close on your motion to recommit. And waive. Members, the question is the motion to recommit. 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, shall the house be placed under call? All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

CLERK: 24 ayes, 12 nays to place house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused members are present. There's a vote open. Senator Conrad, would you accept call-ins? Thank you. We're now accepting call-ins. Mr. Clerk.

CLERK: Senator Dungan voting yes. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes.

KELLY: Record, Mr. Clerk.

CLERK: 12 ayes, 29 nays on the motion to recommit, Mr. President.

KELLY: The motion fails. Mr. Clerk. I raise the call. Returning to the queue, there is no one in the queue. Senator Sanders, you are recognized to close, and waive closing on the motion-- on the adoption of the committee report. All those in favor, vote aye; all those opposed, vote nay. Mr. Clerk, please record.

CLERK: 31 ayes, 6 nays, Mr. President, on adoption of the committee report.

KELLY: The report is adopted. Mr. Clerk. Speaker Arch, for what purpose do you rise?

ARCH: I have a parliamentary inquiry.

KELLY: Please state your inquiry.

ARCH: The question is whether a recommit motion is in order on a confirmation report. My understanding is that, that because the

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate February 3, 2025

Rough Draft

confirmation report is an up/down vote, it can-- you vote down on a confirmation report, it is automatically sent back to the committee. So, I'd, I'd appreciate a parliamentary inquiry on that.

CLERK: Mr. Speaker, I appreciate the, the opportunity. You are correct. Past precedent had recognized that, from a parliamentary standpoint, the easiest procedure is to vote down the committee report, which would return it to committee automatically. So, there would-- would not have been the opportunity to recommit it. The Legislature recognized the, the recommit; we could have done a bracket or a different priority motion, but possibly-- but the, the recommit itself, the simpler solution is to return it to committee via a "no" vote.

KELLY: Mr. Clerk, next item on the agenda.

CLERK: Thank you, Mr. President. Next item, the Government, Military and Veterans Affairs Committee would report favorably on the gubernatorial appointment of Kevin Workman to the State Personnel Board.

KELLY: Senator Sanders, you're recognized to open.

SANDERS: Thank you, Mr. President. On January 24, the Government Committee held its hearing on the appointment of Mr. Kevin Workman as a member of the State Personnel Board. After 15 years in pastoral ministry, Mr. Workman has spent the last 17 years in H.R. and personnel. He served as the Nebraska State Personnel Director for two years. In the hearing, Mr. Workman explained the function of the State Personnel Board in adjudicating disputes relating to state employees. He is clearly an expert on our state personnel policies, and the labor contracts that the board has to navigate. He made a very favorable impression on the Government committee, which voted unanimously to recommend his confirmation as a member of the board. Please vote green to confirm Kevin Workman as a member of the State board-- Personnel Board. Thank you, Mr. President.

KELLY: Thank you, Senator Sanders. Seeing no one else in the queue, you're recognized to close, and waive closing. Members, the question is the adoption of the Government, Military and Veterans Affairs Committee report. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 3, 2025
Rough Draft

CLERK: 39 ayes, 0 nays on adoption-- excuse me. Adoption of the committee report.

KELLY: The committee report is adopted. While the Legislature is in session and capable of transacting business, I propose to sign, and do hereby sign LR26, LR30 and LR31. Mr. Clerk.

CLERK: Mr. President, some items. Senator Holdcroft, amendments to be printed to LB357. Notice of committee hearings from the Executive Board. Name adds. Senator Andersen, name added to LB272; Senator Clements to LB285; Senator Prokop, LB342; Senator Dungan, LB425. Finally, Mr. President, a priority motion. Senator Strommen would move to adjourn the body until Tuesday, January [SIC-- February] 4 at 10:00 am.

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