

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

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-third day of the One Hundred Eighth Legislature, First Session. Our chaplain today is Reverend Jerry-- Jeffrey Bloom, Immanuel Lutheran Church, Lincoln, Nebraska, a guest from Senator Wishart's District. Please rise.

PASTOR BLOOM: Let us pray. Almighty God, our Heavenly Father, you have made all people that they might serve you and enjoy your presence forevermore. In love, you have sent your son, Jesus Christ, to call us back from death to life, from darkness to light, from sin to righteousness. You have loved this world, your world, and especially our great state of Nebraska, with an everlasting love. Hear my prayer this day as I pray for your mercy and guidance for the men and women you have assembled in this Chamber to represent the citizens of our great state. Give them humility and wisdom as they discuss the legislation before them. Enact laws to promote peace and unity among all Nebraskans. Instill in them a healthy respect for the office they hold and remind them of the responsibility to defend those who cannot defend themselves as we promote equality and liberty for all our citizens. Where there is discord among them, I pray that you would establish lasting concord. Where there is disagreement, I pray that your will would prevail and unanimity be established. Grant Speaker Arch wisdom as he oversees the proceedings of this body and all the business may be conducted with honor and integrity. Father, as we endure this blustery day, we eagerly anticipate spring and reminded of the farmers and ranchers that fuel our economy and bring food to our tables. We ask for your blessing and protection upon them as the planting season approaches that you would provide seasonable weather and the fruitfulness of the earth. I pray this in Jesus' name. Amen.

KELLY: I recognize Senator Armendariz for the Pledge of Allegiance.

ARMENDARIZ: 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 thirty-third day of the One Hundred Eighth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections this morning.

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

CLERK: There are, Mr. President. Your Committee on Enrollment and Review reports LB94, LB279, LB52, LB250, LB68, LB3, LB93, LB278, and LB536 to Select File, some having E&R amendments. Additionally, notice of committee hearing from the Revenue Committee. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Albrecht would like to recognize Dr. David Hoelting of Pender, Nebraska, serving as the physician of the day. Please stand and be recognized by your Nebraska Legislature. First item, Mr. Clerk.

CLERK: Mr. President, first item on the agenda, LB147, introduced by Senator Kauth. It's a bill for an act relating to property tax refunds; amends Section 77-1736.06; change provisions relating to the notification of political subdivisions; and repeals the original section. The bill was read for the first time on January 9 of this year and referred to the Revenue Committee. That committee placed the bill on General File with no committee amendments. I do have an additional motion pending, Mr. President.

KELLY: Senator Kauth, for a one-minute refresh, please.

KAUTH: Good morning, colleagues. I'm talking about bill LB147. LB147 makes minor modifications to how a county treasurer notifies a public-- political subdivision of a refund. Basically, it's saying that they can use email as long as the political subdivision requests it in writing, and it allows them to raise the limits. They used to have to notify everything under \$200. The political subdivisions felt that was too low, so they want it notified under \$1,000. It's a cleanup bill. It's just making good government. Thank you.

KELLY: Senator Kauth, will you-- you have a ten-minute opening on LB147.

KAUTH: More than what I just said? Yeah, that-- that's all. This is just a very basic cleanup bill allowing electronic mail, so email and just changing the dollar amount.

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KELLY: Thank you. And yours to close. Waive closing. District-- the Clerk, for an item.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to bracket LB147.

KELLY: Senator Cavanaugh, Machaela Cavanaugh, to open.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I put this bracket motion up yesterday, and I'll just give you a refresher from yesterday. I told this body that I was going to be slowing things down and I try to be a person of my word. So I am here today to slow things down. Last night, the Health and Human Services Committee voted out of the committee LB626 and LB574. And I am-- to say I am passionately opposed to those two bills would be an understatement. I am going to do everything that I can and all that I can do is take time. But I'm going to do everything that I can to try and stop bad bills from being implemented. I am going to force this Legislature to decide what bills you want to pass. And if LB626 and LB574 are the bills you want to pass, then those will pass. But you're going to sacrifice other bills in the process. Other senators' priorities are going to be sacrificed in the process because I am not going to let this Legislature move forward. I'm going to take every minute that I possibly can. And as you can hear in my voice or not hear, I'm losing my voice and I do not care. I don't care if I-- if the record just shows me hacking up a lung. I'm going to stand here and I'm going to take every minute that I can. So get out your correspondence, do your taxes, make your lunch plans, plan your funeral. It's always a good idea to plan your funeral, not because I think anybody is dying. Just it's a good proactive thing to do in life. You don't have to sit in here. You don't have to be here. You don't have to listen to me. But I am going to be taking time. I'm going to be taking all of the time and I'm going to take this bill for as long as possible. It is my objective that we do not get to a vote this morning. I have this bracket motion up. I have an amendment coming. I have a floor amendment coming. I will put up other motions. I'm not going to stop until we adjourn and I'm not going to stop on the next bill and the next and the next and the next. And I don't care whose bill it is. I'm not going to discriminate. I don't care if it's a bill that I love or a bill that I hate. Every bill that is on the agenda is going to be treated the way I'm treating this bill this morning. This body is going to have to make some choices. You're going to have to decide what your priorities are. My priority is protecting children. That's it. It's been a consistent priority of mine from the day I walked into this Chamber over four years ago, and I'm not going

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to stop. And I don't care if I'm doing it alone and I don't care who gets angry with me. I'm not going to stop, because our children deserve advocates in the Legislature. Our children deserve to be treated like human beings. Our children deserve to be cared for. We're not working on bills that seek to feed children. We have a series of Supplemental Nutrition Assistance Program bills or better known as SNAP that haven't even had committee hearings yet. We have the needy assistance fund bills, TANF. We have \$130-plus-million sitting in the TANF Rainy Day Fund. When Mike Foley was previously the Auditor, he's an Auditor again now, but when he was previously the Auditor, he did an audit of the TANF fund. And at that point, I think it was something like \$25 million. And he issued an opinion that we needed to be seeking ways to not build that fund, but to be spending it because that money is supposed to be helping needy families. And we have families in crisis right now in Nebraska. We have families in rural areas that can't afford groceries, can't afford gas. They have to travel long distances to get to grocery stores, so gas is even more important. And we're not addressing the concerns of the families and the children across the state in rural parts of the state. We have housing bills. We have rental assistance bills, we have Medicaid expansion, postpartum. There are so many things that we should be doing to help the people of Nebraska. And this body is willfully, knowingly, purposely ignoring all of that for cable news network click bait that only hurts children. It doesn't move anything forward in Nebraska. It doesn't make this the good life. It doesn't make this a place that families want to move to. It makes it a place that families want to leave. When your state, your state-elected body is actively hurting children, actively hurting children, why would anybody want to move here? Why would anybody want to be here? I'm here and I'm not going anywhere. I don't care how sick I am. I don't care how bad I feel. I'm going to be here for the remainder of this session, talking on every single bill until I literally cannot talk anymore. So how much time do I have left?

KELLY: 3:10.

M. CAVANAUGH: Thank you. I should make sure I'm in the queue. So here's a little filibuster lesson for some of you. So I've got a bracket motion. That takes 10 minutes. I've got, I think, is it two times in the queue, Mr. President? Do I get two times in the queue and close? I believe so, yes. I'm seeing the Clerk nodding yes.

KELLY: Three more opportunities, yes.

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M. CAVANAUGH: Yes. So I get ten minutes to open; two times in the queue, that's another ten minutes; and then five minutes to close. So that's 25 minutes. I'm going to take 25 minutes on this motion. Then we'll go to a vote or I'll pull it and put up a different bracket motion. I haven't actually decided on that yet, something that was attempted to change in the rules, but I'm not feeling that spicy yet this morning. I've got plenty of other things we can do on this bill. So then we'll go to a vote. Then my amendment, which I assume the vote will fail, then my amendment will be put up there. And then I'll open on that. I'll have times to speak on that. I'll close on that, same process. Each one of these things is going to take around 30, 35 minutes. I can also do a call of the house that 100 percent would fail. But that takes time. So I'm OK with that. And when it fails, we do another piece of business on the floor. I can do another call of the house. I could literally just do calls of the house all morning long. I'm not going to. Don't worry, friends. You can leave or not leave. I'm sure there's people out in the Rotunda who would love to get meetings done while I'm doing this. Feel free. If there's a call of the house, you'll know. You can come back and vote or you can ignore it. So trying to keep hot--

KELLY: One minute.

M. CAVANAUGH: Thank you. Trying to keep hot liquids going. OK. So going to start with there's an article in the Nebraska Examiner. The Nebraska Examiner, for those that don't know, is our digital newspaper here in Nebraska. It's a nonprofit news outlet. And it's exactly-- you Google Nebraska Examiner and it'll come up. There's an article on their front web page: 'Heartbeat' abortion bill and measure blocking gender-altering procedures sent to full Legislature. Opponent of both Nebraska bills-- opponent of both Nebraska bills vows to burn the session down with extended debate. I-- I'm guessing you all can guess who that was that made that statement. So--

KELLY: That's your time, Senator. You're next in the queue.

M. CAVANAUGH: Thank you, Mr. President. So one of the things that I was discussing in committee yesterday and what I think is an interesting concept that we have Executive Sessions and the press is allowed into our Executive Sessions, which I very much appreciate. I think that's the best-- best/only way for the public to know what's going on behind closed doors. I am again a person of transparency. I have no problem with our Executive Sessions being recorded, being televised, all of the things, because, frankly, I wouldn't say anything in Executive Session that I wouldn't say right here. Like I'm

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going to burn the session down to the ground with extended debate. So this article is about LB626 debate in, in Executive Session and LB574. And I use debate extremely generously. There was no discussion. There was no discussion over these bills. I even pointed out that we literally discussed the Czech license plate bill in committee more than we discussed either one of these bills. That's how thoughtful your Nebraska Legislature is. We kicked two of the most divisive, legally suspect bills out of committee without discussion, without amendments, without addressing a single concern of any of the hours of opposition testimony. So when that all comes up on the floor, that's why. I am upset about LB626. I really am. I really am disgusted by it, but I'm heartsick over LB574. I, I feel like I failed my children last night. And I have to live with that. But that doesn't mean I have to make it painless for the rest of you. That bill hurts children. That bill hurts my children. It is unconscionable to me that we would vote something like that out of committee without even a word about the opposition, a word about the children that came and opposed that bill, that waited hours and hours and hours, left school early, came with their parents. We just voted it right out. No discussion, no addressing of a single flaw in the legislation. Most bills have problems. Most bills need something to clean them up. That is not uncommon. But not these, not these perfectly emoji poops. They don't need anything. I guess if your intention is to hurt and "degregate" minorities--

KELLY: One minute.

M. CAVANAUGH: --then congratulations, Nebraska Legislature. We are doing it. We are winning at that. I realize now because I cried a little bit that I-- I'm sure that Twitter is blowing up right now, attacking me for crying. And I also am sure that there are members in this body that are getting their jollies off of it. Just so you know, Nebraska, your Legislature seems heartless in the legislation that they introduce, they're also heartless towards their colleagues. The lack of compassion in this building is-- in this Chamber, is stunning really. It is stunning. So I was going to go home last night. The roads weren't great. I left the building. I defrosted my car. I got in my car. And I called my husband.

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

M. CAVANAUGH: Thank you. I called my husband and he had our youngest asleep on his lap. And I had every intention of driving home. And I just started sobbing. And I was like, well, you know what? Probably not safe to drive back to Omaha on icy roads while I am hysterically

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crying for the future of my own children and the future of the state. He agreed that that was not a wise choice. So I ended up staying the night last night. And I wonder, I wonder if anyone else who was in that room last night, besides Senator Day, thought about it for another moment, if it even entered into any part of your thinking, self-reflection at bedtime, self-reflection this morning as you're getting ready. It's not a question I expect anyone to answer, but I genuinely wonder if anyone else in that room even cared what they did. I didn't feel like it. I didn't feel like it in the room. I didn't feel like it in the lack of discussion. So one of the things I talked about, attempted to talk about in the Executive Session was how there were substantive technical problems with LB626. And working against my own best interests, I even told them this is spectacularly awful. I want-- if it's coming out of committee, I want it to come out exactly as it is. It's so poorly written. It's so terrible that it's only a benefit to me and those that oppose it for it to be this bad. But, but as a public servant, as a lover of public policy, I would be remiss if I didn't talk about, are we going to amend this? Are we going to address any of the substantive technical things in this bill that are problematic for the implementation or are we going to pass it out as is? Pass it out as is. Why? Because it will be challenged in court no matter what we do so why do anything at all, which I feel like is kind of the theme of this session for a lot of you. Any time there's floor debate, it's like, well, we're going to pass it, so why do anything at all? We got the votes. So why do anything at all? Why work at all? Why show up every day? Friends, not friends. Sorry. That was a misspoke. Am I on my close or am I on my third time or my final time speaking?

KELLY: Third opportunity, Senator.

M. CAVANAUGH: OK. Just going to work on another motion while I'm talking. So one of the things that was unclear was the rape exception. Now, for those of you that watched the hearing on LB626 all the way to the end, I tried to get Senator Albrecht to clarify this. The intent, the intent of the implement-- implementation of it. And she flat out refused, refused to answer my questions, flat out refused to answer my questions. So in committee, I brought it up again, because it--

KELLY: One minute.

M. CAVANAUGH: --is a concern that it is not explained and no one wanted to address it. I was asked if I addressed it with Senator Albrecht. I have not. I have not spoken to Senator Albrecht since that hearing, and she has not spoken to me. And it is not incumbent upon members of a committee to go and speak to an introducer of a bill

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about their concerns that they clearly expressed at the committee hearing. If you want your bill to come out of a committee and you want the committee to vote for your bill or vote on your bill, it is important to tell the committee to answer their questions, to follow up. You all do it. You all follow up on things, not Senator Albrecht. She refused to answer my questions. She refused to follow up. She didn't bring any amendments. We brought it out of committee without discussion. This is going to be a mess on the floor.

KELLY: That's your time, Senator. Senator Blood, you are recognized to speak.

BLOOD: Thank you, Mr. President. Fellow Senators, friends all, I actually stand opposed to the bracket, but I felt that Senator Cavanaugh could use a rest on her voice. And so, since we are talking about things that are health related, I wanted to talk briefly about medical marijuana. And I hope that many of you are listening today, because I know that there are some people that oppose medical marijuana and it sounds like it's going to be a tough year for this bill to even get it out of committee. For the first time ever, because I was curious, in Sarpy County, I went to a CBD shop, just last weekend. And so when I went to the CBD shop, I thought, oh, we're going to get CBD. There's not going to be any THC in it. It's going to be things that I know a lot of my friends that are seniors are using for arthritis. I want to see what they have in the store. So I brought my son, who's six foot four, has long hair and a beard, gentle giant, not a stoner. But if you didn't know any better, you might think so. And we walk into the shop, and the first thing I hear was, I know exactly what you guys are looking for. And he starts talking about some kind of buds, which, I haven't heard that word since, like the '70s. But, you know, maybe it's because of the circles that I run in. And he was clearly trying to sell me some sort of high, which I was stunned and the guy didn't know I was a state senator, by the way, which was probably good because I got a clear view of what was going on in that shop. And I said, you know, I want to see what you have for CBD products. He's like, oh, OK. So do-- are you looking for like Delta-8, Delta-9? Are you looking for a high? Are you looking for relaxation? I couldn't believe I was being asked this question. Because I think of all the debates we've had on medical marijuana, where it's just about people getting well, it's about under a doctor's supervision, it's about all of these guardrails and we can't pass those bills. But yet, I can walk into a shop in Sarpy County and I'm guessing pretty much every county in the state now, because I know that I can't go a block without seeing one of those facilities, one of those storefronts. And so I asked him to show me what else he has

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because the CBD area in this entire shop, I'd say maybe 10 percent didn't have THC, 10 percent maybe. But boy, if you were willing to do something like the Delta-8 or the Delta-9, that does have a high and is known for some people to cause hallucinations. I've talked to several adults since, that said-- one felt like they were paralyzed for six to seven hours. They took it for pain. I have a friend that has a severe nerve damage that pertains to the brain that had to go to Mayo for surgery. Her husband got her the Delta-8 because he thought it would be helpful with her pain. Instead, she had hallucinations. We're not regulating any of that stuff in Nebraska. But yet, you guys want to argue over who's going to grow hemp and you guys want to argue about whether we should have medical marijuana because it's going to be a gateway to legalizing marijuana. Well, friends, while you were doing that, while we were arguing about, oh, how much-- how narrow can we make this bill? How can we make sure that we're not Colorado? Oh, yeah. We have sympathy for these families that have these children with these severe issues that pertain to things like seizures and our-- yes, we care about our, our veterans with PTSD and we know that they benefit from medical marijuana. But do you know what? We like being last to the table and we're just going to stick with that. We're always last to the table in Nebraska. Let's wait and see how it goes in other states. And then we bring back these fake stories about, oh, well, they're leaving in hoards in these other states because they legalized marijuana. I don't know. Everybody I know is moving into the state. I did talk to one young man yesterday that-- that his family did leave the state. So I want to be honest. I talk to periodically one or two people.

KELLY: One minute.

BLOOD: But I want you to know that when we talk about health issues, boy, do we have blinders on here in Nebraska. We can't help our veterans. We can't help our most vulnerable. We think we're doctors. We think we're medical professionals. We want to go ahead and legislate the dumbest things. And meanwhile, behind our backs, we have Delta-8, we have Delta-9, and we haven't done squat. So I hope, as we debate things when it comes to people's health, you start thinking about all the things that we've left behind, the grenades that we've thrown, because we're so involved in the political end of politics we forgot the compassion part. We forgot the human part, and we are dropping the ball. Thank you, Mr. President.

KELLY: That's your time, Senator. Senator Machaela Cavanaugh, you're recognized to close on your motion to bracket.

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M. CAVANAUGH: Thank you, Mr. President, colleagues. I believe I have 5 minutes, 5 minutes?

KELLY: Yes, Senator.

M. CAVANAUGH: Thank you. Senator Blood, thank you for a little break. I sipped some hot tea and got a throat lozenge going. I also wrote a new motion so we won't go to a vote on this motion. I decided I'll just pull it when I'm done speaking and we'll go to a new bracket motion. I kind of wanted to get up the ire of those that wanted to change that rule this morning just because why not? I'm feisty. Why not get everybody else feisty? I've said this a lot. Other people in this body have said this a lot. We're legislating hate. When we look back on the 2023 session in the Nebraska Legislature, it is going to be the session where we didn't do anything to help the people of Nebraska, where we took away parental rights, where we attacked trans youth with clearly the intention of attacking trans adults. Make no mistake, this is step one, attack trans youth. Step two, attack trans adults. Step three, eradicate us as a state of trans people. It could be written in crayon. It could be written in Sharpie. It's clear that that is the intention. Trans kids are our kids. I'm sorry to the kids that didn't get a chance, the young people that didn't get a chance to testify on their own behalf. I'm even more sorry that even if you had, the committee didn't care. That is a broken process. Hours of testimony and nobody cared. Nobody cared. I'm not sure why any of the people that voted for those bills asked a single question of the opposition because it clearly was never their intention to take anything that the opposition said into consideration. It's extremely disingenuous and hurtful to the people of Nebraska. So I don't know what to tell you, Nebraska. I don't know what to tell you. I don't know if the answer is to come stand outside these Chamber doors and every time a senator walks by, guerrilla warfare constituent conversations. I don't know. Every year, my same constituent, and she knows who she is, she comes here for the Right to Life Day. And every year I go and talk to her. And we have had varying conversations and I really like her. We don't agree. But I like to think that we listen to each other. I like to think that we attempt to have a dialogue with each other. Now, if we can't get to a place where we're going to move each other's opinions, OK. But we attempt it, in good faith, I believe. But that's not what's happening here.

KELLY: One minute.

M. CAVANAUGH: That is not what is happening here. There's also a gentleman who comes. I don't want to disregard that he comes, as well.

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And he's the father of a dear friend of mine. But I usually speak with the woman and a little bit more in depth. So sorry, John. I didn't mean to not acknowledge you. I did, when I was campaigning, I did breastfeed in his house. I had my son with me. And, oh, did you say one minute? OK. I got to remember to withdraw in a minute-- moment. So I had Barrett, my son, with me. And I was knocking doors, actually, with John's daughter in her-- the neighborhood she grew up in. And Barrett was hungry and it was cold out. Otherwise, I would not necessarily have to go somewhere and sit down to nurse. But so John, a dedicated Catholic, pro-life--

KELLY: That's your time, Senator.

M. CAVANAUGH: Oh, I withdraw my motion.

KELLY: The motion is withdrawn. Mr. Clerk, for a motion.

CLERK: Mr. President, Senator Cavanaugh would move to bracket LB147 until March 1.

KELLY: Senator Vargas wants to announce some guests in the north balcony. Kara Hahn, the Nebraska Elementary School Counselor of the Year; Julie Williams, the Nebraska Middle School Counselor of the Year; seven members of the Nebraska School Counselors Association. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to open.

M. CAVANAUGH: I tried to write those names down. I think it was Kara Hahn and Julie Williams. I'm sorry. I'm sorry for the work we're giving you. I'm sorry to all the school counselors for the work we're giving you, for the children we're hurting, for the underfunding that you have, the lack of resources that you have, the assault on education in this body to defund education. And then on top of all of it, we are creating massive mental health problems for youth. It is going to be an enormous crisis when these bills pass. We are going to have women dying. We're going to have trans youth dying. It's going to be bleak. And my colleagues are going to tell us that it's not going to be bleak. It's all going to be fine. Everything's going to be fine. Nothing's going to be bad. Just ignore the man behind the curtain. Everything is copacetic. So thank you to our school counselors for the work that you do. I thank you for the work that you continue to do and will continue to do. And I am so sorry from the bottom of my heart for the unleashing of trauma that this Legislature is having on youth in Nebraska. How much time do I have?

KELLY: 8:25.

M. CAVANAUGH: Thank you. So. Getting back to LB626, unclear rape exemption. Now this is the big, the big thing, the big thing that could have been fixed. So all of you senators that support LB626 because it makes exceptions, to use a phrase I used last year, baloney Skittles. That's like the world's biggest baloney Skittles ever. This does not make exceptions. It's performative at best, and the lack of clarity in how all of this is going to work. So the bill makes an "exception." Air quotes for our Transcribers. Exception in air quotes. Makes an exception for rape. So gaming it out, today, if I went to the doctor's office to have an abortion, they would have to do certain things. They would already have to give me a completely medically unnecessary ultrasound because the Nebraska Legislature legislated medicine years back and decided that that was appropriate and it's costly. So great. Then I'd have to wait and come back for another, a second appointment, to actually have an abortion, whether it's a medical abortion or a different type. But at no point would my medical provider have to ask me why. Why? Because that's an invasion of privacy. When LB626 passes, not only will they have to ask me why I'm getting an abortion, they will have to document it in my medical record and report it to DHHS. OK. So when we're, we're asking the why and we're requiring it to be reported to DHHS for it to be in compliance with the law, an exception for rape, how does that work? Can I, same, same old me but this bill is enacted, can I go to my doctor's office, say I want an abortion, go through those steps, ultrasound, waiting period, etcetera, and then have an abortion and say I was raped? That's why I'm having an abortion. And they just check a box and report that to DHHS and that's the end of it? Possibly. But nobody will answer that question for me. Or do we have to do what it references, a section of criminal statute for minors who are victims of rape, which, as we all know or should know, Nebraska has an automatic reporting state. All of us are automatic reporters for children of abuse and neglect. If a child is a victim of rape, we automatically have to report it to the police. It references that piece of statute, but does not clarify if that stands for adults. If an adult, a woman in her 40s is raped and seeks an abortion, how does my medical provider document that? How? No answer. No answer. And that bill came out of committee with zero amendments. Zero. Not only is there not an answer, the introducer wouldn't even state in the record during the hearing, intent. She would not state how she intended it to work. Like, what are we doing? Is this a Legislature? Are we making laws? This is not how things are supposed to work. But again, it is perfectly terrible and I love it for that. I love how perfectly

terrible LB626 is. When I saw that bill be introduced, I actually had a slight sigh of relief because it is so awful that there's no way it'll stand. It is that bad. And that's great. That's great. So LB574, in addition to hurting and killing trans youth, also takes away parental rights to make medical decisions for their children, something I am very opposed to. I know a lot of people in this body are very opposed to requirements of vaccinations, so I look forward to that disjoined conversation about parental rights. Parental rights, only when you agree with what the right is over, only when it is convenient for your belief system and your ideology, that's when we care about parental rights. Parental rights when it comes to what books are in schools, but actually not really, because we're disregarding the parental rights of the parents who appreciate the books that are in schools. Parental rights when it comes to vaccines and other medical care, but not parental rights when it comes to trans youth medical care. And nobody has been able to explain to me why. Do we need to protect trans youth from their parents? Is, is that what's happening here? Trans youth need to be protected from their parents? Parental rights. That'll be a theme of a lot of legislation this year: taking them away, codifying, making it stronger, ignoring that you're trying to do one thing over here while you're trying to do another thing over here. We have lots of liberty bills, gun rights, helmet rights, and some people that are proponents of those bills are proponents of taking away women's rights and parental rights. It makes one's head spin. It truly does. The mental gymnastics that individuals in this body do to conform to their something ideology. You could just leave my kids alone. That's an option.

KELLY: One minute.

M. CAVANAUGH: It is an option available to this Legislature to leave my kids alone. It is an option to this Legislature to leave my body alone. I appreciate how much you all are interested in me, my life, my family, but cool off, please. I don't need your interest. I've got a really big family. I don't need more people looking out for my kids and looking out for my body. I got a big family. I got five brothers who are sweet as can be and always look out for me. I got two amazing sisters. I've got ooh, how many sister-in-laws? I've got four awesome sister-in-laws. One's birthday was yesterday. Thank you, Senator Fredrickson, for the reminder. Happy birthday, Kakie. Yeah, I got a big family. I don't need you all looking out for me. And you know what? My kids have a big family.

KELLY: That's your time, Senator. You're next in the queue.

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M. CAVANAUGH: Thank you. My kids have a big family. And I'll get in the queue again. And they don't-- they don't need you all looking out for them. No, nope, they don't. They don't need it. So not actually sure. OK. It is 9:53. Oh, thank you. New amendments to other bills. Yeah. If you're on the agenda today, I put an amendment on your bill, every single person. Every single bill has an amendment on it. It's 9:53. I have this time and the next time. And then I have the option to go to a vote on this. And then I think I have a floor amendment and another amendment. So that will take us to just after ten. And I don't know if we're going to adjourn at noon or adjourn at 1:00, but I'll just throw up more bracket motions-- well, not bracket motions. Once we vote on this, we can't vote on-- I can't put up another bracket motion. I can put up an IPP motion. I can put up a return to committee motion. There are other motions available. The bracket motion is the one that you can do repeatedly without a vote because you can change the date. And if it were a genuine bracket motion, which I mean, I'm fine with this actually getting bracketed, I don't care. But it also isn't genuine. I don't expect it to get bracketed. But if it were a genuine bracket motion, you might try to bracket it off the agenda to a specific date, even the next day. And that can happen. Generally if a bracket motion passes, even if it's taking it off the agenda and putting it back on the next day, in the past, the Speaker refuses to schedule it again, because that's kind of viewed as a poison pill. So probably anybody who is interested in LB147 should not vote for the bracket motion, if any of you were entertaining it. I know a few of you were. I'm sure it was going to have close to 25 votes, probably won't even have 15. So I'll probably, when I am going to a vote on LB-- on the bracket motion, I probably will do a call of the house to delay a little bit, but only because I need to get more hot water for my tea. OK. So since the session has become about abortion and anti-trans youth, anti-trans, I mean. I should stop saying that it's just about the youth. We are coming for trans people in Nebraska. So I would-- I'm going to fight for you, no doubt about it. And you know the senators in here that are going to fight for you, and you know they're going to fight hard for you. You know my dear colleagues are going to fight for you. But I would still brush up your resume because the rest of my colleagues, I don't know. I only have unkind things to say about that, so I'm going to move on. OK. Many states with at least one abortion ban books-- oh, this is cut off so I can't read that one. Excuse me. Again, I hope, please take advantage. It is February 23. This is a perfect time to work on your taxes. I worked on my taxes a little bit on one of our recess days, but I haven't finished them.

KELLY: One minute.

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M. CAVANAUGH: But I'll wait for a recess day to finish my taxes. Oh, thank you. That was kind. Look at those acts of kindness that people can do for one another. That act of kindness was Senator DeBoer, brought me more hot water for my tea, and I very much appreciate it. OK. Undoing of Roe v. Wade leaves U.S. as global outlier on abortion. This is from the-- I am going to mispronounce this-- it is a German name-- Guttmacher Institute. When the U.S. Supreme Court decision in Dobbs v. Jackson Women's Health Organization overturned the constitutional right to an abortion on June 24, 2022, the United States became an outlier on the global stage.

KELLY: That's your time, Senator. Senator Wishart would like to recognize some guests in the north balcony: 25 members of the Cause Collective and other nonprofit Nebraska-- from Nebraska, about 30 of them from Lincoln and Omaha. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized. This is your third and then you'll have your close.

M. CAVANAUGH: Thank you, Mr. President. So when there's guests in the balconies, they can be announced. And we always take a pause from the floor debate to acknowledge their presence. It's kind of a thank you for being here sort of thing. And I just want to say, there's been a lot of people asking like, how can I help you? How can I support you? It just occurred to me, you can come visit and you can be recognized. That takes time. That takes time. Guests, come on down. You can be recognized as my guests any time you like. And that will take time. It also occurs to me that last year when we were having floor debate on LB933, an even worse abortion ban-- well, no, not worse, terrible in a different way abortion ban-- we had fourth graders from a Catholic school up in the balcony for most of the debate. I think the parents were a bit upset by that, not all of them. Some of them were-- understood that this is how democracy works. Schools can't set what the floor debate is when they're having their tours. But, you know, we're all about protecting our kids, yet we're down here saying all sorts of horrible things and describing partial birth abortions with no medical background whatsoever while there's children in the balcony, because we don't live our values that we espouse. OK. So. I've got my close. I think I'll do this one, one more time, move to bracket. See, Ernie used to be able to write his motions while giving a floor speech. And I can't like-- I can type and talk at the same time, carry on a conversation. I cannot physically write and talk. Bracket LB147. So OK. Sorry. I'm not trying to-- I'm just really not great at writing and talking at the same time. So the Dobbs decision, June 24, some 52 countries changed their abortion laws between January 20-- 2000 and May 2022. And all but two of these countries expanded

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the grounds for legal abortion. Countries that expanded the grounds for legal abortion often did so to reduce maternal death and illness, ensured access to basic healthcare, which includes abortion services, and recognized the right of individuals to make their own decisions about pregnancy, childbear-- and childbearing. Nicaragua, Poland and now, the United States are the only nations to have backtracked on legal grounds for abortion in this century, in this century. What is today's date, 23? Apologies. So, next page. I am questioning why I'm wearing heels this morning. Can you give this to the Clerk for my next motion? Even in Ireland, where the population is overwhelmingly Catholic, abortion was made legal on request, in--

KELLY: One minute.

M. CAVANAUGH: --thank you --in 2019. Yet, because abortion laws are restrictive in most low- and middle-income countries, four in ten women have reproductive age worldwide-- ten-- four in ten women of reproductive age worldwide live in countries with restrictive abortion laws. With abortion in the United States now legislated at the state level, the countries see the country as a whole cannot be categorized as having either a protective or restrictive abortion law. Rather, the Dobbs decision has resulted in a chaotic legal patchwork that, as of August 2022, leaves some 22 million U.S. women of reproductive age living under highly restrictive laws, more typical of low- and middle-income countries than of higher income countries. More states are likely to adopt restrictive policies--

KELLY: That's your time, Senator. You're recognized to close.

M. CAVANAUGH: Thank you, Mr. President. Restrictive laws lead to unsafe abortions. I mean, has anybody seen the movie Dirty Dancing? Like that entire movie, the premise of the movie Dirty Dancing, this is Patrick Swayze and Jennifer Grey. The entire premise is an unsafe abortion, because abortion wasn't legal. That's the whole premise of that movie. I mean, it's got some fun dance moves in it and a reconciliation of a daughter and her father. But the whole premise of the movie is an unsafe abortion because abortion was not yet legal. Historically, legal restrictions on abortion have proven ineffective at curtailing the incidence of abortion. Global, regional, and national estimates of abortion incident-- abortion incidence, incidence, sorry, have repeatedly shown that abortion is no less common in settings with restrictive laws than in those where it is broadly legal. But where abortions are largely illegal, they are more likely to occur under unsafe conditions. The World Health Organization defines safe abortions as those carried out using a recommended method

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appropriate to the gestational age and by someone with the necessary skills. Someone with the necessary skills seems important. We don't have those people deciding what is safe or appropriate. But hopefully, despite completely ignoring all of the experts that came to testify in opposition to these bills, they still have the skills. The consequences of restrictive abortion laws are highly inequitable. Before abortion was widely legal throughout Europe, some women crossed national borders to obtain safe and legal abortions. For example, before abortion was fully legalized in Ireland, pregnancies in Ireland-- sorry, my glasses, I'm still getting used to-- in 2019, thousands of Irish women traveled to England each year to terminate their pregnancies. Some U.S. women live in restrictive states may have the option of crossing state or even national borders for care if they have time, money, information, and other resources needed to make it happen. Where abortion is largely illegal, many women who need to end a pregnancy manage to obtain these drugs through informal channels. Evidence indicates that access to medication abortion helps to reduce maternal illness and death in many settings with restrictive abortion laws. Even with these backdoor paths to safe abortions in restrictive settings, however, unsafe abortion is common in legally restrictive settings. How much time do I have left? This is my closing, right?

KELLY: 1:38.

M. CAVANAUGH: And this is my closing?

KELLY: Yes.

M. CAVANAUGH: OK. Thank you. Sorry. I'm not feeling 100 percent as I'm sure my voice indicates. But I am a little tired. Couldn't sleep because my throat hurt so bad last night. And so, I'm a little woozy. Trying to do a filibuster while woozy is not my top form.

KELLY: One minute.

M. CAVANAUGH: Thank you, Mr. President. I'm going to change my tactics a little bit. I mostly am just talking about abortion and gender-affirming care this morning because, as I'm sure Senator Kauth would agree, this bill doesn't have a lot. I do have amendments on the bill to change some language, but it really doesn't do much of anything. I do have-- hope to have more substantive things to say that are germane to future bills, but this particular bill didn't really offer a lot in the way of conversation. And I'm going to save that conversation for when I get to the amendment.

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KELLY: That's your time, Senator.

M. CAVANAUGH: I'll pull my bracket motion.

KELLY: The motion is withdrawn. Mr. Clerk.

CLERK: Mr. President, Senator Cavanaugh would move to bracket LB147.

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

M. CAVANAUGH: Thank you, Mr. President. Feel free to talk slower up front between motions so that I can take bigger sips of water. OK. It's 10:09. I have probably 9 minutes left to open on this one, and then I have another 15 minutes total to talk on this motion. So that will take us to, 25 minutes, 10:35. OK. So one of the things that I noticed is that there's a lot of bills that came out on Worksheet order right away, that are cleanup bills or just a technical thing that are easy and have no opposition and ultimately result in the introducers potentially passing a lot of bills. That's great. They're all freshmen Republicans. All these easy-peasy lemon squeezy, do-nothing bills belong to freshmen Republican. It is a concerted effort to pad their resume to make them look like an effective legislator. It's extremely transparent. Some of these bills could even be one bill, but they're parceled out into numerous bills. So we have, at our desk, the agenda. And then every morning, I think it's every morning, maybe it's the afternoon, sorry, I'm not positive, but the pages-- thank you, pages, for all of your work. They come in and they put an updated Worksheet order and updated agenda on our desks. And don't forget to flip the agenda over. Sometimes it carries over to the next page. I have made that mistake before, and my colleagues have been grateful because I was probably filibustering when I did. So on the Worksheet order, we have, at the top, A bills, which we only have one A bill right now, on Worksheet order, LB278. And then we have priority bills: LB77, LB79, LB195, LB277, LB343, LB376, LB447, LB562. Interestingly, these ever so urgently important bills of LB574 and LB626 are not on that priority list. So here we are, blowing things up over nonprioritized bills. But I am being proactive and assuming that they will get prioritized, hoping that they don't, but assuming that they will get prioritized. So, friends, if you have a priority bill that you have not yet prioritized, I would get it done lickety-split because these two bills, if they are in front of your bills, whoo, I'm sorry. Your bills are probably not going to see floor time. And if your bills are on this Worksheet order, I don't know how many more days we're staying on Worksheet order before we move to priority bills, but you're also not going to see anything happen. OK, so we

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have our 2023 priority bills. Then we have General File. And so priority bills, I think, are also listed on General File. I'm trying to-- LB562-- maybe not. They might move off of-- do they move? See, because you track, like, you have General File bills. There's 59 bills on General File. Then you have E&R Initial and there's 19 bills there. That means we have moved 19 bills from General File to the next stage. Then there is Select File, which is the next stage of floor debate. There's four of those and I'll take time on those, as well. It's LB1, LB151, LB207, LB296, going to talk. I'm going to talk on all of those. And then we have Enrollment and Review for engrossment. That has zero bills because nothing's moved beyond Select File. We haven't had Select File debate yet. So we get to E&R for engrossment and we're going to see very few bills make it to that place. And then we have Final Reading. We're going to see very few bills get to that place. Then we have passed by the Legislature. I think you can guess, we're going to have very few bills get to that place. And then approved by the Governor, line-item veto, returned by the Governor without approval, passed notwithstanding objections of the Governor, became law without Governor's signature, failed on Final Reading, resolutions delivered to Secretary of State, indefinitely postponed. I know there's a lot of motions to indefinitely postpone bills. Now withdrawn, we have nine bills on the withdrawn category and then underneath that there's three bars. And for those at home, you can actually see this on the Legislature's web page. On the home page, there's like a list of document links, and the Worksheet is on there, and I think it's called Worksheet. It's updated electronically when it is updated here. So you can click on that and see the daily Worksheet. When the Clerk reads things into the record on the microphone, some of the things he's reading is-- is where things have moved in Worksheet order, that a bill has been reported out, a bill is moved from General to Select or E&R for Initial, etcetera. And then you have the bills that are in committee and some committees don't have a lot of bills. Now we have 59 bills on General File. So there's a potential that there were more bills in some of these committees, but the Exec Board has 11. Oh, OK. I'll have to do those later. Yeah, just leave them there. Thank you. The Exec Board has 11. The Exec Board is kind of like our HR function-- should function as sort of an HR. It's like where administrative things in the Legislature happen. So they have 11 bills. General Affairs has 27. Government, Military and Veteran Affairs has 67. That's where I think most of my bills actually ended up, were, were in Government. And I think I've had most of my hearings there. HHS has 7. Judiciary has 120. Judiciary is always a bit heavy loaded. Natural Resources, 27. Retirement Systems, 13. And Revenue, 92. Transportation Telecommunications has 43. Urban Affairs, 25. I

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have several bills in Revenue that I-- we're on Day 33 and they haven't been scheduled. I haven't had a single bill hearing in Revenue, but I have a lot of bills that went to Revenue. Yesterday, Senator Hughes had her final bill introduction in HHS and I was like, wow, it must be nice to be a Republican. Your bills get scheduled, your bills get kicked out, your bills get rushed through. You get to do whatever you want without regard for other human beings--

KELLY: One minute.

M. CAVANAUGH: --or children. That must be nice. OK. One minute and then I believe I'm in the queue. I can see that there's people in the queue, but I also can't see who they are so maybe somebody is going to call the question. That would be hilarious and awesome. I hope somebody does. OK. So yesterday, we had testimony, leaned heavy in support of a proposed Malcolm X holiday in Nebraska. That's awesome. For a shared Civil Rights Leader Day, oh, one lawmaker raised the idea for a shared Civil Rights Leader Day instead.

KELLY: That's-- that's your time, Senator, and you're next in the queue.

M. CAVANAUGH: Thank you. So I'm trying to figure out where that comment came from, a shared Civil Rights Leader Day. I mean, Malcolm X is a famous Nebraska figure and leader of civil rights. So we could probably spare a day. I don't, I don't know why we need to share with others, but OK. So LB53 is a repeat attempt by State Senator Terrell McKinney of Omaha, who said he introduced a similar proposal the first year he was elected. At least one difference this time around is that the controversial Malcolm X is newly inducted into the Nebraska Hall of Fame. The recognition last year marked the third attempt and makes Malcolm X the first African-American in the body of 26. Several people Wednesday noted the recent Hall of Fame honor, which will put a memorial bust in the State Capitol. Several also noted the 17-acre Malcolm X birth site in north Omaha, which hosts events to remember the legacy of the man born as Malcolm Little, in Omaha, on May 19, 1925. But many of the testifiers said institutionalizing a holiday would serve Nebraskans in a different way-- in different ways, including providing an entry point for schools to talk about his global influence and his story of reformation and transformation evolving. Mary Mullen told the committee that she came to know and admire Malcolm X when she was a student at Central High School. Her study opened a door to talk about serious matters with her parents, who she said then thought of Malcolm X as a hater of white people. But words other than hater come to mind, Mullen said: struggle,

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redemption, bravery, pride and wisdom. I had learned of a great man who kept evolving in his life and whose family fled Omaha when he was just over a year old because of the Klu Klux Klan threats. Mullen told lawmakers, yes, we will have a bust people can visit. But consider doing something bold and brave, like Malcolm X himself: establish a holiday and give us all something to celebrate collectively. Kimara Snipes of Nebraska Civic Engagement Table testified that a holiday offers a time to reflect and connect the lessons of history with current reality. She said that connection is more powerful when young Nebraskans realize a renowned figure came from the same place and background as they do. Making space in the school year to discuss Malcolm X will set up important conversations that can pave the way for future civic participation. And Snipes, who said she was a teenager at Bryan High School when she learned that Malcolm X was from Nebraska, a spark was created and led her and her classmates lunch--lunching-- launching the school's first African American Club. I have been direct-- been actively and civically engaged ever since, she said. LB53 describes Malcolm X as a human rights leader, a staunch advocate and a pursuer of freedom, justice and equity. A financial analysis of the measure estimates that creating a Malcolm X holiday would cost the state about \$1.5 million the first year, based on employees who would be required to work on the holiday. Don't water it down.

KELLY: One minute.

M. CAVANAUGH: Thank you. McKinney said lawmakers would be recognizing the world's most famous Nebraskan if LB53 passed into law. To the general American public, he is seen as an opposing force to the peaceful, nonviolent philosophy of Dr. King in the struggle for civil rights against white supremacy, McKinney said. They differed in opinion, but both were needed for the time. Preston Love, Jr., Malcolm X espoused-- to Preston Love, Jr., Malcolm X espoused human rights perhaps even more than civil rights. He said the notion of shared Civil Rights Leaders Day waters down the message he tried to portray. The committee took no action Wednesday on whether to move the measure to the full Legislature for debate. Thank you, Senator McKinney, for bringing that bill. That article is available in the Nebraska Examiner.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

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

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HANSEN: Thank you, Mr. President. Would Machaela Cavanaugh yield to a question, please? Senator Cavanaugh. Sorry.

KELLY: Senator Cavanaugh, will you yield to a question?

M. CAVANAUGH: Absolutely.

HANSEN: I'm sorry I wasn't here for, like, the first hour. I was driving, but I was listening to the conversation you were having. I just wanted to clear one thing up. Did you say you did or did not have adequate time for discussion during the Executive Session?

M. CAVANAUGH: Oh, no. Thank you for that opportunity to clarify, Senator Hansen. You offered adequate time for discussion, absolutely. Categorically, yes. My concern-- not my concern, what I am upset about is the lack of discussion that happened. Not that you-- you, as the Chair, offered adequate time, and I very much appreciate that. Thank you. I'm sorry for that [INAUDIBLE]

HANSEN: That's fine. I just want to make sure so. I had a couple of people ask me about that.

M. CAVANAUGH: Yes. No, you did. Thank you.

HANSEN: And-- and I do appreciate Senator Cavanaugh's, you know, her voicing her concerns during Executive Session. And one of the things I did mention during the Executive Session, because of her concern about us not introducing any amendments or discussing it further, it was just deeply personal to her, as was what she talked about during the Executive Session, along with Senator Day. And I completely get that. And they had a lot of concerns with the bill. From my understanding, my concerns and those maybe among the committee who voted for it, our concerns are just not the same. And this is something I mentioned to her and so it is deeply personal to us, as well. It's just that her concerns are not the same as ours. And we didn't have as many concerns with the bill as she did. And she did have the recourse to offer-- to vote for a committee amendment or introduce one, and then we could have voted on it as a committee. Nothing was done. I just want to make sure we kind of clear the air here so people listening to this can understand how the process works. And so for my understanding for myself and other committee members, we felt the bill, as was-- as it was written, currently, was adequate to us. And I understand Senator Cavanaugh and others have deeply-held personal concerns with the bill. And I totally get that, and I'm not going to dispute that at all. So I-- I just want to kind of make that clear so it doesn't look like

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there wasn't any discussion or we weren't cutting anything off. We just felt like we had nothing much more to say, at least I did anyway. So just want to put my two cents in and I'll get back to Senator Cavanaugh. Thank you, Mr. President.

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

BLOOD: Thank you, Mr. President. Fellow senators, friends all, since we're still talking about health issues, first of all, I'd like to say I stand against the bracket. But I do want to continue my conversation from earlier, because I was asked some questions after I told my story about my visit to the CBD shop. And so, Senator Frederickson was talking to me in reference to the Kratom. And I don't know if you know what that's called in the street, but it's gas station heroin. It's banned in six states. It creates an opiate and stimulant-like effect. And it's known to do things like cause spontaneous intracranial hemorrhages. But guess what? It's legal in Nebraska. So have a fun day when you guys go to the gas station, I guess, next time. But we can't pass medical marijuana because, oh, my gosh, it's going to be a gateway drug to both legalization and people utilizing other harder drugs, even though it's going on in other states. And, you know, I guess all those states are now, what, they've burned to the ground or I don't know. So I don't know if you know this, but since we don't regulate it here in Nebraska, you really, truly don't know if there is more than 3 percent THC in any of those products that you're buying. And based on the salesman that talked to me, I'm guessing it's more than 3 percent, friends, because they're talking about people getting highs. We know that when people are doing the Delta-8, Delta-9 they're having things like they feel like they have paralysis. They feel like they're-- they're hallucinating. They're seeing things. They have memory issues. It's kind of scary for some of the people that have never done it. They buy what looks like a chocolate chip cookie or a Rice Krispie bar from one of these shops, and they're staying home the rest of the day because they're not feeling like leaving the house and it's not in a good way, friends. So we know that, say that you buy those Delta-9 gummies that you can get at all the shops, right? And they tell you it provides a euphoric effect, if you're lucky, nothing worse than a euphoric effect. But say that you're coming home from that shop. In Nebraska, if it ends up having more than 3 percent of THC, which it likely does because we're too lazy to regulate it, that's a Class IV felony. You might go to prison for two years. You might get a \$10,000 fine. Did you know that? But again, can't-- we can't pass medical marijuana, but we can pretend that what's going on around us isn't happening, right? We don't need to regulate it. It's not like people are going to, what, die, have something serious

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happen. Oh, wait. No, that's exactly what's going to happen. And you know what else we don't do, is we don't regulate the age that you have to be to go and buy that stuff. Look through state statute. I've looked over and over and over again. If you were 12 years old, you could ultimately, depending on whose shop it is, go in and buy something. You could buy Delta-8. You could buy Delta-9 and take it and share it with your friends at the grade school. Boy, that's better than a PTA party with cookies. Right? So if you look at some of the smoke shops say we don't serve you unless you're 18 or 21, but if you're 18, you're probably still a high school senior in a lot of cases. I'm sure you wouldn't take those back to high school and share those with anybody. Right? But whatever. We don't need to regulate it. It's not like any of these things are dangerous. And, you know, I got to say, when I talk to young people, they talk about the '70s and stuff. I grew up in rural Nebraska, and so mostly what I always saw was what they called was ditch weed. Like, literally they pulled it out of their windbreak on the farm and would smoke it. I'm allergic to hemp, so I never partook, to be really frank. I couldn't even climb the ropes in gym. But I can tell you--

KELLY: One minute.

BLOOD: --I can tell you that our priorities are so skewed. Looking at the bills that are getting kicked out right now, listening to Senator Cavanaugh speak about what's happened, I just, you know, I want to bring everybody back down to earth. Our priorities are messed up. We're fighting the wrong things. And while we're fighting the wrong things, people are coming in our back door and screwing us over. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I just thought I'd rise to talk about LB147 for a minute, although I appreciate what Senator Blood was just talking about. I learned a lot there. I had not heard of this gas station, I think, heroin. Was that the right word, gas station heroin? That was an interesting thing to learn about, I guess. So I was just sitting here reading LB147, which is the bill we're on, and trying to digest what it is, which actually, you know, we got a lot of bills, we got a lot of work to do. But it is good to sometimes just sort of sit here and think about things. And that's an opportunity we get when somebody slows things down for us. So this bill looks like it changes a dollar amount for waivable notice for counties. So basically it looks like when somebody protests their

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taxes, if I'm right, then they-- and they are entitled to a refund, the county-- the property tax. They protest their property tax amount or their assessment. They are entitled to a refund based off of the levy that's been assessed against that valuation. There is a notice requirement for the county treasurer to other political subdivisions. And this basically updates that section to allow for email, as opposed to first-class mail, if requested in writing by the governing body of the political subdivision. So I would-- my reading of that would say that if the City Council of Omaha says they want to be or the-- I guess the mayor or governing body, could be the mayor and the city council, asks the County Treasurer of Douglas County to be notified by email rather than first-class mail, that the county treasurer could do that, which seems like a smart update and allow for modernization of our statutes. There's also the, the waiver requirements for any political subdivision whose share of the refund is \$1,000 or less. The governing body and political subdivision may waive the notice requirement by notifying the county treasurer in writing. So again, this allows the political subdivision to say that they don't need to be noticed when their share of the refund is less than \$1,000. And I think it used to be \$200, although I'm not seeing that in the statute here, but I saw it in the statement of intent, so I guess I can look for that. But-- so I just thought I'd give people an opportunity to refocus and think about LB147 for a minute. In light of reading it, I think I would be opposed to the bracket motion and probably in favor of LB147. It seems like a good update to our statutes. And with that, Mr. President, I would yield the remainder of my time.

KELLY: Thank you, Senator. Senator Dover has about 20 student guests in the north balcony. They are from Norfolk High School, business students. Please stand and be recognized by your Nebraska Legislature. There are members of the Columbia Independent School from Columbia, Missouri, 10th graders, in the north balcony. Please stand and be recognized by the Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Is this-- what time is this?

KELLY: This is your third and then you'll have your close.

M. CAVANAUGH: OK. Thank you, Mr. President. I'm going to-- I have the Auditor report from Mike Foley from 2014, but I will save that for my next go round. I think-- I don't think I have another bracket motion. So we're probably getting to a vote on this bracket motion. So get ready to hit those red lights on call of the house and the bracket motion. And this is an article from the Pew Research Center. And I

honestly, I can't keep track anymore. Is the Pew Research Center like super liberal, not like valid any longer or is it still considered real, real research? Do we only do Heritage or ALEC? Because I can find things to read from ALEC that I definitely agree with, like Texas' approach to sentencing reform and how much money they've saved and how ALEC lauds those, those efforts and how Nebraska could have done that last year. But this is an article from the Pew Research Center dated June 12, 2014: Political Polarization in the American Public. How Increasing Ideological Uniformity and Partisan Antipathy Affects Politics, Compromise and Everyday Life. Republicans and Democrats are divided along ideological lines and partisan antipathy-- and partisan antipathy is deeper and more extensive than any point in the last two decades. These trends manifest themselves in myriad ways, both in politics and in everyday life. And a new survey of 10,000 adults nationwide finds that these divisions are greatest among those who are most engaged and active in the political process. Before I go on, there's a show, I don't think it's on anymore, it's comedian Sarah Silverman. And I don't remember what-- it had America in the title. But the premise of the show is that she's this very, very progressive, outspoken, sort of uses a lot of profanity, comedian. And the premise of the show is that she travels around and gets to know and meet with people that she completely disagrees with. And it was fantastic. It was so heartwarming to see what can happen when you have real and substantive conversations with people, when you get to know them, their lives, and maybe come to understand a little bit more why they think the way that they think and they, they understand a little bit more why you think the way that you think. And that is fantastic and amazing. And I, very foolishly, coming into this place, thought that that's what this was going to be. But I came to realize that this is not a deliberative and thoughtful body, that every effort to get to know me or my perspective was performative and that nothing I said would change your minds. And that's really what has led me to this moment, this time, this day, is that there's nothing, there's nothing I can do to change your minds. There's nothing I can say. There's no personal story I could share.

KELLY: One minute.

M. CAVANAUGH: There's no impersonal story that I can share. There's no expert that I can bring in. I could bring in your mother, like the story in Tennessee about, about suffrage. I could bring in your mother and she could tell you that she agreed with everything that I said and you still wouldn't care. You have decided-- in the first ten days you all decided what you were going to vote for. You, you decided you weren't going to let your minds be changed, that caring about what

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your constituents think or say isn't real. And it's, it's too bad. The people sent you here so--

KELLY: That's your time, Senator, and you're recognized to close.

M. CAVANAUGH: Thank you, Mr. President. So it's 10:40; 10:45-ish is when we'll go to a vote, and then I have some amendments. And then I can put up more bracket motions to stop us from getting to a vote on LB147. I am sorry to disappoint you, Senator John Cavanaugh, but I'm not going to let you vote on this one today, even if you like it, because I can. I'm not going to let us get to vote on this because I can. Feels good to say that. I can stop everything. I can be a pain in the behind for every single person, including my brother, in this body. And today, I am. Today, I am. I am taking a stand because I can. You all can call the question. You can ramrod things through. You can make zero changes to things. And you do it because you can. I'm a learner. It's one of my strengths. Did that StrengthsFinder thing once at a job: strategy, communication, learner those are-- oh, and analytical. Those are my top four. I don't know what the fifth one was, probably forgetfulness, but I am a learner. I'm a big learner. I love to read, I love to learn new things. I love to dig in on something. Sometimes when I am not actively participating in floor debate and we're sitting here for hours, I read agency reports, I read the budget, the actual budget, not just the summary. But I'm a learner and I pay attention and I watch. And what I've learned is that you all are going to do whatever you want to do. Without remorse or consequence, you are going to do whatever you want to do because you can. So I'm going to do what I can do because I can. And you are going to find it probably as irritating as I find you're doing things just because you can. The irritation works both ways. I find it extremely irritating and disrespectful and wasteful for you all to do things without deliberation because you can, because you have the votes, because you have the votes, because you have the votes. And I am certain it is equally irritating and you view it as equally disrespectful and wasteful for me to take time because I can. But that is where we are at. I think it was Senator Hunt and Senator Conrad, perhaps, that talked about an olive branch, that you extend an olive branch and somebody has to be there to take it. I'm all out of olive branches. I'm on that island where you all burn the bridges down around me. You put me on this island, you burn the bridges down. There was an olive tree. I broke the branches off. I tried to hand them to you. They fell off the cliff because nobody was there to take it. Did another one, it fell off the cliff. Did another one, it fell off the cliff until eventually, I have no more branches. And there's still no one to take it even if I did.

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KELLY: One minute.

M. CAVANAUGH: This is my closing, right? Yes. Yes. OK. OK. Well, we'll go to a vote on this, and then we'll go to my next amendment. And I think I only have like three times to talk on the amendment. So that'll be 20 minutes or so, maybe 30 minutes, and then the next amendment. And then, since I'll be running out of time or things, I'll put up, I'll put up some more motions unless I pull this motion, which I could pull this motion, go on to the amendments and come back to a bracket motion later. Oh. No, let's go to a vote on this one. Yeah, let's go to a vote on this one. So with that, call of the house, roll call vote, reverse order. Thank you.

KELLY: That's your time. Thank you, Senator. Roll call vote and request for a call of the house. First-- the question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 13 ayes, 7 nays to place the 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. Senators Raybould, DeKay, Dover and Hansen, please report to the Chamber. The house is under call. Senators Raybould and DeKay, please report to the Chamber. The house is under call. Senator Erdman announces the following guests in the north or under, well, it says north balcony-- eight members of the Nebraska Petroleum Producers Association. Please stand and be recognized by your Nebraska Legislature. Senator Raybould, please report to the Chamber. The house is under call. Mr. Clerk, a request for a roll call vote, reverse order.

CLERK: Senator Wishart voting no. Senator Wayne voting yes. Senator Walz. Senator von Gillern voting no. Senator Vargas voting no. Senator Slama voting no. Senator Sanders voting no. Senator Riepe voting no. Sen Raybould voting no. Senator Murman voting no. Senator Moser voting no. Senator McKinney voting yes. Senator McDonnell voting no. Senator Lowe voting no. Senator Lippincott voting no. Senator Linehan voting no. Senator Kauth voting no. Senator Jacobson voting no. Senator Ibach voting no. Senator Hunt not voting. Senator Hughes voting no. Senator Holdcroft voting no. Senator Hardin voting no. Senator Hansen voting no. Senator Halloran voting no. Senator Geist. Senator Fredrickson voting no. Senator Erdman voting no. Senator Dungan not voting. Senator Dover voting no. Senator Dorn voting no. Senator DeKay voting

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no. Senator DeBoer voting no. Senator Day voting no. Senator Conrad voting yes. Senator Clements voting no. Senator Machaela Cavanaugh not voting. Senator John Cavanaugh not voting. Senator Briese voting no. Senator Brewer voting no. Senator Brandt voting no. Senator Bostelman voting no. Senator Bostar voting no. Senator Blood voting no. Senator Ballard voting no. Senator Armendariz voting no. Senator Arch voting no. Senator Albrecht voting no. Senator Aguilar voting no. Vote is 3 ayes, 40 nays, Mr. President, on the motion to bracket.

KELLY: The bracket motion fails. Mr. Clerk, for motions.

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

KELLY: Raise the call. Senator Cavanaugh, to open.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, I honestly, this is genuine. Thank you. I'm really thrilled that you voted for the call of the house. I did not expect that at all. That was a very kind and generous thing to do and it meant a lot to me. Thank you. I'm not going to stop today, but I do appreciate it. And it really did-- it really did mean something to me that the call of the house did not fail for me, for once, this session. It might be the only time it doesn't fail this session. But I am grateful for your collegiality on that issue. I also am grateful to Senator Ben Hansen for asking me to yield to a question to clarify because he handled a very difficult, very difficult Executive Session with, with generosity and kindness. And even though the conversation itself didn't go the way that I wanted it to go or even really happen, I very much appreciate his willingness to allow Senator Day and I to speak as much as we needed to speak. So thank you, Senator Hansen. And I'm sorry if I indicated anything other than that. You have been tasked with some very challenging pieces of legislation in front of our committee and navigating how to handle those, those types of legislation with grace is not easy and should be acknowledged. So thank you. I appreciate Senator Hansen for a lot of things. Another thing I'm just going to share is, my second thing that I've done since I've been here, the first thing that I'm really proud of is the bill that Senator Robert Hilkemann prioritized for me. The second thing is the family support waiver that Senators Arch and Hansen worked side by side with me on and are going to impact the lives of many children and families here in Nebraska with developmental disabilities. And I know that Senator Hansen and I don't agree on the issues of some of the bills that we voted out last night. But I also know that we both have a joint care for the children of Nebraska, and I very much appreciate that. And I

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don't want that to go unsaid. So I have-- somebody sent me and I appreciate it, Mike Foley's Auditor's report. Oh, I have how many times to talk on the motion to reconsider? Two--

KELLY: Three.

M. CAVANAUGH: Three times to talk in addition to my closing?

KELLY: Yes.

M. CAVANAUGH: OK. So I'm doing my opening now. I have two more times to talk and then I have my closing. And the motion to reconsider, so then, again, that's another, I don't know, 20, 25 minutes. And then we go to a vote on that. And then I have two amendments and I have drafted two more motions. And each of those things can take, with just me, up to 30 minutes each. So, my intention is that if it is the intention of the body to go until committee hearings start at 1:30, that I have enough on the board to make sure that we don't go to a vote on LB147 before that time. Of course, you can adjourn any time. I'm OK with that, too. I'll go take an aspirin and a quick nap before the afternoon. So December 10, 2014, this is from Mike Foley, State Auditor, to then CEO of DHHS, Kerry Winterer. This letter is provided pursuant to AICPA auditing standards. I'm going to skip some of the-- the like technical number-- well, I guess I shouldn't-- standards AU-C Section 265.A17, which permits early communication of certain audit findings due to their significance and the urgent need for corrective action. This is from our most recent Lieutenant Governor Mike Foley, who was the State Auditor, is the State Auditor again, was also a state senator prior to that, saying in 2014 there is an urgent need for corrective action. The audit work-- I'm sorry, my computer jumped. The audit work addressed herein was performed as part of the fiscal year 2014 Comprehensive Annual Fiscal Financial Report or (CAFR) and statewide (Single) audits. This communication is based on our audit procedures through October 20, 2014. Because we have not completed our audits of the fiscal year 2014 CAFR or Single, additional matters may be identified and communicated in our final report. I know I've got lots of time, but I'm trying to find where it gets into the meat and potatoes. It's a 30-page report. OK. Overall summary: there were 6,441 individuals who received Employment First or EF supportive service payments of \$4,024,694 for fiscal year ended June 30, 2014. These individuals were also included among the 13,491 individuals who received Aid to Dependent Children or ADC payments of \$25,626,034. The APA conducted detailed testing of 20 cases. One case may have more than one individual if they live in the same household, with payments totaling \$141,678, which resulted in seven one-- \$71,371 of question

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cost as described below. EF or ADC assistance; EF supportive services, type of issue, unreasonable; not in compliance with regs; lack of documentation eligibility; comment reference comment one-- pardon me-- question costs \$61,817, one moment-- OK. ADC Cash Assistance Payments not eligible due to income resources waivers or unit size. Comment three, question costs \$7,768 ADC cash assistance payments; sanctions not properly imposed, comment three, \$1,752. There was a lack of monitoring of contractors by DHHS to ensure compliance with program regulations. Eligibility reviews were not completed timely, contract monitoring was inadequate, and numerous other issues were noted during the detailed testing. Also, even after DHHS was notified of allegations of fraud on cases, the cases were not followed up on. Additionally, as of June 30, 2014, DHHS had a total of \$55,862,935 in federal TANF funds that were authorized for use but not expended. Of that, DHHS could have used \$14,000,743 and \$43,235 in federal funds over the previous two fiscal years, FY '13 and FY '14, which would have reduced the use of state funds and the burden of Nebraska taxpayers. Background information. How much time do I have left?

KELLY: 1:35.

M. CAVANAUGH: Thank you. Background Information: TANF Assistance and Needy Families is a federal program meant to assist parents in providing essential care to enable dependent children to remain in their home and allow for health, growth, and development. Nebraska's TANF Cash Assistance Program is known as Aid to Dependent Children and provides monthly cash assistance to individuals who have dependent children and fall within the income and resource limitations. The resource limitation is generally \$6,000 and the income limitations vary depending on size and circumstance of household. The maximum amount of cash assistance is \$222 per month for the first individual, increasing by \$71 for each additional person included in the household unit. Colleagues, this is the fund that has over \$130 million going unused every day. Growing, actually, every day. Your constituents are experiencing economic hardship and their Legislature is not taking any action to expand eligibility to get those dollars out to the people to help pay for essential needs: cost of eggs, the cost of milk, the cost of gasoline, the cost of bread, the cost of everything is going up. And we sit on monies that could be directly helping needy children. That's the whole point of TANF and--

KELLY: That's your time, Senator. Senator Aguilar announces 40 students in the north balcony from Knickrehm Elementary in Grand Island, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh announces 50 members of the

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Nebraska Nurses Association in the north balcony. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk, for items.

CLERK: Mr. President, your Committee on Banking, Commerce and Insurance, chaired by Senator Slama, reports LB152 to General File (Also LB308). Additionally, notice of committee hearings from the Retirement Systems Committee, as well as the Judiciary Committee. And amendments to be printed: Senator Cavanaugh to LB206, LB74, LB4, LB98, LB395, LB289, LB102, LB47, LB33, LB28, LB81, LB83, LB183. Amendment to be printed: Senator Linehan to LB206; Senator Hunt, amendment to be printed to LB753 and LB422; amendments to be printed, Senator Erdman to LB28; Senator DeKay to LB453; and Senator Blood to LB40. That's all I have at this time, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Thank you to our nurses for being here. I hope you understand that I am here fighting for your work, for your ability to use your judgment and your training to treat your patients. I am attempting to stop my colleagues from tearing down our healthcare institutions with cable news clickbait legislation. This is a terrible way to legislate. Someone told me recently that conservatives hate model legislation and all this is, is model legislation. So I'm beginning to think that that's probably a false statement. Getting back in the queue. So our TANF fund. So the entire time I have been in the Legislature, HHS has held hearings. We've held interim studies. We've asked the department to come in and tell us what their plan is for these funds. Every time they tell us there's a plan and they give us the same documents, nothing happens, the fund grows. Fast forward to we have COVID. We have a huge infusion of federal dollars in assistance across the state, across the country. That ultimately that infusion of cash led to inflation, coupled with a workforce shortage across the country, which resulted in a delay in goods and resources being transported across the country, which resulted in an additional increase in the cost of living. All of that is happening and we know that we have \$130 million in TANF that we could be distributing to needy families, one-time cash assistance. And unlike the federal cash assistance under former President Trump's administration, this money is specific and it doesn't go to anyone-- everyone. It goes to those the most in need to help cover the costs of essential goods. So it's something that we can do to help those that are most adly-- adversely impacted by our economic crisis, while also not creating an additional economic crisis, which is what we saw the previous enormous infusion of cash, cash put us in a bit of a

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situation, that, along with numerous other factors, but that's where we came to inflation. So we have this \$130 million sitting in a fund. We're not having any hearings at all about this, none at all. Back in August, when I was getting phone calls from the former Speaker about whether or not I would be willing to come back for a abortion special session, to which I said I might entertain it. But I knew that they didn't want it because that would have impacted the elections adversely and several people would have lost their election if we were debating abortion. And so I knew that wasn't going to happen. And I said them-- and I said to others continually that we should be having a special session on economic recovery. We should have had a TANF special session in August. We didn't. Now we're here on day 30--

KELLY: One minute.

M. CAVANAUGH: --33, Day 33 of the legislative session and we still haven't done a single thing to address our economic crisis and how our low-income wage earners are suffering in this state. But we have done a lot to talk about and address how to hurt our most vulnerable populations, how to attack public health writ large. I think I only have a few seconds left. So this is a motion to reconsider the vote on the bracket motion. Friends, the only thing I didn't do today was wear comfortable shoes. I can take this by myself for eight hours today if that's what the body wants to do.

KELLY: That's your time, Senator. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. And good morning, colleagues. I wanted to give my friend Senator Cavanaugh an opportunity to catch her breath and-- and take a rest for just a few minutes. I know that she probably doesn't need the assistance with her tenacity and stamina, but I know that there's been a kind of nasty set of bugs working their way through the Legislature, and that maybe has a lot of us maybe not feeling at our very, very best. So whenever we can extend an opportunity to each other to engage in a call of the house, provide time if needed, or, you know, it's definitely a standard practice, whether in committees or on the floor, sometimes senators will ask for assistance with continuing debate so other conversations can happen or other business can be attended to. And that's kind of in addition to providing a little bit of respite for my friend Senator Cavanaugh, really two points that I, I wanted to focus on in my-- my comments this morning here. Colleagues, I would ask you to seriously reconsider the motion to bracket and look really carefully at what's before us. And try and for a moment, if you can, be pragmatic and help to see a

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path forward outside of some of the very complex political issues and dynamics that we find ourselves within. So if we support the motion to reconsider and the motion to bracket, that doesn't kill Senator Kauth's bill. That doesn't do anything to that measure that's underlying, except for it just moves it down the agenda for about five days. I think perhaps if we have an opportunity to take a deep breath, kind of help to reset the agenda in regards to this measure, which has drawn so much controversy, that would clear the path, colleagues, for I think a lot of the other good bills that are on the agenda today to be taken up. So this is one of those moments as a collective, where instead of having both or many sides kind of dig in, it's a time for us to come together and say, wow. If folks in this body want to move more quickly through the agenda, and this is the point that's causing us so much consternation, let's move it off the agenda for five days. It doesn't kill the bill. It doesn't-- it doesn't change the fact that this bill will ultimately pass. This gives us a collective opportunity to say, wow, this isn't the direction that we want to go down today. There's other measures pending that folks want to take up for a variety of different reasons. So our rules allow us the opportunity to say, hey, this doesn't kill the bill. Let's take a pause for a couple of days. Let's move through some things that aren't-- aren't going to draw the same amount of attention and time. So that's one thing. Check the politics for a minute. Think pragmatically about what the motion to reconsider and the motion to bracket really does in this regard. Think, think very carefully about that, because it might be the exact off ramp that we're-- many people are looking for this morning and it might be hiding in plain sight.

KELLY: One minute.

CONRAD: Thank you, Mr. President. The other point that I just wanted to reaffirm in regards to how things are happening off mike in regards to extended debate on any number of issues, and to be clear, different senators for different reasons at different times have utilized the rules available to them and the time available to them to effectuate a host of different strategies. So there's nothing really out of the ordinary with what Senator Cavanaugh is doing today. And I think she's been very clear about her intentions. There is a lot of intangible benefits that come from a strategy like that, as well. There have been very, very rich conversations with a host of different colleagues about a host of different issues pending in committees, coming up soon on the agenda that we really haven't had a chance to have as many and as organically because we've been in the all-day committee structure for the last couple of weeks. So--

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KELLY: That's your time, Senator.

CONRAD: Thank you, Mr. President.

KELLY: Senator Machaela Cavanaugh, you're recognized to speak. This is your third time and then you'll have your close.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Conrad, for your words. I hope people were listening. Of course, I do have amendments on everything on the agenda today. But if we were to reconsider the bracket motion and move this off the agenda for today, I certainly would sit down. I am, as pretty much everyone I think now knows, not feeling well. And I would happily sit down. But as long as LB147 is on the board, I'm not going to sit down. So I have this time and then my close and then we'll go to a vote on the motion to reconsider. If/when that fails, we'll go to the next thing. I have some amendments, but I also have additional motions here. The conversation about the rules and the motions, this is the-- this is the thing that, like, early on, the threats around the Rules Committee, I didn't-- I didn't care. Like, you want to have open ballots for committee chairs, fine by me. It doesn't matter. It doesn't matter at all to me. I think it matters to the institution. But for me personally, I don't care if you know who I vote for. I'll tell you who I voted for, for committee chairs. There weren't very many contested committee chairs. I did definitely vote for Senator DeBoer for Chair of Transportation. So happily-- happy to share that. And I still stand by that vote. I think she would have made an excellent Chair for Transportation. I'm sure she's an excellent Vice Chair for Judiciary. So, yeah, that doesn't bother me, wasn't going to change how I voted on anything. I think it gives a lot of you cover when there's a contested committee chairmanship to vote for who you think is the best person without retribution. But since everything I do comes with retribution, I don't care if you know who I vote for or not. So that one didn't bother me. Then there's the you can only do one bracket motion on one bill. That's fine. Anything you do, I will just pivot and do something else until you take away all of your power in the rules because you're trying to take away my power in the rules. And then you find out that there are still rules that I can use. So please call the question. Make a motion to change the rules, to suspend the rules, to do something different with the rules. I'm here for all of it. Everything that is done to me, I can do and be disruptive that way. And that's what I'm doing. I'm being disruptive. I am purposely being disruptive to the session. That is 100 percent my intention is disruption. Reading about the differences between Malcolm X and Martin Luther King, Martin Luther King was more about peaceful

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protests and Malcolm X was about disruption. And I think it's important to learn lessons from the benefits of both. Some of my colleagues are about the peaceful protests to move things forward, to change things. That used to be who I was. I think part of it is I had the luxury, because my first two years, Senator Chambers was here being disruptive. After my first two years, Senator Chambers was no longer here, and it was incumbent upon the body, members of the body, to take up that disruption when appropriate. I'm very grateful to have served my first four years--

KELLY: One minute.

M. CAVANAUGH: --with a lot of people, But I'm very grateful that Senator Hunt was here to help be disruptive in those two-- those next two years after Senator Chambers was here. Disruption is an important tool. And we all have different roles to play in this Legislature. And interestingly, I've always viewed my role as kind of like, for better or worse, I can't think of a better analogy, but kind of like a mom, I got to keep the kids in order. We got to-- we've got rules. We've got to follow the rules. Come on, everybody. Let's do it. OK. Nobody's doing it. How do we get you to do the rules? OK, got to make it uncomfortable for you if you're not going to do the rules, like tactics that I genuinely employ with my own children. And I still do that from time to time but--

KELLY: That's your time, Senator, and you're recognized to close.

M. CAVANAUGH: Thank you. I do it much more in a disruptive way now, because I found that as this body has changed, as it has changed from last session to this session, what used to work, what used to be, like, let's talk about this, let's honor the system, let's follow the rules, let's be collegial to one another even if we disagree, all of those things have to [INAUDIBLE] evaporated in this current Legislature. And so I take that hat off. I set it down. I pick up my disruptive hat because I want to annoy you. I want you to genuinely be frustrated as all get out with me. I want everyone in this body, no matter your political party, to be annoyed with me. Because only when 48 of you collectively understand that it is within your power to make things better, will things get better. So I am going to be a nuisance. And I'm going to be a nuisance and a nuisance and a nuisance until you get together without me, have a party, don't invite me, it's fine, my feelings won't be hurt and say, what are we going to do? What are we going to do? We've got to fix this. She's not going to stop. What are we going to do? We want to pass X, Y, and Z. What are we going to do? How are we going to stop this? And it's not until you all have that

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introspective conversation with yourself and reflective conversation with one another that anything is going to change in this body. I have said it so many times. Honestly, people don't even bother to put like kill motions on my bills that are in committee because it doesn't matter because they're not going to leave committee. Everyone knows that. Like, you don't even have to pretend that you're going to fight Machaela's bills on the floor because it does not matter. Most of them don't get scheduled in committee and none of them will be Execed on and none of them will go anywhere. So you don't even have to be performative in your opposition to me as a legislator. But it's very freeing for me. It's very freeing for me. How much time do I have left?

KELLY: 2: 22.

M. CAVANAUGH: Thank you, Mr. President. So back to TANF. Oh, I did want to mention before I forget. So we're going to get to a vote on my motion to reconsider. You can listen to Senator Conrad and vote for it and then vote for the bracket motion and this goes off the agenda and comes back another day and we move on with the agenda. And I'll pull my amendments that I have on any other bills on the agenda for today. And we can move things forward for 30, 40 minutes or you can vote against it and I'll keep talking on this bill. Fine by me either way, I'm not going to do another call of the house because I don't want to ruin that moment that we all had today. I just, again, want to say that I really appreciate that my call of the house didn't fail and that I hope that in not calling a second call of the house, that you all will appreciate how much I appreciated it. And I'm not going to call-- do calls of the house just to be dilatory during floor debate. I also want everyone to understand that I appreciate other people getting on the mike and speaking because I very poorly wore high heels today and I'm sick. And so having a little break here and there to sit down, awesome. Still don't know how Senator Chambers--

KELLY: One minute.

M. CAVANAUGH: --never did that. He also never went to the bathroom or drank any liquids on the floor. I'm not sure that-- he might be a robot. But I appreciate the breaks, but everyone that has taken a couple of minutes here and there to give me a break has also understood that I'm doing this. I'm not dragging anyone else into this. This is me. This is me. Senator Conrad offered a path forward that she asked me if I'd be willing to do, and I said yes, but this is all me. So those of you that are new can ask those that have been here for a while, you can ask everyone if they'll come talk to me, it

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doesn't usually work well, which is why if you ask Senator John Cavanaugh to come talk to me, he will be a flat no. He's not-- we carpool together. He doesn't want to have those rides home. I think that's about it so I'll yield the remainder of my time.

KELLY: That's your time, Senator.

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

KELLY: Senator Kauth recognizes two adults, nine children, military families from Offutt Air Force Base. Please stand and be recognized by the Nebraska Legislature. Senator Vargas has announced 12 visitors, community organizers from the Heartland Workers Center. Please stand and be recognized by your Nebraska Legislature. Roll call vote request, Mr. Clerk.

CLERK: Senator Aguilar. Senator Albrecht voting no. Senator Arch. Senator Armendariz voting no. Senator Ballard. Senator Blood voting no. Senator Bostar. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting yes. Senator Day. Senator DeBoer. Senator DeKay. Senator Dorn. Senator Dover voting no. Senator Dungan. Senator Erdman voting no. Senator Fredrickson. Senator Geist. Senator Halloran voting no. Senator Hansen. Senator Holdcroft voting no. Senator Hughes. Senator Hunt. Senator Ibach voting no. Senator Jacobson. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney not voting. Senator Moser voting no. Senator Murman voting no. Senator Raybould. Senator Riepe. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting yes. Senator von Gillern voting no. Senator Walz. Senator Wayne voting yes. Senator Wishart voting no. Vote is 5 ayes, 23 nays, Mr. President, on the motion to reconsider.

KELLY: The motion to reconsider fails. Mr. Clerk, for a motion.

CLERK: Mr. President, Senator Cavanaugh would move to recommit LB147 to committee.

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

M. CAVANAUGH: Thank you, Mr. President. Colleagues, I appreciate that I think it was 23 of you want to keep hearing me talk. That was nice so I will. OK, so a little tutorial on the filibuster. This now is the next motion that I'm using. I kind of got ahead of myself with the

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bracket motion, to be perfectly honest. Like, I should have saved that for the end of my motions. But live and learn, I guess. I don't know. So this is a motion, if this were to pass, this would again take the bill off of-- off of the agenda and move it to committee, move it back to committee. And then I, honestly, I'm not actually sure what happens. I think the committee then has to take action again to kick it back out. And then I assume it would go back on Worksheet order at the end. I don't actually know what happens once it goes back to committee, so I've never gotten that far. Well, let's find out together, everybody. Let's vote for it, and we'll find out what happens when you recommit something to committee. Maybe Senator-- if Senator Wayne's in here, maybe he'll be able to tell us what happens when you recommit to committee. So LB147, a technical cleanup bill, I think. I don't really know. And some people might say, why? Why are you doing this on a bill that doesn't really do anything? And it's easy. It's because of the introducer. That's why. The introducer is attacking our children, hurting our children, most likely going to cause our children to take their own lives as a result of the horrible rhetoric that has been brought to the debate in this Legislature. So I don't want to let her bills pass. That's it. It's mean, but so is the legislation that Senator Kauth is bringing forward. I'm OK with it. I will be petty on behalf of our children. They are our most precious resource. We should be protecting them, not hurting them. And I hope that any children, trans youth and really any trans adults that watch any part of the debate understand that I am here fighting for you. This is a fight for your existence, your future, your state, your families. I'm, I'm not going to give an inch. This body had the opportunity to move forward with the next bill on the agenda. Don't even know what it is. I think that Senator Sanders has a bill next on the agenda. And I had agreed to withdraw any amendments that I had on future bills on the agenda for today. But this body decided that they wanted me to go on. I don't know what we want to call this, my vendetta on behalf of trans kids, because this is how the rest of the session is going to be, for every bill. So I've got some information here from, looks like it is "Nebraska's Commercial Sex Market" from the Women's Fund, a fact sheet, Support Trafficking Survivors Act: Nearly-- or every month in Nebraska, 900 individuals on average are advertised for sex, with the majority of those individuals showing signs of being trafficked. The Legislature has made great strides in modernizing our laws to recognize trafficking survivors as victims. But our state must make services available to protect and support these victims. Counseling is really big, especially if they've gone through it and they're survivors. Even after they've been taken out of the situation, you still need the aftercare like counseling and

support. Substantial harm, substantial harm results from the commercial sexual exploitation of individuals, including physical violence, negative physical and mental health consequences, rape, and suicide. Traffickers maintain and control-- maintain control of their victims through a variety of violent acts. As a result of this violence, 99 percent of sex trafficker victims-- trafficking victims report negative physical health consequences and 98 percent report negative mental health consequences. Forty-two percent of survivor victims attempt suicide and more than 80 percent are raped, are raped and during-- raped during their trafficking. A recent survey illustrates the need for additional investments in supportive services and law enforcement resources. More than 80 percent of service providers responded that they do not believe statewide resources are meeting the needs of residential shelter services, mental health services, and substance abuse recovery services for victims. Sorry. Seventy-two percent of service providers responded that they do not believe their capacity and resources are adequately meeting the needs of victims for the services they currently provide. Sixty-five percent of law enforcement officers responded they did not have adequate numbers of staff to respond to trafficking cases. Forty-five percent of law enforcement officers responded they did not believe there are adequate resources to refer sex trafficking victims for services. Sorry. I just got a bad tickle. Just another issue we could be working on, but we are not. Getting back to the audit of TANF. Oh, before I do that, that roll call vote on the motion to reconsider is very illustrative of why you should vote for a call of the house, because nobody was in here. And next time that you're really-- it matters to you, I hope you remember that. That if nobody's in here and you don't-- and the call of the house fails, then you are jeopardizing whatever it is you are trying to achieve. OK. So prior to the receipt of ADC cash assistance, that's Aid to Dependent Children, ADC, any work eligible individual in the household unit are required to participate in Employment First activities-- oh, I may have read this already. Well, I'll read it again-- including employment, job searching, education, vocational training, or community services. Each work eligible individual must complete, in EF, Employment First, orientation and assess-- and assessments, sign a self-sufficiency contract, and agree to a service plan defining the participants EF activities and requirements. Once these steps toward Employment First enrollment have been completed, the individual can begin receiving the monthly ADC payments. Nebraska work eligible individuals include all adults up to age 64, including individuals medically unable to work--

KELLY: One minute.

M. CAVANAUGH: --for example, for those who are disabled, ill, have any injury, or are in the third trimester of pregnancy. Other exemptions include those who are needed in the home to provide care to disabled family member or child less than 12 weeks old. Children ages 16 to 18 are excluded, only if enrolled and attending school on a regular basis. Single parent households are required to participate at least 30 hours per week or 20 hours per week if they have a child less than six years of age, while two-parent households are required to participate either 35 or 55 hours per week depending on whether they receive federally funded childcare. I think I'm about done on this turn, so I'm going to take a big gulp of hot water. How much time did I have left?

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

KELLY: You're next in the queue.

M. CAVANAUGH: Awesome sauce. Thank you, Mr. President. OK. The Employment First program also provides certain payments for supportive services, including gas, vehicle insurance, registration, clothing, vehicle repairs, or bus-- and bus or cab fares in order to facilitate full participation in the program. Seems like a great program that we could put some amount of \$130 million towards. Especially-- we have a workforce shortage. We have \$130 million sitting in a rainy day fund, totally untouched. One of the things it can be used for is Employment First program, which helps facilitate people who have obstacles to being employed, helps them over those obstacles, whether it be gas, whether it be car insurance, fixing a broken car, riding the bus to a job, practical things. We are not addressing those. Not at all. Not one bit. Nebraska, you did-- it was a doozy, a doozy when you elected this body. I hope it's reflecting the values you hoped we would espouse of doing nothing to improve your lives, take away your rights, and not address our taxes or our enormous cash fund. I hope that we are living up to those wonderful expectations that you must have had when you got to the polling place last November. The following table shows a breakdown of the total ADC and EF expenditures, ADC being Aid to Dependent Children and EF being Employment First expenditures for FY 2014 per the Nebraska Information System. There were 641 individuals who received EF supportive services payments, and these individuals were also included among the 13,491 individuals who received ADC payments, so state funds, federal funds. The EF supportive services are paid with 90 percent fund-- federal funds and 10 percent state funds. Meanwhile, ADC cash assistance payments are

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paid primarily with 80 percent federal funds and 20 percent state funds. Although in certain instances, such as households that qualify with a two-parent family or cases in which the family is exempt from EF participation, the ADC payment is 100 percent funded by the state. Overall summary. I think my page jumped around. It's a 30-page report. There's a lot in here. Unreasonable and unnecessary supportive services. Unreasonable and unnecessary payments. 27,000. So oh this is-- I love this. I love this. So this is like millions and millions and millions of dollars. And one of the concerns that I hear so often from some of my more--

KELLY: One minute.

M. CAVANAUGH: --my more conservative colleagues, is this deep, deep concern that people are going to be scamming the system. So we have to make the system so arduous and complicated and costly to administer just so we can combat the potential of somebody scamming the system. So this is a tens of millions of dollars program. And in 2014, the Auditor found \$6,182 of improperly issued funds. That doesn't mean that there was necessarily somebody scamming the system. This is some part-- there was a breakdown somewhere, whether somebody scammed the system throughout or whether there was just a breakdown in how the program was administered. Tens of millions of dollars, and instead of doing everything we can to help needy children thrive--

KELLY: That's your time, Senator. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Well, I just, I guess, you know, all of us respond to positive and negative feedback different ways. So when Senator Machaela Cavanaugh said she appreciated people getting up and taking a little bit of time, even though we're not involved and we recognize what she's doing, that she appreciated that. So I'm responding to positive feedback in a positive way by just taking a few more minutes to let her cough off the microphone. And-- but again, I think LB147 seems like a good bill. I actually talked to some county folks. You know, I've taken this opportunity to talk to people about things. And again, they would like this bill to pass. I voted present not voting on the first motion to recommit. And then when we had-- or I guess that was the motion to bracket, and then we had the motion to reconsider the vote. I did vote for that, even though I didn't vote for the original motion. And part of that was in response to what Senator Conrad said. So I was kind of taking her up on her suggestion to, like, find a path forward and maybe we can move on to some of these other bills. I happen to have a bill on the

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Worksheet order today myself that I think would be a good bill, good addition to the statutes of the state of Nebraska. And so if you get an opportunity, take a look at it. I think it's something you'd all appreciate. But I was just sitting here looking at the paper and saw, you know, it's coming up on crane watching season. So those of you-- you might want to put it on your calendar to go out to Senator Lowe's district or Senator Aguilar's district. And I don't know, Senator Lippincott, maybe you got some good spots to watch the cranes. But it's-- if you haven't had the opportunity to go out to western Nebraska or central Nebraska, the Central Flyway is actually what it's called, to see the sandhill crane migration and the whooping cranes, you should certainly do it. Actually, Senator Lowe and I and Senator Bostelman went out last year and had a great opportunity, wonderful night in the-- in the blind looking at all the cranes. I still have never-- I've been out there countless number of times, never seen a whooping crane, but it's still worth it just to see the thousands upon thousands of sandhill cranes. But there's-- I think if you are interested, there is going to be opportunities. There are certainly organizations that would be happy to take you out and show you. And, you know, this article is actually about a new counter for Crane Trust calls the experience pretty awesome. And so the Crane Trust, the reason I've been out there so many times is actually my dad was on the Crane Trust when I was a kid. So I got to go out there and spend every spring break in middle school and high school sitting in a blind at 5:00 in the morning looking at cranes, which I didn't appreciate at the time, I didn't think was really a great use of my spring break. But in retrospect, I really appreciated it. I appreciate it. And actually the blinds now-- back then they were very cold and uncomfortable. They are now-- the ones that we went in last year was very nice, much more comfortable. So again, you don't have-- it's not a big sacrifice. You know, it's not hard to go do. So I would certainly encourage you to take that opportunity. But one of the things, you know, this is-- you-- you may have figured out one of my passion projects is the Environmental Trust. And they have-- this is separate than the Crane Trust. They're two different organizations. But the Nebraska Environmental Trust has given money to habitat restoration for the cranes, both whooping cranes and sandhill cranes. And you all know that the crane migration observation is a huge tourism attraction for the state of Nebraska. And so we are investing money in repairing habitat that then has--

KELLY: One minute.

J. CAVANAUGH: Thank you, Mr. President. --increased the number of birds that come to the state of Nebraska and increased tourism. But

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one of the things that's interesting about this is so we're investing in these things. We have actually seen the whooping cranes-- like I said, I've never seen one because they've been on the endangered species list-- but we've seen the population grow as a result of investing in habitat for them. And that money comes from things like the Environmental Trust. And I'm actually going to run out of time for this topic so I can push my light. But the, the-- this is interesting because we had this conversation in Natural Resources yesterday, where we were talking about the impacts of different forms of energy production on all of the things in, in our natural world and wind turbines killing birds and things like that. Coal and natural gas tell-- tower emissions that then you know, cause global warming.

KELLY: That's your time, Senator.

J. CAVANAUGH: Thank you, Mr. President.

KELLY: Mr. Clerk for announcements.

CLERK: Mr. President, amendments to be printed: Senator Briese to LB51; Senator Cavanaugh to LB147. New L-- excuse me, new A bill: Senator Erdman, LB395A, a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB395. Name adds: Senator Albrecht to LB91; Senator Murman, Linehan and Halloran to LB562; Senator Conrad to LB637; Senator Dover to LB805. Announcement: The Government-- Government Committee will hold an Executive Session this afternoon after their hearing; Government Committee, Executive Session, after their hearing this afternoon. Finally, Mr. President, a priority motion. Senator Slama would move to adjourn the body until Friday, February 24, at 9:00 a.m.

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