

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 23, 2022

WILLIAMS: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the forty-sixth day of the One Hundred Seventh legislator-- Legislature, Second Session. Our chaplain for today is Dean Vanessa Clark of the Trinity Episcopal Cathedral in Omaha, Nebraska, a guest of Senator Hilkemann. Please rise.

DEAN VANESSA CLARK: A reading from the Book of Proverbs beginning at Chapter 8. Does not wisdom call at the entrance of the portals, she cries out. I have insight, I have strength. By me, kings reign and rulers decree what is just. By me, princes rule and nobles, all who govern rightly. I love those who love me and those who seek me diligently find me. Riches and honor are with me enduring wealth and prosperity. My fruit is better than gold, even fine gold and my yield than choice silver. I walk in the ways of the righteousness along the paths of justice. Let us pray. Oh, God, the fountain of wisdom, whose will is good and gracious and whose law is truth, we beseech thee so to guide and bless these our officials that they may enact such laws as please thee and serve the welfare of this people. Put far from them every root of bitterness, the desire of vain glory, and the pride of life. Fill them with faith, virtue, knowledge, temperance, patience, godliness. We beseech thee, renew the ties of mutual regard, which form our civic life. Enable us to eliminate poverty and oppression, that peace may prevail with righteousness and justice with order. Have mercy upon all in our rural counties, especially those suffering drought and fire. Send such moderate rain and showers that we may receive the fruits of the Earth and grant that all the people of our nation may give thanks to thee for our food and drink. Respect those, our citizens and neighbors, who labor for the harvest and honor the land and the water from which these good things come. And finally, oh, God, bless these your servants of the people of Nebraska. Protect them from all harm. Grant them joy and bring to their families peace and good health. Amen.

WILLIAMS: Thank you, Dean Clark. I recognize Senator Gragert for the Pledge of Allegiance.

GRAGERT: Will you 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.

WILLIAMS: Thank you, Senator Gragert. I call to order the forty-sixth day of the One Hundred Seventh Legislature, Second Session. Senators,

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please record your presence. Roll call. Members, I'd like to announce that the donuts that are being passed around this morning are courtesy of Senator Brett Lindstrom to celebrate his 41st birthday. Congratulations, Senator Lindstrom. Also, members, I would like to introduce 18 members of the Dawson Area Development Group from Dawson County, my hometown. They are seated in the north balcony. Would you please rise and be recognized by your Nebraska Legislature. Record, Mr. Clerk.

CLERK: I have a quorum present, Mr. President.

WILLIAMS: Any announcements, Mr. Clerk?

CLERK: Mr. President, Senator Morfeld offers LR350. I have confirmation reports from Health and Human Services, three separate reports all signed by Senator Arch as Chair. That's all that I have.

WILLIAMS: Thank you, Mr. Clerk. Mr. Clerk, we'll move to Final Reading. Members, you should return to your seats in preparation for Final Reading. Mr. Clerk, the first bill is LB1073e.

CLERK: Mr. President, Senator Matt Hansen would move to return the bill for a specific amendment.

WILLIAMS: Senator Matt Hansen, you're recognized to open on your amendment.

M. HANSEN: Thank you, Mr. President, and good morning, colleagues. Apologize to everybody for having to file this amendment with this being the bill first thing up. We had a supporter or two that were still walking into the building, and so I wanted to talk for just a moment to give them the opportunity to come in. As you all know, this is the emergency rental assistance bill, which is going to require the Governor to apply for ERA2. ERA2 is the second round of emergency rental assistance for the state of Nebraska. Forty-eight other states have already accepted this, and we are one of the last two out there. As has been talked about, this is emergency rental assistance, so it is for and it can also be used for utility assistance. We are-- have a wide variety of opportunities in how to use this or what to use this for. The opportunities are available for us to use it for utilities assistance, for rental assistance, and it's traditionally done as direct payments for the landlords. I bring all of these things up to share, to just kind of share the overall perspective of what we can do with this. There's been some discussion about need, and I think we have seen this continued need because, again, it's not just sheerly

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tied to unemployment. It's tied to the ability for you to afford your rent. So you can be employed, but in medical debt from COVID and be struggling to make utility payments. You can be employed but have been laid off and burned through all of your savings over the course of the pandemic and be struggling to catch back up. It doesn't necessarily tie to current unemployment. It is tied to overall need to this. Again, this is traditionally done through an application that the tenant files, and it provides direct assistance to the landlord. Overall, we've seen in the city of Lincoln and the city of Omaha required documentation of need, pay stubs, bank accounts, things of that nature to show some sort of need and some sort of accommodation and additional-- and additionally, from that perspective. We had a nonprofit contacted us that said out in the Panhandle that there had been a need for over \$200,000 of emergency rental assistance even just in this past month. So with that, Mr. President, I would encourage the body to vote for LB1073, and I would like to withdraw my amendment. Thank you.

WILLIAMS: The amendment is withdrawn. Senator John Cavanaugh, you're recognized. Excuse me. Members, we are now on Final Reading, if you would please return to your seats. Members, we are on Final Reading with LB1073e. All provisions of law relative to procedure have been complied with, the question is-- OK. Shall LB1073 pass? Mr. Clerk, would you read the bill?

CLERK: [READ LB1073 ON FINAL READING]

WILLIAMS: All provisions of law relative to procedure have been complied with. The question is, shall LB1073e pass with the emergency clause attached? All those in favor vote aye; those opposed vote nay. There's been a request for a roll call vote in reverse order. Mr. Clerk, call the roll.

CLERK: Senator Wishart, voting yes. Senator Williams, voting yes. Senator Wayne, voting yes. Senator Walz, voting yes. Senator Vargas, voting yes. Senator Stinner, voting yes. Senator Slama, voting no. Senator Sanders, voting no. Senator Pansing Brooks, voting yes. Senator Pahls. Senator Murman, voting no. Senator Moser, voting no. Senator Morfeld, voting yes. Senator McKinney, voting yes. Senator McDonnell, voting yes. Senator McCollister, voting yes. Senator Lowe, voting no. Senator Linehan, voting no. Senator Lindstrom, voting yes. Senator Lathrop, voting yes. Senator Kolterman, voting yes. Senator Jacobson, voting no. Senator Hunt, voting yes. Senator Hughes, voting no. Senator Hilkemann. Senator Hilgers, voting no. Senator Matt Hansen, excuse me, voting yes. Senator Ben Hansen, voting no. Senator

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Halloran, voting no. Senator Gragert, voting yes. Senator Geist, voting no. Senator Friesen, not voting. Senator Flood. Senator Erdman, voting no. Senator Dorn, voting yes. Senator DeBoer, voting yes. Senator Day, voting yes. Senator Clements, voting no. Senator Machaela Cavanaugh, voting yes. Senator John Cavanaugh, voting yes. Senator Briese, voting yes. Senator Brewer. Senator Brandt, voting yes. Senator Bostelman, voting no. Senator Bostar. Senator Blood, voting yes. Senator Arch, not voting. Senator Albrecht, voting no. Senator Aguilar, voting yes. 26 ayes, 16 nays, 2 present and not voting, Mr. President.

WILLIAMS: The bill does not pass with the emergency clause attached. The next vote will be, shall the bill pass with the emergency clause stricken? All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: Voting aye: Senators Aguilar, Blood, Brandt, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Gragert, Matt Hansen, Hunt, Kolterman, Lathrop, Lindstrom, McDonnell-- McCollister, McDonnell, McKinney, Morfeld, Pansing Brooks, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting no: Senators Albrecht, Clements, Erdman, Geist, Halloran, Ben Hansen, Hilgers, Hughes, Jacobson, Linehan, Lowe, Moser, Murman, Sanders, Slama. Not voting: Senators Arch, Bostelman, Friesen, Hilkemann, Bostar, Brewer, Flood, Pahls. 26 ayes, 15 nays, 4 present and not voting, 4 excused and not voting, Mr. President.

WILLIAMS: The bill passes with the emergency clause stricken. Mr. Clerk. Members, we'll be returning to the agenda on LB1014. Speaker Hilgers, you're recognized.

HILGERS: Thank you, Mr. President. Good morning, colleagues. We're about to start debate on LB1014, which is the ARPA bill. As I mentioned last week in my announcement, I requested that individuals file their amendments to the committee amendment yesterday by 6 o'clock. You're welcome, of course, to file amendments subsequent to that. That enabled us to-- the opportunity to start to go through the order of amendments and because this is a Speaker Major Proposal. So we've done that. We're still working through it. It's going to be a little bit of a fluid day today. My intent is to get through all of the amendments that have been filed. Right now, we're not setting any specific time limit on the amendments. We do want to get through them as much as possible. We are going to start-- we had two amendments started for this morning and we'll try to give advance notice on a couple in advance. We don't have all 10 in order. It'll be a little fluid today. The first one that we had on the-- on the board is

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Senator Arch's AM-- AM2508. And then I did have second Senator Briese's amendment. I don't have the number, but he-- he reached-- he found me this morning before we came to the floor and said that he was going to withdraw it and work on it and refile it over on Select File. So we're going to start with Senator Arch's amendment and then I'll try to provide an announcement afterwards as to the next one and maybe try to do two in advance if I can. One note that I would say there are a few senators who introduced amendments where either two things were true. One was they-- they are trying to spend more ARPA dollars than they are taking out. And the other thing would be they are trying to take dollars from a pot of money that where the individual who are sponsoring that pot was-- is in opposition to the request. And so to the extent that those senators over the next few hours can work through those issues, so either pare back their request so they're not putting more money in than they're taking out or finding some sort of an accord with somebody who has-- who has been supportive of some other pot of money that's in the committee amendment, please let me know. And if those things happen, it will be more likely that we can move those types of agreed items up the list than where they currently are. And so if you have any questions about your specific amendment, please let me know. Again, ask for a little bit of patience as we go through today because it will be a little bit fluid. But my hope is that we get through everything. Thank you, Mr. President.

CLERK: Thank you, Speaker Hilgers. Mr. Clerk, we'll proceed to General File, LB1014.

WAYNE: Point of order.

CLERK: Just-- just a moment, Senator. I know. I'll be with you, Mr. Speaker, so you and I-- we're-- we're considering the committee amendments, is that not correct?

HILGERS: That's correct.

CLERK: And then amendments to those amendments.

HILGERS: Correct.

CLERK: Very good. Thank you.

WAYNE: Point of order.

WILLIAMS: Senator Wayne, you're recognized.

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WAYNE: I filed a motion with the IPP that is outside of the budget, I mean, outside of the bill, if you recall. Any IPP motions, Mr. President, the special IPP actually sits above the bill so you're not actually on the bill. So that amendment does not actually apply to the Major Speaker Proposal. So I want to make a note of that for the record, for anybody going forward so that you understand that that Major Speaker Proposal does not affect the order of that IPP. Nevertheless, I need that-- I will withdraw that motion, but that motion needs to be withdrawn first to-- to maintain the specialty of that IPP motion.

WILLIAMS: Are you also withdrawing your point of order?

WAYNE: I'm not withdrawing my point of order. What I'm saying is that I'm not withdrawing my point of order. I am going to withdraw the IPP, but that IPP needs to be read across first so I can withdraw it because that is not a part of a Speaker Major Proposal, according to the rules. So we'll get there the same way I think the Speaker would like to get there, but we need to follow the rules.

WILLIAMS: I would invite Speaker Hilgers and Senator Wayne to come up front. Members, Senator Wayne has raised a point of order. Senator Hilgers will respond to that. Speaker Hilgers, you are recognized.

HILGERS: Thank you, Mr. President. I appreciate the opportunity to respond. I also appreciate Senator Wayne raised this issue over the last couple of days. He and I have had a conversation about it. We-- earlier before we started the day, we talked about the possibility of withdrawing the motion, which is what Senator Wayne referenced. In order to do that, though, I think we need to resolve the actual point of order. I couldn't concede the correctness of the point of order and that Senator Wayne's interpretation is correct for purposes of withdrawing it. And so Senator Wayne's point is that a IPP motion filed before the bill is read, which is-- which is a little bit-- treated a little bit differently under our rules, there's no doubt about it, does-- is not impacted by a Speaker's Major Proposal. And a Speaker's Major Proposal under Rule 1, Section 17 does say that the Speaker, under these circumstances, is able to order the amendments and motions. And that rule does not distinguish between types of motions or when they were filed or how they were put up on the board, but motions that go to the bill, which I believe encompasses an IPP. So I'd ask the Chair to overrule the point of order.

WILLIAMS: Thank you, Speaker Hilgers. It is the ruling of the Chair that the point of order is overruled.

WAYNE: Motion to overrule the Chair.

WILLIAMS: The ruling of the Chair has been challenged. Each member is allowed to speak once on the issue. Members may not yield time to one another. Senator Wayne, you are recognized to speak.

WAYNE: Thank you, Mr. President. Colleagues, this is a special IPP rule. And the issue is you don't have to take it from me whether what happens. At the end of the day, I'm at least asking us to follow our own rules. If you recall, on the cash bud-- on the cash budget bill just last week or actually last week, I filed the same motion. On the board, and this is what matters, on the board it goes MO Wayne IPP motion followed by the budget. That means before we even get to the budget, which the amendments that the Speaker can move around and motions can move around, before we even get to the budget or before we get to that underlying bill, you have to deal with the IPP that was filed first. That's why on the board it's the motion first followed by the bill, because the underlying motion that's on the floor is the IPP, not the bill. This may seem weird or even dumb to some people, but our rules matter. What we're essentially saying is if we agree with Speaker Hilgers is that IPP motion is not different than a regular IPP motion, that a spake-- a Speaker Major Proposal brings everything in on that bill, which is true, everything underneath the board of that bill, but not above, not above. While it does not distinguish, I can tell you the Mason Manual does, and that's why we've always followed for 100 years the special IPP motion, well, not quite 100, about 50 years, the special IPP motion is read across first. That's why you get to open on the motion before Stinner got to open on the budget. It's-- it's a priority motion that says, no, we're going to IPP the bill before it's even heard. And here's the crazy part. I said I'm going to withdraw it, but I can't let go of the precedent that's going to be set if we just say, no, this is included. Then that makes that motion no longer really no different than a regular IPP. And that is not what our rules say. So this is a very technical rule. But all you got to do is just remember last Thursday and Friday what was on the board first. And if that bill was on the board first, then-- I mean that motion was on the board first, then that means you have to deal with that motion before you even get to the bill. Because after we got done and I lost the IPP, Stinner got to open on the bill and that's how it works. We can-- we cannot start cutting our rules to allow the Speaker to do everything he wants or she wants to do. The purpose of a Mason Manual and the reason we adopted this over parliamentary procedure is because it gives every one of us the power to make these motions and to schedule them how they're supposed to be scheduled. We have to stop circumventing our

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rules. If they-- if they truly believe and if Speaker Hilgers truly believes that this same IPP mattered just as much, then we would have never started with the additional of that-- of that motion of IPP being before the bill being read. There's a reason it was done first and the reason what's on the board matters. So I'm just asking you to follow what's on the board. See, this was never debatable. I asked, well, what's the history of it? It's-- there's no-- there's never been a history of it because everybody knew prior to the last three years that's how it goes. And you know, when it changed? When Speaker Scheer decided one year to include the IPP motion as part of the time as it goes to the underlying bill. Now this is the next step. This is the next step to take away that motion that we could all use. It's a creeping effect. And that's why I said, even though I'm going to withdraw this bill--

WILLIAMS: One minute.

WAYNE: --we got to make sure we do it under the rules. Even though I'm going to withdraw this motion, we got to do it according to the rules because three years ago we crept away when we said the IPP motion will start, on the abortion debate three years ago, the IPP will start as part of the time and nobody challenged it. I thought it was wrong. I raised it to Scheer, he said, no, we're managing the time where we were under the three-hour rule. This is the next step. If they want a rule change, then change the rule. But the rule is based on the board, the motion is first and you're-- and you're above the actual bill. That's what we're talking about. It's that simple. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Wayne. Speaker Hilgers, you're recognized.

HILGERS: Thank you, Mr. President. Good morning again, colleagues. I rise in opposition to the motion to overrule the Chair. But I'll reiterate I appreciate Senator Wayne's focus on the rules and these kind of conversations, I think, are helpful, especially in an era of term limits. It's important to focus on our rules and make sure we're following them, and that's exactly what we're doing here. The idea that I have sort of the ability to order things every which way that I would like to in every circumstance isn't right. This is actually a very specific rule that's provided in our Rule Book that has a number of conditions before I can even exercise any of these authorities, most important of which is that the Executive Board has to approve this particular proposal request, which they did unanimously. The rule states in Section 17, subsection (c) is that allows the Speaker under

these circumstances to determine the scheduling of the proposal and the order of amendments and motions to be considered-- the order of the amendments and motions to be considered. It doesn't say what kind of motions. It doesn't limit the motions. It doesn't say some motions, but not other motions; motions filed at this point or some other point, the motions, all the motions. So the text of the rule I think is very clear that it includes IPPs, no matter when they're filed. Now Senator Wayne's argument, as I understand it, is he-- and he referenced it. He said I did this on LB1013 last week and it went to the top of the board. Now first, I don't know the location of where it goes on the board as it relates to a specific bill matters when we're-- because the motion doesn't come up until the bill is on the board. So I would say that in the first instance. But secondly, we've confirmed with the Index Clerk in the system, that is-- I think Senator Wayne is misremembering how it showed up on the board. And we've got a screengrab, we've got a printout. The bill was read-- bill was at the top of the board. The motion, which was filed in this exact same context, factual circumstances as we have today, the motion there came up below. So if you buy the argument that under our rules that it matters that the motion is at the top of the board and there's nothing in our rules suggests that you should. To the contrary, the rules are very clear: motions, motions of any kind, period, full stop. But if you buy that argument, it doesn't follow here because the way that we put it on the board for years and as I understand for decades, bill, then motion no matter when the IPP is filed. So because the text of the rule is clear, because the history is clear, the ruling of the Chair was absolutely correct under our rule, this is not a-- this is not some rule creep or interpretation creep of our rules. This is exactly how the rule operates. It's consistent with our past practice, and I would ask you to vote red on the motion to overrule the Chair. Thank you, Mr. President.

WILLIAMS: Thank you, Speaker Hilgers. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Mr. President. So there does appear to be sort of a slippery slope with our rules this session where we're kind of playing fast and loose with them and picking and choosing when we're going to acknowledge what our rules are. I-- first of all, I believe that if this was to be considered part of the underlying bill to be reordered at the Speaker's purview, I would imagine that the Speaker would have taken that up with Senator Wayne to begin with, and they could have had this conversation last night or this morning instead of having it as we are now. I look at page 5 of our Rule Book, Rule 1, 17 Speaker's Major Proposal and it does say under subsection

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"(c) Determine the scheduling of the proposal and the order of amendments and motions to be considered." Seems reasonable enough. If you go to page 41, Rule 6, 3(i), there's General File and it says: move to indefinitely postpone before a bill is read, move to indefinitely postpone after a bill is read. So I do think that there is-- we're open to interpretation on this. It's not clear. And the integrity of this institution is at stake every day. I don't know what the right answer is on this. I'm going to roll-- vote with Senator Wayne because I do think that there is a lack of respect being paid to members of this Legislature with proactive communication that could eliminate a lot of these problems. And this is just-- I don't even-- I guess I don't even have the words. This just continues to happen over and over again. And someday it's going to happen to you. Someday it's going to happen to you. And that's why you should care. You should care for a whole host of reasons. But someday it is going to happen to you. And we need to keep the integrity of this institution and keep the integrity of how we treat one another and keep the integrity of our Rule Book. Senator Wayne already said he's going to withdraw his IPP motion. It's about the process. Whatever the right answer is, this-- this should have been handled in advance. I assume those that have amendments on this bill have some idea about when your amendment is going to be ordered. Maybe I'm wrong because I didn't put in anything for ARPA. Maybe none of you know when your amendment is going to be ordered. But if you do, if you were told when your amendment is going to be ordered, then you should do Senator Wayne the-- the courtesy of voting to overrule the Chair because he was not told and his amendment should have been, in his mind, above it. I say in his mind because I don't know the answer. I just know that this needs to be handled better. Everything in this body needs to be handled better and we are losing our integrity every single day.

WILLIAMS: Thank you, Senator Cavanaugh. Senator DeBoer, you're recognized.

DeBOER: Thank you, Mr. President. I was wondering if maybe the Speaker would-- OK, I can't yield. Well, I was going to ask him a question. I'll-- I'll ask a question. It looks like 6 3 (f) is the pertinent rule. This is the event-- and it says "In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members. After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion." So it seems that that happens before the

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bill is read across. It's unclear whether or not that means that the-- the motion is made on the bill and therefore whether or not it should be movable under a Speaker's Major Proposal. I think Senator Wayne is saying that this is unaffected because it's an IPP made before the bill is read across, but I honestly don't know what the answer is. It is unclear. This is something that we should take up. So I don't know how I'll be voting because it is unclear to me what the correct thing is. And I guess I can't ask questions so thank you, Mr. President.

WILLIAMS: Thank you, Senator DeBoer. Seeing no one in the queue, Senator Wayne, you're recognized to close on your motion to overrule the Chair.

WAYNE: Colleagues, just, I want to thank-- I want people to put this in perspective. I offered today to withdraw this motion. The easiest thing to do was to put it first and let it be withdrawn. But by doing so, the Speaker could have just said, yeah, I'll schedule this one first. And this issue wouldn't even have been raised, nor had the issue even been brought up because he would have just had it go first, and he could argue down the road that he still had control over all of them. That was the simplest way to resolve this, but that was-- that was chose not to. So by going to a different one, I have to make the objection, saying if I am-- if my motion is read across first, that is what's on the board. That is what is the underlining [SIC] motion, not the bill. It's really that simple. And if we're going to throw out the Rule Book, then let's throw out the Rule Book. It doesn't-- a major proposal doesn't change until the bill is read across, and everything below that is what matters. That's not what's happening here. Again, the simplest answer would have been just to put that motion up first, I withdrew it, and this argument could have been not even in this body in the next 10 years because that's what most people would have done and what historically we have done. But the Chair wants to creep more into the power of the body, and that is a scary situation we are all going to be in. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Wayne. Members, this motion requires a majority of those present. This motion will require 23 votes to be adopted. The question is the adoption of the motion to overrule the Chair. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 9 ayes, 31 nays, Mr. President.

WILLIAMS: The motion to overrule the Chair is not adopted. Moving back to General File. Senator Stinner, you're recognized to open on LB1014.

STINNER: Thank you, Mr. President. Members of the Legislature, now the fun begins. LB1014, introduced by the Speaker at the request of the Governor, contains the Governor's recommendation for appropriations of the Coronavirus State Fiscal Recovery Funds received by the state of Nebraska pursuant to the American Rescue Plan Act. This legislative bill contains the emergency clause. And before I go any further, I'd like to kind of fill the body in on the process that we went through from an Appropriation perspective. Back last fall, Senator Wishart had an LR that actually opened up for anyone to come and talk about what their asks will be as it relates to ARPA funds. Fifty-five people showed up for a hearing. We-- it lasted several hours, obviously, but we got a pretty good idea as to the breadth and size of the asks. I think it came to about \$3 billion, but that certainly gave us a pretty good idea of what we're going to face as we moved into the session. We were also working with preliminary guidelines at that time. Preliminary guidelines were coming out periodically from Treasury, kind of clarifying and rectifying language. So there was still an anticipation that some of these areas would be broader than maybe what they ended up being. So as a general rule, however, and it was stated certainly by the Governor as well as the Appropriations Committee, one-time money equals one-time spend. No pilot projects, no start-up projects would be contained within-- within the ARPA bill, so these are one-time spends. Obviously, there's a time limit on the one-time spends, as-- as you can see, so the money is time sensitive, and that's an important aspect to keep in mind as-- as I continue to go through this. Additionally, we did not want to have any clawback, so everybody needs to be within those guidelines. And I want to thank the whole body who came with legislative bills that they filled out the guideline sheets. That was very helpful to the committee. It gave us the opportunity to-- to really listen to what the presenter had as far as a hearing and then look at the guidelines to make sure that this was in compliance. Obviously, Fiscal then there is a separate check to make sure everything was within-- documented appropriately and within the guidelines. So when the session started and I sat on as a ad hoc member of Referencing, I could see the-- the bills coming in, and obviously we had over 80-90 bills that came in. So we also had the proposal that was preliminary, a-- an actual final proposal. It won't be effective until April, but those are the rules that we kind of tried to abide by as we looked at the-- the ARPA asks. Additionally, early on, the Governor had indicated to the Speaker and myself, and then obviously in several speeches during the year, that he was going to treat this as a budget bill. In other words, he would make recommendations, put it in bill form, and those recommendations would come to Appropriations like we normally do. Appropriations would have

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the hearings and then obviously come with the proposal that you have in front of you. So that process is consistent with what we normally do. Additionally, you will notice that there's two tranches, so we have received \$520 million. The next tranche probably won't come in until May or June. So you have to keep that in mind. It does have to be applied for and then obviously processed and then sent in. So you have two different tranches. But as I indicated, this is time-sensitive money. If we did not allocate or appropriate the second tranche, there's a good chance that the next Legislature would have to do that and allocate the other 520. So the Governor really greenlighted the fact that we're going to appropriate the entire \$1,040,000,000, even though we only have half of that money. So finally I should note, on page 7, the Governor's proposal was submitted early on. It was the first thing that we have from the budget director and it included a fairly granular approach to the ARPA money. And if you paid attention on page 7, \$636 million of the \$1,040,000,000 is the Governor's request. Now what you have to also understand is we took out \$150 million and actually for STAR WARS and for the canal. So if you really added that in, seven and-- almost-- almost 80 percent of what the Governor had requested and recommended are actually in this proposal. I do want to thank the Governor, as well as chief of staff, Matt Miltenberger, and the budget director, Lee Will. During the process between the time we had hearings and session, I got several calls, Zooms. I think committee people did as well. And I've really tried to refer them to-- to the chief of staff and the Governor so that they could get in that-- that request. That would definitely help the process, at-- at least, is what I thought. It would help the process. It'd certainly get their proposal out in front of the Governor because he does have some line-item vetoes. So really the burden initially was on these three individuals and, as I said, with-- about 78 percent, almost 80 percent of their requests are in this proposal. With that, I would ask that-- that, Mr. Speaker-- or, Mr. President, that I can move to the amendment?

WILLIAMS: As the Clerk stated, there are amendments from the Appropriations Committee. Senator Stinner, as Chair of the committee, you are recognized to open on the committee amendments.

STINNER: Yeah, the committee-- the committee amendment actually becomes the bill. The amendment contains the Appropriations Committee recommendation for appropriation of the ARPA money. Details of the committee's recommendations may be found in the booklet entitled LB1014 Distribution of Coronavirus State Fiscal Recovery Funds, as proposed by the Appropriations Committee AM2330, dated March of 2022. Beginning on page 6, there's a list of all the ARPA-related bills and

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line items from the Governor's proposal. You can see there's tremendous amount of work that's been done by Fiscal Office to explain in detail each individual item, which is in the back, or the large items, and to slice and dice this at-- on all the different levels that we have. But really, what I want to take the time to do is, first of all, thank the committee for all of their work. I will tell you this, that this is not a John Stinner proposal, nor a Chairman of Appropriations proposal. This is a committee proposal, and all I tried to do was to guide and facilitate the process. But this is, truly, and it came out of the committee 9-0. But as you look at what we had in front of us, we knew we had about \$4 billion in requests. We knew we had to cut it down to a billion dollars. We knew that there's a-- this is a short session, so that was-- there was a way that we had-- a process that we needed to have. I already indicated that it was helpful that everybody filled out the guidelines sheet so that we knew it was in compliance, we knew what the program was about, we knew that-- that we could process their request. But with this large volume of items, I felt like we needed to have some kind of system that we can move and reduce 80, 90 items-- actually, if you look at, it's 130 items-- into a format where we actually could work with it. So what I tried to adopt is a process that, at the end of, say, the budget director, when he was finished with the Governor's proposal, I actually put together a line-item sheet and I asked the committee, independent of each other, independent of talking back and forth, to basically initial "this is a good proposal and does not require any modification," "this is a good proposal, requires modification," and a ranking of it, and if you didn't like the proposal at all, just don't put initials on. What I tried to do was create a situation where I could tell if there's consensus on items. And so when we started to work down through that and scoring system that we had, I gave those proposals to Fiscal and they, of course, put those in a database per-- per line item: public health, provider-- or premium pays, those types of things, so-- so we could work with. Every five days after a hearing, I'd pass out a new sheet and we'd do the same thing. I felt like keeping-- keeping it actually to individuals weighing in on that without the interference or salesmanship of anybody in the committee was the most unbiased way of doing it, and that was the process we went through. Now everything scoring five and above ended up being execed. I did kind of a six and seven cut as it relates to the number of people, and we actually execed on those on a-- on a Saturday, it came back. Somebody had indicated that they'd like to do five and above because that's what we do, five hands, so we did that as well. Those items made it into this cut. Some of them were cut and modified. So in-- in any event, that's-- that, I thought, was the most-- the

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best way to cut the list down to a manageable list, number two, and meet the-- the time requirements that we had. Major items, though, as you look at this, on-- on page 6 and 7, qualified census tract and site and building is \$210 million, 20.4 percent is what we're recommending. Shovel-ready is \$100 million, 9.7. Workforce housing is a combination of about four different bills, some of it rural workforce, middle-income workforce, NIFA, as well as a refugee bill that-- for housing, building homes and providing shelter for some of the refugees. That rural healthcare complex is \$60 million, 5.8 percent, \$60 million to cov-- for licensed Medicare-certified nursing homes. These are premium pays, \$55 million apiece, for developmental disabilities, as well as nursing homes. Law enforcement weighed in with just one request, and that's the \$47.7 million to redo the police academy. And of course then there are other ones that you can read about. As I indicated, on the page-- on the com-- committee statement, you can see all of the people who gave oral testimonies as proponents or opponents. And as I indicated before, this bill came out with a 9-0 vote. With that, I would ask for your green vote. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Stinner. Mr. Clerk, for an additional amendment.

CLERK: Mr. President, pursuant to the Speaker's direction, Senator Arch, AM2588 [SIC].

WILLIAMS: Senator Arch, you're recognized to open on your amendment to the committee amendment.

CLERK: AM2508, sorry.

ARCH: Thank you, Mr. President. Good morning, colleagues. I'd like to thank Speaker Hilgers for including this amendment as a priority amendment on LB1014. It's AM2508. I would also like to thank Senator Stinner for working through the weekend to help identify where we could access additional ARPA funds for the one-time, very timely, very important use of this money. All session we've been talking about the mental health needs of Nebraskans, how addressing critical behavioral health services early can keep Nebraskans healthy, employed, and out of the corrections system. AM2508 does exactly that by increasing mental healthcare capacity and education, particularly by increasing access to services for youth. In 2020, more than 44,000 children in Nebraska were diagnosed with a mental illness. Tragically, suicide is now the second leading cause of death among young people ages 10 to 24. The sooner mental illness can be treated, the better chances these

young people have to acquire the coping skills and work skills needed to grow into happy, healthy adults. Specifically, AM2508 uses one-time ARPA funds to bolster existing successful programs and to leverage private funds to expand needed capacity for both adults and children. Under the amendment, a total of \$40 million over a two-year period will provide funding through the Department of Economic Development to provide capital construction grants for projects such as, and these are some examples of projects that could be funded through this: Community Alliance's project in Omaha securing both public and private funds to reduce the reliance on short-term emergency and inpatient care when somebody is having a mental health crisis by expanding the capacity and scope of services; by adopting a certified community behavioral health center model, Community Alliance will be able to focus on the whole person, treating both mental and physical health, acting as both a treatment and recovery center, and serving as a one-stop comprehensive access point for Nebraskans living with mental illness; or projects such as expanding learning opportunities for some of the state's most vulnerable youth who are involved in the child welfare system or juvenile justice system. Many of these youth come from families struggling with mental health problems, and many are experiencing a mental health crisis of their own. Oftentimes, system-involved youth receive their educational services in day schools, or Rule 51 schools. These one-times [SIC] funds would allow for the renovation of the Duncan Day School in Duncan, Nebraska, the construction of a new Boys Town education center at Boys Town, and the creation of a new day school in Grand Island, providing these youth with the opportunity to receive the behavioral health services they need, along with career and workforce readiness educational opportunities; or a Children's Hospital and Medical Center project to ensure an integrated and community coordinated safety net for Nebraska children experiencing a mental health crisis. ARPA funds will allow Children's to serve the growing number of youth experiencing a mental health crisis, which has been exasperated by the pandemic through the development of a pediatric mental health urgent care center in Omaha and in Kearney; and projects that eliminate the youth-- eliminate the number of youth in mental health crisis that have to access care through the traditional emergency room, emergency rooms that also treat accident victims, gunshot wounds, and other traumatic medical events. Currently, a majority of Region 6 youth ages 5 to 18 access care through the CHI Health Immanuel Hospital/Medical Center, which only has a total capacity of 18 inpatient beds. Through a new nonprofit initiative, one-time ARP funds could leverage \$40-50 million in private funds to build a new mental healthcare facility just for youth that serves as an emergency assessment and triage center,

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provides crisis stabilization, adds 30 to 40 new acute beds, a forensic unit for the most difficult case, and an emergency room that services only children. So where do these funds come from? In the Governor's recommendation, \$20 million of ARPA funds were allocated to DED for capital construction grants in both '21-22 and '22-23 for a total of \$40 million. Through the committee process, these funds were decreased to-- to \$10 million each fiscal year for a total of \$20 million. They were, in essence, cut in half. My amendment, AM2508, seeks to restore the funding back to the original recommendation. As I said earlier, I owe Stinner-- I owe Senator Stinner a great appreciation for his willingness to help identify additional money without hurting the programs the Appropriations Committee has identified as a qualified and good use of ARPA funds. To get to the additional \$20 million, developmental disability premium pay is reduced by a total of \$7.5 million, with a \$5 million reduction in '23-24, \$2.5 million dollar reduction in '24-25. So it reduces out years; it does not reduce that first year. So the closer we are to COVID, that premium pay is-- is very important, so the first year is not reduced. It red-- it steps down, which was already stepping down the second and the third year. Health aid for Medicaid-certified nursing homes, same issue: first year, left alone; second and third year, stepped down. It also reduces the amount of funds that were allocated to behavioral health acute care beds in rural Nebraska from \$5 million to \$2.5 million, which should provide for an additional ten beds, and reduces the amount of funds allocated to the University Behavioral Health Education Center, BHECN, by \$2.5 million; and the reduction of the expansion of tele-behavioral health services in rural areas from \$10 million to \$8 million; reduction of COVID-specific training from \$3 to \$2.5 million. So I believe that by restoring the allocation to healthcare facility capacity expansion, which is line 4 on the spreadsheet provided by the-- detailing the Appropriation Committee proposal, to the original \$40 million amount, as proposed by the Governor, we will be able to increase capacity for mental health services and provide support for key frontline staff and support other mental health services. So in summary, we have an issue in behavioral health, in our healthcare services, where we have an issue of obviously our workforce, and we have an issue of capacity. This is an attempt to balance that, where we strengthen the capacity piece of that while leaving and-- and supporting the workforce as well. So with that, I have a question for Senator Stinner, if he would yield.

HUGHES: Senator Stinner, will you yield?

STINNER: Yes, I will.

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ARCH: Senator Stinner, you and I have had a number of conversations about this and-- and the possibility of this amendment. Do you-- do you have any thoughts you'd like to share on this particular amendment?

STINNER: Yeah, I-- I have agreed with this amendment. I actually think that the behavioral health building projects, I-- I visited both with Children's as well as Rhonda Hawks this-- this summer, and I highly recommend this public-private partnership and building these buildings. I think the step down on premium pay, as long as we leave that \$20 million in place, will get-- will put them in pretty good position for retaining and attracting. And then as we build the base, it should offset some of that step down. But the step down is a concession, certainly, for the premium pay folks. The other one is cutting some of the dollars on the be-- what I call behavioral health bill. I'm hoping that I can come in and maybe get some General Funds money on the bill so that that will support what-- what we're trying to get done on behavioral health statewide. But these are great projects. I would have carried the bill, except it was in the Governor's bill. But I highly, highly endorse what-- what is happening in Omaha. And this is an Omaha project that will probably bring close to \$100 million of building projects and certainly help a need that's there. And it goes, I guess, and as you explained, all the way from Children's, pediatric, all the way up to adult mental and behavioral health, so covers that whole spectrum. And I thank you for doing this.

ARCH: Thank you, Senator Stinner. With that, I will close the opening and be willing to answer any questions. Thank you.

HUGHES: Thank you, Senators Arch and Stinner. Debate is now open on AM2508. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. Colleagues, I don't know if anybody's actually read the final rules. They're a lot of pages. I would hope that you read them. I will talk-- and I do support the underlying amendment. I do think there's going to be some caution about anything over \$10 million for a capital construction project. They need to show two other alternative justifications that would have co-- cost more, and there's a couple other details that have to be done out. But the first point I'm going to make today is this entire ARPA budget, I think, has serious, serious clawback provision problems, and the most important reason is we're only giving \$20 million to all government agencies-- or \$25 (million)-- all government agencies to administer this. If you go and look at LB1025, the bill that we had in Appropriations, DED, for \$450 million, needed to hire over 35 people,

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and that's just not 35 people for a one-time allocation. See, they have to administer these funds for at least three years after 2026, so that means the project in Wyoming to-- to do the canal, there still has to be somebody administering that to make sure it's being done correctly. So in my bi-- in my LB1020-- LB1025, DED did about a 6 percent administration fee. The federal government has said you have up to 10 percent because we recognize how complicated following these strict rules will be. Our current budget has 2 percent, 2 percent for our entire government agencies, including DHS-- DHHS and DED to administer over a billion dollars of funding. That is damn near impossible. It's impossible when the Governor already gave up to 10 percent for the rental assistance the first time. Omaha is doing about 9 percent to 10 percent for their administration. Douglas County is doing that. I can tell you across the country there is not a state doing less than 7 percent, across the country, and we're expecting them to administer, all the government agencies, to administer the entire program on less than 20-- 2 percent, less than 2 percent. And my understanding is DHHS is going to take about \$10 million of that to do the administration because they have a couple other federal programs. So that's leaving the entire rest of the government, including DED, to administer about \$800,000-- \$800 million over a five- to six-year period off of \$10 million, maybe \$15 million, depending on how much goes to the other departments like Natural Resources and everywhere else. That's impossible. So I'm going to drop another amendment that I hope gets heard sooner or later, probably on Select, that any clawback provisions come from the Property Tax Relief Fund, automatically comes from the Property Tax Relief Fund, because we're not funding this in a way that administration can be done. And, yes, they can contract it out. Little side note: The-- the contracted agencies that are doing this across the country are doing it for 8 to 9 percent. We're setting aside 2, 2 percent. It won't happen, colleagues. It won't happen. So I don't-- I'm not saying where to get the money from. I'd introduce an amendment. I actually support this bill. But that means for six years somebody has to check in on Immanuel or CHI or whoever is doing this project to make sure the subrecipients, the beneficiary of this project, is still happening, that they don't build it and actually turn it into a hotel, so there has to be somebody there for the next six years making sure the recipients of this grant-- see, there's a complication here where it talks about flow through, grant recipient, subrecipients, and when it's for mental health--

HUGHES: One minute.

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WAYNE: --you have to classify a general area, which we haven't done. We can probably say the general public, but then we have to double check over the next six years that it's actually going to the general public, that there not be an exclusive area, there not-- if it's going to be that classification, it has to be to all general public and maybe mental health, then they can't close the doors and say only certain people can come in. We have to administer that, the state does, and \$20 million is nowhere enough. You can call your contacts at all these agencies, talk to the agency heads, go look at the A bills that were actually done in Appropriation and look at how much administration was set out aside. Two percent wasn't on any bill. Twenty million to administer a billion-dollar fund, with all the clawback provisions that happen in this-- it's a 200-page document of what you can and can't do-- it's impossible. It is clearly impossible. So I think--

HUGHES: Time, Senator.

WAYNE: -- from that se-- thank you, Mr. President.

HUGHES: Thank you, Senator Wayne. Senator Wishart, you're recognized.

WISHART: Thank you, Mr. President. I-- colleagues, I rise in support of LB1014. I am very likely going to be neutral on any changes since the work that we did on the Appropriations Committee was work negotiated in the committee and that's where I stand. But I do welcome the effort of others, now that this is on the floor of the Legislature, to make those decisions and changes. I do want to step back and talk a little more about the timeline of our work on ARPA. The-- the first conversation in the state that occurred in-- in terms of the ARPA proposal was the interim study that I introduced. When I introduced that interim study, our office worked with OpenSky and we put together a policy brief that we sent out to every single senator with the date of the committee hearing as well. And in that policy brief, it broke down all of the funding and the funding requirements that were coming to our state, the specific \$1.4 billion, the \$128 million in capital projects above and beyond that, and then the additional dollars, as you'll see on your first page, that are coming in to the state for the Department of Education, Department of Health and Human Services, and some of the other funds above and beyond the \$158 million that came to this Legislature to determine where it would be funded. Then we had a public hearing. Senator-- Chairman Stinner acknowledged that we had over 50 people come and testify. Those 50 people represent many, many more voices. We had Nonprofit Association of the Midlands, for example, which had listening sessions with all of

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the nonprofits in the state prior to this hearing so that they could determine what they wanted to di-- to discuss and-- during the hearing. We had members of the agricultural community. We had members of economic development, those who run food banks, and the list goes on. We had about \$3 billion worth of requests that came before us in that interim study, and from that helped us determine where were the needs. And as we've acknowledged for a couple days now as we've been discussing ARPA and the underlying-- in our underlying deficit budget, we had over \$4 billion worth of requests come through this Legislature in terms of the use of ARPA. So I do want to talk about a couple of the items that are important to the state of Nebraska. First and foremost, this ARPA proposal prioritizes health, healthcare. It prioritizes healthcare. One of the major funding opportunities is a rural health center in Kearney that will expand the footprint of UNMC out west in our state. I think Senator Erdman would argue that that is not west, and I-- he's correct, but it will expand it further west in our state and provide an opportunity for us to fix some of the broken healthcare issues that we are experiencing in this state and provide more ingenuity when it comes to telehealth and other remote opportunities for providing healthcare in areas of the state that have less population and people live with great distances in between each other. That is a-- an issue that, while it does not impact Lincoln in particular--

HUGHES: One minute.

WISHART: --it was one that as a state senator I supported. A piece of legislation-- two pieces of legislation that worked together that I brought that I wanted to acknowledge were funding to support our deaf and hard-of-hearing community. It was brought to me by the Commission for the Deaf and Visually Impaired. As you can imagine, COVID was a very challenging time, especially with mask wearing, for people who are hard of hearing. And what it brought to light is the need for more interpreters in our state, especially in classrooms, but also in communities, again, in-- in particular, in rural parts of our state where having interpreters for people who are involved in legal situations or in medical emergencies and need an in-person interpreter there to support their needs. So I'm really glad to see that the committee widely supported that option and-- and-- that funding option, and it's here before you on the floor of the Legislature. I'll be up to speak more about what we have proposed.

HUGHES: Time, Senator.

WISHART: Thank you.

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HUGHES: Thank you, Senator Wishart. Senator Vargas, you're recognized.

VARGAS: Thank you very much. Hopefully, Senator Wishart did say happy birthday to Senator Lindstrom. Oh, well, she's not-- she can't hear me right now. I'm going to jump into this and I'll get on the mike a few times. I wanted to talk a little bit more about process because I think process matters a lot. You know, for the education of the public, you know, we-- we are a nine-member committee, Appropriations. We-- many of us have been on there for six years, not all of us, but a good group of us have been on there for six years together, and we've been through years where we've had a billion-dollar shortfall and we had to cut a significant amount. We've had-- and this is, again, not done alone. Fiscal has been with us every step of the way. We couldn't do this without them. And the other part of this is this has been an iterative process where we started with an interim study from last year and then we got to where we landed. I will venture to say I know there's people in the lobby that are happy and there's people in the lobby that are unhappy. There are clients, and I say clients, but I mean people that feel like they got something, and there's people that feel like they've got nothing. I just want to acknowledge that. It's a Band-Aid that we need to rip off. The hardest thing about this is there are winners and losers, and the process was iterative. And what I mean by that is normally, and I don't know how every-- things work in every committee. But in our committee, if you got five votes for something, you typically can try to get it through and it can pass. But with a finite amount of \$1.1 billion, then with \$4 billion of requests, inclu-- that is inclusive of the Governor's requests, we went through a process where each of us were given a sheet that asked us to preference, about every two weeks, on every ARPA bill, whether or not we would support it. And what was really beautiful about that, quite honestly, is we independently are doing our own rankings on whether or not we think, when nobody's around us to lobby us, when nobody is around us to look at what we do, we're making sure and we're creating like initial preferences. Those initial preferences helped us to start to prioritize rather than just starting from scratch. The starting-from-scratch process would have been much more contentious and, instead, would happen over a matter of several weeks. Over a matter of several weeks, the data-driven side of what policymaking should be, we had priorities that came out of nine members that represent rural and urban, that are Republicans and Democrats, that also oftentimes don't agree on everything. And what came out were a big set of priorities that got more than six votes, and those things that got more than six votes we discussed, we-- we talked about, we talked about how they fit into the larger scheme of things. And when

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we had that kind of consensus, it was for the first time in a long time where, even though there were winners and losers, many of which-- you know, I introduced several bills that did not make it through in the ARPA package process. I more say that because I couldn't get enough support for many of them. But what we did end up with, even though I don't-- I would want more in other places, is some consensus on the committee that there is a majority of projects and entities that warrant this. After an interim hearing, after interim studies, after bills being crafted, bills introduced, independent rankings, a hearing process with opponents and proponents and neutral testimony, a process where we discussed the bills that were brought forward for the federal dollars, both from the Governor and independent senators, we landed with this. And it's just something that I want to make sure the public understands and knows, because when we even look at items that are greater than \$20 million in this committee amendment, we look at things that are going to invest in the state.

HUGHES: One minute.

VARGAS: We look at housing. We're looking at capital construction projects. We're looking at qualified census tracts that are going to really help north and south Omaha. We're looking at workforce development. We're looking at not only healthcare access, mental and behavioral health in Omaha, which I do think is important, but also in rural Nebraska. I think that there are really good things in here. I know we're going to debate on whether or not it is fully equitable and I understand that debate. And if I was crafting a budget myself, it would look very different. It would. We were crafting a budget with eight other individuals, nine-member committee, and so when you're looking at some of these big items and the percentage that they take up of the entire budget, I think it is important to see we invest it in disability provider rates, nursing facility provide-- provider rates, making sure that there are 24-hour facility salary increases that have been hit round the clock, making sure we're investing in healthcare facility expansion, rural ambulances--

HUGHES: Time, Senator.

VARGAS: --food assistance programs. Am I time?

HUGHES: Time, Senator. Thank you, Senator Vargas, Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. Good morning. As I look around the room, there's probably two, maybe three listening, so we'll proceed

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with the food fight. We'll start in a little bit. This money that was given to us from the government has been a difficult process for us to decide where to put the money and who gets it. We had about \$4.3 billion worth of requests for a billion dollars' worth of money, and so we went through that arduous process to get to where we are today. The Governor had recommendations. We took about 60 percent of those and-- and approved those, and 40 percent we did not. And then about another \$400 million we approved from the budget with the bills that were sent to us. We had significant bills. But I want to bring your attention to the discussion we had about how we decide what bills to discuss. Senator Stinner, and I appreciated what he did about sending out a document every four or five days for us to review and rank those bills on the priority that we thought they had, and I appreciated that. Some of the bills that I thought were of significant priority didn't get a chance to have a discussion, and I-- I understand that fully. But one of the things that happened towards the end of our discussion on that Saturday, we had completed a review of all of the appropriations bills that were ranked with six priorities from the members of the committee or seven priorities from the Governor. We reviewed those, and when we completed that process, we had about \$150 million left. And I had thought that we would bring some money to the floor and \$100 million would have been a decent number. And as we were getting to wrap up, Senator Vargas had a housing package amendment that he brought to our attention, and that housing package amendment amounted to about \$91 million. And then he had a housing package for the census tracts, and that total was about \$150 (million) with those added together. So when we completed that, we had \$150 million used up of about \$170 (million) that we had left, and then Senator Wishart dropped in an amendment to take \$20 million to search for a new water project, a new water source for Lincoln. And what I want to bring your attention to, the fact is that three of those four bills that we approved, that the committee approved, did not have a ranking of five. One of them had a ranking of five and the other two were four, and Senator Wishart's amendment wasn't even in our committee. So when that was concluded, we had \$870,000 left to come to the floor. We then took \$5 million each year from developmental disabilities, a third year to get us \$10 million to come to the floor, which you heard Senator Hughes speak about yesterday on his bill. In my opinion, we had given-- we had given enough to workforce housing. We took \$20 million. The Governor had recommended \$75 (million) and we took \$20 million out of Cash Reserve because we didn't think all of that would qualify for ARPA. And we had another \$40 million for workforce housing and that was \$60 (million). And this amendment that Senator Vargas dropped added another \$91 million.

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HUGHES: One minute.

ERDMAN: So that is a significant amount of money put into workforce housing, whether it's medium or low-income or whatever it was. I personally disagreed with having this amendment dropped at the last minute by Senator Vargas to add that money to workforce housing. Those-- those three bills, one of them was Senator Vargas-- one of them was Senator Williams' bill, one of them was Senator McDonnell's bill, and the other one was Senator Dorn's bill, as well as Senator Wishart's bill, should have never been considered in the appropriations. So when we go forward with this and people begin to look for a place to take money, I think that's a place that you should look. Thank you.

HUGHES: Thank you, Senator Erdman. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. I'm one of those senators that doesn't have any money in this ARPA fight. I'm kind of a free agent, you might say, and I'm saying that we're spending too much money foolishly and that, by hurrying this process, we're going to make some bad decisions and fun things that I don't feel is the responsibility of the state to do. And I think the citizens need to know a little bit, especially in rural Nebraska, what we're spending money on, and I'm going to be spending as much time as I can talking about the idea that we maybe appropriate half of this money and the rest we put aside until next year when a new body can come in. I'm term-limited out. I'd have no dog in this fight. The new body can come in, the new Governor can come in and maybe pick the best projects again and see which ones deserve funding, because I think right now we've just created the old food fight at the cafeteria. Everybody's got a little piece of money somewhere they want to bring home to their district, and everything's a good cause because we have lots of money. And so I am reluctant to vote for any of this. I am saying that I think we need to hold up and slow down. Let's pick the best of the best projects that actually do something in this state to make this a better place. When we look in here and we're going to spend \$91 million on workforce housing, we've got construction companies out there building houses as fast as they can get windows and plumbing and electrical supplies and find labor to get new crews to work, because right now our unemployment rate is the lowest in the country and the lowest in the history of the state. And so if we think we can throw \$91 million and have more houses built, that's a joke. We're not going to build any more houses. We're going to build the same amount of houses, but we're going to give a lot of people a subsidy to build those houses. The cost of housing is going to skyrocket because we can't get materials, we can't get people to

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build them. We're building as fast as we can. And there's numerous other things in this budget that I'm going to be talking about as we go forward. We can talk about giving lots of money to internship programs, things like that. This is something businesses should be doing already, and some of them do, and what it does is give them access to the absolute best workers that we grow here in Nebraska. They get to choose first because they're offering an internship program that allows these young people to come in and work for them for a couple of years. They pay them a little bit lower wage sometimes, sometimes not, but they pick the best of the best. They send them on to college. They train them. They do whatever they need to do. And these companies that are doing this right are doing well by it because they're getting the best people out there, and this is where I think other businesses need to wake up. It's their responsibility to hire people. It's not ours. Right now, wages are going up. Inflation is rising just as fast as wages, and we're going to have some-- some issues going forward. We'll see once how long this all lasts. But for us to say that we're going to spend \$1 billion here and do it wisely, I think, cannot be done in this session. If we would split this amount in half and pick the best of the best projects, move them forward, things that need to be done, things that should be done to make this state a better place, we should do those this year. Next year this body can come in here and they'll have a biennium, a two-year budget to work some of these issues out. We'll know what better our fiscal picture looks like.

HUGHES: One minute.

FRIESEN: And I think we'll be able to make better decisions. And I-- I know that I won't be here to be a part of that. I'm OK with that. I trust this next body to do a better job than probably what we're going to do by try and force every last dollar out of this program and get it across the finish line. Thank you, Mr. President.

HUGHES: Thank you, Senator Friesen. Senator Wayne, you're recognized.

WAYNE: Colleagues, I-- [LAUGH] so yesterday we were-- we were told on LB1024 that if I brought an amendment to add more money, that we-- if you take-- you know, we get 25 people to vote and we can keep it moving, and the first thing out of Senator Wishart's mouth today was she's going to be neutral on everything. So are we really going to have a real dialogue about what we're going to do with this budget? I'm-- I'm concerned. I'm-- I'm very concerned. I want to talk more about this set-aside for the \$20-- \$20-- \$20 million, and I can't stress this enough. So last night, Senator Erdman, you'll be happy, I

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went through and researched a lot and-- and your Laramie project does qualify, even though it's not in Nebraska, because you're allowed to transfer our funds to actually operate our funds in a different state. There's actually a special provision, actually for your project, so I thought that was pretty interesting. But I'm still concerned, and I think nobody's beating this drum and beating this horn, about the \$20-25 million we're setting aside for administration. Will Senator Stinner yield to a question?

HUGHES: Senator Stinner, will you yield?

STINNER: Yes, I will.

WAYNE: So do you think-- I mean, I'm just trying to figure out. How do you expect all the government agencies to administer \$1.1 billion of federal dollars with-- and I know you read the rule book. It's pretty thick. How is \$20 million gonna-- how are they gonna be able to do this for six years on \$20 million?

STINNER: Yeah, \$25 million, at the bottom of the schedule, is allocated for administration. HHS obviously has the heaviest load as it relates to this, so there are some additional ARPA dollars within HHS that could possibly be allocated.

WAYNE: So there'll be-- so the other funding sources you'll-- who's going to allocate that?

STINNER: I presume the budget director for the state.

WAYNE: So there are dollars not in this budget for the state that we're just allowing the agencies, or in this case DHS-- DAS to just administer? It won't actually come through us?

STINNER: We have-- we have appropriated \$25 million through this process and it's up to the executive branch to allocate those dollars where needed, just like-- just like normal.

WAYNE: What is a typical-- in the private sector, what is a typical fee for managing a billion dollars?

STINNER: It depends on what you're talking about. I suppose on the investment side, you know, it's-- yeah, it's got to be some-- somewhere in that quarter to a half a percent.

WAYNE: So we're in line with the private sector as far as just 2 percent, is what you think?

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STINNER: Now depend-- depending on every-- every activity is either more labor or less labor intensive, so it's hard to say on a bill-by-bill basis. There are-- there are-- in the fiscal note, there is a add in there for, and it looked like General Funds add, for administrative purposes based on that bill. So there is a process that we went through with the agencies to tell us how much they would need to have to administer it. That's all added up and it's about \$25 million.

WAYNE: Well, I find that-- I'm a little concerned by that because in my fiscal note, they had about \$12 million. Now it's just \$450 million.

STINNER: Well, when you-- yeah, and there are situations where we can combine a lot of the activities, and I'm not 100 percent sure how they're going to administer it, but I'll--

HUGHES: One minute.

STINNER: --leave that up to the executive branch.

WAYNE: Thank you, Mr.-- thank you, Senator, Senator Stinner. So we're not quite sure how they're going to administer this money. There seems to be some dollars that are allocated somewhere else in the federal system. I just-- colleagues, I'm just-- \$25 million is not enough to administer this program throughout our entire government. I didn't bring an amendment to figure out where it's at. I'm just telling you that's going to be a huge concern. I will give you an example. NDE got \$854 million and they took a total 10 percent, \$84 million, to administer a pass-through. They were literally a pass-through, but because of all the federal requirements, they felt they needed 10 percent. We're not even coming close to 10 percent. Thank you, Mr. President.

HUGHES: Thank you, Senator Wayne and Senator Stinner. Senator Kolterman, you're recognized.

KOLTERMAN: Thank you, Mr. President. Good morning, colleagues. I rise in support of the bill, as well as Senator Arch's amendment. I want to talk a little bit about what some of my colleagues have talked about, the integrity of the process. You know, we-- we had an opportun-- I'm new on the committee, I've been there two years now. I've served on a lot of committees and I've enjoyed every one of them, but it helped me get a perspective and I could bring a little bit different perspective to the-- to the hearings because I'd served on a lot of the committees

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that we're talking about. You know, we dealt with public health, negative impacts, premium pay, water, sewer, broadband, administration. It was a tough job. If you look at-- if you look at page 7, at the bottom of page 7 of this booklet, you're going to see the breakdown of-- of where the money went and what percentage went where. I think it was pretty fair and balanced, and what I like about the committee that I serve on right now is it's a balanced committee. I've had the opportunity to work with-- that I didn't think I'd ever get, with Senator Clements and Senator Erdman on the committee, as well as Senator Wishart, Senator Vargas, McDonnell, Senator Dorn, Senator Hilkemann, and-- and most importantly, Senator Stinner. I mean, it-- it's a-- it's a great committee, and I believe it's a real cross-section of what we have in this body, because we have people from all aspects of the-- the business world serving in that capacity. As Senator-- Senator Stinner said, we ranked our priorities. And if you take a look at pages 11, 12 and 13, you're going to see a lot of zeros. People didn't make the cut. Believe me, some of mine were high priorities in that-- in those pages, but they didn't make the cut. You know, I think-- I think the thing that's most disappointing to me as we've looked at all of this is the lack of respect for the process. Now there's people that aren't going to agree with what we did and we're open to suggestions. And in fact, this weekend Senator Arch called and said, can we-- can you-- can you change something? And we did it. We came back and we came back with an amendment because we didn't make all the right decisions. I'll tell you we didn't make all the right decisions. And I know we're working with Senator Gragert. He called and said, hey, I don't think we got-- we got our fair share here, can you help us out? And so we're taking a look at that. But the-- the-- the disheartening thing for me is we don't respect each other in here enough. I will tell you that when Senator Friesen-- I brought an amendment-- or I brought an amendment a week ago asking a bill to go back to committee to Senator Friesen. Now if I was a committee Chair, I'd be mad as hops, but he and I have a good understanding. And he didn't like that, but he said, I'm willing to do that, and we compromised. He had a hearing on it yesterday. I don't know whether it'll come back or not, but he's-- he's not mad at me and I'm not mad at him. We've talked about it. But when people stand on the floor of this legislature and make accusations that we've lied to them, that we lined our own pockets because we're on the Appropriations Committee, that we're racists, that we're unfair, is that right, folks? Do you really think we're that way?

HUGHES: One minute.

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KOLTERMAN: I like to think that we can go along and get along in here. And you know what, if you come to me and you want to cut a deal, I'm willing to cut a deal, but you gotta sit down and talk to me. Why do we have to air our dirty grievances on the floor of this Legislature when there's a process we can follow? We all want to get along and I think we can get along. Well, let's work together. Friesen and I showed that we can do that. If you sat in our committee, you'll find that Senator Erdman and I don't agree on a lot of issues, but we worked through some things. I don't necessarily agree with Senator Vargas on a lot of issues, but we worked through them and I think we brought a pretty fair package. To say that north Omaha or south Omaha or eastern Omaha is not getting enough? Two point-- \$250 billion-- or million dollars, that's a lot of money out of this budget.

HUGHES: Time, Senator.

KOLTERMAN: Thank [RECORDER MALFUNCTION]

HUGHES: Thank you, Senator Kolterman. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. Again, I'm going to start going through some of these, kind of a line item of what we're going to be spending ARPA money on. One of it is worker training, expanding and retaining the workforce, and we have \$10 million, I think, for that. And I-- I'll-- I'll dig into that a little bit and see more what that is and what that amounts to. We do have some good things in here, I think, helping some of our assisted living facilities. And one of them that I think is really important, and I've-- I've visited a little bit with Senator Wishart about this, and she has a little bit of a-- it's a small grant in here, and it deals with reverse osmosis water systems for small rural water systems and private wells. So when we look at some issues out in rural Nebraska with-- it can be either nitrates in the water or it could be a contamination from ammunition plant back in the day, we have private well systems now that are-- are starting to be exposed to contaminants that are leaching from some of those Superfund sites or from some other industrial areas, and they don't have really access to the testing and everything else that we have available for our municipal water systems. And so for maybe an NRD or somebody like that to create what I would call kind of a rural water system is, if we could get some money out there to put out these small reverse osmosis drinking water systems, maybe we could get them on a schedule to where the NRD would actually go out and change the filters and make sure that these-- this equipment was operating correctly. But first of all, just to get water tested, in the Upper Big Blue, we can

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send a-- you can choose to send a water sample in, take it into the NRD, and they will test it for nitrates and coliform bacteria. But those are the only two things that they're really capable of testing. And so if they would indicate that there's a high level of nitrates in there, then they would recommend that you send the water into the state testing lab and they would test it to make sure that the numbers are correct, and then you could do something like put in a reverse osmosis system. But if there's any number of other contaminants that might be leaching from a nearby industrial site or from the army ammunition depot sites that are in the state, they are not capable of doing that testing, so the only alternative you have is find a lab somewhere and have the water tested, and you need to know what to test for. There's numerous different chemicals that could be in that water, and right now there is no-- those-- those tests are relatively expensive, and I-- I think that's an issue that's-- that's coming up out there. I've been hearing some things from different areas of the state where this is getting to be an issue, and I think it needs to be addressed in some ways. So if you take a small community even of 600, 700, 800 people, right now, if their nitrates go over 10 parts per million, they're required to put in a water treatment plant, which can cost tens of millions of dollars to do that. And the-- the problem with all of this is, is that we're treating all of the water when probably 98 percent of it goes for flushing the toilet, taking showers, washing your car. And we're treating all that water, and the cost is tremendous for a community that small. And so there has to be an alternative, and I know this isn't something that the state can choose to do. I think the EPA at the federal level--

HILGERS: One minute.

FRIESEN: --has to recognize that there are alternative ways that we can achieve clean drinking water in some of these small communities. And if the-- a community could choose to put a reverse osmosis system on, do routine maintenance on those systems, that would be a lot cheaper than putting in a water treatment facility that treats all of the water. So these are ideas I think that we need to discuss. I would like to see more money put into that fund. It's cut down to about \$4 million right now, but I think that is an area where we can really make a big difference in the quality of our drinking water for some small communities and private wells out there. Thank you, Mr. President.

HILGERS: Thank you, Senator Friesen. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR331, LR332, LR334, LR336, and LB1073. Senator Aguilar

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would like to welcome 30 fourth- and sixth-grade students and five sponsors who are from Trinity Lutheran School in Grand Island. They're seated in the north balcony. Please rise and be recognized by your Nebraska Legislature. Seeing no one else in the queue, Senator Arch, you're recognized to close.

ARCH: Thank you, Mr. Speaker. We probably overuse the term "a unique opportunity" here, but I'm going to use it again. I think we have a unique opportunity here to address some mental health needs in our state. These are always the most difficult dollars to come up with, which are those capital dollars to expand capacity. And in these, in-- in this partic-- the programs that I referenced here, these are public-private. There's a lot of donor money that-- that is-- has already been raised for some of these projects and more to come, so this is not 100 percent funded by state. This is-- this-- the donors are behind this. The community is behind this. The-- the population that we're talking about are-- is a population that has been disproportionately affected by COVID and the-- the vulnerable-- the vulnerable population of child welfare kids, juvenile justice kids, and the chronically severely mentally ill adults. So with that, I would appreciate support for AM2508. Thank you again to Senator Stinner for working this out with me, and I'll-- I will close with that. Thank you.

HUGHES: Thank you, Senator Arch. Colleagues, the question before us is the adoption of AM2508. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays on adoption of Senator Arch's amendment to the committee amendments.

HUGHES: AM2508 is adopted. Mr. Clerk, for items.

CLERK: Very quickly, Mr. President, I have amendments to be printed: Senator Sanders to LB853; Senator Flood, LB78-- LB709; and Senator Matt Hansen to LB911 [SIC--LB919]; Senator Clements offers LR351, study resolution be referred to the Executive Board. Explanation of vote, Senator Flood. LB1073 reported correctly enrolled. And I guess that's all that I have, Mr. President. Thank you.

HUGHES: Thank you, Mr. Clerk. Speaker Hilgers, for an announcement.

HILGERS: Thank you, Mr. President. Good morning, colleagues. As I mentioned earlier this morning, Senator Briese withdrew his amendment. He's going to refile one on Select File, so we're-- I'm going to

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announce the next couple of amendments. I've spoken to Senator Stinner and the introducing senators. One housekeeping note, I've had a few people ask me-- I know there are a number of productive conversations going on on the floor this morning about certain amendments, either rightsizing a request or finding other sources, and there's been some agreement among a number of senators. If you-- if that is the case and it's-- you now have to have an amendment that's in a different form from the amendment you've already filed, I would ask you to file a new amendment. Some people have asked, should we do an amendment to the amendment? And I think it's cleaner for the process just to file a new amendment and let us know what those changes are, so that's a housekeeping note. The next three amendments that we're going to take up are going to be AM2495, Senator Albrecht's, AM2-- AM2472, Senator DeBoer, and then AM2446, Senator Hunt's amendment. So those are the next three, and as we work through the next several amendments, hopefully, we'll have another announcement shortly after lunch as to the rest of the day. Thank you, Mr. President.

HUGHES: Thank you, Speaker Hilgers. Mr. Clerk.

CLERK: Mr. President, Senator Albrecht would move to amend with AM2495.

HUGHES: Senator Albrecht, you're welcome to open on your amendment, AM2495.

ALBRECHT: Thank you, President. Good morning, colleagues. I stand with AM2495. This particular bill was part of the Governor's American Rescue Plan Act of 2021. This recommendation includes \$30 million in fiscal year 2021 and '22, an additional \$30 million in fiscal years 2022 and 2023, for a three-year temporary program to provide family direct education recovery accounts for low-income children and families. This three-year program will provide direct assistance to children in K-12 for the 2022 through 2025 school years. For each school year, up to \$20 million will be allocated to parents for additional expenses to address learning losses caused by the COVID-19 pandemic. The overarching purpose of these accounts is to put students most impacted by the pandemic back on the right path and avoid long-term negative impacts that occur with significant learning losses. The pandemic's impact on education has far-reaching negative ramifications. According to a study in July of 2021, a report said that the students lost on an average of five months of math and four months of reading, which will lead to a lower lifetime income of at least \$49,000 and reduced annual economic growth of at least \$128 billion. Deeply concerning is the fact that students most affected by

this crisis were already behind their peers before the pandemic. This temporary program will give parents resources to close those gaps, and it is available to eligible students, whether they are in public, private or home-school settings. In other words, this temporary recovery bill is Nebraska's most vulnerable learners. Eligibility for the Nebraska children will be determined if a child is eligible for the federal free lunch program and attends K-12 in public, nonpublic and home schools and pod schools. A child can receive up to a \$2,000 benefit per school year for educational services that include, but are not limited to, the private school tuition, tutoring, digital learning, subscriptions, homeschool or pod school curriculum, and other K-12 educational services. This program does not authorize the purchase of computing devices or equipment, as other federal funding has been made available to make these devices accessible to children covered in the program. I appreciate attention to this matter and it's critical opportunity to make an important investment in our children. We all know and we only get one shot at our K-12 education, so let's make sure that these children don't experience long-term repercussions because of the pandemic. I was tasked to go through the ARPA funding program to find money where I thought it might be best to draw from. I'm willing to work with anyone to find other sources of funding. These are our children and the children who often struggle already and not-- and are even farther behind now after the pandemic. Let's find the resources to give the most vulnerable children and their parents the help they need to bounce back and move forward. I'll tell you, I looked at all the different funding and I want to take all of us back six years ago. Some of you weren't here, but we were at a div-- in a bad way. I mean, it was the easiest year, the two years of my life down here, because we always said no to everything. There was no money to be had. So I remember the Governor pulling everybody in four by four and he would say, where do you think we should cut? He asked all of us the same questions: Where do you think we should cut? And immediately people went to the highest-- get the most funding out of our state, which is the universities, Medicaid, and K-12. So, you know, you're going to think in this particular case, I went for the \$110 million between Senator Stinner and Senator Hilkemann's ARPA funds. I'm drawing my money from there, but what I want to-- everybody to think about today, because between now and Select, I'm willing to work with, with whoever, but if we-- what I said to the Governor that day when he asked where we should cut, I said I served eight years on a city council. I served four years on a county board. And every time we were in a deficit situation, we cut from everyone, not just one person or another. So in, in doing so, with this bill, I'd take 6 percent off of

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the top of everybody or 6 percent total. So there are ways that we can do this without getting one person or another upset about a good bill that's going to help families and children and, and the future of Nebraska. We have to work together to figure out the most important bills. If I get 25 votes and I need to work on where it's all going to come from, great, but if not, I'm very much willing to sit down and have a conversation with anyone. So I just wanted to make sure I said that before Senator Stinner gets up with his, his very loud voice and lets me know that it's not coming from there. So that's my close. Thank you, sir.

HUGHES: Thank you, Senator Albrecht. Debate is now open on LB-- AM2495. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. I stand in support of AM2495. I was strongly in support this on-- in support of this on the committee and I think it's a very worthwhile cause. The Governor asked for \$60 million in his request in LB1014 and the committee ended up with a zero recommendation. But in the committee process, we each did a survey of bills that we had received weekly and the survey came back that five of us had agreed with supporting this provision and-- but it took six or more positive, I guess you'd call them, votes or survey indications to automatically make it as a consideration. And then we were to be able to amend the bill at the end to add anything we wanted. Well, when we got to the end, all of the money was allocated and there wasn't-- there were not funds left over. So I think it-- so anyway, I think it's a great need. I wanted to talk about some of the testimony that we had in our committee. We had mothers that came in with children who had had trouble with the COVID learning situation. Wearing masks caused-- bothered some of them, as not being able to concentrate. The remote learning, especially being at home-- some of them needed one-on-one or a teacher in the room-- help and they went backwards in their studies rather than forward, not even maintaining, and they had mental health issues, some of the kids that were mentioned. And they're-- they just came in really asking for some help to be able to hire some tutoring or maybe get an online class and so that's why I see that-- I think it's a worthwhile cause. It's-- \$60 million did sound like a lot of money, but then I divided it by \$2,000, which is the limit per child, and that would be 30,000 kids at the most. Well, there are well over 300,000 kids in K-12 in Nebraska so it's only one out of ten children would even qualify if used all the money. And so it's reasonable to think maybe 10 percent of the children are needing some extra help getting caught back up with their schooling so they don't fall behind with their classmates. And so we're not trying to give this to everybody, just want to give those--

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some help to those who are affected so that we can have kids progress throughout their learning experience. And with that, how much time do I have left?

ARCH: 1:30.

CLEMENTS: Would Senator Albrecht like the rest of my time? I yield it to her.

ARCH: Senator Albrecht, 1:30.

ALBRECHT: Well, one thing I do want to talk about, in the committee hearing, we really did have a lot of great folks come forward and talk about how they are struggling because of, of the pandemic. We had a mother who had a seventh-grader who just was really excelling in junior high, but as soon as they ended up going online, he just shut down because that was not a way that he was able to engage and learn the way he needed to. And Senator Hilkemann had asked her if I gave you \$2,000 today, what would you do with it? And she--

ARCH: One minute.

ALBRECHT: --immediately said-- thank you-- she immediately said I would take a portion of it and get him some, some psychological help because he's really, really struggling. And I'd take the rest of it to tutor him to get him caught up with his peers so he would be able to thrive. And those are the stories that go on throughout our whole state. And I think it's important if the funding is there and it is a qualified funding mechanism that can be used to be able to help the 130 percent of poverty and the free-and-reduced lunch folks, I think that that is helping families in ways that not a lot of other things are doing for all of us. Thank you.

ARCH: Thank you. Senator Clements, Senator Albrecht. Senator Lathrop, you are recognized.

LATHROP: Thank you, Mr. President. Colleagues, good morning. I stand in opposition to this amendment and I want to begin by saying I know that it is brought with the best of intentions. I appreciate Senator Albrecht's goal. The reality is the way this has been set up-- and by the way, I am not critical of this process-- is that your amendment must identify where you're going to get the money from if you are to fund something that's not or get additional dollars for something that's not provided for in this ARPA bill. My problem is where this money's coming from and less about Senator Albrecht's goal because I appreciate we have a lot of kids that have suffered learning loss

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through the pandemic. And to the extent this would assist those kids, I appreciate Senator Albrecht's ultimate goal. My problem is where the money comes from and you should understand-- and Senator Albrecht is required to do this just to get the bill to the floor or the amendment to the floor-- it comes-- it takes all the money away from the deaf and it takes money from the nursing homes and the developmentally disabled providers. Why do I care about that? Why is it important that we leave the-- this in place and not pass this amendment? First of all, in the time that I've spent working on developmental disability issues, some of you know I chaired a committee that looked into the Beatrice State Developmental Center. That rolled into a broader perspective on developmental disabilities. We can't make ground on our waiting list for the developmentally disabled, not because we don't have the will or we were unwilling to put the resources into making headway on that developmental disability waiting list, but we don't have the providers. They are not able to make it and we are running out of providers for the developmentally disabled. That's an obligation of the state to take care of. We need to give them a provider rate increase and pay these people so that they will provide services to this community. Now I want to talk about nursing homes. I have talked to the hospital association. They have people sitting in hospital beds and they can't get them into nursing homes because the nursing homes have a staff, staff shortage. These-- we have a crisis. We are closing nursing homes across the state. Your communities, this is an important employer, an important part of your economy in smaller communities, and they are closing because of provider rates. I want to tell you a story, if I can, to make this real for you so that you see the importance, hopefully, of the nursing home provider rates. I have a lady that works in my office and I was back in the office-- and she knows I'm going to talk about this, so I'm not breaking any confidence or, or outing a family circumstance-- her brother, who is 48 years old, had a stroke a couple of weeks ago and he went through the acute care. He went to the rehabilitation care. And he was done with the rehabilitation care and the hospital said, come get your brother. Well, he can't-- you can't. This guy's suffering the effects of a stroke, some of it cognitive, some of it physical, and they can't find a place for him. Now this is happening in Iowa, but the circumstance is no different here. They cannot find a nursing home to take this guy from a hospital bed to a nursing home because the nursing homes are short staffed. We can't simply say this is a business, they don't need the money, this will all be taken care of itself because it's not. These people need to be compensated for the work they do. I know at one point--

ARCH: One minute.

LATHROP: --I met with some, some of the nursing home folks across the state, might have been a year or two ago, and they told me about where their circumstances are because of the provider rates. And they're, they are living as an, as an organization from month to month, check-- paycheck to paycheck, if you will. They are one, you know, HVAC problem away from going under. And they're closing across the state, colleagues, and they're closing across the state at a really bad time. While the baby boomers are getting older, while the baby boomers are going to need these beds, they are closing because they can't make a go of it and they can't make a go of it because the provider rates aren't sustainable to a business model. We have a shortage-- a staff shortage in nursing homes. These people need the provider rates so that they can--

ARCH: Time, Senator

LATHROP: --staff up. Did you say time? OK, thank you.

ARCH: Thank you, Senator. Senator Wishart, you are recognized.

WISHART: Thank you, Mr. President. Colleagues, I rise in opposition to this amendment. I'm going to speak particularly to the fact that this amendment wipes out any funding for kids who are deaf and hard of hearing, wipes any ARPA funding out for those kids. When, when I was in first grade, my-- one of my best friends was deaf and I witnessed the struggles that she had in the classroom for being able to learn. And the small amount of money that we're putting in ARPA towards teacher training for interpreters to be able to be in a classroom and be able to communicate at the level that every other kid who can hear, to be able to communicate at that level to someone who is deaf, that's what this ARPA funding does and that's what it's about to be wiped out. It's hard to imagine a group of people, a group of kids more disproportionately impacted from COVID than kids who are deaf and we're considering wiping those funding out-- that funding out. When our committee was meeting this year, one of the rooms that we were designated to had horrible acoustics. We, we could not hear each other. In fact, we stopped meeting in that room because there were a number of our colleagues where we would have debates and conversations and then come out of it and say, I don't even know what we just discussed. How can we learn and do our jobs when we can't hear? Think about a kid sitting in a classroom trying to learn math, trying to learn how to read, and the only tool that they have to understand what's going on is an interpreter. And that's what this funding does.

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It provides additional interpreters and qualified interpreters for classrooms. And so when we sit here and we talk about how many kids are impacted, colleagues, we should be prioritizing kids who are hard of hearing, the deaf kids in this state where masking and isolation was only exacerbated for those who cannot hear. We need to think long and hard that if the goal is to support kids, then it shouldn't be able to take it out-- we shouldn't be taking it out of the skin of kids, let alone kids who already have challenges in front of them to learn, major challenges. Thank you.

ARCH: Thank you, Senator. Senator Sanders, you are recognized.

SANDERS: Thank you, Mr. President. Good morning, colleagues. I stand in support of LB1240, which is now AM2495, and I believe the testimony at the LB1240 hearing is worth repeating and reading. It's a letter from Anthony Williams, a principal of Omaha Street School. Hello, my name is Anthony Williams and I support LB1240. I am privileged to serve as the principal of Omaha Street School, a private, faith-based alternative high school for at-risk youths in the inner city of Omaha, Nebraska. I have now worked ten years in public education as both a teacher and as an administrator and have served OSS for the last three years. OSS is committed to intentionally smarter experience for students with a classroom of eight to one classroom-teacher ratio focused on helping students who struggle academically and socio-emotionally. A large percentage of our kids have already attempted school in the public school system. In fact, almost 98 percent have endeavored elsewhere before enrolling at OSS. It is important to note that 80 percent of our students come from underprivileged homes with income at or below the poverty level line. Not only are we committed to helping students experience success in the classroom, but we are also offering support with mental health. We have a full-time mental health professional on staff and every student has mandatory small-group therapy each week and individual therapy one to three times per month. I want to share a story about one of our students. His name is Jerry [PHONETIC]. Jerry enrolled at OSS about three semesters ago as a sophomore. After several assessments, we found out that Jerry was functionally illiterate and only reading at a preschool level. In fact, Jerry didn't even like reading out loud in front of others. But with the level of support we have been able to offer Jerry thus far, and coupled with his own desire to better himself, he is now reading at a fourth-grade level and happily reading out loud in class. He is scheduled to graduate from high school next year. As I understand, this bill, LB1240, which is now AM2495, is a start to granting parents from high-poverty households the ability to have access opportunities in the education of their child because it

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allows them to cater their children to the child's need. That's what we do at Omaha Street School; partner with families so kids get what they need. The bill is an opportunity, an opportunity for parents to truly consider school enrollment in the best interests of their children, not bound by geographic locations or affordability. At the end of the day, students-- at the end of the day, shouldn't any family, regardless of their socioeconomic status, choose the best education for their child? Now, although the Omaha Street School is a private institution, the only state or federal funds we typically receive are the title funds. The funds are based on student enrollment, which for us typically means we receive about \$1,200 to \$1,500 per year. We-- you should know that the cost, cost to educate a child is approximately \$23,000. The pandemic also afforded us to additional funds through the Coronavirus Aid, Relief and Economic Security Act, CARES of the 2020--

ARCH: One minute.

SANDERS: --and the Emergency Assistance Public Fund School [SIC]. How do we use these funds? We implement new support for our struggling students. We worked with our families to do so. That's our winning formula at the Omaha Street School. It's the same formula this bill would use. We purchase students' choice books for our library. We hired reading paraprofessionals and implemented new curriculum and instruction techniques to support our children. We also implemented additional professional development opportunities for our staff and retraining our adults to also reeducate ourselves on how to best help struggling adolescent readers. So why is this bill important? I will reiterate every parent should have access to what, what and where their student receive education. If you think about it, for families, which means educational opportunity already exists. However, less-fortunate families have little recourse--

ARCH: Time, Senator.

SANDERS: --and must send their children to the nearest school. Thank you, Mr. President.

ARCH: Thank you, Senator. Before we continue, Senator Williams would like to welcome 75 fourth-grade students from Whitetail Creek Elementary School in Gretna, Nebraska. They're located in the north balcony. Students, please stand and be welcomed by your Legislature. We will continue with debate. Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. President. Great to see the kids in the balcony. Thanks for coming. So I had listened to Senator Wishart's explanation and I agree with her about teaching people who can teach people who are deaf. I do not believe that Senator Albrecht is taking money from that allocation, that appropriation. And if she finds it in the amendment that I missed, please let me know. So to Senator Lathrop's comment, they received-- these, these people working in the rest homes and the increase in salary is about 17 percent, what we've given them. Senator Albrecht is going to take \$30 million from each one of those programs, license and medical certified nursing facilities and the rate increases for developmental disabilities. So it's going to leave \$50 million there. It'll be 25 a year instead of 55. That's where she's taking the money. In committee, in the Appropriations Committee, I tried to get money appropriated for this cause and I could not. It did not pass and so I appreciate so much that Senator Albrecht brought this. And I've had several comments from people back home as to why we need to do this. Don't we have public schools to do the, the, the programs that need to be done to catch these kids up? And the answer is there are so many that are so far behind that they need as much help as they can possibly get. And the day we had the hearing was a very interesting-- it was a very interesting day, very interesting hearing. We had mothers come in and testify to what has happened to their children during COVID and distant learning. And it was, it was disturbing to see how far they had slipped in their progress that they have made prior to COVID. And one mother came in and shared her story about her son. He was a seventh grader and he was doing quite well in school and they switched to distance learning or Zoom teaching and he lost all the progress that he had made. And they needed help to get him back up to speed to where he had left off. And as the hearing went on, several senators had asked questions, but, this but this particular lady, this particular mom, the question was asked if you had \$2,000 today, which this bill would, would allow you to have, what would you do with the money? And without hesitation, she responded and said I would hire a psychologist or psychiatrist to help my son and we'd hire a tutor to catch him up to where he was before. So I think it's an opportunity for us to make a difference in young people's lives that have lost out five months or maybe even more in their learning process to try to catch them up because they'll never catch up if we don't give them some help. And so when we talk about where Senator Albrecht wants to take the funding, they have gotten a significant amount of, of raises, Senator Lathrop, but when I was in the Appropriations Committee making decisions about where the money went, there were a couple of things that I use as a criteria to determine where the money should go. First

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of all, was the appropriation a one-time spend? Was it a one-time spend only? And if it wasn't a one-time spend, then the next hurdle had to be is it worthy of adding to our budget in an ongoing appropriation?

ARCH: One minute.

ERDMAN: Thank you. And so what we see with adding wages to developmental disabilities or any wage increase that we give is an ongoing obligation. Just be aware of that it's an ongoing obligation and we have \$1,040,000,000. And I'll bring it to your attention if only just one half of that, just one half is an ongoing obligation, that will only increase our budget by 10 percent. And so I'll leave you with this last thought: when it comes to teaching people to teach deaf people, the Department of Education has plenty of money to do that. They have just chosen not to. So I'm not trying to take her money from, from teaching people to teach deaf people, but I want you to be aware of that. Thank you.

ARCH: Thank you, Senator. Senator Lowe, you are recognized.

LOWE: Thank you, Mr. President. My daughter-in-law is a first-grade teacher here in Lincoln and she teaches students that are underprivileged. The students are struggling this year because they finally have their masks off and you could start to understand what they say now and they cannot pronounce their vowels or their consonants, consonants very clearly. The masks-- you were not able to see the teacher's mouth as she was trying to teach these children on how to say the consonants and vowels. So the students are truly struggling now. They need to be caught back up. This is our future. There was a young girl that was in the committee and this is what she said. Good afternoon, my name is Isabella Burns. I'm 13 years old and I attend Holy Cross Catholic Church. My mom told me that my principal called and asked if she would share our story with you. I wanted to come with her because it's my story too. Learning during COVID was difficult for my brothers and I. Having PTSD means struggling with short-term memory. It also means that sometimes it's hard to push away memories and you miss things that are happening in class. During remote learning, it was hard to hear what teachers were saying, hard to see what they were teaching, and hard to focus. Having ADHD or autism, like my brother, made it even worse. He would be so frustrated he would cry and sometimes so would I. When we were in school, our teachers are able to help us and let us stay after so we could talk-- work with us. During COVID, all that went away. I also wanted to come because I want to be like you. I want to be an attorney. I want to be

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someone who can help other people, people like my mom, my brothers, and myself. I love my school and I'm so thankful that people helped my mom so that she could send me. But I know that it was going, but I know that is-- going there has meant we have to do a lot of sacrifice of things, especially my mom. She didn't know, but we could hear her crying and praying at night after she thought we were already asleep. We could see how sad she was when we would ask her for something that she could not afford to get us. We couldn't afford to get the school picture packages that other kids get at school. We couldn't afford to buy books from the Scholastic Book Fair, but sometimes our teachers would get them for us. We couldn't afford haircuts so she learned to cut our-- all of our hair, even her own. We've never had cable. We've never had big birthday parties with all our friends. We couldn't afford to be in Girl Scouts, Boy Scouts, or sports. We missed out on time with our mom because of how much she had to work. She would take extra jobs folding laundry, cleaning office buildings. My mom tells us that our education is the most important thing, that if we work hard enough, we can do anything. She tells us that a good education means that when we grow up, we can live in a safer neighborhood and in a nicer house. Where we live now--

ARCH: One minute.

LOWE: --we-- thank you-- we have to lay down if we hear gunshots or come inside if we see a police helicopter. She said with good education, I will be able to support myself and not get stuck in bad relationships. There's more to the story, but I'd like to ask Senator Wishart a question.

ARCH: Senator Wishart, will you yield?

WISHART: Yes.

LOWE: Senator, you said something about the deaf.

WISHART: Yes. I want to correct the record.

LOWE: OK. Could you please do that now?

WISHART: Yes, absolutely. So I apologize to Senator Albrecht and Senator Linehan. The way that I initially read this in-- was insert the following new section instead of replace. And so my understanding in clarifying this with the Fiscal Office with Senator Linehan and my staff is that actually this will not be removing money from deaf and hard of hearing so I want to make sure to correct that record. Thank you.

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ARCH: Time, Senator. Thank you, Senator Lowe, Senator Wishart. Senator Machaela Cavanaugh, you are recognized.

M. CAVANAUGH: Thank you, Mr. President. Well, I am-- phew-- if you could be more than 100 percent something, I am that opposed to this amendment. This takes money away from providers. In Omaha, there is a childcare that deals with medically fragile children and they have a waiting list of 70 kids because they can't get a workforce because they can't pay enough, because the state won't give them enough money. This takes away that extra amount of money that we intended to give to them as sort of a bonus for working through these terrible conditions and doing a really hard job in the middle of COVID. It is not easy to take care of a medically fragile child in the best of circumstances, but it certainly isn't easy to take care of a medically fragile child in the middle of COVID. This takes money away from that. Between this amendment and the amendment that we just passed, we take-- we go from \$55 million to \$22.5 million so over 50 percent less. And then we also go from \$20 million down to \$5 [million]. And for what? To help kids that are getting left behind? How about the kids that need to be taken care of, physically taken care of? And the introducer votes against SNAP and housing, rental assistance? And you want me to believe you care about kids? They're going to be homeless. This was free federal money that you voted against and I guarantee everybody that voted against those bills will be voting for this amendment. And they want you to believe they care about kids, but they don't care if they're homeless and they don't care if they have access to food. The moral conscience of this body does not exist if this gets attached. Thank you, Mr. President.

ARCH: Thank you, Senator. Senator Friesen, you are recognized.

FRIESEN: Thank you, Mr. President. Again, I'm going to just continue talking. I-- to me, I don't think I'm in support of this amendment. We're talking about a lot of dollars here that I'm not sure with all of the CARES Act money that was given to schools-- I'm going to be listening more to figure out really if there's a need for this because I think the system was given a lot of money and they should be able to address this on their own. I do want to talk a little more about some other projects that are out there that may or may not come up at an opportune moment. One of them is \$20 million for helping Lincoln find a new second water source. This is something that I don't feel that the state needs to help fund. When we're looking at all of the different water systems in this state, I know small rural communities have to hire engineers or work with their NRDs to find suitable water sources for their municipalities. And so for the city of Lincoln to

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say that it needs \$20 million to help develop a second source for its drinking water, I think that's something it needs to address through its own utility program because all of the other communities out there have to either work with USDA or some other agencies and they've had to deal with the same problems and issues that the city of Lincoln has to deal with. And so I just feel that if-- unless we're going to help all of these communities when they have to find new sources of water when their wells go bad, if we're going to help contribute to them to help with engineering costs and design of water systems to help those communities-- I know Hastings has spent a tremendous amount of money trying to develop their, their wellfield and their, their structural piping in order to accommodate water treatment plants. A lot of communities, what they did in the day was design their, their well system to feed into the municipal supply system at multiple entry points. And so as communities ran into problems with water treatment, they would have had to build a water treatment facility at each well location or change all their plumbing so that they routed all the wells together and then fed them into their system after the water treatment facility. And I know Hastings has struggled with this because their, their whole design was multiple entry point wells and so they had to go in and bury a whole system of pipes to connect those wells together so they could build one main treatment plant to treat their water. So we've had to go through this in rural areas. Smaller communities had to deal with this. And I think by saying now that we have to spend \$20 million to help Lincoln find a new wellfield, I, for one, will not support that. Thank you, Mr. President.

ARCH: Thank you, Senator. Senator Linehan, you are recognized.

LINEHAN: Thank you, Mr. President. Good morning, colleagues. So I'm going to ask-- I, I think Senator Albrecht has already said this. I know she's already said it. I'm going to repeat it. I don't-- I support this bill. I don't care where the money comes from. I-- can come from the Cash Fund as far as I'm concerned, but we had to have something to pay for it. Those are the rules. But obviously, I think the appropriators are in a much better place to try and figure out where some money can be. They-- I know they've worked with others to come up with money that we can take. I don't know where the money needs to come from, but this is-- the other thing in I want to talk before I run out of time here is if you have your yellow books with you, on page 2, there is a list of all the other ARPA money that came to Nebraska and it's instructive to look at this. So if you look down at-- Senator Friesen just mentioned this-- in the middle, it's elementary and secondary school emergency relief funds. It says \$546.3 million. So the schools did get a lot of money. I'm not saying it's

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too much. They did, but that's, that's just the ARPA money. And their total, if you go back to the very beginning of COVID, the public schools in Nebraska have received \$776 million of which we know one school, OPS-- and I talked about this last week, how OPS is using some of that money. It's for paying student teachers. It's one thing-- they were going to send each child, I think, K-- pre-K through sixth grade home seven to ten books. So I think they're-- they have got a-- they have several dollars. Now what I don't know, when we're talking about the nursing homes or we're talking about community college or the University of Nebraska-- and I hope we know over the noon hour, either Appropriations Committee or maybe PRO can get us a list that talks about all the other money that's come to organizations, whether it be our universities, our colleges, our hospitals, our nursing homes, other providers. I don't-- Senator Wayne has talked several times. We don't have a whole picture until we got this bill to the floor. But the reality is we don't have the whole picture even with all our bills because a lot of this money, as I understand it-- and hopefully over the noon hour, somebody can figure this out-- a lot of this money goes directly to the agencies. So the Department of Health and Human Services got money that came from the federal government to them to spend as directed by the federal government. I don't know, I don't know how big that pot is, but it seems to me when we were trying to figure out how to handle this \$1 billion-- so to put it in perspective here, the public schools got \$776 million over that, went to K-12-- pre-K-12 so that's not too far from what we're talking here in ARPA. It's almost-- it's a quarter of a million short of \$1 billion. So what other moneys don't we know about there? I think that would help us balance what we're trying to do here. Now, the purpose for the bill, this is to go to low-income children's parents to help them catch up. We have a crisis. Senator Clements talked about this. This would only help maybe 30,000 kids. But you're talking about kids who are behind, they started out behind, they've been in and out of school. They probably didn't do so well on online learning. Maybe some of them didn't have parents that could be stay at home or at least part time with them. We're talking about helping kids. You're looking at a crisis here that's going to be with us a long time if we don't address it. And yesterday, Senator John Cavanaugh had a bill on the floor to give \$200 to every man, woman, and child in the state of Nebraska and, and there were several people that thought that was a fine idea. So I don't, I don't quite get the disconnect from yesterday what was a grand idea-- and I think if I remember from the news stories, \$800 to a family of four. That was a grand idea and this is a horrible idea. I don't, I don't get that disconnect. So we have kids who are struggling and also this could be used, I think-- I don't think we've gotten that

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far down the road exactly what it could be used for, but I think we need to use our imaginations. I sit on the Education Committee with Senator Walz and others. And one of the things we hear from educators-- and I believe this to be true-- that lower-income kids don't have the same advantages as middle-income kids when it comes to going to the zoo because \$150 to a family that's low income--

ARCH: Time, Senator.

LINEHAN: --for a family pass is a lot of money. Thank you, Mr. President.

ARCH: Thank you, Senator. Senator Albrecht, you are recognized.

ALBRECHT: Thank you and I appreciate the conversation on this bill. Again, I think we have to look at the fact that there are-- negotiations have to happen no matter what. I'm going to say this out loud because I'm not going to talk about who goes behind the, the curtain and decides whether this is good, bad, or indifferent. But I'll tell you, you know, we certainly didn't have a lot of time to talk about all these projects and how \$91 million will be used in workforce housing. We really haven't talked about the training center. We haven't talked about shovel-ready projects. You know, to do this overnight, I had to find a spot. Now, the reason I definitely went to look at the licensed and Medicaid-certified nursing facilities and the rate increases for certain developmental disability providers, I went there because both of those were \$55 million apiece, \$110 million. Now, Senator Arch, with all due respect, \$17.5 [million] immediately came out with no questions asked. We didn't talk about the fact that we shouldn't do that. Well, I'll tell you what, you know, I am very much willing to reduce the \$60 million by half. So we're talking finding \$30 million on this ARPA funds that are, are going to be sent out to many different people. And I think, you know, there's, there's ways between now and then-- if you think for one moment that you want to, to help these families that have no money to help their children through things like this, then you can vote no and it'll go away. But we still have to take care of those, those areas of, of the, the parents that don't have the funding to help their kids right now. And the schools have-- I mean, they've got 30 kids. They're, they're going through their normal everyday routine not able to help Johnny or Susie get caught up because they've got things going on. So I'm going to stand here right now and tell you that I will reduce this by half. If you can see that it is the most vulnerable children in the state of Nebraska that are going to benefit from \$2,000 if they need it for three years-- if they are that far behind and they need that money to

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help get a tutor to help with whatever it takes, Sylvan Learning Center, any of them. Whether you have something like that in your neighborhood or not, you have something. You have a teacher that will come into your home. You will have all kinds of options to bring your child back up to where the other students are in their class. But I'm telling you, we're talking about underprivileged areas and we all have them. Every single one of us in this room has an area of their particular district that needs help. Now the schools are getting exorbitant amounts of money and whether they're going to pay their teachers more money during the summer or what-- but I have not heard. I'm hearing they're building new football stadiums. They're building onto their schools. They're doing other things with the money. But what are we going to do for the state of Nebraska for those underprivileged children? So again, I will suggest, you know, different areas for 30, \$30 million to find it in this, in this hundred or-- \$1 billion proposed moneys to be given out to different people. You know, you can, you can have all the shovel-ready projects and workforce housing and all these other things, but the kids have to be able to leave K-12 with a strong education and we're just as much as responsible for that as anything else. So again, I implore you--

ARCH: One minute.

ALBRECHT: --to consider AM2495. And the moneys are here within this, this piece of paper that I have and I can, I can say I would look for it in shovel-ready projects that has \$100 million dollars in it. I look at workforce housing that has \$91 million. You know, just out of those two alone, I should be able to find \$30 million. There's other programs. I'm looking at the community colleges. There's \$50 million there. Take \$5 [million] or \$10 million. We can move these numbers around however, but I didn't have a chance to go run to every single person that brought their proposal to the, to the Appropriations Committee and try to figure out, well, where am I going to find those hard dollars that I can put on my bill? But I can't believe that we're going to be spending all of this anywhere in any particular program. So again, I just implore you that AM2495--

ARCH: Time, Senator.

ALBRECHT: --should go. Thanks.

ARCH: Thank you, Senator. Senator Wayne, you are recognized.

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WAYNE: Thank you, Mr. President. You know, between these two budgets, we allocated one business \$50 million? That's crazy to me. One business, \$50 million. Will Senator Erdman yield to a question?

ARCH: Senator Erdman, will you yield?

ERDMAN: Anything for you, Senator Wayne.

WAYNE: I just wanted to walk back through the process again because you made it sound like there was already a final decision and there was going to be money left over to be brought to the floor, but then at the last minute, Senator Vargas and some others brought some amendments. Can you walk through that again?

ERDMAN: Yes, I can. What happened, Senator Wayne, we had went through and reviewed all of the bills that were prioritized with six votes. In other words, six people categorized those as being important enough to have a discussion. And we talked about all the votes that had six-- all the bills that had six and the Governor's bill is a recommendation that had seven. We talked about all those. And we--

WAYNE: Do you know why we start-- sorry. Do you know why we start with the Governor's proposal first?

ERDMAN: Yes, sir.

WAYNE: Do you know why we start with the Governor's proposal first? Like, why is this the baseline that we start with?

ERDMAN: They were at the top of the list and we worked our way down. So we, we reduced some of the spending in some of those appropriations. And when we finished with all of the sixes and sevens, we had \$170 million left.

WAYNE: So--

ERDMAN: Then there was the discussion was going to be what do we do with that \$170 million? That's when the Vargas amendment came.

WAYNE: So in order to even have a discussion, you had to have at least six?

ERDMAN: Six or seven.

WAYNE: See, see, Senator Kolterman, there is a problem with the process. You know our Supreme Court takes up any case that has four

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because they want the minority voice to have a discussion that may be able to persuade one more to docket. That's the Supreme Court, the highest law of the land. All they need is four to grant certiorari. Then that-- they actually have a conversation to see if they can persuade one more so they can have a fair process. There is a problem, Senator Kolterman. If you have to have six, you're already locked into at least getting something. So how does the people with four ever get to have that conversation, Senator Erdman?

ERDMAN: Well, Senator, Senator Wayne, the, the issue with the six, why we did that, they weren't votes. It was just our opinion of what would be a priority of what, what we thought was important. But when we did the six and the seven, we wound up with enough money. There was enough money in those bills and those appropriations to use it all up.

WAYNE: Thank you. So what I'm hearing is that we started with the Governor, although we are a separate body, to give the baseline of where the money's going to go first. And again, our Supreme Court, which handles the most toughest issues, have recognized the procedure since Marbury versus Madison that the minority number, one under the majority, if they have four people-- and it's not a vote. It's a kind of a hey, these things are-- we think this case is important. They all sit down and talk about the case because you might, through conversations, point out something rather than just a card to get the fifth person to say, you know what? We do need to bring-- the highest court of the land, we do need to bring this one particular case in because after discussions, we think it should be heard. What we did in this situation, colleagues, is we said, you have to have a super majority before you can even get discussed. That's crazy to me. Senator Erdman, I'm still-- I've still got one more question. So then after the super majority process, you had a discussion and something happened at the end, you said?

ERDMAN: Yeah, it did. Let me, let me just say this. It wasn't a-- we didn't vote on those, Senator Wayne. It was our opinions. We had no idea what everybody else was doing.

ARCH: One minute.

ERDMAN: And what was your question about?

WAYNE: So what happened at the end? You said the last day, some--

ERDMAN: And so then when, when that amendment was dropped by Senator Vargas, it added \$91 million to workforce housing and it added the

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census tracts in and that was \$150 million. And then Senator Wishart dropped in an amendment for \$20 million to find a new water source for Lincoln.

WAYNE: Thank you. I just needed to know north Omaha and south Omaha wasn't even really talked about until the end. I appreciate that. Thank you.

ARCH: Thank you, Senator Wayne, Senator Erdman. Senator Linehan, you are recognized.

LINEHAN: Thank you, Mr. President. Senator Wayne, would you yield for a question? We have a little entertainment here before lunch.

WAYNE: Yes, yes.

ARCH: Senator Wayne, will you yield?

WAYNE: Yes.

ARCH: Yes? Thank you.

LINEHAN: So, Senator Wayne, when you-- and I know I'm going to make some appropriators mad here, but you're hitting on a subject that I've found interesting too. So they hand out-- is your understanding that the Appropriations Committee hands out sheets to everybody and they get to mark their priorities?

WAYNE: Correct.

LINEHAN: And do you suppose on those sheets, the appropriators understand whose bills are who?

WAYNE: Yes.

LINEHAN: So if you want your bill-- like, on your-- you have-- you're a Chairman of a committee, are you not?

WAYNE: Yes, I am.

LINEHAN: So when you have a bill in front of your committee, how do-- do you feel that your members probably will give you some deference?

WAYNE: Yes.

LINEHAN: To the point that they kind of know that that's part of the deal, right?

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WAYNE: Yes and I kind of know where everybody is on pretty much all the bills.

LINEHAN: Do you think maybe that's what happens in the Revenue Committee?

WAYNE: Yes.

LINEHAN: I think that probably happens in all kinds of committee--

WAYNE: Correct.

LINEHAN: All our committees work a little bit like that?

WAYNE: Correct.

LINEHAN: Right.

WAYNE: Well, yeah, it should. It makes a conversation happen.

LINEHAN: So yesterday, we were here and we had a conversation about Senator John Cavanaugh's tax plan. You were here for that, weren't you?

WAYNE: I was listening downstairs, yes.

LINEHAN: Yes and was it about to give a family of four \$800 to spend on, I think if I remember the bill right, everything but gambling?

WAYNE: Correct.

LINEHAN: So there wasn't any prohibition about spending it on zoo memberships or even-- was there a prohibition in that bill about spending that \$800 on private tuition if they so chose?

WAYNE: No, actually underneath his bill, they could have spent it for tutoring and private tuition.

LINEHAN: Or any other educational need?

WAYNE: And any other educational expenses.

LINEHAN: OK, I would just yield the rest of my time to you, Senator Wayne. Thank you.

WAYNE: Thank you. So, so yeah, I'm not-- look, every process got to go-- everybody has their own process to go through. But, but the

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problem that I'm, I'm running into is I don't know how we got here. And that's the problem with the, with-- right now, I think how we're doing budgeting. And it's not a knock to the committee, but it is a knock on the process of this if that in order to get a discussion, you have to have a-- at least six members who say it's a priority. Think about that, colleagues. You wouldn't do that on your own committee. And in fact, most of the time when you don't have enough votes to get it out, you still kind of have a conversation to see where it's at because there should be a dialogue. And what is more important in this body than where we put our dollars? There's nothing. This is the only thing we have to do is budget stuff every year. And I understand ARPA isn't part of our constitution, but it is a budget document. And for six people to have to say yes, not necessarily yes, they're going to vote it out, but a priority, you eliminate the process. And again, think about the most divisive entity in the country. It is the Supreme Court. I mean, everybody is waiting for a Roe v. Wade to either get overturned or not. Like, that's what everybody's talking about. Every time there's a big Supreme Court case about the Fourth Amendment, everybody's getting all crazy. Second Amendment, New York's got one right now. Senator Brewer just can't wait for it to come down. But they say, hey, we want to make sure every voice is heard so we're going to go with the minority of four and leave it to that minority to commit-- convince one more person to get this discussed and to get it on the, on the docket. To have six start off is weird. But first of all, when I kind of slowed us down when the Governor came to speak that day, why are we starting with the Governor's budget? Why aren't we starting--

ARCH: One minute.

WAYNE: --with our own budget? Because now you create a baseline, according to Senator Erdman, where \$130 (million) was already gone before this body got to weigh in on what we think is a priority. I understand we introduced the budget on behalf of the Speaker-- I mean, on behalf of the Governor, the Speaker does, but it's our body. It's-- we are, we are the appropriators. That's the one function we have. We are the appropriators, but we start our baseline with the executive branch and then you got to get a supermajority just to be heard. Now, I know why oftentimes my community is left out. I think I want to be on Appropriations next year. Thank you, Mr. President.

ARCH: Thank you, Senator. Senator Sanders, you are recognized.

SANDERS: Thank, thank you, Mr. President. I yield my time to Senator Albrecht.

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ARCH: Senator Albrecht, 5:00.

ALBRECHT: Thank you, Senator Sanders. Appreciate it. Again, I know that the appropriators were in a meeting so I'm just going to again repeat that I am, between now and the time of lunch, going to sit down with a couple of other people to discuss where I'd like my funding to come from. Geez, as soon as you say one word about any one of them, the-- your emails light up don't take it from us. But you know what? I mean, I, I feel like Senator Wayne in the fact that there are a lot of bills on here, but if I put names next to every single one of them, I would like to ask some questions of some of these folks. I do believe that the shovel-ready project-- you know, you always look for the high-hanging fruit if you can and grab it and start coming down, but, but I want to talk to the, the different folks that have introduced some of these bills. Yes, they were the Governor's, but somebody in this room had something that they wanted to put into the Governor's recommendations. So it isn't like-- you know, when it comes to-- I understand the workforce housing. There's, like, three or four different programs within that and are we really going to spend \$91 million before it's-- and it's, it's just going to disappear? I mean, I have a daughter that's building a house right now and she can't get windows. We have people laying fiber all over the state and they can't get supplies. They can't get enough workers to, to take care of all these things. So I hate to leave a whole lot of money laying on the table if it's there for us to spend, but again, we all have to have our priorities in order. And we-- I went to the Appropriations for the very first time in six years, the very first time, and I went there because I do care about children who are underprivileged and their parents are at 130 percent of poverty so I can help them help their children. Is that such a bad deal? But if, if you care, again, about these children and you want them to have what they need to survive and thrive, there's nothing worse than being in school and not being able to get it. I'll tell you what. Senator Linehan's bill, the children have to read before they leave third grade, I'd like to know how many children are in fourth grade this year and can't read. They didn't get it handled. They couldn't get it handled because of the coronavirus that impacted many. We owe it to our families to try to take care of them in ways that we are able to in these ARPA funds. And, you know, I know that Senator Wayne was asking Senator Erdman about the Governor's bills came first. I don't know exactly how all that went, but I understand that the Governor had the ability himself to choose what he wanted. That's probably why that went first because those funds could have just came completely to the floor of the Legislature, but someone influenced the Governor in what he chose to be his top priorities. I

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don't think he just sat there like on Christmas. We're just going to make a wish list. We're just going to get her all handled. It doesn't work that way. Everyone in this room had an ability to go to him or to have companies, whether it's the chamber that's working with them, OpenSky, Platte Institute. I mean, everybody has a play in this. But you know what? We have the ability--

ARCH: One minute.

ALBRECHT: --today to bring to some of our-- to bring to the table what some of our concerns are. And I'm telling you, I mean, you have a shortage of teachers. I mean, the kids are struggling. The teachers are struggling. The community colleges have all this extra credit to push people through and double credits. You know, we have to slow this train down just a tad. And I again, don't want to hear from Senator Stinner getting mad at me or anything. But, but I'm going to work over the lunch hour and I'm going to recommend three areas that I'd like to have this \$30 million instead of \$60 million pulled from. And I can hope after lunch that we can come back with a clear, open mind and a belly full of food so we can make it till 8 o'clock tonight. But I don't want to take up any more time than I have to so we can get to a lot of other folks as well. So thank you.

ARCH: Thank you, Senator. Mr. Clerk.

CLERK: Mr. President, the bill [LB1073] read on Final Reading this morning was presented to the Governor at 11:09 a.m. Senator Friesen, new resolution [LR353]. Senator Murman, new resolution [LR352]. I have a corrected committee statement for LB344. Announcement: the Education Committee will have an Executive Session following their hearing today in Room 1525. Education Committee, today, Exec Session. Mr. President, Senator Brandt would move to recess the body until 1 p.m.

ARCH: The question is shall the Legislature adjourn-- recess until 1 p.m.? All those in favor say aye. All those opposed say nay. Legislature is adjourned till 1 p.m.

[RECESS]

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

CLERK: I have a quorum present, Mr. President.

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

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

ARCH: Thank you, Mr. Clerk. We will continue our debate from this morning and we will proceed to the next speaker in the queue. Senator Clements, you are recognized.

CLEMENTS: Thank you, Mr. President. I rise again in support of AM2495 and the educational recovery accounts and I wanted to talk a little bit about the process that we went through. I believe I said earlier that we took away about \$420 million that the Governor had requested. I wanted to let people know that the first five-- the first half of this money, \$520 million, came to the state when the Legislature was not in session. The Governor could have spent \$520 million without asking us at all what to do with it. Instead, what he did was make up a bill for the \$520 (million) and then we haven't received the second \$520 million yet. I hear it's coming, but the-- I had-- got my notes from the-- January 25, we had the hearing on the Governor's bill proposal and there were 34 items on that and it was a long hearing. I'm looking-- there's 27 on that page. It's down to 52, 76, 82 testifiers in one day that we heard on ARPA. And then, we then later had a hearing-- well, then over the next three months, we had ARPA bills, 83 more ARPA bills with individual requests. And on the testimony for the Governor's recommendations, there were some proponents and some opponents, people who wanted it differently and people who wanted elsewhere. Then they came in and brought us 83 more bills that we heard. I've been told we had 125 hours of testimony on ARPA. Anyway, that's-- that was the process and I appreciate that the Governor did allow the Appropriations Committee to go through the process and to have everybody be heard. And we did-- I was going to go through the number of items. I'll just say one of the items that was deleted from the Governor's request was the \$60 million for educational recovery accounts and I would support a smaller amount. I heard Senator Albrecht say that \$30 million would be acceptable to her and I would support that as well. As far as where the money is coming from, I also would support looking into other sources. And so with that, I yield the rest of my time to Senator Albrecht.

ARCH: Senator Albrecht, 2:00.

ALBRECHT: Thank you, President. Thank you. Senator Clements. At this time, I'd like to pull AM2495 and bring it back on Select and thank you for the conversation.

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ARCH: Thank you, Senator. AM2495 has been pulled and we will proceed to the next item on the agenda. Mr. Clerk.

CLERK: Mr. President, per the Speaker's direction. Senator DeBoer, AM2472.

ARCH: Senator DeBoer, you're welcome to open on your amendment.

DeBOER: Thank you, Mr. President. AM2472 simply changes the allocation of the ARPA money allocated for food assistance, but does not change the total amount of the bill. So whereas everyone else has to find someone to take it from, I'm taking it from myself. So this is a bill that had two programs within it and we're just changing the allocation within the two. I understand the Appropriations Committee would have been fine with doing that, but unfortunately I got to them a little bit too late to get it included in the amendment itself, the committee amendment. So what I'm asking here for is a green light to reappropriate the amount of money from \$10 (million) and \$10 (million) to both programs to \$17.5 (million) to the food bank program and \$2.5 million to the grant programs, so-- excuse me. This request was my LB1201, which requested \$40 million for food assistance, with half going to the Food Bank of the Heartland and Lincoln food banks and the other half going to grant funds for local distribution nonprofits. The Appropriations Committee included \$20 million in the ARPA bill, but kept the distribution half and half. After discussions with the food banks and the nonprofit distributors, it was agreed that the amount included in the ARPA bill-- that the preferred distribution would be \$17.5 [million] and \$2.5 [million]. I passed out, colleagues, this map. I passed it out a little earlier to you today. This shows the two food banks and the counties in Nebraska that they serve. The kind of orange-gold color is the Food Bank of Lincoln and the green color is Food Bank of the Heartland, which is located in Omaha, but serves the rest of the state. They are the kind of top of the food chain, if you will, with the local nonprofits serving to help distribute the food locally. So this amendment will help ensure that our working Nebraskans who are food insecure have access to healthy food options. So I would ask for your green vote on AM2472. I will say that after talking to Senator Bostelman this morning, I did want to reiterate that this is going to serve the whole state and that it's important that we just make clear on the record that we want to make sure that this serves the whole state and that is the intention of the bill, so appreciate your green vote. Thanks, colleagues.

ARCH: Thank you, Senator DeBoer. We are continuing the queue. Senator Albrecht, you are next up in the queue.

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ALBRECHT: That must have been from the last time. You didn't clear the queue. OK. I do have a few questions for Senator DeBoer if she'd yield. Senator DeBoer would yield?

DeBOER: Yes.

ARCH: Senator DeBoer, will you yield?

DeBOER: There we go. Yes.

ALBRECHT: My light was still on from before, so that's why I'm in the queue. But I will ask you a few--

DeBOER: Sure.

ALBRECHT: --quick questions. So do these-- did these folks get any funds at all from, from the federal government?

DeBOER: I don't think so, no. I think this is just a one-time allocation from ARPA, which I guess in that case, it's from the federal government because it's ARPA.

ALBRECHT: OK, but they never received anything during the struggles of COVID?

DeBOER: I don't know the answer to that question. I think they might have gotten something in the very first--

ALBRECHT: I'd like to know how much that is if you can have somebody find that out for me because I think with all of these ARPA funds, my concern is that if these companies were getting money already and they're still asking us for more, I'd like an explanation on that, so--

DeBOER: Well, I can-- oh, I'm sorry.

ALBRECHT: --I'd appreciate that between now and Select. OK. Thank you.

ARCH: Thank you, Senator Albrecht. Senator Wayne, you are recognized. You are next in the queue. I don't believe Senator Wayne is on the floor. Senator Hilkemann, you are next in the queue. I don't see Senator Hilkemann on the floor. Senator Erdman, you are next in the queue.

ERDMAN: Thank you, Mr. President. I am here on the floor and I, I just want to say a couple of things. I have been remiss in not saying this morning that we did in the committee review all of those that had five

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votes and I was remiss not saying that. We, we did six and seven first and then we came back later that day and we did review every bill that had a priority by those people on Appropriations of five or greater. And there was-- I think there was 21 of those bills that we reviewed that had five priorities or five categories of concern or wanted to talk about them and I think we adopted one of those. So I was remiss in not saying that this morning and I don't want to hurt anybody's feelings. So we did look at everything at five and above. Thank you.

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

LINEHAN: Thank you, Mr. President. So I'm sorry, Senator DeBoer, I didn't give you a heads-up, but I will-- I do have a couple of questions for you. So I'm reading the bill here and on your \$17.5 million-- and I will admit I didn't read the bill until this morning-- but it's not for-- I was --when I looked at \$20 million, I thought that's an awful lot of food, but it's not really-- it's not for food. Would Senator DeBoer please yield to a question?

ARCH: Senator DeBoer, will you yield?

DeBOER: Yes.

LINEHAN: So it's for, if I'm reading this right-- I'm on line 20 of page 8. It's for infrastructure, equipment, construction, and increased capacity. So how do you envision-- what's going to happen with this money? It's-- because it's not \$20 million for food, right?

DeBOER: So actually in the original bill, we asked for \$40 million. If we had had \$40 million, there would have been more money to distribute to other things, but a portion of that was intended always to be for food, the largest portion, but then they wanted to do some other projects if they had the money for it.

LINEHAN: I'm sorry. Who are they?

DeBOER: The food bank, sorry.

LINEHAN: OK.

DeBOER: The food banks, not having had that amount of money, will now spend, as I understand it, almost all of their portion of this bill on food.

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LINEHAN: OK. Well, I'm talking about the \$17 million. So they're not going to spend it on infrastructure, equipment, construction, or increased capacity?

DeBOER: The-- I don't know if they'll spend some small amount, but the vast majority, as I understand it-- what lines are that? Let me put my reading glasses on.

LINEHAN: I'm on page 8, starting on line 15 going to line 28. And then where you're looking at, then when you go down to--

DeBOER: So there's two programs in here so maybe that's it. I'm sorry. I don't have the ARPA amendment.

LINEHAN: OK, well--

DeBOER: OK.

LINEHAN: All right, then in the next-- so I'll-- so maybe we'll have a chance to get that--

DeBOER: I've got it now. What, what page?

LINEHAN: OK, I'm on page 8--

DeBOER: Uh-huh.

LINEHAN: --starting on line 15 through line 28. And, and the second--

DeBOER: Yes.

LINEHAN: --part so from line 22 to line 28, it also says to create local and regional--

DeBOER: Yes.

LINEHAN: --regional economic resilience to encourage healthy eating habits, to reduce food deserts, and to support partnerships between local businesses and producers meeting the greatest need statewide. So again, it's-- it doesn't--

DeBOER: That, that's exactly right. Thank you actually for asking this question because I think it's a great clarifying question. That's the reapportionment we're going to do. So the way the, the Appropriations Committee envisioned doing it was \$10 million to that program you've just read it, which we call the grant program part, and then \$10

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million to the food banks for primarily food, but if they have some money left over, they might use it for--

LINEHAN: So who would the grants go to, this--

DeBOER: So--

LINEHAN: --\$2.5 million?

DeBOER: --the Department of Economic Development-- or sorry, DHHS administers this and it would be to local groups that would like to have money. There were a variety of different options that they told me about that, you know--

LINEHAN: They--

DeBOER: --whoever--

LINEHAN: I'm sorry, they?

DeBOER: The folks who brought this bill to me so different nonprofits and food--

LINEHAN: Well, like, for instance, what nonprofit?

DeBOER: So I heard from-- Appleseed was one of them. I'm trying to remember right now, but of course, I'm drawing a blank when you ask me that. Just to-- the food banks themselves were also talking about groups that they had spoken to that had done things like try to help out a small-town grocery store by helping them put food lockers in the next town over.

LINEHAN: OK, so that, that's, that's-- thank you, Senator DeBoer. That's what-- between now and Select, I too would like more kind of robust description of this because are we helping--

ARCH: One minute.

LINEHAN: And I'm not against helping small-town grocery stores. I grew up in a grocery store [SIC] when I used to visit my mom. You had to drive 25 miles to get groceries and then you wouldn't have fresh food. So I understand that, but I would like a more robust breakdown of how much of this, whatever it is, \$20 million is going to actually buying food for people so they're not hungry versus construction equipment, increased capacity, helping grocery stores in small towns. It seems a

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little-- I just would like to understand what it actually is going to do. Thank you, Mr. President.

ARCH: Thank you, Senator. Senator Bostelman, you are recognized.

BOSTELMAN: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraskans. Senator DeBoer, when I came walking on the floor, she was talking about conversations we had earlier and she was exactly right. So myself and my wife both are involved pretty heavily in food banks, food pantries in my district and outside of my district. My wife serves-- works at a food pantry a couple of times a month down in Seward, during COVID and before, every Wednesday, every Wednesday. The both of us were in Schuyler and we were feeding, at the time, about 140 families a week. Now, that's every week of the month then you could only come one time. OK, so they only could come that one time so you take that 140 times the number of weeks. That's how many families are receiving services, food and stuff from that pantry. And so what I talked to Senator DeBoer about, now the food bank does come in once a month and it does provide perishables to these locations. But some of the challenges that they have in those locations is, one, storage. They need refrigerators. They need freezers. Do they need funds? Can they get funds to get certain types of food items, certain type diapers, hygiene items? You know, hand sanitizers. I've got 24 cases sitting in my vehicle that I'm taking-- we're taking up Saturday I think up to Schuyler for hand sanitizers for, for young people with children and that. So the need in rural Nebraska in our pantries is significant. I just want to make sure that the funding that's available here reaches them as well as the food bank. Yes, there is a need for the food bank, food banks to be able to purchase more, but it's-- that's the same thing out in the rural areas. So each of these food pantries that we work at, it's all donations, right, and either financial donations or we ask people to bring in cereals or canned foods or whatever it might be. And, and in Schuyler, sometimes we're fortunate enough to get meat-- frozen meat to come in from one of the local packing houses to come and help feed families. So the need is significant out there. So I just-- as we talked-- and I actually had an email from a food bank-- my concern is as this-- these funds are made available, that we make sure we get a proportionate amount of that out to our rural areas and/or one thing was, was to buy additional vehicles, perhaps, so they could go out twice a month to our local communities, both here locally and further out west. It's just making sure that all the funds don't end up in one place and Senator DeBoer has said that's not the intent of this and that's not what's planned. But I think that's the emphasis we need to make sure as we continue to have those funds go to those local

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pantries that desperately need the funds, that desperately need the space. They're looking for places to exist. Like I say, they're looking for refrigerators, they're looking for freezers. You know, they ask for people to donate them. So if there's funding available for that, that would be a big help to a lot of places just to maybe purchase some freezers or maybe there's a bulk buy of freezers. They canvas their area, the ten counties or whatever, and ask them how many of you need a freezer? And maybe what they could do through this is they could buy multiple freezers at a reduced rate and then they could get distributed it out somehow to these pantries so that, one, this-- when perishables come in, when meat comes in, they need it frozen or if it's a refrigerator, they've got a, they've got the ability to store it to keep it so that they can utilize it at a, at a wider range within that community. So with that, I thank Senator DeBoer for bringing this. I do believe she's been answering the questions that's come up. I think they are good questions that come up. My, my comment is, is not a concern, I guess, more of a comment is, is, is that we make sure that funding-- as this is funding, if this is funded, that, that our food pantries in our small--

ARCH: One minute.

BOSTELMAN: --towns, our local communities, the Valparaisos, the Swards, the David City, the Schuylers, that we make sure that there's funding that gets out to them, either through grants or otherwise, to help them provide the needed supplies, the needed food, the needed items that they have, they have identified that they can't get any other way, perhaps. And this is, this is an opportunity for that to happen so I encourage that to take place. Thank you, Mr. President.

ARCH: Thank you, Senator. Senator Friesen, you are recognized.

FRIESEN: Thank you, Mr. President. Would Senator DeBoer yield to a question?

ARCH: Senator DeBoer, will you yield?

DeBOER: I will.

FRIESEN: Senator DeBoer, one-- maybe one or two questions and one is, is there any funding for food banks in the General Fund budget?

DeBOER: No.

FRIESEN: So this is outside of General Fund. This is all-- you know it is probably being put towards food bank, stuff like that?

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DeBOER: I'm sorry, I don't-- say it again?

FRIESEN: This would be the only money that--

DeBOER: That's--

FRIESEN: --the state is appropriating that you know of that--

DeBOER: That my--

FRIESEN: --goes to food banks?

DeBOER: That's my understanding.

FRIESEN: I, I saw where you're reappropriating from infrastructure versus actually helping the food banks. That's correct?

DeBOER: That's right. That's what this amendment does.

FRIESEN: OK. Thank you, Senator DeBoer.

DeBOER: Yeah.

FRIESEN: So again, I, I think there has been tremendous demand on the food banks. In further discussion, maybe people can say what the qualifications are to use the food bank. I know during COVID, there were a lot of families that did have a very desperate need. But as we get back to more normal conditions with COVID and people are back at their jobs, what is the demand out there? Is it going to continually go up because of inflation, food costs, you name it? Those are things that I want to kind of hear about. And, and what does this demand look like into the future? Because as we open up and everybody gets back to work, which we should be now with unemployment rates the way they are, what is the demand for food banks? Why is that demand still there? Obviously, salaries are increasing at a tremendous rate. Companies are stealing employees from other companies with big pay raises, benefit packages. So is the need for some of this aid, is it still there and why is it still there? Thank you, Mr. President.

ARCH: Thank you, Senator. Senator Lowe, you are recognized.

LOWE: Thank you, Mr. President, and would Senator DeBoer yield to a question?

DeBOER: I'd be happy to.

ARCH: Senator DeBoer.

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LOWE: Thank you, Senator DeBoer. I noticed that the Lincoln Food Bank is finishing building a new building out on NW 12th Street, a great big building. Do you know if-- is any of this money planned to go toward the, the-- paying for that building?

DeBOER: I think that's in the final stages so I don't think so, no.

LOWE: OK. You know, the food banks do a wonderful job across the state of Nebraska and if Senator DeBoer would like the rest of my time, I'd like to yield her the rest of my time.

DeBOER: Thank you very much, Senator Lowe. I will answer some question--

ARCH: 4:10.

DeBOER: Thank you. So Senator Albrecht asked me a question about in the past. I knew that there had been some in the CARES Act. I didn't have the exact numbers and I do now. So \$8 million went to Food Bank of the Heartland and \$3 million to the Lincoln Food Bank. That was directed by the federal government and that was whenever the CARES Act passed. I can't remember now, early 20-- mid-2020, whenever that was, so that money they had during that time. And then to answer Senator Friesen's question, one of the, one of the things that I have learned since I've been involved with the food banks is that when there is a crisis like the flooding or when there's a crisis like this COVID or when there's a crisis of any other sort, like the recession in-- the recession a few years ago, what they find is that it's not-- there's a lag effect between when the sort of crisis point is over and when the need for food sort of goes down. So what they found is I think it was ten times the demand in 2020 that they had had in the previous year. And then when the crisis was over in the past, it's three, four, five years before the demand for food goes away. That makes sense. What we're finding is that the food-insecure Nebraskans are often-- very often full-time employed Nebraskans. But if they lost their job during the pandemic, then they have to pay off some of the debts that they incurred during that time. They're still struggling right now. You, you all kind of know that if there's some great crisis in your finances, you don't immediately recover from it. There's always-- it takes some time to do so. So a lot of what we see in the demand will be this lag effect that will continue for several years. And the food banks right now are seeing a decrease in philanthropy and an increase in need of this kind of great proportion. In fact, their, their need has not gone down. Their need is not going down right now. The numbers are astronomical. I don't have them right now in front of me, but I

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can get them to you. And it's, it's incredible the amount of food need that we have in Nebraska right now. So this reapportionment is between, again, these grant programs, which I'm sorry I wasn't very clear about. Let me, let me give you-- I've gotten an answer. So the, the groups that we have are-- going through these-- so food pantries in their parker-- partners, local nonprofits such as community action agencies and free meal kitchens, distributors, farmer's markets associations, rural grocery stores and farmers cooperatives, member-based agricultural producers, incubator kitchens, university extension offices and programs--

ARCH: One minute.

DeBOER: --brick-and-mortar pantries, Double Up Food Bucks programs, and organizations assessing and addressing food deserts, which exist in urban and rural communities. Those are some of the groups that would potentially be applying to this grant program that we're now going to give \$2.5 million of the \$20-- \$20 million-- \$20-- \$20 million that is allocated to this food insecurity bill that I brought. Thank you, Mr. President.

ARCH: Thank you, Senator. You are next in the queue as well.

DeBOER: Well, I will-- I don't need all the time since I was so lucky to get some from Senator Lowe so I am here to answer more questions if there are more.

ARCH: Thank you, Senator. Senator Erdman, you are next. You are recognized.

ERDMAN: Thank you, Mr. President. I appreciate it. So I've been reading through the amendment and I'm trying to, I'm trying to figure out who may be eligible for this. And so I would guess what-- Senator DeBoer is true. I would like to ask her a few questions.

ARCH: Senator DeBoer, will you yield?

DeBOER: I will.

ERDMAN: Senator DeBoer, on line 15, page 8, that's what you're, you're changing the, you're changing the, the \$10 million to \$17.5 (million), right?

DeBOER: Yep.

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ERDMAN: OK. So it says this can be used for any of these things pursuant to the-- it can be used for purchase and distribution of food, infrastructure and equipment, or construction or of-- to increase capacity, is that true?

DeBOER: That's what I read as well.

ERDMAN: OK, so how do we know how much will go to buying food and how much will go to infrastructure?

DeBOER: I've actually sent that question out to be asked right now so I'm waiting on the answer.

ERDMAN: OK. All right. So then let's move down to the second part of that and it talked about that's where you're replacing-- on line 22, you're replacing \$10 million with \$2.5 million, correct?

DeBOER: Correct.

ERDMAN: OK. So what kind of grants would be eligible for this \$2.5 million?

DeBOER: That was the sort of thing that I just was talking about so food pantries and their partners, local nonprofits, community action agencies, free meal kitchens, Double Up Food Bucks--

ERDMAN: OK.

DeBOER: --distributors, all those folks that I just read.

ERDMAN: OK, so who is going to decide who gets the grants and who doesn't?

DeBOER: The Department of Health and Human Services is the ones who-- they're the ones who would be doing that. They do have the ability within the bill to get a third party to do the administration of the grant program.

ERDMAN: So it won't be the DHHS. It will be somebody they contract with?

DeBOER: Depends on what DHHS wants to do. If they want to do it themselves, they can do it themselves. If they want a contract, they can contract.

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ERDMAN: It says right here they will create or solicit, vetting, awarding, and monitoring grants or contract with a third-party to solicit, vet, award, and monitor grants.

DeBOER: Yeah.

ERDMAN: So they could do it themselves or choose someone else.

DeBOER: That's right.

ERDMAN: So if you back up to the other part, it talked about a food bank that services ten counties. I don't know if there's a food bank in my district that services ten counties. Would they be eligible for this money?

DeBOER: So there's only two food banks in Nebraska and those two food banks each serve more than ten counties. So the two food banks in Nebraska are the Food Bank of the Heartland, which services all the green areas in this map that I passed out, and the Food Bank of Lincoln, which services the yellow/goldish-colored area. I can bring you another map if you want.

ERDMAN: OK. I might have gotten it. I don't see it. I got a few papers. But anyway, maybe it's over here. I might have found it. Maybe not. Anyway, if I can take a look at that. So the Lincoln one services the green area you said?

DeBOER: The Lincoln one service is the gold/yellow area.

ERDMAN: OK. So then what you're trying to tell me is District 47, which is somewhat-- some of it's 400 miles from here would receive food from the Omaha food bank?

DeBOER: Yes, the Food Bank of the Heartland, it's called, services, as you can see, the vast majority of the state geographically. They send folks out to all parts of the state.

ERDMAN: OK. All right. OK, thank you. I appreciate it.

DeBOER: Um-hum.

ARCH: Thank you, Senator Erdman, Erdman and DeBoer. Senator Kolterman, you are recognized.

KOLTERMAN: Thank you, Mr. President. Colleagues, I, I was going to try and answer Senator Friesen's question. I think it was a good question.

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It dealt with a need before COVID and the need after COVID. My-- and I see he's here, but-- and I hope you can hear what I'm saying. But the reality is, for probably ten years now, I've been involved with a program in Seward through the local Kiwanis program called Empty Bowls. And what they do once a year, they have a food drive or they have a fundraiser and it's partnered up with the, with the Food Bank of Lincoln. And it's designed to send backpacks home with kids on Friday afternoons so that they have something to eat over the weekend. Again, this has been going on for ten years. And in fact, it's not just the public schools, the private schools, the, the, the other schools that have underprivileged children in them all can participate in this program and the need just continues to grow. The kids that, kids that need this-- I mean, I want you to think about this. During the week, kids can go to school and they can get a free and reduced lunch if they can qualify, which, by the way, is quite a few kids anymore. But then on weekends, they don't get that free and reduced lunch and so many of them go home and there's nothing in the pantry. And so what we've done is we've created a program through the backpack program and again, that's in conjunction with the Food Bank of Lincoln. We fill a backpack and the kids take it home and they give it to mom and dad or big brother or big sister, whoever is going to cook the meals, and they have meals that they can eat during the weekend and it's been very successful, but the need has been there long before COVID. The need is an ongoing need. I don't see it getting any better. And so I think it's important that we strengthen the two organizations, the two food banks, the Food Bank of the Heartland and the Food Bank of Lincoln, who actually help provide the services to the out-state Nebraska. So if they need a freezer in Seward as an example, they can, they can ask the Food Bank of Lincoln or the Health and Human Services, can you help us get a freezer? And then they've got, they've got places that they can freeze food until people come in once a week or once every other day and get that food. So I think it's, it's a very good program. We cut it in half from what it was originally supposed to be, but we felt it still needed to be appropriated. All Senator DeBoer is doing here is really asking that the breakdown be different. I think it-- that she knows it better than I do. So I hope we can advance this bill and I appreciate the fact that Senator Friesen asked that question because it is a good question and the need is not going away. It just seems to be getting greater and greater. Thank you very much.

ARCH: Thank you, Senator. Before we proceed, Senators Stinner and Day would like to welcome 100 University of Nebraska students, alumni, and supporters from across Nebraska. They are seated in the north balcony.

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If you would rise, please, and be recognized by your Nebraska Legislature. Seeing no one left in the queue, Senator DeBoer, you are welcome to close.

DeBOER: Thank you, Mr. President. Reminder one more time, colleagues, this is just a reapportionment between the grant program and the amount going to food banks within my bill. I did not take money from any other ARPA request so this is just within my bill, rearranging the amount to make it work best for everyone. Thank you, Mr. President.

ARCH: Thank you, Senator. So the question is shall the amendment, AM2472, to the committee amendment to LB1014 be adopted? All those in favor vote aye; all those opposed vote nay. Has everyone voted? Mr. Clerk.

CLERK: 43 ayes, 0 nays on the adoption of Senator DeBoer's amendment.

ARCH: The amendment passes.

CLERK: Mr. President, Senator Hunt would move to amend with AM2446.

ARCH: Senator Hunt, you are welcome to open on your amendment.

HUNT: Thank you, Mr. President. I introduced this amendment after working closely with some advocates and other folks in the community and especially what, what really made me decide to introduce this amendment is related to some concerns that Senator Wayne shared this morning, which is I'm concerned that we're not being careful enough about funds that could potentially be clawed back. So what AM2446 does is it also addresses food insecurity in Nebraska and this is an issue that is very close to me that I consistently work on. You know, we just talked about it with Senator DeBoer and so it's already on top of all of our minds. But what this amendment does is it brings \$20 million to the food security allocation, which is on page 8 of the, of the amendment, and so it brings that amount back up to the \$40 million that was originally proposed. In the budget right now, it's at \$20 million and this amendment would bring it back up to \$40 (million) to address the food insecurity needs in Nebraska. In the amendment, it says that this money shall be awarded to nonprofit organizations that focus on food distribution in ten or more counties in the state and qualify for The Emergency Food Assistance Program administered by the U.S. Department of Agriculture. Funds awarded pursuant to this subdivision shall be used for the purchase and distribution of food, infrastructure, and equipment for construction of increased capacity, and \$20 million shall be awarded for regional or local capacity and

food security innovation grants to decrease Nebraska's reliance on national supply chains, to support local businesses, to create local and regional economic resilience, to encourage healthy eating habits, to reduce food deserts, and to support partnerships between local businesses and producers meeting the greatest needs statewide in the most efficient and sustainable manner. By doing this, we leave \$27 million intact for the Law Enforcement Training Center so that's where those funds will be coming for-- from. In my community, District 8 is interesting because we have some of the most wealth in Nebraska. You know, Governor Ricketts lives in my district, but then we also have some of the most poverty. We have-- many of the apartments that got shut down by the city of Omaha in the last couple of years were in my district that were full of code violations and they were mainly used to house immigrants and refugees in Omaha. So in my district, you know, depending on the part that you're in, in midtown Omaha, you can see a lot of wealth and a lot of poverty. And that gives me a really interesting perspective as a lawmaker, you know, getting to hear the experiences of all of this diversity of types of groups and food security since COVID has been the number one issue that my constituents have been bringing to me. Before COVID, the top three issues in my district were support for public schools, Medicaid expansion, which we did so that's-- you know, access to healthcare and medicine is a big issue in my community. And then the third one was generally decreasing partisan division and, you know, all of us getting along and that type of thing. After COVID, the number one issue for my district by far and away is food security, so that's why I focus on that so much as a lawmaker. And as Senator DeBoer said when she was introducing her amendment, this has also been a huge need, not a want, but a need for the organizations in Nebraska that are working to fill in those gaps for food security for Nebraskans like Food Bank of the Heartland, like Together, all of the different food pantries that we have in our state that this-- that these grants would go to support. Philanthropy is down. Charitable giving is not where it used to be. I think that for the foreseeable future with this economy, that's probably something that's going to continue as a trend economically. And a lot of the reasons people face hunger in the first place is because they-- you know, in my opinion, from my worldview, which you all understand, is because they were let down by government, basically, because the social, the social safety net didn't catch them. Maybe they're ineligible for SNAP for various reasons. You know, there's, there's lots of different reasons that people are in poverty. And the reason for these ARPA funds is to help people recover from COVID and this is exactly what that does. I'm concerned about some of the funding that we're putting through this amendment, the

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Appropriations amendment getting clawed back potentially by the federal government because we're not using it specifically for COVID relief reasons. If any of the funds for the Law Enforcement Training Center end up getting clawed back that's currently at \$47 million, this still leaves \$27 million intact for that training center and we would not be losing as much taxpayer funding and taxpayer money by passing my amendment. So this is in response to the needs of not just my community, but many of you as well. I got a call in my office today from someone who called one of my colleagues and this colleague actually yelled at her, to hear, to hear the Nebraskan tell it who called me, and said, you know, you're not my constituent so don't call me here. And this person was calling to ask this senator to support LB121, to support this-- the SNAP expansion for people with drug convictions because she was one of the people who would be affected by that. So not only, you know, are we perhaps not going to see that bill pass, but she's been mistreated by people in this body who are trying to work to serve her. And so when I say that I'm doing this for constituents, it's really all of our constituents. It's all Nebraskans who are suffering with food insecurity and every single one of your communities can benefit from the grants that could be provided by this money. It is definitely ARPA related. It definitely fits the criteria. We do not need to worry about this being clawed back and it gets the task of these food security organizations and the nonprofit organizations back up to \$40 million, which is the level they need to keep up with demand here in Nebraska. I'd be happy to answer any questions, of course, and that's it. Thank you, Mr. President.

HUGHES: Thank you, Senator Hunt. Debate is now open on AM2446. Senator Aguilar, you're recognized.

AGUILAR: Thank you, Mr. President. Members, I rise to adamantly oppose this amendment or any amendment that would take away funding from this project. This is a necessary project and if you take a look at the handouts that I passed out, you'll see there's nothing in there that's wasteful or that can be taken away from. Everything is necessary. The original Law Enforcement Training Center was built in 1983. It's become outdated. It's time to update. We need to modernize the facility so we can start training officers better, faster, and more capable of doing their job. We need to do whatever we can for law enforcement in this state. They train there and are, are put in motion all throughout the state. It's not just a Grand Island project. These gentlemen come from all over our state to train-- gentlemen and ladies, excuse me. So, so we need to do whatever is possible to make sure this, this project stays whole. I would remind everyone that this project was in one of the Governor's original recommendations of his

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budget and I don't think he's going to be looking very favorably on someone trying to take money away from it. Thank you, Mr. President.

HUGHES: Thank you, Senator Aguilar. Senator Flood, you're recognized.

FLOOD: Thank you, Mr. President. Members, I rise in opposition to AM2446. Now is not the time, in my opinion, to be cutting the funding that we're talking about for the Law Enforcement Training Center. There's a \$47.7 million ask here that's in front of us. Couple of quick facts: did you know that nationwide, more officers have died from COVID-19 or COVID-19-related complications than from gunfire or automobile accidents combined? Who gets the first call when there's something happening in your community? It's a police officer. They're often there before the ambulance. They're not there with rubber gloves, they're there with leather gloves because I don't know what they're about to encounter. And they're the ones that are rendering aid, making your community safe, and they are truly on the front lines. And did you know-- and this is why I've gotten calls today from the Norfolk Police Chief. This is why several of us have been contacted by the Scottsbluff Police Chief and others concerned about their ability to hire people, get them through the training center, and then serve on the streets of their community. Nothing is more direct when it comes to the impacts of COVID than the first responders that are answering the call every single day, 24 hours a day. And guess what? When there's five on a shift and there is supposed to be eight, their safety is compromised. They show up somewhere with one person to back them up or none to back them up, who deals with that? Imagine being a sheriff's deputy. People forget about this. Did you know in some counties in northeastern Nebraska, there's maybe one, at most, law enforcement officials on patrol in the entire county? You might be surprised at how many actual state troopers are in certain areas of our state. We can't find them. But when we do find them, we can't get them through the academy in a reasonable amount of time. This bill funds additions and ben-- and benefits the Nebraska Law Enforcement Training Center. Specifically, it addresses indoor weapons or facility training, skills/ tactical building, modified entry with increased security, expanded cafeteria and food-prep areas, new technology rooms, new dormitory and living units. Listen, it's easy to be-- for some to be critical of the police. And what's the first thing that people that are critical of the police say? We need more training, we need more training, we need more training. Well, this is it. This is your chance to support the police. This is your chance to support the training they get. This is your chance to say, all right, we're going to prioritize law enforcement training in Nebraska by bringing to-- our facility up to a modern facility that allows people

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to get through the system to get their certification and return to their communities. It's important to note that this facility takes care of police officers from every rural community in the state, the same places that a lot of you voted last year to put new restrictions on with a bill from Senator Lathrop. Some of those restrictions are having to be revisited this year because it's put a strain on them. Ask Senator Brewer how difficult it is for his brother in Gordon, Nebraska, to hire people to serve in law enforcement. Not only do you have to convince them to sign up for the job, then they have to go through the training. That means they can get into the training and once they get into the training, we want the training to be successful. We want them to know how to operate an emergency vehicle. We want them to understand the Fourth Amendment. We want them to understand the First Amendment. We want them to respect all of our rights, which requires training. This amendment lays that out and filets it in half. I think we should respect the fact the Appropriations Committee heard a lot of testimony from law enforcement partners across the state--

HUGHES: One minute.

FLOOD: --and they identified this as a priority. They put \$47.7 million in the budget. It should stay there. I'm opposed to AM2446. Thank you, Mr. President.

HUGHES: Thank you, Senator Flood. Senator Blood, you're recognized.

BLOOD: Thank you, Mr. President. I stand in support of AM2446, but not where the funding is coming from and let me explain why. You've heard a little bit about what's going on, but you need to know the history. So this summer, I actually had an interim study that went to Judiciary because, quite frankly, the Law Enforcement Training Center has been at the bottom of the funding list for seven years. We're talking about this being a new problem. This is an old problem that was allowed to fester, fester so much, Senator Aguilar, that Sarpy County, got together with our Sarpy County Sheriff's Department, Douglas County Sheriff's Department, Papillion, La Vista, Bellevue, and we had to form our own training academy because we couldn't wait any longer to get our people trained because that's a safety issue. We get on this floor, we wave our flags for first responders, and damn well, we should, but we have ignored the funding of this facility for a very long time. And yes, we most definitely need to support the funding that it's received now, but we also need to point out that this funding was ignored for years, that law enforcement from western Nebraska came to the Legislature for years asking for these funds and

it fell upon deaf ears. And when I traveled across Nebraska this fall, I can tell you that very few residents understood that there were waiting lists at the training academy and because of that, their well-being and their safety was at risk because we couldn't get people trained because we have waiting lists. And the bill that Senator Flood is referring to is actually LB51, which is not a bad bill, but it had unintended consequences and stressed this underfunded facility. Underfunded because our executive branch did not make it a priority until this budget. And mine was not the only interim study that brought that concern forward and thank goodness their voices have finally been heard and we can play catch up and we can start catching up to the technology and the staffing that western Nebraska deserves. But I want to make sure that when we stand up today that everybody is listening because this is a system-- systemic issue that was allowed to fester. Because it pertained to small communities with smaller populations, the voices weren't as loud as if this had happened in urban Nebraska. And so what happened is year after year after year, seven years documented, the funding was not there. The equipment was not updated, the staff was not hired, and now we have to have this magnitude of funds to upgrade it because this is a public safety issue. And you have to remember that this is again the only training center that people can rely on outside of the State Patrol, the Lincoln police, and the Omaha police who have their own training centers. The rest of the state depends on this Grand Island facility. And so I admire what Senator Hunt wants to do with this amendment and I support her efforts to do what she wants to do with this amendment, but this is one time that I unfortunately have to oppose Senator Hunt because of where the funds come from and because I have been champion this cause for a very long time. And I'm-- my biggest fear is that it won't come to fruition, that whoever becomes the next Governor or whoever takes over the Appropriations Committee maybe won't see the importance in the future and funds might be lost or the importance of it might come off the table and people forget why we have to have this training academy. If people are worried about the safety and security of their communities, they should worry about how this is funded and that our people get properly trained.

HUGHES: One minute.

BLOOD: If people are worried about the safety of our first responders, of our law enforcement, they should worry about how this facility is funded. And so I stand, unfortunately, against Senator Hunt's amendment, unless there can be a new funding mechanism, and in support of the training center. And it is my wish that everybody remember today-- because if we go back to the way it was, the only people that

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are going to suffer are Nebraska citizens, especially in western and rural Nebraska. Thank you, Mr. President.

HUGHES: Thank you, Senator Blood. Senator Lowe, you're recognized.

LOWE: Thank you, Mr. President. I stand in, in favor of LB1014 and AM2330 and unfortunately, I'm standing against AM2446. This is money that is needed for our law enforcement training centers. They're dated. It's time to bring them up to speed. It's time to do this for our law enforcement officers. We need to get them through the training in a timely manner. COVID hasn't been hard only on our medical staff who have left by the droves because they're tired. It's also been hard on our first responders. They're retiring at a rapid pace and we need to replace them. We need this money to stay where it's at. We need to make sure that we don't withdraw the, the money out and we need to improve the training facilities. I think Senator Flood went through these, but I'll go through them again. On the inside: an indoor weapons training facility, skills and tactical building, a modified entry with increased security, expanded cafeteria and food-prep areas, new technology rooms, and new dormitory and living units. On the outside, it's a little more land acquisition, a security fence with lights, twenty-station targeting system, an up-to-date vehicle training track and skills pad that reflects actual conditions. This is a building that is in north Grand Island or land in north Grand Island and it does wonders for training. And Senator Flood was right: in any one time in several of our counties in western Nebraska, there is only one law enforcement officer. And what happens when that law enforcement officer has to go back to Grand Island or someplace for training? What does that leave that county? I don't think any of us would want to live in an area that was unprotected. It's hard enough to get law enforcement officers because when you hire them, when you hire a person to come in and you go through the training and it's extensive training and then they go, eh, this is not for me, so we have just spent the time and the money training this person. And so we need to concentrate on the people that we hire and we need to incentivize them to continue on with the training and with working in our agencies across the state. With that, I yield my time.

HUGHES: Thank you, Senator Lowe. Senator Brandt, you're recognized.

BRANDT: Thank you, Mr. President. I stand opposed to AM2446 for a couple of reasons. One, I serve on the 309 task force and that is the Building and Maintenance Committee and I have toured this facility and I know Senator Lowe, Senator Erdman, Senator Bostelman, I think, were there at the same time. I also serve on the Judiciary Committee and we

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have a lot of hearings where law enforcement from across the state of Nebraska comes to testify. It isn't just Lincoln in Omaha. It's Ainsworth. It's Scottsbluff. It's Gordon. It's Wahoo. And there's a lot of difference in Nebraska between what happens out in our rural areas and our urban areas. Specifically at the Law Enforcement Training Academy, they're in dire need of some critical improvements. The driving track is dangerous, the outdoor gun range is dangerous, and we in the state of Nebraska do not even have an indoor gun range for training and that's desperately needed out there. These improvements will decrease the six-month wait time for training. What does that mean? That means if you're in one of our four counties that I represent Fillmore, Thayer, Jefferson, or Saline, quite often you have to hire an individual that has no training in law enforcement and you have to pay them usually about six months worth of wages until they can find a spot in the Law Enforcement Training Center. These improvements will shorten that wait time. It will increase the capacity. It will make it easier on the rural counties to find and keep people. So once again, I stand opposed to AM2446. I would yield the rest of my time to Senator Erdman.

HUGHES: Senator Erdman, 3:10.

ERDMAN: Thank you, Mr. President. Thank you, Senator Brandt. I appreciate that. You know, Senator Brandt did a thorough job of explaining what the training center was like there in Grand Island. Being on the 309 task force ever since I became a senator, we have been there at least twice and what he's telling you is exactly the truth. And if you've seen what they're going to try to do, what they are attempting to do or would like to do, according to their plan, it's a vast improvement over what we have. And in rural Nebraska, where I live, it's almost a year from the time they hire someone until they become certified and trained to become an officer that can travel on their own. And so I think it's inappropriate that we take \$20 million away from this facility because what this will do, if we take this \$20 million, what do they decide to build? Do they decide to build the shooting range and the driving range or what are they-- what do they build? What do they cut out? And so they've come with a proposal of \$47.7 million to complete the project and if you cut some of that out, then they're going to have to make a decision on what is the priority. And they will not be able to complete the project, which would be the most efficient way to build this. And so I am totally opposed to AM2446 and I believe that we have-- had contributed or appropriated enough money that these other programs that Senator Hunt wants to add this to have been taken care of and we'll move forward with this, but this is a priority. And it was correctly stated the

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Appropriations Committee has brought this to the floor at \$47.7 [million] and I believe that's where it should stay. Thank you.

HUGHES: Thank you, Senator Brandt and Senator Erdman. Senator Brewer, you're recognized.

BREWER: Thank you, Mr. President. I rise today in opposition to AM2446. I'm probably the only one in the body that has actually been to the academy. I will reveal the fact that it was 40 years ago. Now, the downside of that is that a lot of the structures that were there then are still there now. So consequently, you can see why there is a point where a facility becomes dysfunctional. It cannot support the needs, in this case, of the, of the state. I thought Senator Blood did a good job of explaining how because of the lack of ability to get folks into the state law enforcement academy, Sarpy County took it upon themselves to have their own academy. They did that at a tremendous expense. But when you have to wait more than a year to get someone into the academy, it makes it unmanageable to hire someone. I talked to my brother about this and he said that he interviews, he hires, he gets a class date, and normally when they find out when the class date is, they will look for another job because they cannot forecast out that far their life and their ability to attend this academy. Now, if you had a chance to go to the academy and see it, it is a time capsule. You can go to the 1980s and freeze frame and there has been some improvements, but what's changed about the academy that a lot of people don't understand is that that academy originally was for the sheriff's offices, the, the police. And then there was a decision made, I believe in the '90s, where the Nebraska State Patrol, which used to train out at Air Park here, moved to, to Grand Island. And what they had to do is kind of play hopscotch with classrooms, dormitories. How do you get everybody in and through and, and do that so that you can support both requirements? Well, it left them in a fix where they were very limited on when they could use what facilities so that they didn't step on each other or get in each other's way. Well, over time, that requirement for law enforcement has not decreased; it's increased, but the facilities have not been able to keep up. So what this reset of the academy would give them is the ability to train indoors, as was pointed out earlier. That may not seem like a big deal, but Nebraska, it really is because if you look at how many days either the wind or the actual weather itself, whether it be snow or heat or whatever, makes it unrealistic to train in that, those are lost days because you've got to shift to early morning, late evening. You got to figure out a way to still do the training. So having range facilities that would be supported year-round, having a baffled range where safety of where a accidental discharge might go is another

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feature that needs to be considered because right now, it is old-school outdoor range is what you're going to see. With the new facility, they're able to use a system like we used in the military, a FATS system. FATS system is just firearms training systems. That's one where you can come in and plug in scenarios. And if you're going to do a vehicle stop, you can have different scenarios pop up and react how-- however you do and then get evaluated on it. You can, you can have hostage situations. Whatever you want to draw up, you can do it with this and test an officer before they have to go out into a real-world scenario.

HUGHES: One minute.

BREWER: All of this is, is just giving you a better-trained, more professional police officer that then shows up at whatever county or city that they go to. So to, to cannibalize this thought-through process of resetting our, our law enforcement academy, I believe, is wrong headed and is not the way that we need to be managing our resources. The, the other thing to remember is that right now, the smaller departments are forced to deal with a budget situation that, that we really can't affect because the county has to decide or the city on what they pay. But most of them are going to be in that \$18 to \$22 an hour range. If you are putting enough obstacles in front of them, that just becomes another factor of why they can't fill their ranks. And when you have a small department--

HUGHES: Time, Senator.

BREWER: --and then you can't-- thank you.

HUGHES: Thank you, Senator Brewer Senator Wayne, you're recognized.

WAYNE: Thank you, Mr.-- Thank, thank you, Mr. President. Colleagues, this is the first one that I-- we really start talking about capital construction. And if you haven't read, it's on the short version of summary on page 30 and more-- if you go through the actual-- from, like, 165 to 260, it talks about capital constructions. There's actually a lot of requirements. And I'm going to say on the mike I'm not 100 percent sure this training facility actually qualifies for ARPA, but here's how you got to justify it. You've got to justify any project that has over \$10 million or more, you have to have a written justification. Now what's interesting apart that infor-- written justification, there has to be a very clear description of the harm or need that needs to be addressed as it relates to the pandemic. So you have to show that the, the lack of training was caused by the pandemic

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or somehow directly related to the pandemic. I don't know if that's necessarily true as it relates to maybe more money, maybe the hours worked. So you got to figure out that written description. You have to explain why the capital expenditure is appropriate and what's in the fiscal note isn't enough-- or the fiscal book and I'm just-- I understand it's a summary so there may be some other reasons. But here is the kicker: you have to do a comparison of the capital project to at least two different capital expenditures and demonstrate why this proposed capital expenditure is superior. So that means there has to be an independent consultant, maybe, to show that building this two different locations would actually cost more and not serve that. So what we're saying-- just want everybody to know this-- what we're saying is this has to go to Grand Island for this area. But what if those independent consultants say, you know what? Maybe North Platte is better to serve western Nebraska, maybe Chadron and it's less cost effective. They are disqualified from ARPA funds. And guess what? If we don't appropriate or use those funds in the time that means and we are out of session, there is an argument that the Governor can appropriate any way he wants to based off of a statute. That's why these ARPA funds are so ridiculously complicated, which goes back to the administration of only \$25 million to do this because that whole analysis has to be done before ARPA funds can even be distributed. That's not me talking. That's the Department of Treasury with highlights. And, and again-- Senator Stinner, will you yield to a question?

HUGHES: Senator Stinner, will you yield?

WAYNE: Because I feel like he's probably the only other one who read all the rules.

STINNER: Yes.

WAYNE: Is that your understanding of a \$10 million or more capital expenditure project, that they have to provide written justifications and show at least two other capital alternatives were least expensive or less superior?

STINNER: I don't know about the comparison, but I do know about the fact that it has-- if it is over a threshold, that annual reports are necessary.

WAYNE: Thank you. And so my-- again, colleagues, there's going to be annual follow-ups that's going to have to be burdened by somebody and they're going to have to be-- have more administration. I'm not-- I

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don't-- I think this is questionable. It's one of those areas where you hope you get a Department of Treasury auditor who, you know, is a little-- can read the spirit of the law and not just the language. But I think every time we're going through this, we have to be very diligent, especially, let me repeat, especially about capital expenditures. What that means is any real construction, any construction. Because the rules are pretty clear and the Q and As are pretty clear--

HUGHES: One minute.

WAYNE: --they really don't want these money to be spent on new items except for really health. They really want, like, health measures, COVID, hospitals, things like that where it's really, really tied to public health. There is a criminal component as far as helping crime prevention. I think this is a stretch when you get there for \$37 million because there were so many other factors of why maybe we don't have more law enforcement. But it can't just be because of training. You got to connect that training to the pandemic and how that is somehow connected. Thank you, Mr. President.

HUGHES: Thank you, Senator Wayne and Senator Stinner. Senator Pansing Brooks, you're recognized.

PANSING BROOKS: Thank you, Mr. President. So this is a key indicator of the difficulty of this kind of day and the issues that we have before us. Generally, I am wholeheartedly in favor of any measure that would address food insecurity in our state. On the other hand, my dad was the first chair of the Crime Commission. He helped found the Crime Commission. In fact, when I got into the Legislature, I brought his pen in and they've now placed it into their museum at the Law Enforcement Training Center. So this is where we have-- we have a balance we-- that, that comes up and causes issues. Of course I admire Senator Hunt. I admire her heart and where she is working from. I care so much for this issue, but I cannot support where it's coming from. We had, as many of you know, two days of full, long hearings after the blow-- Black Lives Matter protests and during that time, we heard from over 200 Nebraskans. We sat there and I've got their notes from it. And after that, we also had hearings with law enforcement and the information that we found showed that we do not have enough help for law enforcement to get the training they need. If they don't have the correct training that they need, they are not as safe as we need them to be and those stories came out time after time in our hearing. At the time, I was upset that the, that the AG's Office, the executive branch, that others have not come forward and forced us to do better

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at paying for our law enforcement and I still think they haven't done enough to raise the alarm about that. But at those hearings and the hearings with the police, we heard about what's necessary, why, why this kind of training center is necessary; because it allows them to do conflict resolution training, it allows them to do implicit bias training, de-escalation training, trauma-informed training, mental health response training, diversity training, and it-- and cultural competency training. There are so many trainings besides the training on search and seizure, First Amendment, the ability to, to claim that, that you don't have to give up your rights and, and to require-- request a lawyer. So I just want to say that this is probably when-- this is-- some people said that when we have money, it's the most difficult time that, that there is and I would agree with that. And I also agree that food insecurity is one of our key issues that we must address seriously, but I've, I've been concerned about the lack of training. I've been concerned about the fact that milit-- that officers are hired in smaller communities around the state and aren't able to even get the training that they need until, like, six months later. Do we need training? Do we need to beef up that law enforcement agency? Yes. Do we also need food? Yes. So the problem is I cannot agree with this, this one time with my colleague, Senator Hunt.

HUGHES: One minute.

PANSING BROOKS: We need to make sure that we are hiring officers who are allowed to go out immediately and be trained so that they can, they can represent their communities. Thank you, Mr. President.

HUGHES: Thank you, Senator Pansing Brooks. Senator Flood, you are recognized.

FLOOD: Thank you, Mr. President. Members, good afternoon. I think we have had a really good conversation. I'm pleased to see so much support for the Law Enforcement Training Center. I especially want to recognize Lynn Rex with the Nebraska League of Municipalities who has, together with the Scottsbluff Police Chief and so many others, the Buffalo County Sheriff, they have all worked in unison to try and make their case in a, in a situation that is-- there's so many different people wanting a piece of this money. I think it's important to note that what-- when you think about what we expect from a police officer is far more than maybe what we expected many years ago. They're expected to be, the minute they arrive, someone that can calm down a situation, use force when necessary, act as a social worker, navigating people through behavioral health programs, getting people to the emergency room. They're expected to immediately process what

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the behavior is and what charge it would qualify for. Should you place somebody in custody, should you not? They make the decision between somebody being EPCed, placed in emergency protective custody, and somebody that's allowed to stay in the community, hoping that there's somebody that's going to watch after them taking their medicines. All of this is complicated. All of this requires a lot of training. The law enforcement community has made a case. And I think as Senator Brewer said, and I share his sentiment, these small communities don't have really anything else. And I was here-- you know, 12 years ago, we worked on the Law Enforcement Training Center Fund through the court fees to make sure that we were providing this education for communities. And, you know, Senator Wayne raises a good point. He, he talks about, you know, COVID eligible, ARPA eligible. I think it's important that we lay down the record that police officers, public safety officials are putting their life on the line. They've had more-- we've had more COVID-related and COVID complication deaths in this nation than automobile or gunfire incidents and accidents in the United States and that applies here in Nebraska as you look at the law enforcement community. So I'm not going to vote for AM2446. I do appreciate the Appropriations Committee including this money in their proposal and look forward to supporting it. Thank you, Mr. President.

HUGHES: Thank you, Senator Flood. Senator Jacobson, you're recognized.

JACOBSON: Thank you, Mr. President. I do want to kind of speak in support of, of the, of course, the main bill, but I would be speaking in opposition to the amendment for the very same reasons that have been articulated. I appreciate Senator Hunt and, and the issues that she's trying to address. I'm just concerned about the source of the, of the funding. I thought Senator Pansing Brooks made many of the points that I wanted to make. I think that, that, as Senator Wayne had outlined, we need to be careful about what qualifies for these funds. But of all the things that I think we feel good about, I think it makes sense that we do need good police officer training. I think the pandemic has certainly brought some needs that we need-- we're going to have more difficulty recruiting recruits. We need to have this training facility up to speed, working more efficiently and getting them the resources they need. I'm comfortable that if you do a comparison, you're not going to be able to build one in North Platte from scratch cheaper than you can rehab the one there, as much as I'd love to have it in North Platte, Senator Wayne. But I do think that this is a very good use of the ARPA funds. It's very much needed and I think that it's, it's appropriate and we'll find that it will be appropriate at the end of the day to expend those dollars in that area. I would also just remind everyone again that my big concern as I

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look at all of these ARPA bills is this is one-time money that's coming from the federal government. I don't have a concern about spending these dollars because I realize that if we get these dollars one time and we don't spend it, it's going to go somewhere else and so let's, let's pick out those projects that make sense. But I can tell you in my business, I've always found you run into times like this, be careful about starting programs that are going to cause dependency in the future. And as I look at some of the projects that are being brought forward, very good, very good intentions, they are very needed programs, but these are programs that could very easily last well beyond the dollars that are going to be coming from ARPA and then we're going to be looking to the General Fund to have to fund those going forward once we get that dependency built. So I am concerned about that and I'm very concerned again, when Senator Stinner brought us the original budget briefing, in terms of what, what are the dollars going to look like in the out-years? I'm very concerned about that. As a senator that plans to be back here for the next few years, I'm concerned that we're sitting here with all these dollars today. The economy is really moving along well, but we're on the verge. If you look at the bond yields and the yield curve, it's pointing to we could be heading for recession. If that happens, \$1.3 billion in a rainy day fund might not be enough. And so I am concerned about these out-years and I would just remind everyone again, be very cautious about funding one-time programs that are going to end up being long-time programs and we're going to be looking for additional funding from this body, from the General Fund to fund them in the future. Thank you, Mr. President.

HUGHES: Thank you, Senator Jacobson. Seeing no one else in the queue, Senator Hunt, you're recognized to close on AM2446.

HUNT: Thank you, Mr. President. Just to be clear, this amendment would not cut funding from a law enforcement training center. It would give them \$27 million of funding for this new center that is not having anything cut from it because it doesn't exist yet. We can still get our officers the training and funding that they need and I also still disagree that this training center is a valid use of ARPA funds. In this packet that was given out by Senator Aguilar about the link between COVID-19 and the need for the Law Enforcement Training Center, what it says is that more officers have died from COVID-19 than from gunfire, automobile accidents combined. So even as COVID-19 has killed more police officers than gunfire, than any kind of on-the-job risks that they take, we also know that those whose duty it is to protect and serve the public were one of the lowest vaccinated groups of people in the entire country. Police officers are one of the

least-vaccinated professions in this country and so that's why it's frustrating to me to see that, you know, the link between COVID and the need for this training center is that because I think that there are other ways that we can fund this that don't take funding away from what's supposed to be COVID relief for average Nebraskans. I, I don't think this is a valid use of ARPA funds and I think that the balance of the funding could be made up from the General Fund or from philanthropy. Because folks, that's what people are always saying we need to do when people are facing food insecurity, which AM2446 addresses. Whenever there's Nebraskans who are starving, hungry, can't feed their families, having health effects because of that, so many of you stand up and say, well, that's why we have philanthropy. That's why we have churches. In our fam-- in our community, we take care of our own. We have a bake sale and then we help the family that's struggling. You know, that's always what you guys say. I don't know why the same logic can't apply to this. There's obviously a lot of support in Nebraska for law enforcement and taking \$20 million out of a huge budget for a new training center that we are paying for with ARPA funds, which makes no sense to me, is not going to do anything to decrease the capacity of law enforcement in Nebraska. It doesn't prevent the new Law Enforcement Training Center from being built and it's not saying anything about whether it's good or bad. It's just saying that we need to keep people in Nebraska fed. We have a decrease in support for food banks and we have an increase in need so--

HUGHES: One minute.

HUNT: --we have to take seriously the needs of these groups. I would urge you to support this AM. I am going to withdraw it because I found a different funding source that will probably not make you guys so mad and I'll bring that back on Select. So with that, I'll withdraw the amendment. Thank you, Mr. President.

HUGHES: AM2446 is withdrawn. Mr. Speaker.

HILGERS: Thank you, Mr. President. Good afternoon, colleagues. I have the next round of amendments. At least two of these have worked out with the, the funding source, at least worked out an agreement with those people who might oppose it. Those three-- and actually, I'll note for the Clerk, I-- this is a slight change from what I told the Clerk a little bit ago. The next three are Senator Gragert's AM2542, Senator Brandt's AM2444, and Senator Murman's AM2544. So the next three are: Gragert, AM2542; Brandt, AM2444; and Murman, AM2544. Thank you, Mr. President.

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HUGHES: Thank you, Speaker Hilgers. Mr. Clerk for items.

CLERK: Yes, thank you, Mr. President. Quickly, Senator Morfeld, an amendment to LB1012. Senator Machaela Cavanaugh, LB1023. I have resolutions: LR353, LR354-- LR354, LR355, LR356, and LR357. Those will be laid over, referred to the board. Mr. President, Senator Gragert, just so I'm in sync with you, Senator, you want to-- we're going to withdraw AM2486. That was that earlier one you gave me, right? OK. Mr. President, Senator Gragert would move to amend AM2542.

HUGHES: Thank you, Mr. Clerk. Senator Gragert, you're welcome to open on AM2542.

GRAGERT: Thank you, Mr. President and members. First of all, I'd like to thank Speaker Hilgers for scheduling this amendment. I'd also like to thank Senator Stinner, Williams, Dorn, Kolterman, Wishart, and McDonnell for working with me on this amendment. Last May, after reading about the president's American Rescue Plan that would send approximately \$1 billion to Nebraska, which could be used to improve water, sewer, broadband infrastructure, I called the Govern-- I called Governor Ricketts. I knew that the Lewis and Clark NRD was seeking funding for the Cedar Knox Rural Water Project to address the drinking water and infrastructure need. The Governor told me to have the NRD write a one-pager and give it to the director of Policy Research Office. On June 1, my office delivered it to the PRO. This fall, PRO asked me to identify how this project fits the ARPA criteria. I submitted the required information by November 1, as requested, and was very excited to see that the Governor included this project in his recommendations for the use of ARPA funds in LB1014. He even specifically referred to the need of this project in the state-- State of, of the State Address. Annette Sudbeck, the general manager for the Lewis and Clark NRD, testified in support of LB1014 and this project at the public hearing before the Appropriations Committee. To make this long story short, the Appropriations Committee did not include the Governor's proposal for drinking water facilities in the recommendation. Therefore, because the real need for the necessary system improvements and to secure long-term drinking water source for this area of the state, I have worked with Senator Stinner, Senator Williams, Senator Dorn, and other members of the Appropriations Committee to get the portion-- a portion of the project funded through an amendment to LB1014. The Cedar Knox Rural Water Project started business in 1981, providing drinking water for just 200 rural connections and two communities. It has since grown to approximately 7,000 people in northern Cedar and Knox Counties and continues to grow annually. Customers now include 914 rural service connections, two

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SIDs, three housing developments, five campgrounds, and four communities: Crofton, Fordyce, St. Helena, and Obert. The village of Santee is currently seeking an alternative for drinking water, a drinking water source. The Cedar Knox Rural Water Project, is working with the tribe on the possibility of serving, serving them as well. The Cedar Knox Rural Water Project, overseen by the Lewis and Clark NRD, is a regional system that treats surface water drawn from the Lewis and Clark Lake behind the Gavins Point Dam. The water is treated at a plant in the Devils Nest region of Knox County and distributed through nearly 400 miles of piping. However, the intake structure is expected to be inundated with sediment approximate-- in approximately 20 years. Furthermore, as the sediment approaches the intake structure, there is an increase in organic matter that is drawn into the intake and must be treated and removed. The impact of increased chlorination to address the increased organic matter is the increased production of EPA and NDEE-regulated disinfection byproducts. This has resulted in an administrative order to address one of the byproducts, total trihalomethanes, TTHMs. Finally, the production capacity of the treatment plant and a portion of the distribution system are at or near the maximum sustainable levels. Funding is needed to develop a groundwater source with a treatment plant more centrally located within the distribution system to address the hardness, potential nitrates, and/or manganese. This project is projected to cost approximately \$36 million. An average family using 5,000 gallons currently pays a rate of \$81.90 per month. In order to keep the payments affordable, I am seeking state assistance for a portion of this project. AM2542 would appropriate \$7 million in ARPA funding to drink-- to the Drinking Water Facilities Loan Fund under the Nebraska Department of Environment and Energy, which is less than 20 percent of the project's projected cost. This funding is intended to use-- to be used for grants assistance for the Cedar Knox Rural Water Project to convert to groundwater sources and their drinking water and to provide for water system infrastructure and distribution. Senator Williams has graciously, graciously allowed me to use \$6 million from his Rural Workforce Housing Investment Act for grants to prepare land parcels, land parcels. The remaining \$1 million would come from the job training and placement grants to nonprofit organizations and I thank Senator Dorn for working with me on this portion. Finally, I can't stress the importance of developing an adequate drinking water supply prior to potential increased population and infrastructure in the most beautiful portion of our state. I urge your green vote to AM2542 to LB1014. Thank you.

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HUGHES: Thank you, Senator Gragert. Debate is now open on AM2542. Senator Williams, you're recognized.

WILLIAMS: Thank you, Mr. President. Good, good afternoon, colleagues, and I want to thank the-- Senator Gragert and the opportunity to work with him on this important and very needed project. Certainly was willing to talk about the Rural Workforce Housing Program and what we could do to help and this small step-down in the Rural Workforce Housing Program is something that I think this money is better positioned to be where it's going with Senator Gragert. So with that, I would fully support AM2542. Thank you, Mr. President.

HUGHES: Thank you, Senator Williams. Senator Dorn, you're recognized.

DORN: Thank you, Mr. President. I too want to stand up and talk about this a little bit when visiting with Senator Gragert and do support this. That was my bill for \$10 million for some housing assistance for nonprofits and did visit with him, do support this amendment of Senator Gragert's, and realize the need and the use of that project in the northern part of the state of Nebraska has and what this will do good for them. So I do support this amendment. Thank you.

HUGHES: Thank you, Senator Dorn. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. I've been reading the amendment here. Senator Gragert, I was wondering if you'd yield to a question? If you have-- do have the, the amendment or the bill there in front of you?

HUGHES: Senator Gragert, will you yield?

GRAGERT: Absolutely.

ERDMAN: Senator Gragert, turn to page 24, if you would.

GRAGERT: Got it, thank you.

ERDMAN: OK. In line 27, you're striking \$47 (million) and changing it to \$46 (million) and then the \$44 (million) is stricken and you replace that with \$38 (million), is that correct?

GRAGERT: That's correct; \$1 million the--

ERDMAN: OK.

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GRAGERT: --\$1 million in 2020-- or '21-22 and then \$6 million in '22-23.

ERDMAN: OK, so I've done that correctly. Now, follow along and go down to line 29 and it says there is included in the appropriations to this program for FY 2021 and '22 \$47 million. I believe that should say \$46 (million).

GRAGERT: That's correct. I have it at \$46 (million) on my amendment.

ERDMAN: Mine says \$47 (million).

GRAGERT: OK, that should be \$46 (million).

ERDMAN: OK, so that was a typo then or-- maybe it was original--

GRAGERT: It was originally \$47 (million). It will go down \$46 (million).

ERDMAN: Yours says \$46 (million)?

GRAGERT: Right.

ERDMAN: OK. That's OK. I wanted-- mine say \$47 (million).

GRAGERT: All right.

ERDMAN: All right, thank you.

GRAGERT: You bet.

HUGHES: Thank you, Senator Erdman and Senator Gragert. Seeing no one else in the queue, Senator Gragert, you're welcome to close on AM2542. Senator Gragert waives closing. Colleagues, the question before us is the adoption of AM2542. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 33 ayes, 0 nays on adoption of the amendment to the committee amendments.

HUGHES: AM2542 is adopted. Mr. Clerk, next item.

CLERK: Mr. President, Senator Brandt would move to amend, AM2444.

HUGHES: Senator Brandt, you're welcome to open on your amendment, AM2444.

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BRANDT: Thank you, Mr. President. Good afternoon, colleagues. This is just a small administrative amendment to LB1014 to say that on page 6, lines 10 to 11, the \$9,875,000 that is allocated to the Nebraska Department of Agriculture, NDA, for small to medium meat processors go to the Independent Processor Assistance Program, originally introduced last year in LB324 with 19 cosponsors and unanimous support. This program is housed inside NDA and has specific eligibility criteria in Nebraska Statute 54-1915 for processors to apply for and receive these funds. Only allocating the funds to NDA without going through the Independent Processor Assistance Program creates a situation where NDA would have to create and develop eligibility criteria. This would be unnecessary extra work because the Independent Processor Assistance Program already exists to do that. I have discussed this with Director Wellman and NDA and this is an amenable path forward to get the ARPA funds to the processors who need it to strengthen our food supply chain. Lastly, I want to thank the Appropriations Committee for including the \$9,875,000 in LB1014, Section 12, for Nebraska's struggling small to medium meat processors. With that, I ask for your green vote on AM244 [SIC, AM2444].

HUGHES: Thank you, Senator Brandt. Debate is now open on AM2444. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. Colleagues, this is one of those-- I'm going to support, I'm going to support the amendment, but I got another amendment coming up regarding this section of law and I think this is important to start having this conversation from now until when that amendment comes up. This is an area that I'm not proud that I'm going to ask you guys to cut it, but it just does not meet the ARPA requirements. So Nebraska-- nationally, beef and pork industry was hit and there was an impact from COVID, but when you start trying to figure out impacted businesses and impacted industry, nationally, unfortunately, beef does-- or pork doesn't qualify because they had record profits. So when you think about impacts and you think about extra expenses, that's what the revenue-- Department of Revenue rules look at. So when you think about impact, it's about revenue losses-- and you've got to look at three different time periods, over a three different period. Then you also have to-- or if you can't do it as a simplified test-- that's what they call it, a simplified test and if you want to know the page number, it's page 165 of the Q&As for the Final Rules-- the simplified test is revenue lost and you look at it over three, three different time periods to prove that you, you actually lost money during this pandemic. The second way is if you can't do it that way, you can do actually employee loss. So if you had an 8 percent reduction in your employees on a specific day or you had

to close, the problem is when you look at the periods of time, if you have record profits, you're not considered impacted. It's not my rules. It's not what I want to do, but we shouldn't get this clawed back because we're not following the rules. So you have to show that you've been impacted. So if you say Nebraska-- let's use Nebraska beef or whatever have been impacted generally. Well, there's a couple of reasons why we're running afoul to that. When you look at the time frames, you also have a Governor at the time who says the emergency is over with, the pandemic is over with. So there's, there's the optics of whether your final revenue is actually lost because of the pandemic or not. But the reality is supply chain issues and congestion that did not result in a loss of revenue, while that may be frustrating to Nebraskans, it doesn't qualify. I hope I'm making sense to business people. In order to be impacted, you have to lose revenue or you have to have additional expenses. But if you have record profits, those additional expenses negate themselves so you still come out ahead in COVID. And what happened in Nebraska-- because I was one of them. I drove to a local processor and got a half a cow in April of 2020 and then again in 2021. Well, a quarter of a cow the first time-- they all had record profits because what happened to the supply chain was the big guys couldn't get them in. They were shutting down. Their operations were impacted by people who had COVID. So alternatively, farmers and cattle-- sorry, farmer is wrong. Don't give me that--- cattle, cattlemen began moving things to small processors. So these small processors got bogged down in the supply chain issue, but they didn't lose revenue. So the question I have for you is, do you want a clawback? Because it is clear. Now if you don't believe me, you can walk over and talk to the people under there and just ask them those basic questions. I'm not going to tell you how to answer. I'm not going to tell you the answer because I believe they're honest, trustworthy people and they'll say there's questions. There's going to be a lot of proving that they have to do.

HUGHES: One minute.

WAYNE: So if there's a lot of proving they have to do, then my question is how many small processors can prove all of that without getting the clawback to them? We don't want to put our processors in a problem. They may get clawed back, not just the state because they're the subrecipient of this. So if they get clawed back, do they come up with an extra \$1 million? I support what Senator Brandt is doing. I'd rather take this out of General Funds or Cash Funds or some other fund. I'm just telling you there is a grave concern in this industry for the small producers coming from COVID dollars. This is not a vote that we want to take. So help me from now until the other bill comes

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up to find alternatives on the floor for these dollars because I think there is a capacity issue, which is what these bills are-- this money is trying to address, and that is not the purpose of ARPA. It's not to address capacity. Thank you, Mr. President.

HUGHES: Thank you, Senator Wayne. Senator Brandt, you're recognized.

BRANDT: Thank you, Mr. President. When COVID hit, President Trump declared those in meatpacking and the meatpacking industry essential to the United States, essential to the food supply. What happened? And also speaking as a livestock producer, I experienced this firsthand on both beef and pork. The large packing capacity in the United States slowed down. The chain speeds went down to 70 percent. We backed up the nation's pork and beef. On the beef side, it isn't as critical. On the pork side, it is. There's a use-by date on hogs. Once they get past about six months, they get too big to be slaughtered in our plants. That's what was happening in Nebraska and nationwide. In an effort to utilize these meats, producers desperately went to the small lockers to try and have this food processed. There's a huge demand. People went into the local Wal-Mart. The shelves were empty. They wanted meat. They couldn't get the meat because the processing plants, the chains were moving too slow, workers were sick, workers were dying. Our little lockers did a magnificent job. Thank you to those 93 lockers in the state of Nebraska. You went above and beyond the call of duty. A lot of you did it with old facilities. You were working six and seven days a week. You pushed, pushed, pushed. What used to be that you could call and in four weeks, you could get an appointment, quite often now is a year and a half. Quite often now, your appointment is made before the animal is even born. What this money goes for is to help the livestock industry in Nebraska. Senator Wayne wants to pick out one small component of that. Because a locker didn't go broke and they made a few dollars, he's saying they're ineligible. I disagree with that. The livestock producer lost his, lost his shirt and if he could find a locker space and get that meat sold, he was helping out those consumers out there. Eighteen other states have this. This has not been a problem in other states. This is a supply chain issue across the industry. This isn't solely focused on just our lockers and you all got a handout of this and there were 40 of them that got back on a survey. Across the state of Nebraska, there's about 93 lockers. This was vetted by the Appropriations Committee. This was proposed by the Governor. And, you know, until last night, we had no headwinds on this. So these dollars will be used right away on these lockers and you can see what they will use it for, what their eligible expenses are. A lot of them are for sewer and water safety, personal protection equipment, training, hiring people that were desperately

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short of workers out there. So that's where the money is going for. And I guess I'll, I'll sit down and listen to what Senator Wayne has to say. Thank you, Mr. President.

HUGHES: Thank you, Senator Brandt. Senator Wayne, you're recognized.

WAYNE: Thank you and I said the reason I brought this up is because my, my amendment to remove this is down the road and I would hope that this body would come up with a solution because it doesn't qualify. Now what Senator Brandt is talking about is, yes, if the cattlemen suffered a loss, then there has to be the cattlemen getting the dollars. If the industry had snags in the supply chain that resulted in a loss of dollars, yes. What you're trying to do, Senator Brandt, is build capacity and there's actually a federal grant of \$500 million the USDA passed in June of 2021 that deals with this issue because they recognize that ARPA doesn't deal with this issue. Our own Congress agrees. There's a \$500 million grant by the USDA that expands capacity and I'll, I'll read the first press release. USD announces \$500 million to expand meat and poultry processing capacity as a part of the effort to increase competition and supply to build a better, build a better food system. Because it doesn't, it doesn't work because that industry, believe it or not, didn't suffer anything. They weren't impacted. And what we're talking about is when you talk about intra-- industry, Senator Brandt, you have to talk about the specific industry. You're talking about the whole. So what happens is if we, if we as a body or the US-- or the Ag Department says we're going to choose them as a impacted industry, then we can't use the entire beef because we know beef producers produced a record profit. And as it relates to the essential workers, you're 100 percent correct. They worked every day. Many of them had-- caught COVID because of their working conditions. Senator Vargas brought a bill to help try to address those issues. But that's why we can use premium pay for them. They were considered essential workers. There's a separate bill for that. There's a separate funding for that. When you start talking about a impacted industry-- so we got beef we can't use or pork we can't use, livestock we can't use because they all made money. So let's say-- let's go down subset. OK, let's go subset. We'll go to a small producer. Did small producers lose money? The answer is no. There may be one. There may be two. There may be a handful, but is there \$10 million worth? And then they have to prove that they lost money by using three different types-- timeframes in which they lost money going back to 2018. Guess what? If you started a beef processing plant during COVID, you probably don't qualify. So then you got that. And if you can't meet that requirement, you have to go on employees. Did 8 percent of your employees-- did you lose 8 percent? And it's not

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what Senator Wayne is doing. It's what the Feds are telling us to do on page 165 through 170. It's not Justin. I would give you the money. That's why I'm, I'm-- I said I'm going to support your amendment. I'm saying it early. I told Speaker Hilgers to put mine at the end because I hope we can come to agreement to find \$10 million when we got \$1.3 billion in Cash Reserves and we got, even after the tax proposal, if it were-- if it gets passed, we have \$240 million on the floor. If we can't find you \$10 million, shame on us. That's why I'm asking people to help. But I'm saying under ARPA, it is very difficult, if at all, to qualify for small processors the way, the way your justification is written. And that's what's going to happen if we get sued or there's a clawback. They're going to go to the justification and it says lost revenues, extra expenses and they're going to go to the hearing and they're going to hear everybody talk about how they made money. The difference between you and North Platte is North Platte is using theirs for sewer, which is an eligible use underneath the Final Rule. It's clear: sewer and water projects, as long as it's not to increase capacity for population growth, is eligible. I don't want to do this.

HUGHES: One minute.

WAYNE: I'm just asking for the body to figure out how we do it otherwise, we're going to get clawed back. And usually a clawback comes with penalties so it won't be we lose \$10 million, we'll lose \$10 million plus. And if the subrecipient is that small producer who gets \$1 million to expand or \$500,000 to expand, then you're going to have to go tell him give the money back to the IRS or they're going to put a lien on your property. I don't want to do that, either. Thank you, Mr. President.

HUGHES: Thank you, Senator Wayne. Senator Ben Hansen, you're recognized.

B. HANSEN: Thank you, Mr. President. I think Senator Wayne brought up a point about-- you know, I have a, I have certain lockers in my district: ACS Lockers [SIC] is out of West Point, Oakland-- who I use very often-- Oakland Meat Processing, and Blair Meat Market, who I also use as well. And from my understanding, especially when I talked to them, a lot of them, because of the size of the locker and, because of the facilities and because of where they're at and infrastructure, the biggest thing that they have a lot of times a problem is, is with sewer and runoff. I think they have a hard time getting, getting connected because of the amount of waste that they have and meeting certain rules of the city or the county and that would not so much be, like, an expansion of their businesses. It's more to help facilitate

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the process of them going with, with disposal, I guess. I did have a couple of questions for Senator Brandt if he would yield, please.

HUGHES: Senator Brandt, will you yield?

BRANDT: Yes, I would.

B. HANSEN: Just briefly, do you think you could rei-- reiterate the specifics on who is eligible for these funds if this is passed?

BRANDT: Right. When the program was written last year, there was a \$2.5 million cap on sales and, and 25 total employees. That may not be broad enough to include most of our lockers-- not most, some of the lockers in the state. We would certainly look at bringing a change on Select and working with people to change that to make sure that all of our meat lockers are included.

B. HANSEN: OK and I think that would-- question is, would there be, potentially be some maybe medium to upper medium-sized lockers? Not so much the larger ones that would, that might be left off because of the constraints of the bill. And I think you answered that appropriately, and I, and I appreciate you all starting by me on Select so that can kind of be addressed, but, I appreciate Senator Brandt answer my questions. So with that, I'll yield the rest of my questions, rest of my time back to the Chair. Thank you.

HUGHES: Thank you, Senator Ben Hansen and Senator Brandt. Senator Dorn, you're recognized.

DORN: Thank you, Mr. President. I've been listening to the conversation a little bit. Senator Wayne's comments and Senator Brandt's comments. Did pull up in the Governor's proposed budget and his proposal for the ARPA funds. I want to read what he did for the small and medium meat processor, and this is basically the same proposal as Senator Brandt's and just included some wordage in there so that we get the right wordage in it there for the ARPA funds. The recommendation the Governor had included \$10 million in '21, '22 to assist small and medium meat processors across the state, and also in that was a little bit of funding to conduct 125,000 conducted dairy industry study. Meat processors assistance will be used to upgrade equipment and facilities to accommodate increased demand for processing. Throughout the pandemic, supply chain issues affected small and medium meat-packing plants when larger meat-packing plants closed. Included in the recommendation was \$125,000 for the dairy study. In Nebraska, livestock producers were diverted to smaller

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processors causing significant backlog in animal processing. This, in turn, affected Nebraskans by not having quality meat on the shelves at the stores. Businesses were forced to have employees work overtime to handle the increased need for processing, also putting a strain on existing equipment in the plants. Here's the ARPA guidance provided under the question and answer, Section 2-17, page 10 and this is the Governor's response: In providing assistance to small businesses, recipients must design a program that responds to the negative economic impacts of the COVID-19 public health emergency, including by identifying how the program addresses the identified need or impact faced by small businesses. This can include assistance to adopt safer operating procedures, whether periods of closure or mitigate financial hardships resulting from COVID-19 public health emergencies. I would also like to comment, and I know Senator Brandt has a little bit, when we were going through the COVID-19 issues that we had, many of the, I call it, the large packing plants we have in the state had COVID issues. They had downtime. We had a backlog of animals. We, in the state of Nebraska, also had animals that were, I call euthanized, that we could not process. When the small packing companies that we had in the state of Nebraska, they were deluged with excess demand for that product. A farmer out there doesn't want to euthanize a livestock. Sometimes that's the only thing we had left. They would like to and they wanted to, they wanted to have these animals processed because they could not get them in the big packing plants. When we raise cattle, when we went to our small processors, we go to three, four or five different ones, they had more than a year backlog. They did not have the capacity to meet that demand because of closures in other areas. That demand is still there today. If you want to go out there and try to schedule something today, you look at at least a six-month time period. Several of these, when they came in front of us with the bill, commented that that's still a 12-month wait period out there. We do not have the capacity. I refer to what the Governor said, to address the identified need of impact faced by small businesses, which was these packing plants--

HUGHES: One minute.

DORN: --they had the demand and they could not address it. This is-- Senator Brandt brought his bill a year earlier. This helps the funding of that bill and solves an issue that we had because of COVID. Thank you.

HUGHES: Thank you, Senator Dorn. Senator Brandt, you're recognized.

BRANDT: Thank you, Mr. President. Senator Wayne is focused on the fact that the meat lockers made money. Of course they made money. They charge to do this service. What we're focused on is the entire food chain. If you take the meat lockers out of the equation in the state of Nebraska, you're going to euthanize these animals for no productive capacity. He mentioned federal programs and I get this from the Center for Rural Affairs. I quote, federal programs have disappointed. The meat and poultry inspection readiness grants are not available to USDA inspected facilities or those that do not want to become USDA inspected. The second program will invest \$150 million in only 15 projects nationwide. The majority of those listed on that handout are lockers. They are non-USDA inspected facilities. Without this program, they won't have any access to any grant money to make some improvements. So I guess the last point I'd like to make is that we're willing to change some of the criteria on the IPAP, the Independent Producer Assistance Program, between now and Select. Thank you, Mr. President.

HUGHES: Thank you, Senator Brandt. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. So as I, as I listened to Senator Wayne talk about whether things qualify or not, and I understand where he's going. I mean, he's talking, this assistance that we're talking about should have gone to the cattlemen who actually raised the cattle that were headed to the slaughter plants. And I will tell you, and I love the small meatpacking plants that are scattered all over the state, but I will say that they did not increase any capacity. They were already most of them operating at capacity. There was just no way that they could increase enough to take up that slack of the big plants slowing down or shutting down. So there wasn't an option there. And in the end, the market will dictate how much chain space we have for the livestock slaughtering industry. If you overbuild and have empty chain space, you will have margins that get tight and packers, maybe the small ones will end up closing down. I look at this and I'm a little bit torn by this because of the small processors that are out there did make record profits during this time because just like my meat locker, they were working as many hours as they could get in. They were booked a year and a half out at times. They're still busy and so I don't think they were impacted. And when we're looking at the ARPA funding here, I see nothing in that for the small businesses that did close. We're not talking about the small restaurants out there that shut down because they couldn't make it. They're the ones that lost revenue. There's numerous industries in the state that lost revenue. Others that had no economic impact at all still had the PPP loans that they took. And so they weren't impacted at all, either. But

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these small businesses, the small restaurants and the small towns that had to close down the restaurants and downtown Lincoln here that still haven't reopened. Those are the ones that were impacted by COVID. So this is a tough subject here for me because these businesses were not impacted. And with that, I will yield the rest of my time to Senator Wayne.

HUGHES: Senator Wayne, 2:30.

WAYNE: I want the 20 seconds you delayed me right now. (LAUGHTER)

HUGHES: It was 11.

WAYNE: So thank you, thank you, Mr. President and Senator Friesen. Again, this is not something I want to do. I only raise this because I went through the book multiple times. And so if you turn to page 21 of the summary of the rules, impact of small businesses is decreased revenue, financial insecurity, increased cost, capacity to weather financial hardships and challenges with covering payroll. And what Senator Dorn read was the interim rules, not the final rules, because there's been a lot of changes to interim rules. And yes, we can provide grants to cover the cost of retaining employees, rent and utility everywhere else. Senator Brandt, what I'm going to pass out, they're making copies right now is, here's the other reason why I don't believe this qualifies. In the ARPA bill itself in Section 1,000, food supply chain and agricultural pandemic response. They set aside \$4 billion for the meat and poultry process expansion program for this industry in the ARPA bill. So if you think about that, if they thought this industry was-- not talking about Congress, they thought this industry was impacted, why would they set aside extra dollars for ARPA in the same, for the meat and poultry in the same bill? My point is the industry wasn't, wasn't hurting from a financial standpoint--

HUGHES: One minute.

WAYNE: --but as a whole, the supply chain was. So Congress passed additional funds to expand those capacity, which is one of the problems we have in the state of Nebraska is we don't go after a lot of grants. I've said that multiple times. We need to have somebody in Nebraska who just focuses on grants because this is a grant we can apply for and we can get some dollars. I'm just concerned because of how the sub-recipient language reads that a small processor will get a clawback. That is my biggest concern. That could ultimately bankrupt one of those small processors. And yes, we can document, document,

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document, but at the end of the day, there has to be another way where we know there's not a question. There's so many of these that aren't questionable. This one raises a lot of questions because they didn't lose money according to their own testimony. Thank you, Mr. President.

HUGHES: Thank you, Senator Wayne. And you are next in the queue and this is your third opportunity. You have 5:11 [LAUGHTER].

WAYNE: Thank you, Mr. President. Again, I think we could figure out a pathway forward. I'm willing to support the current amendment. I think it clears up some things, but I do have an amendment that will come later this evening. I hope to get a couple of hours in between here to meet with people to try to figure it out. If you talk to the Fiscal Office, if you talk to anybody who's read a lot of the rules when it comes to what's, what-- about how you're supposed to distribute these funds, there are many in this book that are cut and dry. Even, even giving the money over into Wyoming to do construction, there is actual language that allows that to happen and the agency to do it. This one is very questionable and, and the problem I have with it is if at the hearing, after hearing if they demonstrated financial losses, at the hearing if they demonstrated they have to retain employees or do something, that's fine. But we're going to pass a bill with \$10 million, not sure if anybody qualifies. Now, Senator Erdman told me he's not going to vote for LB1024 at all until we figure out where it's going, how it's going to get done and everything else. We don't have those answers here. We're going to give it to a department, by the way, they came in and testified pretty high on some bills a couple of years ago, but we're going to give it to a department, have them create rules in the hope that the small processors can access this money. We have three years to spend it. Well, 2022, we have four years to spend it. Two years to allocate it. I don't want to have to come back next year and have a ARPA fight. We can be-- we have \$200 million on the floor. We have \$1.3 billion and some change in cash. I hope we can find \$10 million to expand our capacity when it comes to meat and poultry and dairy production in our state with these small processors, but I just hope we can do it the right way. And with that, I'll yield the rest of my time to Senator Brandt.

WILLIAMS: Senator Brandt, you're yielded 2:45.

BRANDT: Thank you. Thank you, Senator Wayne. Thank you, Mr. President. When the Appropriations Committee had their initial ARPA hearings, they had a worksheet that everybody filled out before they went into the hearing and it was a checklist and they asked five questions. And I'm going to start reading this and if I need to, I'll clock back in.

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And the first question is, what is the class that experienced the impact, identify the class individuals, small businesses, nonprofits or industry? Answer. Every sector of the beef cattle industry and cattle producers in every state have been significantly impacted by COVID-19. The beef cattle industry qualifies for both small business, as well as an impacted industry. Question number two. What harm did the identified class suffer due to COVID-19, such as revenue or employment loss? Answer. The beef cattle industry and beef processing industry saw revenue and employment losses. Third question. What was the magnitude of the harm and what data demonstrates this? Answers. The total beef cattle industry impact of COVID-19 is an estimated loss of \$13.6 billion in total economic damages, as a result of \$9.2 billion in total revenue loss across 63 million animals. Second part. The average economic and revenue loss per head is \$216 per cow and \$146 per head of fed cattle.

WILLIAMS: One minute.

BRANDT: Third part. These impacts include \$8.1 billion loss, \$3.7 billion direct revenue loss, \$4.4 billion breeding herd asset value loss to the cow-calf sector, representing 59.7 percent of total impact, \$2.6 billion loss to the stock or backgrounding sector, representing 18.2 percent of total economic loss, and \$3 billion loss to the feedlot sector, representing 22.2 percent of total economic loss. Fourth part. At the height of the pandemic, the U.S. Department of Agriculture found that approximately 40 percent of domestic beef processing capacity was not operational. The fourth question. Explain how the response is reasonably related to the harm. Answer. Strategically placed regional beef processing plants would be well-positioned to increase Nebraska's beef supply chain resiliency in the future.

WILLIAMS: Time, Senator.

BRANDT: Thank you, Mr. President.

WILLIAMS: Thank you, Senator Brandt. Seeing no one in the queue, Senator Brandt, you're recognized to close on AM2444.

BRANDT: Thank you, Mr. President. And I will continue. By expanding processing capacity and diversity, provide more options for cattlemen and women to market their cattle when existing capacity is slowed or stopped for reasons like a pandemic. Fifth question. Explain how the response is designed to benefit the impacted class and proportionate to the harm suffered. First part. Small and medium-sized processors

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are an important component of the livestock protein supply chain, but they also provide economic opportunities in communities across the state. And the second part. Providing grants to assist them to replace equipment, expand capacity or potentially achieve a grant of federal inspection as necessary and welcomed by Nebraska's agriculture sector. This was the worksheet that the testifiers filled out. This is what the Appropriations Committee looked at and approved. So with that, I'm going to wrap up. I would encourage everybody to vote for AM2444. And if we've got some issues, we're more than happy to work on them between now and Select.

WILLIAMS: Thank you, Senator Brandt. Members, the question is, shall the amendment to the committee amendment to LB1014 be adopted? All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays on the adoption of Senator Brandt's amendment.

WILLIAMS: The amendment is adopted. Mr. Clerk, for items.

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

WILLIAMS: Thank you, Mr. Clerk. Next amendment.

CLERK: Mr. President, Senator Murman. Senator, I have LB2476 with a note you want to withdraw that. That was earlier. Senator Murman would move to amend with AM2544.

WILLIAMS: Senator Murman, you're recognized to open on your amendment to the committee amendment.

MURMAN: Thank you, Mr President. Good afternoon, colleagues. I wish to acknowledge Senator Stinner and the Appropriations Committee for their hard work on the budget and the multitude of requests for ARPA funding. I would also like to thank Speaker Hilgers for scheduling AM2544. The COVID-19 pandemic that we have experienced over the past several years revealed many problems in Nebraska, one of which is the critical health care needs we have had and continue to have in the state. I rise today to offer AM2544 to AM2330. This important amendment would ensure that \$10 million of over \$1 billion in ARPA funds would go to the workforce most acutely impacted by this pandemic. I am especially happy to be offering this amendment based on the compromise between the impacted groups that brought us to this amendment. As we know, the COVID-19 pandemic, pandemic has taken a heavy toll on health care providers who have been on the front lines of the pandemic. We, as a state, need to invest in initiatives that

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would immediately strengthen Nebraska's health care workforce, especially in rural Nebraska, and AM2544 would help us to do that. In the Health and Human Services Committee, we heard a study from the Nebraska Center for Nursing that shows that our state will experience a shortage of 5,435 nurses by the year 2025. We know this number is only going to get higher. As of today, there are 7,247 open nursing positions in Nebraska. 60 percent of Nebraska's counties have been deemed medically underserved. Excuse me, 66 percent of Nebraska's counties have been deemed medically underserved. Every single county, except for Douglas and Lancaster, have been designated as shortage areas for at least one type of physician primary care, and nine counties in Nebraska have no registered nurses. Therefore, colleagues, I'm asking you to adopt AM2544 to appropriate funds to two key initiatives to strengthen our health care workforce across the state. AM2544 provides \$5 million for nursing scholarships as contained in LB1091. Nebraska must immediately begin to rebuild our health care staff. In 2021, nursing programs in Nebraska had hundreds of unfilled seats in associate degree, diploma and certificate nursing programs. These ARPA funds can give Nebraska the opportunity to fill these spots by removing financial barriers. These graduates could be in our workforce in two years or less, depending on the type of nursing program. And number two, AM 2544 also appropriates \$5 million for rural health professional student loan repayment, as contained in LB1269. This request is down 50 percent from the bill that I introduced in front of the Appropriations Committee. The Rural Health Systems and Professional Incentive Act is an existing program housed at DHHS, which has shown to be effective at retaining health providers in rural areas. Providers must make a 3- to 4-year commitment to remain in a rural health shortage area. Over the last several years, this program has had a waitlist due to the lack of funds showing the demand is there by providers to help the state reduce the rural health provider shortages. The program is open to physicians, physician's assistants, nurse practitioners, dentists, pharmacists, psychologists and other mental health professionals, all of which are needed across our state. My amendment would be paid for by making a partial reduction in the money allocated to ARPA fund administration, taking \$10 million from the \$20 million designated in Section 28 of the committee amendment. The Governor's budget requested originally-- request originally asked for \$15 million to administer the ARPA funds, and totaled, the Appropriations Committee recommended \$25 million. So this amendment would bring, would simply bring the amount back to the amount requested in the Governor's ARPA request. I firmly believe that these requests qualify for ARPA funding as supporting the public health response to the pandemic. They address support for vulnerable

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populations, enhancement of healthcare capacity, as well as behavioral health care in Nebraska. This amendment directly affects the critical health care needs in Nebraska now. These ARPA funds should be used to support our state's healthcare workforce. Inaction on these issues will leave us with an incredibly vulnerable and depleted healthcare workforce struggling greatly to meet the existing healthcare needs of Nebraskans. I respectfully ask for your advancement of AM2544 to the committee amendment, AM2330, to LB1014. Thank you.

WILLIAMS: Thank you, Senator Murman. Senator Linehan, you're recognized.

LINEHAN: Thank you, Mr. President, and I rise in full support of this amendment, I think it's critically important. At this point it wasn't in the committee's amendment, but I have a question, one, how we're paying for it because that's changed because this was not the amendment filed this morning. So we changed how we're paying for it. So-- and I think you just explained that, and I'm not going to have any questions for you, Senator Murman, I'm just going to have questions-- kind of the bigger picture question here. So we have a nursing shortage and we also have a rural healthcare workforce shortage and we know it is borderlining on crisis. And we're doing \$110 million, well, excuse me, \$55 million in premium pay for nursing homes. Also, because I think they have a workforce shortage. So I guess my question is, are we sure that \$5 million for each of these programs is enough? It seems to me that if we're short on nurses and this isn't something you can snap your fingers and fix like in a day or two. Nurses. I mean, it's a tough program. I've got a daughter who's a nurse. It takes four years of school, so I'm just questioning whether in fact, \$5 million is enough. And I'm also questioning if we want a healthcare workforce in rural Nebraska, is \$5 million enough? I mean, when you go to college and you're-- have a lot of smarter children, and daughter and son-in-law's than I am, they're all in healthcare. Not all of them, but a couple of them have very, very significant student loans. And when you go to undergrad and you borrow money and then you go to grad school and you borrow money, you can be talking \$100,000 in student loans. So if we want people in rural Nebraska in healthcare, I don't think \$5 million is going to be enough to like-- if we're really trying to solve a problem like we were. This is crisis. We need to solve it. And we got \$1 billion here, is \$10 million enough to solve that problem? Thank you, Mr. President.

WILLIAMS: Thank you, Senator Linehan. Senator Arch, you're recognized.

ARCH: Thank you, Mr. President. I want to talk about the underlying issues that Senator Murman is trying to address with this amendment. First of all, both of these bills were heard in the Health and Human Services Committee, so it was a little bit different than what some of the other, some of the other bills that went straight to Appropriations. Both of these bills were heard in the HHS. LB1091, Senator Dorn brought that bill regarding nursing incentives, and Senator Murman brought LB1007. Both of those were appropriately referenced. LB1007, Senator Murman's bill, was really a statutory change necessary to accept the dollars. The loan forgiveness program that is being, that is involved here is in existence, but it requires a match, a local match. And so there was some statutory language that opened it up that if the federal government does not require a match, which it does under the other loan forgiveness program, that they're able to dispense these funds. So we needed to hear the, we needed to hear the issue and hear the bill. But as part of that discussion, of course, we, we dived a little deeper into the issue of, of shortage of physicians, in particular in the rural areas. What was interesting was-- I'm losing track of my days, might have been yesterday morning. We had several Gubernatorial appointments in a hearing for the HHS committee. We're still working on those and two of those were specific for the Rural Advisory Commission. So we asked them, not that, not related specifically to this, but we said, well, if there was one thing that you could do to help attract more physicians to the rural communities, what would you do? And both of them independently said loan forgiveness. So Senator Linehan referenced \$100,000. You might double that and in some cases, triple that for some of the loans that are being incurred by physicians-in-training, particularly in private schools or wherever, by the time they're done with specialties. And they are needing to address that issue now, that's what makes it very competitive to recruit physicians into the rural communities because, as was explained to us even yesterday morning, Kansas, South Dakota, other states surrounding us are putting together packages and they are described as packages. So it's not just salary, but this piece of loan forgiveness is extremely important to attract and retain somebody in the community. So that being said, I strongly support that. The nursing incentive piece of this, which is what Senator Dorn's bill was in LB1091, we spent quite a bit of time talking about that because one of our concerns was that, that the nursing schools are full. That's what we had heard. And in particular, it's difficult to recruit faculty for the nurse training. So we ask that they go back out and actually query the nursing schools and see are-- do we really have openings in the nursing schools or are they already full? So obviously, if we have scholarships put into it and they're already

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full, that's not accomplishing anything. Here's, here's what we found out-- in 2019 to 2020, and there were, there were 12 nursing schools responding to this. Five out of the 12 nursing programs did not admit to full capacity in '19-'20 school year. Four programs responded, out of those five, that they had 80 to 40 percent of their seats remaining open. So in 2020-21, six out of six programs did not admit to full capacity, with six programs responding that they had 11 to 42 percent of their seats remaining open. In 2021-22, seven out of 12 did not admit to full capacity. With seven programs responding, they had 10 to 42 percent of their seats remaining open. And so we dove a little deeper and wanted to make sure that it wasn't a matter of, of not having the faculty and, and found out, discovered that it absolutely is true--

WILLIAMS: One minute.

ARCH: --that we need to attract students into those programs and one of the best ways to do that is the provision of scholarships. So with that, I lend full support to what Senator Murman is trying to do here with LB2544. The need is there. The question that Senator Linehan raised about is it enough is a different question, but certainly what he has proposed here is, is very appropriate and valid. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Arch. Senator Jacobson, you're recognized.

JACOBSON: Thank you, Mr. President. I really want to echo the remarks of Senator Arch and Senator Linehan. I would agree, Senator Linehan, the answer that I would have to your question is no, that it's not enough funding. This is a-- certainly an acute problem. I sit on the board of Great Plains Health in North Platte. I can tell you that we're short of nurses. We continue to be short of nurses. I can tell you that we look at the nursing home problem in my district. I've got the town of Mullen up in Hooker County, town of 500 people. Their, their nursing home facility is closing. They're closing because they can't get people and their provider rates aren't sufficient. And we've got, we're going to see more and more of this until we can address two problems. Number one, available professionals and proper reimbursement and payment. I can also tell you, having been on the board in North Platte, looking at our nurses, they do great work, but I can tell you they're burning out because COVID was really hard on them working with people in the conditions they were working in them and seeing those people die. You can only take about so much of that. So I really applaud the nurses throughout the state that have done, and for that

matter across the country, have done yeoman's work in trying to work us through the pandemic. But I can also tell you that when it comes to compensation, we're finding today that our nurses, in many cases, can go to Houston, fly down there for a week and make in a week what they make in a month back here in Nebraska. That's also a problem. We're seeing that with other professionals around the state, I.T. and other, other things as well. But when we start looking at nursing, this is critically important, we all want quality health care and we're not going to get it if we can't continue to keep those nursing ranks filled and then retain the nurses when we get there. So I think it's something we're going to have to continue to address going forward. Yes, I'm concerned about funding with one-time dollars and something that may be ongoing, but quite frankly, we're going to have to be prepared to subsidize this on into the future, I think, because this isn't a problem that's going to go away anytime soon. This healthcare thing continues to be a big deal, and I think we need to just continue to be focused on that. I think this is a great start, but we need to keep moving forward. Thank you.

WILLIAMS: Thank you. Senator Jacobson. Senator Dorn, you're recognized.

DORN: Thank you, Mr. President. I wanted to get up and talk a little bit. This one part of this bill is LB1091, which brought in the hospital associations and then brought this bill to me about the scholarships for nurses. Really want to thank Senator Murman for his work that he's done on bringing this bill to the floor and the funding part of this. And I thought Senator Arch explained it very, very well. This bill was not in Appropriations Committee. This bill was brought to Health and Human Services Committee. They did a lot of work at looking at this bill and looking to make sure that we had this critical need, which I think Senator Jacobson just talked about with nurses, that we have with nurses in the state and that we have with nurses, a lack of enough nurses entering the program to keep our nursing situation in Nebraska at full capacity. COVID brought about many issues and one of those issues was the tremendous stress and tremendous impact it had on our nurses, on our doctors and everybody else in the healthcare profession. This is one of the things that the, the people that brought this bill to me wanted to help work through was that nursing situation that we are facing not only today, but in the future. I have some data that shows in, in another four or five years, we will be short 5,000 nurses in the state of Nebraska. What my bill does, it is \$2,500 a semester for a student that is in certain nurses programs, and they also have to make a commitment that they're going to stay in Nebraska for two years. If they accept these funds,

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they now have to stay and work in Nebraska upon receiving a certain level of degree that they will make that commitment to stay in Nebraska and work a minimum of two years. So I think that's critically important as we face here in the state of Nebraska the nurse-- nursing situation that we do. That we do some of these funding for programs not only for the loan forgiveness, but also for the part about encouraging our young people to enter this profession. Very much appreciate what Senator Murman has done and bringing this to the floor and in full support of AM2544, and thank you.

WILLIAMS: Thank you, Senator Dorn. Senator Day, you're recognized.

DAY: Thank you, Mr. President and good afternoon, colleagues. I rise in support of AM2544. I sit on the Health and Human Services Committee and was in the hearings for these bills, and so I just wanted to stand up and lend my support to Murman's amendment today. We've all heard about the workforce shortage crisis that is impacting Nebraska and that crisis is especially acute in the healthcare setting. This amendment would direct \$10 million to address the needs of shoring up our healthcare workforce that has been extremely impacted by the COVID pandemic. \$5 million would be directed to address the extreme shortage of nurses in Nebraska by supporting nursing scholarships. Seventy-three of Nebraska's 93 counties have less than the national average ratio of registered nurses to patients. 66 of Nebraska's counties have been deemed medically underserved. Nine counties in Nebraska have no registered nurses, and four counties have just one registered nurse. The nursing shortage affects both Nebraska's physical health and its economic health. Lack of care impedes the ability of communities throughout the state to attract and retain residents and the businesses that employ them. The issue has only become more exacerbated during the pandemic. By offering scholarships, we will help to incent students to train in this profession and quickly join our healthcare workforce. The second part of the amendment would direct \$5 million for rural health professional student loan repayment. The Rural Health Systems and Professional Incentive Act has been demonstrated as an effective tool for retaining health providers in rural areas. The program is open to physicians, physician's assistants, nurse practitioners, dentists, pharmacists, psychologists and other mental health professionals, including licensed mental health practitioners, alcohol and drug abuse counselors, child and adolescent psychiatrist and general psychi-- psychiatrists, all of which are desperately needed across our state. Providers must make a multi-year commitment to remain in rural, in a rural health shortage area. This program has had strong demand, and more funding would draw more providers to serve the needs across the

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state. In my mind, the redirection of a small amount of funding to specifically address our healthcare workforce shortage needs make sense as we consider allocation of dollars designed to respond to the pandemic. And with that, I urge your support of AM2544. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Day. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. I just wanted to, you know, we've heard the story of the nursing shortage and I wanted to relay a little bit about Metro Community College and my visit with them in the, in the recent past and then today again, I saw them out in the lobby and they, they-- I asked them about the nursing shortage, and they said that they have turned down-- they had a waiting list to get into their nursing program of, I don't know, around 100 students. And what the problem was is they couldn't get their students to do the clinicals in the hospitals. So again, you're hearing stories now of different colleges, I guess. And if you want to look at probably where the students are going, they're going to the community college because it's a lot cheaper. That's what my assumption is. Those classes are booked, they're full, but they're turning them out so fast that the hospitals won't accept these students to do their clinicals so they can't get the jobs just yet. So when we say that there's this big nursing shortage, why is that? This isn't going to help solve that problem other than it'll fill up the more expensive classes that are out there. I think in the end, we need to look at our whole education system, our whole community college system, our whole university system, K-12 and make sure there isn't overlap or duplication where things aren't happening, where they could be happening. If you got Metro Community College saying they have a waiting list and others are empty, what does that tell you? Does that tell you we need to subsidize the inefficient ones that cost way too much? Or do we decide-- need to design more programs like Metro, who is offering this service at a cheaper rate and have a waiting list of people to get into that class. Their problem is the hospitals aren't accepting these to do their clinicals. So we have nurses that are trained that can go to work but can't take their clinicals because someone is not letting them on board. So we need to be careful and ask more questions sometimes to see once just who is not having classes full. Is it the university? Is it-- I don't know who offers these programs, but obviously Metro is doing something right. They have a long waiting list. And if these others don't have a waiting list, maybe it's a cost issue. Maybe it's a time issue. Maybe Metro has found a way to educate these kids and get them into the clinicals faster. So I think we need to ask some more questions sometime before we rush and do something

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and in the end, maybe we have an overlap of services that maybe is not needed. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Friesen. Seeing no one in the queue, Senator Murman, you're recognized to close on your amendment to the committee amendment. Senator Murman waives closing. Members, the question is, shall the amendment to the committee amendment to LB1014 be adopted? All those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 37 ayes, 1 nay, Mr President, on the adoption of Senator--

WILLIAMS: The amendment is adopted. Speaker Hilgers for announcement.

HILGERS: Thank you, Mr. President. Good afternoon, colleagues, I want to give you update on the next two amendments that we're handling. The first one is AM2543, which is Senator Blood, and the one after that is AM2552, AM2552 from Senator Wayne. Thank you, Mr. President.

WILLIAMS: Thank you, Speaker Hilgers. Mr. Clerk.

CLERK: Mr. President. Senator Blood-- we're going to withdraw LB2491, right, Senator? That was the earlier one.

WILLIAMS: Withdrawn.

CLERK: OK, thank you. Senator Blood would move to amend with AM2543.

WILLIAMS: Senator Blood, you're recognized to open on your committee amendment, or your amendment to the committee amendment.

BLOOD: Thank you, Mr. President. Well, Senators, friends all, I bring forward AM2543 because we have known for decades about upcoming worker shortages across pretty much every employment sector in Nebraska and have frankly responded with ultimately have been Band-Aids on this particular issue. Our healthcare workers, our child care workers, our front line workers, our school support staff and teachers, the list is long of those who deserve to be seen and heard when it comes to recognition, especially during the pandemic. We all know the importance of education. We've heard Senator Lowe remind us on the mike this year that when you give a man a fish, he will eat for a day but teach the man to fish and he will eat for a lifetime. We know in Nebraska how important education is to the future of our economic development and like Plato once wisely said, if a man neglects education, he walks lame to the end of his life. In other words, Nebraska knows the real value of human capital when it comes to

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education. But the recent pandemic has oddly cause some to make our educational system the bad guy. Now, I'm a firm believer that parents are and should be our children's first teachers. But ultimately, most Nebraskans entrust their children, our state's future to our teachers. But the future looks grim for this profession. At the start of the pandemic, more than a 1,000 Nebraska teachers left the state's two largest school districts since the pandemic began. During that time, our Governor was asked to provide \$1,000 bonuses from the federal American Pandemic Recovery Act funds, allowing for more potential for planning for teachers and additional family leave if needed for COVID-19 exposure. And so when that became unfunded, when that did not happen, I brought forward LB696 to appropriate funds to aid in the retention of teachers and school support staff. Unfortunately, like many other bills, it was not funded. And so that brings us today to this amendment. And the question that I have for you today is if you are willing to vote green to help me show that we value our educators over sewers. Do you value a quality education for the 90 percent of our school-aged children who actually attend public schools in our state? We have one of the best public school systems in the United States. High graduation rates, solid average test scores, high levels of proficiency in math and reading, but the average starting salary for teachers in Nebraska is \$35,820, which makes us 47th in the United States for salary. The education pay gap is 82 percent, compared-- 82 cents compared to other professionals with the same education and years of experience. Our teachers are stressed. Our teachers are exhausted. Our teachers are exasperated, underappreciated, underpaid. Teaching is a noble profession, yet we don't pay them as such. We have funds, millions of dollars of funds. I support our efforts to lift up all of our frontline workers touched by COVID, our healthcare workers, our first responders, our child care workers, school support, our private school teachers and our service workers [INAUDIBLE] ask today is to lift up approximately 24,000 public school teachers, specifically full-time certificated personnel. We can do this by reallocating the funds from AM2330 for \$20 million in federal ARPA funds. That's an average payment of \$830 per teacher. We have an opportunity today to decide if we prioritize our educators over sewers, sewers that could come out of our own cash fund, by the way, or will we look to Nebraska's future and show support to this one-time grant program that will be allocated by the Department of Education for schools across our state in support of our teachers? So I'm going to ask you to please vote green today and help me, and there's nobody on this floor. I hope people are actually listening-- and help me show support for Nebraska's educators, and I would like to add that I would welcome amending in our private school teachers as well if we can find

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the additional funding or potentially even share the funding between General and Select. With that, I would ask for your green vote. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Blood. Debate is now open on AM2543. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President, and good afternoon again. So I see that Senator Blood is striking the funds for the Section 48. Section 48 was one of the last ones, a wastewater treatment for the State Fair. Is that correct? So where do you propose the State Fair should get their money to do their wastewater treatment?

WILLIAMS: Senator Blood, would you yield?

ERDMAN: Would you yield, Senator Blood?

BLOOD: Yes, I would be happy to yield. As I said in my introduction, I think there's money there in the General Fund for that, and that's probably a more appropriate place for that money to come from.

ERDMAN: So you're making an assumption that this would qualify under ARPA, your bill, your amendment?

BLOOD: Yes, based on the hearing that we had, yes.

ERDMAN: And you said there's 24,000 teachers, we had \$840 each.

BLOOD: Basically that's what the math adds up to.

ERDMAN: OK. But I think you also said that it was for, did not read it was for all employees or was that, was I mistaken on that?

BLOOD: Yeah, it's for anybody who is certif-- I always forget how to say that, certificatefied-- well, it's not certified. It's like an extra syllable in it. So, so yeah, those that are, we'll say, certified, but that's not the word.

ERDMAN: Just for the certified teachers.

BLOOD: Yes.

ERDMAN: OK. No paras, none of the other employees.

BLOOD: No, actually my first bill did include support staff, and unfortunately, I just don't think that fiscally I can do that.

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ERDMAN: So what was your bill number? You remember?

BLOOD: I said it in my presentation, so I have it here, hang on. LB696 was my original bill.

ERDMAN: LB696, OK. I remember that bill there. So thank you for answering those questions.

BLOOD: My pleasure.

ERDMAN: I am not in support of, of taking the money from the State Fair Water Treatment Project. I think that that, that is something that needs to be done out there. I think it's important that we do that and I'll be in opposition to LB2543. Thank you.

WILLIAMS: Thank you, Senator Erdman and Senator Blood. Senator Linehan, you're recognized.

LINEHAN: Thank you, Mr. President. I appreciate very much what Senator Blood is trying to do here, and she's absolutely correct when she talked about starting teachers and their starting wage. And in Education Committee-- and Senator DeBoer and Senator Walz and I've worked on a bill that hopefully when we get to General Funds, we'll be able to find the money to do to help beginning teachers. But my question on this is, and I've got three different sheets here and they have three different numbers, but in the yellow book the appropriators handed out, it says that Nebraska elementary and secondary school emergency relief funds were \$546.3 million. And then another group gave me a sheet that said Nebraska's public schools have received in federal relief \$776.2 million. And then the final one I've got here says that public schools in Nebraska since the COVID has begun almost two years now, the public schools in Nebraska, K-12-- and I think this is pre-- well, there's, I don't know if pre-K goes in this or in the child care money, but K-12 has received, this is a big number, \$999,795,411. So they've either received 75 percent of what we've received in this bill that we're talking about, a billion, or they received 99 percent, 99.9 percent, the same amount of money we've received here in the ARPA bill. So my question is, and I'm not going to-- you can respond, Senator Blood, when you get back up again, but my question is, what are they, what are they doing with the billion dollars they got and why aren't they giving their teachers premium pay out of the billion dollars they already received? Thank you, Mr. President.

WILLIAMS: Thank you, Senator Linehan. Senator Walz, you're recognized.

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WALZ: Thank you. Thank you, Mr. President. I stand in favor of AM2543 and just wondering if Senator Blood would ask, answer, yield to a question.

WILLIAMS: Senator Blood, would you yield?

BLOOD: It would be my pleasure.

WALZ: Thank you, Senator Blood, and thank you for bringing this amendment. Why, why, why did you decide to bring this amendment?

BLOOD: Well, because I didn't have success with the bill for a starter.

WALZ: Sure.

BLOOD: You know, I don't think there's anybody in this body that doesn't know a teacher. And the one thing that I've seen over the last two and a half years is that there are so many people here in Nebraska that are in serious pain, PTSD and stress and, and they're just tired. And teachers are one of those groups, and we already heard about the healthcare profession. And I feel that if we are losing teachers in such a great magnitude, we've got to find ways to incentivize them to stay. And I was happy to hear that Senator Linehan is working at maybe getting them higher pay, but all I know is that today they don't have that higher pay. Today they are sick and tired, and they don't think their voices are being heard, and I want to make sure that they know we hear them.

WALZ: Well, I appreciate that. The other thing I just want to make sure of is that you, you would intend to make sure that private and public school teachers would receive this incentive.

BLOOD: Yeah, absolutely. I'm very open to that and I think we have several ideas. It would be my goal to ask people to help me get this through General. This is my promise. And you know, I'm a person of my word and I think it can be done. And it might be that we all have to share the same pot of money.

WALZ: Right.

BLOOD: But you know, I know some people are against this bill because those funds come from the State Fair sewer update. And I empathize with that, but there is money in the General Fund for that. There's not money in General Fund for this.

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WALZ: All right. Thank you, Senator Blood.

WILLIAMS: Thank you, Senator Walz and Senator Blood. Senator Aguilar, you're recognized.

AGUILAR: Thank you, Mr. President. Senator Blood, I appreciate what you're trying to do for the teachers. I think that's very honorable. I just have to question where you're trying to take the money from. I think it's important that I point out to you, the project that we're doing in Grand Island at the State Fair originally was a \$25 million project, and that was, what was originally allocated to us, but in the final tally to help in other programs or other programs, they took another \$5 million away from us. So I'm afraid any more money we lose and it's going to wash out this project we're trying to, trying to accomplish at the Fair.

WILLIAMS: Thank you, Senator Aguilar.

AGUILAR: Thank you.

WILLIAMS: Senator Erdman, you're recognized.

ERDMAN: Thank you again, Mr. President. So when we had-- the department was in and testified and I asked the question, did you get ARPA money? And they said yes. Blomstedt said, yes, we did. I said, what did you do with it? And he said, I'll get you an accounting of that. That's been six weeks ago. I haven't gotten anything. OK. And you heard Senator Linehan explain that the department got, education got almost as much, received almost as much as the state. What did they do with it? No one knows. Well, people, some people know, but we're sure not going to find out. They have plenty of money to give a bonus or whatever they want to do to their, with their teachers if they wanted to. They have plenty of money to teach people to work with hearing-impaired people if they wanted to. They have 512 employees. The Department of Education has 512 employees. What do they all do? I can tell you this, none of them are accounting for what they did with the ARPA money or I'd have gotten a report. So I don't know how you go about shaming them into doing their job and giving you the report you asked for, but it's time for them to come forward and see what they did with the money. Maybe if they showed us what they did with it, maybe we'd feel a little more compassion about giving them some more. But there's no way we can pass LB2543 not knowing what they did with the billion dollars they got. I have a problem with that. They seem to do whatever they want over there at the Department of Education with no supervision, especially from this current Board of Education they

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have. So I would encourage you, if you can, vote twice, no on LB2543. As Senator Aguilar pointed out, they asked for \$25 million for the Fair Board, for the State Fair water treatment, and we trimmed that to \$20 (million). We don't need to take it from the State Fair, and I don't know that we need to give a bonus to the teachers because if the department really cared about their employees, they would take care of them without our help. They have the wherewithal to do that. I don't know if they're listening. Maybe not. And maybe if they are, it won't make any difference. They have plenty of money, more than they need. Thank you.

WILLIAMS: Thank you, Senator Erdman. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. I stand in opposition to AM2543 and I want to echo, I think somebody else has stated here that K-12 received almost a billion dollars in CARES Act money, COVID relief, whatever you want to call it. What are they doing with it? I know a person who-- we talk about the pressure of teacher shortages and everything else. I know someone who has applied to be a substitute teacher here in the Lincoln Public School System. He applied January 10th. He's still not through the process of being accepted as a substitute teacher today yet. It might be another couple of weeks. You're telling me there's a teacher shortage somewhere? Is it created by someone? How can it take that long? I talked to another superintendent from a different school. He said if you were to apply at our school, you'd be at work the next day and they paid a lot more per day for a substitute teacher. A billion dollars in CARES Act money and they can't come up with a program of their own? I would like to know where they're spending it. This is what I'm talking about when we're talking about spending a billion dollars here and when we push things through and we do it at the end of a session when everybody is under pressure, we've got millions of our own money that we're spending on the General Fund, 5 percent some budget increase, and we can't give any money back to the citizens of Nebraska. We're just looking for ways to spend it. I can think of a lot of people who are essential workers. Let's go down a long list of essential workers. We couldn't survive without garbage collectors. We can't survive with a lot of people who had to work no matter what. Yes, some of them had it tougher than others. That's what happens in life. Sometimes it's tough. You got to pull it up and make it work. But when you have a billion dollars of CARES Act money already, how can you even ask for more? We've had businesses that had to close, people went bankrupt, and this is what we're doing with our billion dollars. I think we should save some of it for next year. Thank you, Mr. President.

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WILLIAMS: Thank you. Senator Friesen, Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. I was looking at my notes regarding this, the requests that came to the Appropriations Committee and I believe that we were not given any dollar amount of request. I show a zero asking in the requested amount. I think it was left blank. And so there was no support from the Appropriations Committee for this request. It wasn't a dollar amount for us to consider. And so there was no action taken or else it was, you know, it was not funded. The State Fair Board people and the city of Grand Island people came in telling us about the necessity of the sewer upgrades. I was out there in 2019 at the State Fair and I should have worn boots because there was-- water was pretty deep around there. The drainage system definitely needs help. The city of Grand Island is funding part of this. It's not all state money here. While this would be ARPA money, it wouldn't all be ARPA money. City of Grand Island is also working on the connection to the drainage system. And so I prefer to keep the funding for the State Fair sewer upgrade. The Governor had asked, originally for \$25 million, is what he had put in LB1014 originally. The committee reduced it to \$20 million and I support that amount. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Clements. Senator Blood, you're recognized.

BLOOD: Thank you, Mr. President. So let's unpack some of this. First of all, our teachers are not administration. If you want to punish the teachers for what the administration does, I, I think we're really off course and we're not really talking about what the core of the issue is. And so they want to know what they spent the money on, that's public information. They spent the money on safely reopening schools and sustaining safe operations. And by the way, I found this by myself on my phone within two minutes, addressing the academic impact of lost instructional time. Some of the things we've already talked about were concerns today on the mike and that investing in expanded after school programs. And then they talked about different things they spent the money on, including COVID-19 instruction, making sure people were vaccinated, make sure people were educated on being vaccinated and masked. Whether you agree with that or not, that's where the funds went. I think that when we look at the American Rescue Plan, funds and other funds that went to the schools, those funds, with one exception for summer school teachers, weren't used to incentivize the teachers. Agree with that or not, why are we punishing the teachers because we don't like the actions of administration? I think you have to separate

the two. And then when I look at Grand Island, first of all, I love the State Fair. I've been going since I was a little kid, even after they moved it from Lincoln to Grand Island. It's an infrastructure issue that they should have addressed before they moved us to Grand Island. And the Board for the State Fair has said they're going to make a big profit this year of what, I think over \$200,000, after all is said and done. Not a huge profit, but a decent profit. So it's not like they're going to go in a hole, the hole is the result of what they're doing at the State Fair, but we do know that the city of Grand Island and I respect that they're helping with that and they should be helping with that sewer project because they make a lot of money when we're there for the State Fair. Hotels, restaurants, people there shopping-- it's a good thing for Grand Island and it's an important thing for Grand Island. But you know what's important year round? Teachers. And yeah, I could have chose a different pot to take money from, and I tried actually, but this was the one that made the most sense because they do have other alternatives to get the funds. It's just that we've got this giant honeypot that everybody's trying to get their hands into and yes, I'm one of those people. But I feel that the cause is just and then when you add in private school teachers, we make sure that everybody's voices are heard. And I feel confident we can do that. Senator Wallz and I've been talking about that several times already today. I just-- I don't understand when people are like, what do they do with all their money? The teachers had nothing to do with that. What did they do with all their money? Well, go to the federal website. It shows you what every state does with their money, with their funds, what they promise to do, what it was allocated for. We're all smart people. We can look it up and still use this as an excuse to not give the teachers incentives to stay. And I agree with Friesen, there are a lot of people that deserve to be incentivized for the work that they did during the pandemic. I can't even imagine doing garbage during a pandemic. I'd be really curious to see what their infection rate was. Just like I can't imagine being a nurse during a pandemic. But here's the thing. These teachers work with the future of Nebraska. Like it or not, that's who's responsible for those children's education for 90 percent of our school-aged children. I know some people are not big public school supporters in this body, and I respect that. But I am a big public school supporter--

WILLIAMS: One minute.

BLOOD: --and I am a big teacher supporter and what they have gone through, and the flexibility that they have had to show, and they were hurting before the pandemic, I think this is a very small ask and I really hope those that oppose it would reconsider because many of us

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vote for things that we don't necessarily love, but we know it's for the betterment of the part of the state that you live in. This is for the betterment of the entire state. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Blood. Senator Erdman, you're recognized and I believe this is your third opportunity.

ERDMAN: I believe you're correct. Thank you, Mr. President. So, you know, as you listen to the conversation, things come to mind. And five years ago, I was on the Education Committee and there was a group of superintendents, 12 of them to be exact from the state of Nebraska, superintendents across the state, and they contacted me and they asked, is there something that can be done about the substitute teacher requirement we have in the state? And I said to those superintendents, if you will review what they do in other states, come to a conclusion, which one of those makes the most sense for us, send it to me, we will put it in a bill and I will introduce it. And that's exactly what I did. And the decision that they had made and come to was that what they do in Wyoming was very appropriate, very efficient. Got student teachers, or substitute teachers back in the classroom. I have a friend back home that's trying to become a substitute teacher, he has dropped out. He said, I'm not going through all those hoops to be a substitute teacher. So anyway, to finish up my conversation about the substitute teacher program, the people that came in opposed to it was the Department of Education. And they lined up the room with three-piece suits who make \$150,000, \$200,000 a year and told why that was going to be the ruination of our education system. So Senator Friesen, why do we have a shortage of substitute teachers? And in Kearney, they had a shortage of substitute teachers, and they took part of the week off because they couldn't get substitutes because the Department of Education wouldn't change the requirements so that people can actually do the work that needs to be done. So when they come and whine about not having substitute teachers, I don't feel sorry for them. It's their own fault. I had a-- they had a chance to fix it and they chose not to. And who was against it? Halstead and Blomstedt, those people who came in and testified against it. Instead of fixing the problem, they wanted to keep it going. And Senator Blood said, these administrators are the ones that distributed and spent the money. If the administrators were concerned about their employees, which are the teachers, they would have taken care of them. There's a problem. The problem is they don't care about those teachers like they should or they would be taking care of them. So they always say 80 percent of the cost of a public school is the teachers, is labor. We'll have to ask you a question. If the average student in the state of Nebraska costs \$13,000 to educate on an annual basis, and there's

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20 kids in a classroom, that's \$260,000. And if the teacher gets \$80,000, they don't, but if they did, \$80,000, where's the \$160,000 go? If labor's your most expensive thing you pay for, where's the rest of the money go? Administrative costs have gone up like a skyrocket and teacher salaries have increased about 15 percent. There's a problem. Our education system is not good in the state of Nebraska. So we have a bunch of people who have graduated from college and who are looking to become a teacher and can't pass the comprehensive test to get a license. So we need to start looking back at what we teach them in grade school and high school and in college, so they're able to pass the test that other teachers passed from years ago. We don't--

WILLIAMS: One minute.

ERDMAN: --need to dumb down the test. So there are issues with education and throwing more money at it doesn't seem to have helped. Maybe we need new management. But as I said earlier, if I could vote twice against LB2543, I would. Thank you.

WILLIAMS: Thank you, Senator Erdman. Senator Blood, you're recognized and this is your last time, but you will have an opportunity to close.

BLOOD: Thank you, Mr. President, for that clarification. Fellow Senators, friends all, to those few that are still in here. Again, our teachers are not administration. Our teachers are not the school boards. Senator Erdman, you're telling me you're going to vote twice against the teachers? Good on you. I disagree. Why are we trying to punish the teachers because we're unhappy with how we believe the federal funds that came down during the pandemic were spent? I'm reviewing this on my phone. If anybody wants to see it, I'm happy to text it to you. But the funds were spent for a lot of things. Remember the drive-thru lunches for those kids who couldn't get lunch when the schools were closed, their families were still able to feed them during the pandemic. When we had the shortage of substitute teachers, part of those funds were used to help lift up funding for substitute teachers. You know, you can believe or not believe that something systemic is wrong at the upper, upper lower of, upper level of education here in Nebraska. I respect that. But here's what I know. Mr. Chuck Gould, my debate and speech and English teacher, is the reason that I'm able to stand at this mike today. Mrs. Brouillette, my grade school teacher in a one-room classroom by the way, out in rural Nebraska, who helped me learn more about other countries and made it to the point that I love learning more about other cultures for the rest of my life. Mrs., Mrs. Prochaska, Mrs. Kale Kelly, who taught us how to hula-- and, and Mr. Halloran or Senator Halloran, you're from

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Hastings, you know about this. And she, she would teach us Hawaiian songs and about the culture in Hawaii, and it made Nebraska seem like it was part of a bigger world. Teachers, people that change our lives forever. I can still tell you about the teachers that I had in kindergarten, first grade. I think about the teachers that helped me before I had my surgery, when I was deaf. It was really hard for me in class. It was hard for me to do math. You heard Senator Wishart talked about this a little bit. People that have hearing disabilities struggle with math when they're younger. I don't now. If one of those teachers did something to offend me or hurt my feelings or didn't do their jobs as well as I thought they should, it would never occur to me to punish everybody else. I mean, that's like the teacher that walks in the classroom and punishes all the kids in the classroom because there's one bad kid. So now we want to punish the teachers because we think that administration's been naughty. I don't get that. That's not good government. I know teachers are taxpayers. I know that our funding formula for schools is really bad. The TEEOSA formula, there's like two people, maybe on this floor that can explain it to you. Maybe. We're talking about people. We have some-- tend to have empathy for more people, some people more than others. I know part of this lack of empathy is because people are angry at the executive branch of our school system. But that has nothing to do with our teachers. You know, you guys know I worked in a prison for six years and you're locked in 24-7, well not 24-7, but an eight-hour shift or longer with these people. When you are locked in with the same group of people over and over again, the dynamics are very different and can be very stressful.

WILLIAMS: One minute.

BLOOD: Now, I don't want to compare our students to inmates in the state prison system, but I want, I want to tell you, is that the environment that is created in the school is very stressful for teachers outside of the pandemic. Then you add shortages, then you add poor wages, then you add all the other issues that are involved, like helicopter parents who seem to know how to do the job better than you do. We're talking about just over \$800 per teacher. We know we can fund the rest of that sewer project in other ways. I choose to vote green for teachers over sewers, and I hope that you make the same decision. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Blood. Senator Walz, you're recognized.

WALZ: Thank you, Mr. President. I did just want to talk just briefly about the, the application process for ARPA. And ARPA did require the

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Nebraska Department of Education to submit an application to the U.S. Department of Education. NDE collected input and reviewed qualitative and quantitative data in May of 2021 to determine what successes, what priorities and what strategies they use for supporting and holding schools accountable in developing next steps for the use of the funds. After that, there was a process of consultation. The NDE hosted 14 roundtable sessions with stakeholders, including students, families, teachers, administrators, community leaders, tribes, youth-serving organizations and other advocacy and civil rights groups. They also fielded a survey to stakeholders seeking input on prioritization on strategies and investments of funds and results from those two stakeholders meetings are found on a website. If you would like that website address, I would surely love to give it to you. The thing that I also want to just highlight is that they came up with five priority areas and those included family and community resources that were needed. Unfinished learning and supported learning. Acceleration programs, technology and process systems to provide online, online classes to kids during the pandemic. So there were a lot of things that ARPA or that the money was being used for. The other thing that I want to point out is that every school is different. Every school has different needs. I didn't even mention the PPE that was used, but every school has different, different needs. I agree with Senator Blood. This is-- teachers have worked so hard prior to the pandemic and deserve bonuses every year. And I don't think that you questioning where all the money went should have any effect on this bill and making sure that our teachers are paid a little bit of a thank-you for everything that they've done over the past couple of years. And with that, I will close. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Walz. Senator Pansing Brooks, you're recognized.

PANSING BROOKS: Thank you very much, Mr. President. I stand in favor of LB2543. You know, all the bills that, that-- and all the requests for ARPA funds that went to Appropriations, none of them were, were fulfilled. So that includes the one that we're talking about now, Senator Blood's, to appropriate federal funds to the Department of Ed for school employee retention payments. All of these bills have to do with workforce development. And Senator Erdman said he wished he could vote against it twice. Well, he basically has by voting against it in Appropriations, and he'll vote against it now. So we understand that. He also voted against my bill, LB1182, which was the-- adopted the School Employees Pandemic Protection Act, creating a \$10 million program with the purpose of ensuring that school employees receive a payment in amount not to exceed \$200 for their personal protective

equipment that they purchased on their own and with their own money. So-- and that was to all school employees, not just teachers, it was to also custodial staff and people in the kitchen. So there was also another bill of Senator Walz that was to provide retention incentive payments that-- to eligible school employees and these, these incentive payments to eligible school employees at approved or accredited public, private, denominational or parochial, elementary and secondary schools. So these bills-- the teachers have been left behind, in my opinion. And I think that we have had a number of different options and opportunities to help the teachers across this state. And when our number one issue in the state and for the State Chamber is workforce development, for us to come forward and say, nope, this is, we can't spend anything on the teachers. We can't help the teachers who are coming in every day teaching our kids during COVID. We, this is a terrible waste of money. You can talk and complain whatever you want about the Department of Ed. The fact is that teachers need support. They need, they need our support and our recognition of their value in our workforce, their value in teaching and, and producing our future. This is an important, this is an important amendment. I had an important amendment. I've stayed out of it mostly. I also had another bill that helps our workforce because it funded career and technical education programs so that the kids in our schools at the front part of the pipeline, of the workforce pipeline, would be encouraged and get, and get training and get connections with people in our communities so that they know they can stay here and have a job. But that also was denied and avoided and not promoted and not brought forward. I've, I've decided to pretty much go with what Appropriations has done, but in this case, I have to say that the teachers are key and critical to what, what our, our future holds to help create the school to workforce pipeline. I fought for my, all my eight years about the school to prison pipeline. And now we have had chances to help the school, the workforce pipeline and to help the teachers here to continue to work here and stay here and retain them here, and this, to me, is a no brainer.

WILLIAMS: One minute.

PANSING BROOKS: We know, we need to support this, and I hope you'll all join me in supporting this in order to, to fight for our teachers and to support our teachers across the state. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Pansing Brooks. Senator Halloran, you're recognized.

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HALLORAN: Thank you, Mr. President and good afternoon, colleagues. Well, it's gotten down to if we don't support this, we don't support teachers. If we don't support this bonus, we don't support teachers. I'm sorry. You know, I understand, I understand the emotions that can be conjured up, and we do a good, good job of that at times to, to get what we want accomplished. And I understand that the State Fair does not pull at the heartstrings like the argument about teachers, but you got to understand the State Fair isn't just a location of concrete and buildings, it's a, it's an education location. It's an education institution. 4-H is a huge educator, not just for rural, but urban students. So did they go through any hardship from COVID? Well, maybe not like teachers, but a lot, we, many, many have gone through hardships from COVID. Are we to give them all a bonus? And if this is a bonus, why are we giving you the same bonus to every teacher? Bonuses are usually dictated by the quality of work. As an incentive to do better, you get a bonus. They showed up, they worked, they worked hard, they were on time and they put up with a lot, but they put up a lot, they put up with a lot of hardship because with COVID, we put a lot of hardship on the institution of education. Everybody had to wear a mask, you had to be social distanced. Kids became a little more unruly because they, they had to go through wearing masks and socially distancing. Look, I understand. State Fair. This isn't about the word. It's not just about sewer, it's about drainage, and yes, Grand Island is a very flat terrain and it has drainage problems. And that is a, that is a-- that is an eligible qualification for ARPA moneys. 2019, we had a significant rain event, 283,000 people showed up. That was about a 50,000, that was about a 10 percent reduction from the year before. 2020, COVID hit. We went from 283,000 to 50,000. So you make an argument that COVID had a direct impact on the State Fair, turned it into a county fair as far as the numbers were concerned. 2021, they made a dramatic comeback. Good for them. They worked hard at that. Again, it's not about concrete and buildings, it's about people. A lot of people work there to make it work well. A lot of volunteers work there to make it work well. So I stand opposed to AM2543 and I stand opposed to it, not because I don't cherish teachers and don't appreciate teachers, but I think the funding that was first allocated by Appropriations for the State Fair is appropriate and it should stay there. Thank you.

WILLIAMS: Thank you, Senator Halloran. Senator Wayne, you're recognized.

WAYNE: I just told Senator McKinney and Senator Wishart I pushed my light but I forgot what I was going to say, Oh, I remember. Colleagues, actually every dollar that comes to the state-- oh, that

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window feels good --goes through our, us. And I'm saying this to say that we budget. We can control any budget, including NDE. We can appropriate anything. NDE's entire budget comes from us. All the federal dollars, just like with NDOT, they flow through us. So if we want-- so the reason why I'm adamant, I'm adamant against using any ARPA dollars for education, not because I don't believe in education or teachers, it's because they got \$854 million of ARPA dollars and they got additional dollars through CARES and some other things. And so they should spend it wisely. I understand what Senator Blood is doing. I would generally support it, but I also was in Grand Island the year where there was some huge floods and there were literally people going around, canoeing down one of the main streets. So I had that happen in my district, down by the airport where people were canoeing and the city invested some dollars to make sure that doesn't happen. But I understand why we got to do it at the state level. That's a huge project, so I'm generally in favor of the project. So I say that to say if we want to know, Senator Erdman, what they did with their ARPA dollars, I'm sure that the education bill or our floor bill, we just draft an amendment saying all their ARPA dollars have to go to one thing, and I'm pretty sure we'll get a report really quick of what they're doing right now, or we just pass that part of the budget and, or add it to the budget or right here, ARPA dollars, say all the ARPA dollars that came to the state have to go to paying teachers and they'll find out what happens. So draft an amendment to maybe add that on. My point is, is we have control, we just have to exercise our control. And I think that was what I was going to talk about, but I really don't remember. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Wayne. Seeing no one in the queue, Senator Blood, you're recognized to close on AM2543.

BLOOD: Thank you, Mr. President. Fellow Senators, friends all, I really hope you're listening. Based on the premise that we heard today, the fact that we don't know how funds were spent, were they misspent, let's punish the teachers. I sit on the committee that heard the State Fair when the audit was done, and they had somebody that could not account for funds. So should we punish the staff of the State Fair because of that? Hmm. Maybe we should take away their sewer. That premise stinks. Nowhere in my heart would I want to punish the rest of the Nebraska State Fair Board, the employees for somebody who misused funds. I wouldn't do that because that is ethically wrong. But I want to point that out, since that seems to be the premise that everybody's dancing around on today. And I support 4-H and I support rural Nebraska, and I was in 4-H and my gingerbread cookies beat out a bunch of women three times my age when I was in high school at the

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Hastings County Fair. I think State Fairs are important, and I think that it takes us back to a time where there's not computers and there's not cell phones, and it's just about family and it's about the environment and our communities. But this isn't what this is about. We're not against the State Fair. And to say that if I not once said it, if we don't support this bill, we don't support the teachers, not once, but boy, when we talked about guns, that was said like 100 times on this floor, you don't support the Second Amendment if you don't support this bill. We just heard it on Senator Hunt's amendment. And by the way, I was against her amendment because our executive branch screwed up that law enforcement training center way before we got here. But, you know, we have short memories on stuff like that. And, by the way, where's that person's punishment? You know, we're not giving them bonuses. We're giving them incentives. We're letting them know that we see them, we hear them. And by the way, Senator Clements, much like I did in this opening, when I opened on that Appropriations bill, I talked about the amount of money that we were requesting. But what I'm finding, especially, that I hear today because I've had to repeat myself several times on the mike, is that not everybody listens to the openings and then they go back and they exec on things and they're not sure what the number was. And I can respect that, especially on Appropriations this year. I can't even imagine having to remember everything that came in front of you. And, you know, I didn't get money from Mead either. And people are going to get sick and people are going to die, and there's nothing I can do about it because I can't get that research funded. But here's what I'm doing today. I'm standing up for teachers. I'm asking you to stand up for teachers. We're not asking for that much money. The sewer project does not go away because we take this part of the pot and you know that that's true. And I'm sorry to the city of Grand Island, but 99 percent of the time I am standing on this mike in support of you, especially when it comes to things like unfunded and underfunded mandates, but today I want to say thank you to our teachers. Today I want to take a small part of that money and incentivize our teachers. And if you are unhappy about how other funds were spent, that has nothing to do with the teachers. Take a step back. Maybe show a little compassion. Think about what their lives have been like for the last two, two and a half years and the flexibility that they've had to show.

WILLIAMS: One minute.

BLOOD: Think about some of their own families who have become ill, and they've had to try and figure out how to juggle both their personal life and their professional life and really, truly think about voting green this time. Think about voting green. Think about supporting this

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small amendment. Think about putting teachers over a sewer project that is going to happen anyway, even if we use these funds. But we can't say this about the incentives for the teachers. Thank you, Mr. President. I would ask for a call of the house.

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

CLERK: 22 ayes, 5 nays to place the house under call.

WILLIAMS: 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. Members, the house is under call. Unexcused Senators, please return to the Chamber and check in. Senator McCollister, Senator McDonnell, Senator John Cavanaugh, Senator Bostar, please return to the Chamber and check in. Senator Cavanaugh, would you please check in? All unexcused members are present. Members, the question is, shall the amendment to the committee amendment to LB1040 be adopted? There's been a request for a roll call vote in reverse order. Mr. Clerk.

CLERK: Senator Wishart not voting. Senator Williams voting no. Senator Wayne not voting. Senator Walz voting yes. Senator Vargas not voting. Senator Stinner voting no. Senator Slama. Senator Sanders voting no. Senator Pansing Brooks voting yes. Senator Pahls. Senator Murman not voting. Senator Moser voting no. Senator Morfeld voting yes. Senator McKinney not voting. Senator McDonnell not voting. Senator McCollister not voting. Senator Lowe voting no. Senator Linehan not voting. Senator Lindstrom not voting. Senator Linehan voting no. Senator Lathrop not voting. Senator Kolterman. Senator Jacobson voting no. Senator Hunt. Oops, excuse me. Senator Hunt voting yes. Senator Hughes not voting. Senator Hilkemann not voting. Senator Hilgers not voting. Senator Matt Hansen voting yes. Senator Ben Hansen not voting. Senator Holloran voting no. Senator Gragert not voting. Senator Geist voting no. Senator Friesen voting no. Senator Flood voting no. Senator Erdman voting no. Senator Dorn voting no. Senator DeBoer voting yes. Senator Day voting yes. Senator Clements voting no. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Briese voting no. Senator Brewer voting yes. Senator Brandt not voting. Senator Bostelman voting no. Senator Bostar not voting. Senator Blood voting yes. Senator Arch not voting. Senator Albrecht voting no. Senator Aguilar voting no. 11 ayes, 18 nays on the amendment.

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WILLIAMS: The amendment is not adopted. Mr. Clerk, for items. Raise the call.

CLERK: Mr. President, amendments to be printed: Senator John Cavanaugh, amendments to LB919; Senator Ben Hansen to LB927. Appropriations reports LB792 to General File with amendments, and a new resolution, LR358 by Senator Day. That'll be laid over.

WILLIAMS: Thank you, Mr. Clerk. Mr. Clerk, for an amendment.

CLERK: Mr. President, Senator Wayne would move to amend AM2552.

WILLIAMS: Senator Wayne, you're recognized to open on your amendment to the committee amendment.

WAYNE: Thank you, Mr. President. And colleagues, this strikes Section 13. This is what we were talking about earlier with Senator Brandt. Look, I'll be, I'll be blunt. I will work, I've committed to use worst case scenario if I can't find \$10 million in cash for General Funds from now until Select or Final Reading on here, I will pull back this ARPA bill and take \$10 million, I already talked to Senator McKinney about it, out of the north Omaha project to fund this. That's how committed I am to finding \$10 million in cash or General Funds to give to Senator Brandt's small business processors because I think there is a need to grow capacity. I just don't think it meets the ARPA requirements. So again, if I can't find from now until Final Reading, I mean, there's two more rounds, if I can't find \$10 million between cash or General Funds, or I don't know, Senator Hughes, the Water Sustainability Fund. I saw you walking so I could think of something. I will, I will take this off of Final Reading back to Select for one day, for one round, and I will commit to using ARPA funds for, from north Omaha to make sure this happens. I'm saying that is because I am 100 percent sure that this \$10 million will not be spent. And if it does get spent, we're going to have people watching over our small processors for the next seven years making sure they are using the funds and what they did appropriately. I don't think our small processors for \$100,000 or \$200,000 to expand should have to deal with the government for the next six years to be overseen by ARPA. I just don't, because they didn't lose any money. So I'm committing to that on the mike and you all know, I'm going to commit and I'm going to work hard to get that done. So what this amendment does is strikes the \$10 million. It moves \$250,000 of it to the Mayhew cabin. If you don't know why that's important to me, it's important because it is part of the last known art-- artifact, and it's actually in Senator Slama's district, that was a part of the underground railroad. That meets the

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requirement because of tourism, because it was damaged during COVID and they haven't been able to raise, raise funds, but I'm still going to make them. And under a million dollars doesn't require written justification. So it meets the ARPA requirement. The rest of it, I'm going to turn over my rest of my time to Senator Morfeld and Senator Geist to talk about their portions for Lincoln. But again, I am committing to finding \$10 million for the small processors. And if I can't, if I can't in two rounds figure this out and figure out how to make sure that our small processors aren't hanged by the IRS or the government for the next six years, I will put it on my ARPA bill and take it out of north Omaha. That's how much I'm committed to this because I don't think it's right for them to have to go through this process. So with that, I'll yield the rest of my time to Senator Morfeld.

WILLIAMS: Senator Morfeld, you're yielded 6:45.

MORFELD: Thank you, Mr. President, and thank you, Senator Wayne. As many of you know, I've been working hard to get across the finish line. \$500,000. It's actually LB-- it was originally LB867-- \$500,000 to make it so that we would have HIV prevention services for high risk populations. It falls squarely within the ARPA funding guidelines. We had a hearing on this legislation. I do not believe that there was any opposition. I'll double-check that. I thought I was going to get up in a, in a person or two here and speak. I was going to review that, but I don't believe we had any opposition. And one of the things that was brought up with this half a million dollars is that what it does is it, it actually saves money for the state because if somebody gets HIV, they're, they're, they're pretty ill. And the medicine that costs in order to keep them alive costs the state significantly more than the prevention, which is where this funding would come from or help address the prevention of HIV. And so that's, that's that portion. The other \$300,000 is to study potential of high speed rail between Lincoln and Omaha. We also had a hearing on that and actually it started out as \$500,000. I worked with the department, they were able to get it down to \$300,000, and it's just to look at the feasibility. We haven't had a study for 20 years. There's been lots of changes in terms of transportation habits. And I think that we need to see if it's even feasible. If it's not feasible, doesn't make sense from a cost benefit analysis then, then you drop it and you don't have to pursue it any more and future Legislatures don't have to even discuss it. So that's the \$800,000 that's a portion of mine. And then I'm going to, I'm going to yield my time back to the Chair because I don't think I can yield his time to somebody else. But I think Senator Geist

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is up next to discuss her portion of this legislation. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Morfeld. Senator Geist, you're recognized.

GEIST: Thank you, Mr. President. Yes, and the remaining amount of this bill will go to the Lancaster County Event Center, a huge impact it makes in our state and in our city. The impact of-- here just a minute, let me grab my notes. The Lancaster County Event Center lost over \$6 million during the pandemic because they had to cancel multiple events. During the pandemic, the Event Center provided critical services to the community, and this money will go back to help restore them to do some critical maintenance that they've had to just postpone with no way to make that up. The State Fair only has an-- oh, I don't want to talk about that. Lancaster County Event Center has a total economic impact of \$60 million a year, does not receive any state or city money. They have a small tax levy at the county level, but that brings in to them \$130,000. So for the past number of years, we have been looking to try to help support the Lancaster County Event Center, and then they received contracts for two of the youth, national youth rodeos here in the city. The first youth rodeo, which that money would go directly to their bottom line, which would help with maintenance and repairs, improvements in their facility and that was the one that had to be closed because of COVID. They did have a very successful second rodeo that just occurred this past-- it was in 2021, and they're still trying to recoup what they missed with the contract of having two in a row. So that is what this money would go for-- to help them. And again, to be specific, this is for maintenance, for repairs, for upgrades that have to be done because of being closed and not being able to have that continuing upgrade. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Geist. Senator Brandt, you're recognized.

BRANDT: Thank you, Mr. President. Round two. I appreciate Senator Wayne's concern for our bill out there. I am absolutely opposed to AM2552. I would ask Senator Stinner if he would yield. Is he on the floor?

WILLIAMS: Senator Stinner, would you yield?

BRANDT: I guess not.

WILLIAMS: I do not see Senator Stinner on the floor

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BRANDT: Or Senator Wishart.

WILLIAMS: Senator Wishart, would you yield?

WISHART: Yes.

BRANDT: Senator Wishart, do you see any problem with these ARPA funds as your committee put them forward?

WISHART: I do think that in particular, this one item is vulnerable, but nevertheless I'm going to stick with it and have a conversation with you and others to ensure that moving forward we have funds to support this program that, that will be effective.

BRANDT: So you see no problem in moving this forward to Select at this time.

WISHART: No.

BRANDT: All right. Thank you, Senator Wishart. So I guess that's sort of where I'm at on this. The Appropriations Committee, who are the experts on this, who have studied all 400 pages. The Fiscal Office is sitting over there coming in today, everything was fine. Senator Stinner still thinks everything is fine. So I would encourage everybody to oppose AM2552. We'll look at this between General and Select and if some changes need to be made, we certainly will. Thank you.

WILLIAMS: Thank you, Senator Brandt. Senator Albrecht, you're recognized.

ALBRECHT: Thank you, President and I rise opposed to AM2552 as well. I don't see how a study on a rail would, would fall into these funds that it would be a COVID-related to the pandemic type funding, number one. Number two, I have reservations about the Event Center. If they are operating and things are fine, I know that in the, in the middle of COVID, there was a situation in my district where a young lady and her husband built a fabulous event center in our district and they had to cancel all weddings, cancel all events. And they did work with the Governor at that time and there were funds available. I don't know if the Lincoln Event Center had requested any of those funds or not, but if they fall within the city, which I think they do, they're not in the county, the city of Lincoln received several dollars worth of ARPA funds as well. Again, excuse me. Thank you. I would like for them to possibly-- sir, I'm on the mike. Thank you. My goodness. I believe that the Lincoln Event Center probably should be taking this up with

the city of Lincoln. If the city of Lincoln were perhaps to give money to help out some of the businesses that closed in the Haymarket because of COVID, you know, I could, I could see something like that happening, but certainly not with the businesses still up and running. Again, these COVID dollars are very important to a lot of people in the state of Nebraska, and I just cannot get on board with taking care of, of an event center that is, is functioning and I don't believe they're in the red. If it's just for maintenance costs and everyday business type situations, I don't believe that that's a reason for the funding. So, thank you for your time.

WILLIAMS: Thank you, Senator Albrecht. Senator Wayne, you're recognized.

WAYNE: So thank you, Mr. President. So, colleagues, what you heard is, this is vulnerable, not that this is OK. And my point in saying that is, I mean, I hate to say it, but I'm not, I'm not going to fight this on Select. It's going to go through and when it doesn't go through or one of your meat processors have problems and are tired of the government going in and visiting and checking on things and making sure that they have to do an annual check and a report, that that's, that's your call. I'm not, I'm not going to, I'm not going to continue to fight it. I know we're going to have money left over because not everybody's going to do it. And what we talked about earlier is impacted businesses have to have a loss. Every single small processor came in and said they had a record year. It's amazing. So I'm going to spend a little bit of time talking about the underground at the Mayhew Cabin. It was a stop on the underground railroad. It's the only one remaining left in Nebraska. It is included in the, enlisted in the sights of the National Underground Railroad Network to freedom. It is a cabin that is, originally built in 1855, 48-years before the Joscelyn Castle, who has applied for shovel-ready. It's, it's still there and there-- it was a safe house for the slaves and was part of really Nebraska City's underground railroad that really freed most people moving not just from here into Nebraska, Omaha, but also into Minnesota and in the Dakotas. Actually, Dakotas had a lot of free slaves or recently ran-away slaves. My point is, in 2019 it was damaged due to the flood. They have been trying to get it repaired, but they have not got it repaired. And so this is what kind of, when it comes to tourism and actual needs of fundraising being met, what ARPA could be used for and should be used for. So we'll have a conversation about shovel-ready here in a little bit, I believe, because what you'll find out in the shovel-ready packages is all the information we requested at the time of the application doesn't conform with the federal rules. And the bill said, first come, first

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serve. And if we reopen it to get more information, then you got to reopen it to everybody. But that's not how it's going to work. So we're going to give a lot of money to a lot of organizations that don't qualify or we're going to have a whole bunch of money sitting there that can't be disbursed. Then we're going to have to figure out what to do with next year, which means we're one year less of being able to allocate it and get it properly appropriated under federal law. So, we should be looking as a state which is really concerning about how this conversation has gone. Nobody kind of really seems interested in doing anything. And I'm OK with that, too, but I think you should all at least read the summaries of the rules. You shouldn't rely on another senator to tell you whether it meets it or not. You shouldn't rely on Appropriations to tell you whether it meets it or not. You should actually read the rules and read what an impacted industry is. And so if the deal stays right here, I'm out of the guarantee of \$10 million, and if it's struck or if later down the road the money's not there, I'm going to fight against giving them dollars because we have money now to do it. But we're, we're choosing to try to bend the rules and stretch the rules when you don't have to. There's money available. There's \$200 million on the floor, even after the taxes, if that bill passes. There's \$1.3 billion--

WILLIAMS: One minute.

WAYNE: --in cash reserves and we're going to make our processors, our small processors have an annual inspection for the next six years. And unlike any other ag requirement, it has to be done or they can get a clawback. That makes a lot of sense. Thank you, Mr. President.

ARCH: Thank you, Senator. Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. President. So as I look at the Appropriations bills that were heard, Senator Morfeld's bill had-- three people thought that was important. So it wasn't a significant enough bill that we had a discussion on it, but I was wondering if Senator Wayne would yield to a question or two.

ARCH: Senator Wayne, will you yield?

WAYNE: Yes.

ERDMAN: Senator, Senator Wayne, I'm going to, I'm going to qualify you as being our resident agent or expert on this ARPA funding.

WAYNE: OK.

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ERDMAN: So I'm going to ask you a question about that.

WAYNE: Yes.

ERDMAN: How do you see medication and a study for HIV fitting into the ARPA funding requirements?

WAYNE: Thank you. Actually responding to public health impacts, which means underneath the public health section, which is page 14 of the summary, it talks about pre-intervention, majors and specs-- HIV because they were more susceptible to COVID and had additional problems and were considered an at-risk category. So you can provide more protection, more study, and more medication underneath the public health emergency response.

ERDMAN: OK. Do the same thing with your museum or whatever you want to talk about.

WAYNE: Museum, it is a, it is a tourism, and underneath Nebraska, Nebraska, underneath the feds, they're-- the industry as a whole was the impacted industry, so you can use that as an impacted industry. Furthermore, underneath the capital construction section, it's under \$500,000, so you don't have to have written justification.

ERDMAN: OK.

WAYNE: You just gotta prove that it's an impacted industry.

ERDMAN: All right. Let's go to the third one.

WAYNE: All right.

ERDMAN: High-speed rail, a study for high-speed rail.

WAYNE: High-speed rail. Transportation is one that you could look at under impact for COVID response. I will admit that's a little stretch. You could get there by responding to impacts of COVID and moving people around for emergencies, and public transportation, generally long as it's not construction but more of a clean energy, environmental aspect of it, which is what this would fall under, would qualify, same as our nuclear program.

ERDMAN: Yeah. So you say it's kind of a stretch for the high-speed rail. I think the stretch for the high-speed rail is about the same. If you want to qualify what Senator Brandt is trying to do, they're about in the same category. Would that be a logical conclusion?

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WAYNE: No, because high-speed rail deals with environmental impacts and deals directly, which is one of the topics that you can do with. So you can do a study on the environmental impact and transportation, being one of the biggest environmental impacts in the state, so it's not a stretch--

ERDMAN: Well--

WAYNE: --as far as I would like it.

ERDMAN: So would, would you agree that, or maybe disagree-- you said yesterday, never agree with a question or whatever you said lawyers do, so I thought that was pretty good. I'd like you to teach me that. But anyway, do you think Senator Brandt has something to risk here if he agrees to your, your amendment?

WAYNE: Yes, because we definitely know that the livestock industry, that industry was not a impacted industry. We know that for a fact. Everybody testified at the hearing they had record profits, everybody.

ERDMAN: When you say everybody, what does that mean?

WAYNE: The testifiers who were from the small packing plants, our small processors, came in and testified that they had record profits. So you can't be a impacted industry if you didn't (1) lose money or (2) lose people. But if you have record profits, you're going to have to figure out a different way of proving that you're impacted. And it's more really about the accountability aspect. I don't, I don't think, for \$10 million, we should put our small processors through that type of federal government requirement--

ARCH: One minute.

WAYNE: --when we don't need to.

ERDMAN: Thank you. Are you saying that all of those small processors came in and said they made money?

WAYNE: I will say that, according to the notes that my staff took, at least 90 percent of them did, and \$10 million is way too much because it also has to be proportionate to your loss, so if you lose \$1,000, you can't go in and ask for \$5,000. Your loss has to be proportionate.

ERDMAN: OK, so then the third thing in this, or the last thing, is the funding for the event center in Lancaster County. Correct?

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WAYNE: Correct, and that is lost revenue, which is one of their permissible uses.

ERDMAN: OK. Well, I don't agree with your answers, maybe, but thank you for doing that.

WAYNE: Well, they're not my answers. They're the feds'.

ERDMAN: Your opinions. Thank you.

ARCH: Thank you, Senator Erdman, Senator Wayne. Senator Morfeld, you are recognized. Senator Morfeld waives. Senator Geist, you are recognized.

GEIST: I just wanted to just say one more thing, and that is about the Lancaster County Event Center, and we've been working together since COVID. Actually, COVID complicated things with them. And I would just urge you to, to-- well, for one thing, let's understand that COVID-- or ARPA funds were given to the city of Lincoln, they were given to Lancaster County, and there was a bill in Appropriations that would allot some ARPA funding to the, to the Lancaster County Event Center, and that didn't make the cut. And still, the Lancaster County Event Center, why this is such a good fit for them, and, and Senator Brandt, I have no-- I'm sorry this is on your bill. But the reason this is a good fit for them is because they were closed for almost 18 months and there is no way to recoup that revenue. When you're an event center that by statute has to be open all the time, you still have people to pay, and they were able to scrape by and furlough a few people and pay just a few. But this is very important funding for them, so I would urge your green vote and give the event center \$6,000-- \$6 million so they can do the needed repairs and maintenance that's been lagging. Thank you, Mr. President.

ARCH: Thank you, Senator. Senator Brandt, you are recognized.

BRANDT: Thank you, Mr. President. I would urge your red vote on this because that money would come from small processors from across the state. I would like to correct what Senator Wayne was saying about the livestock industry making record profits. Anytime, come on out. I'll show you how to feed cattle. I'll show you how to feed hogs. You could feed sheep and chickens. I don't care. If you can make record profit doing that, please show me how it's done. I think what he was implying was maybe that the small lockers made record profits. That's not what the testimony was that day, and the large packers, the Tysons, the Swifts and Cargills of the world, yeah, they make very good money.

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That doesn't mean the little locker down the plant, or down the road in Pickrell or Fairmont or one of these small towns is just killing it. These guys work hard for a living. So I think we're all right on this. I don't see Senator Stinner here. I feel reasonably good about this. I would encourage everybody to vote red on AM2552.

ARCH: Thank you, Senator. Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. President. So I listened to what Senator Geist said, and I understand the need for what they're trying to do, but let me, let me bring to your attention a couple of things. One, I believe the city of Lincoln got \$48 million in ARPA money, and I think Lancaster County got nearly \$62 million. And in the hearing, Lancaster County came in and testified that they get hundreds. There was a lot of millions of dollars of economic development from having the Lancaster County Event Center. So maybe, just maybe, maybe the city and the county, because the city collects sales tax out there as well, maybe they should pay for the water treatment, for the improvements in the water treatment, whatever they're trying to do there, just saying. So you take this from Senator Brandt, I'm not so sure that he feels as comfortable as Senator Wayne does about him getting \$10 million from the cash fund. So this train may be leaving the station and may never return. But there's a lot of money that the city and the county got and Lancaster Event Center didn't get any-- just something to think about. Thank you.

ARCH: Thank you, Senator. Senator Clements, you are recognized.

CLEMENTS: Thank you, Mr. President. The section I want to talk about is on page 2 of the amendment, Section 43, talks about the Lancaster County Agricultural Society, and that came from my bill, LB1277. Just for everybody's information, we had 1,277 bills this year and mine was LB1277 because I wanted it to be that way. But I brought this because Lancaster County Event Center is in my district, and they demonstrated that they had at least \$6 million of revenue loss from the shutdowns of COVID and not being able to host many, many events over that period of time. And the \$6 million, they gave a very detailed list of the items that they would use it for: a sewer lift station, HVAC replacement-- there are buildings 20 years old-- and equipment that they need, some upgrades, sidewalks and roadways, and so-- carpeting that's wearing out, so that sort of maintenance is, is what they're looking for, not really adding on. And so I, I do support the amendment. I would ask Senator Wayne a question.

ARCH: Senator Wayne, will you yield to a question?

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WAYNE: Yes.

CLEMENTS: Senator Wayne, I see the items in this amendment add up to \$7,050,000 dollars. That leaves \$2.95 million extra. Did you have a use? What would, what would happen to the extra if this passes?

WAYNE: No, I was trying to bring money to the floor, let you guys figure it out.

CLEMENTS: OK, that was just--

WAYNE: I don't-- I'm not asking for anything in this deal.

CLEMENTS: OK, if this passes, that'll let other people--

WAYNE: Correct.

CLEMENTS: --look for \$2.95 million. That's what I was thinking. I was adding it up and I see it did not add up to \$10 million. So just wanted to explain that I did bring the Lancaster Event Cent-- Center to the floor-- to the hearing for Appropriations. It didn't make the cut, but I do believe that it's some critical maintenance that they do need and I support that. So thank you, Mr. President.

ARCH: Thank you, Senator, Senator Geist, you are recognized. This is your third opportunity.

GEIST: Thank you, Mr. President. And I just wanted to clarify for the record that Lancaster County Event Center did apply for ARPA funding through the city and through the county, but they were denied by both because both had more stringent requirements or more narrow requirements than the feds did. So they have done their due diligence in trying to secure some of these funds, and so we're just looking for a last-ditch effort, I suppose, so thank you, Mr. President.

ARCH: Thank you, Senator. Seeing no one left in the queue, Senator Wayne, you are welcome to close.

WAYNE: Thank you, Mr. President. So where I'm at on this is, again, I support small processors. It just doesn't qualify. And the only person who's really making an argument about qualifying is Senator Brandt. But I've asked everybody to go over and talk to the Fiscal Office and ask them the questions. And the question on the floor was asked to Senator Wishart and she said there's vulnerability. So what we're going to do is not put the vulnerability on the government. We're going to put it on the processors. That's how this works when there's

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subrecipients. So on Select File, I'm not bringing an amendment, I'm not going to fight it, but I am going to fight it if you try to remove it, because we had this argument and we're trying to figure it out, and we offered up a way, path forward, and I guess it was a no. I'm fine with if it stays there, but if it stays there, understanding the processors are going to carry this burden, because the way this is written, it's for the processors, and so it goes all the way down to the person who receives the money, who receives the money. That's the way this is written, so they're going to be having to do-- for the next six years, whatever dollars they get, they're going to have to follow up with our department to make sure they use this money because it is a six-year watchover if they get these dollars, six years, and nobody's argued against that. I would ask you to vote green because we know for sure the other two items are-- in the amendments actually are ARPA eligible. Thank you, Mr. President.

ARCH: Thank you, Senator Wayne. The question before the body is, shall AM2552 be adopted? all those in favor vote aye; all those opposed vote nay. Have you all voted? Mr. Clerk.

CLERK: 12 ayes, 14 nays on the amendment, Mr. President.

ARCH: AM2552 is not adopted. Mr. Clerk. Mr. Speaker, you're recognized.

HILGERS: Thank you, Mr. President. Good evening, colleagues. As an update, I think we only have one substantive amendment left to go, and that is AM2478, which is Senator Wayne's amendment. I will-- I've spoken to Senator Wayne and Senator Linehan. I think the Clerk will ask them separately. There are a number of other placeholder amendments on the bill, and I believe they're going to withdraw those in the pending motions after we address AM2478. So that's the last one that I believe we have for the day. I appreciate the debate and conversation on this particular bill. Thank you, Mr. President.

ARCH: Mr. Clerk.

CLERK: Mr. President, Senator Wayne would move to amend committee amendments with AM2478.

ARCH: Senator Wayne, you are recognized to open.

WAYNE: Thank you, Mr. President. Colleagues, this is an actual substantive amendment. After this, I think we can vote on the bill and go home. Colleagues, what this bill does is the original intent of LB1024 and LB1025, which was the qualified census tracts in a

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metropolitan class, is where the \$150 million would go for. For those who read the paper, that's what it was sold to the community, is \$150 million going to qualified census tracts in Omaha. And to be transparent, there are two outside of north and south Omaha, but that's how the bill was originally written. And why this is important, Senator Friesen, Senator Kolterman, is there has been no bill introduced for qualified census tracts outside of Omaha. They never had a hearing on qualified census tracts outside of Omaha. So how is it on the floor? Senator Friesen, you had to go have a new hearing because during your hearing somebody brought up what we think is a solution and you proposed that bill. The question is, are we going to be consistent by this vote? The original bill, of which 80 percent of the qualified census tracts across the state are-- well, 60-- 75 are in north and south Omaha. To say that north and south Omaha get the exact same amount as the less than 12 census tracts across the state is unimaginable. But also, the way the Appropriations bill is currently written, there is-- there isn't a whole county in Thurston County that can also apply for ARPA money who got their own money because it's tribal reservation land. This corrects that, too. So what this does is it goes back to the original intent that was in the bill that what the hearing was on and what people came and testified to. So there's multiple issues here. One is we're correcting a bill that was never introduced nor ever heard. Nobody introduced a bill for qualified census tracts outside of Omaha, and nobody testified to that, at least in LB1025. It was all about north and south Omaha. The second thing is, there is a few census tracts outside of Omaha, and some are in Lincoln, and I'm willing to sit down and divide up this money in a different way or figure out how to make it work. But to equate north and south Omaha to the rest of the state, even on a per-population basis, doesn't make sense. And what frustrates me the most, colleagues, that we didn't do this anywhere else, only here. So I understand they're-- the League and some others are working against this amendment. I truly understand that. But at the end of the day, this shouldn't even be on the floor this way because it's not following our rules. It's not following them. Senator Kolterman stood up and said to Senator Friesen that you gotta go have a hearing. There wasn't even a bill introduced on this. So I hope colleagues will at least honor, whether they believe it's right or wrong, they will at least vote for this because (1) it's the most hardest-hit areas in Nebraska; but (2) it's the right thing to do under our rules. So again, this simply corrects the language that was correctly used, which the qualified census tracts were north and south Omaha, were really limited to the Omaha area, and now, without any work, without any plan, without any hearing, we're putting \$50 million outside of

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Omaha. You required us to get a plan. You required us to do something. Fifty million to the rest of the state wasn't part of the conversation, nor have I even seen a plan for the rest of the qualified census tracts, nor has anybody else. So I'm just asking for us to be consistent. I'm not going to spend a lot of time on it because this is really that simple: no bill, no hearing, and it's not even proportionate to the impact of where people are. So I would hope you would vote AM2478. And if there is ARPA funds that need to be distributed outside of qualified census tracts or to other qualified census tracts, we could have that conversation and we can talk about it. But this right here, colleagues, it's just wrong, and maybe that's where we are right now in this body that we don't have to follow the rules, we don't have to have a hearing, we don't even have to have a bill introduced, then I'm OK with that, because there is a lot of bills over the next three years we can do that on. But I don't want to set that precedent and I hope you don't either. Thank you, Mr. President.

ARCH: Thank you, Senator Wayne. Seeing no one wishing to speak, Senator Wayne, you are welcome to close on twen-- excuse me. There-- we do have an individual in the queue. Speaker Hilgers, you are, you are recognized.

HILGERS: Thank you, Mr. President. Good evening, colleagues. I was wondering if Senator Wayne would yield to a couple questions.

ARCH: Senator Wayne, will you yield?

WAYNE: Yes.

HILGERS: Thank you, Senator Wayne. So I missed part of your opening, I apologize, so I've got the amendment up here right now and I'm trying to cross-reference with the Appropriations bill. So could you just walk through a little bit of each part of the analysis? I know you've already given a little high level. So the current ARPA bill for qualified census tracts, AM2330, says what?

WAYNE: It says \$50 million to north Omaha, \$50 million to south Omaha, and \$50 million to the rest of the state for qualified census tracts.

HILGERS: OK. And then your amendment to that pre-- and I assume that in your amendment, or if I were to go to AM2330, on pages 28 and 29, I'd find that language.

WAYNE: Correct.

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HILGERS: And your amendment then would, would modify the language that's in the committee amendment how?

WAYNE: We would, we would strike that and put everything into the city of the metropolitan class.

HILGERS: So it would be-- the, the amount wouldn't change, so it'd still be \$150 million.

WAYNE: Correct.

HILGERS: And the only thing that would change, instead of divvying it up within the metropolitan class and outside of the metropolitan class, city of the metropolitan class, it would just say everything's within-- basically within Omaha.

WAYNE: Correct.

HILGERS: And you said-- I think I heard you say there was a hearing on, there was a hearing on a bill-- was that, that dealt with qualified census tracts in a city of the metropolitan class. Is that right?

WAYNE: Correct.

HILGERS: And was that in Appropriations or in Urban Affairs or somewhere else?

WAYNE: Both.

HILGERS: It was in both, so it was in your committee.

WAYNE: LB1024 was my committee, LB1025 in Urban-- I mean Appropriations.

HILGERS: And so this, the committee amendment, at least incorporates the concept that you heard in your committee.

WAYNE: It-- no, it incorporates the original language in LB1025. So the language was amended by the committee to include everywhere else, and I normally wouldn't have a problem with that, but there wasn't a bill introduced, Senator Hilgers, nor was there a hearing on it.

HILGERS: So this would be-- so you--

WAYNE: Sorry, Speaker.

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HILGERS: There was a hearing on-- there, there was a hearing on-- essentially just adding a new population, that's a bill that you are-- had a hearing on--

WAYNE: Correct.

HILGERS: --which was one-- city of metropolitan class, but not city of a primary class.

WAYNE: Correct. And so I-- what I'm trying to do is we'll figure out how to find some more funds to this. But I don't, I don't think it's proper to do it on this amendment without a bill and a hearing to at least have that conversation, so I think it should go back to the original bill and the original intent.

HILGERS: Did anyone when you-- at your hearing in Urban Affairs, was that-- LB1025 was in Urban Affairs?

WAYNE: No, LB1024 was in Urban Affairs.

HILGERS: Twenty-- and then LB1025 was in Appropriations?

WAYNE: Correct.

HILGERS: Do you recall if anyone from-- outside of the metropolitan class area came and testified on this particular bill?

WAYNE: No, be-- no, because in our hearing it was all Omaha, and then in the Appropriations, the bill before that was the south Omaha plan, and so it was south Omaha first and then us, and it was all about Omaha.

HILGERS: Thank-- thank you, Senator Wayne. I-- how much time do I have left, Mr. President?

ARCH: Two minutes.

HILGERS: Two minutes, thank you. I'll yield my time here to Senator Wayne in a second. Colleagues, I'm gonna listen to a little bit of the conversation and debate here. I mean, certainly, Senator Wayne brings up a good point about adding a population here. I'll probably talk to some of the Appropriations Committee off-line in terms of whether that would require a hearing. I'm not sure if it would or not, but he certainly raises a good point. And even though those census tracts outside of me-- the metropolitan area do include places like Lincoln, areas that I represent, I do think this is an important question to

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talk through and have a substantive and serious conversation as to whether at this stage it ought to include census tracts outside of that particular area. With that, I'll yield any time I have left to Senator Wayne.

ARCH: Senator Wayne, 1:20.

WAYNE: So I'll be brief. And the reason that's important is because we don't know the needs of, of Lincoln, Hastings, and South Sioux City because nobody talked about those needs when it comes to qualified census tracts. So there is no plan that we know of. There is no ability to do something as we know of, which is the requirement this body and the el--

ARCH: One minute.

WAYNE: --and the expectation this body put on Senator McKinney and I. And so we're just saying let's keep it consistent. Let's keep it consistent. And from now until Select, if people come and do a plan and show the needs-- I've already talked to Lincoln senators about how we need to tweak middle-income housing because it's not really working for Lincoln and it's not really working for Omaha-- we can do that, but those are General Funds. If we want to have a conversation about Hastings, South Sioux City, and Lincoln, then there should have been a hearing; there should have been a plan; there should have been everything else that this body made us go through to get to where we are. I'm just asking for consistency, colleagues. Thank you.

ARCH: Thank you, Senator. Senator Friesen, you are recognized.

FRIESEN: Thank you, Mr. President. So would Senator Wayne yield to a question?

ARCH: Senator Wayne, will you yield?

WAYNE: Yes.

FRIESEN: Senator Wayne, since we're in disagreement on how this \$150 million should be spent, should we just not spend it this year and let you look at it next year?

WAYNE: I mean, you're in a disagreement with me, but my community has been clear that we know how to spend it and we have a plan to do it. The only place that doesn't have a plan is outside of Omaha.

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FRIESEN: Thank you, Senator Wayne. I mean, I'm going back to the fact that I think we're-- we're trying to spend too much of this money. There's too many things going on all the time here. I'm not sure what that plan is. I'm not sure any of us know what the plans are anymore. Everybody wants money. Is this going to drive some economic development when we have, what, 1.4 percent unemployment, 1.5? I don't know what our number is. We're going to be pouring tens of millions of dollars into things with what I'm fearing is not really a plan when we don't have enough employees to even fill those jobs that we currently have. Everybody's still out looking for employees. And yet we're supposedly taking a lot of money for economic development that I don't know for sure we can fill those jobs. We're talking about a lot of money here, people. We have everyone looking for help. We have businesses that are short of employees. And I realize that north Omaha is looking for help, but I've stated on the floor before and I'll state it again. I don't know that more money necessarily helps. I don't know if any of my areas, if they gave them more money right now, if it helps them. Grand Island has always consistently, even before COVID, had a shortage of workers. They were trying to attract people. We're short of employees. So I look at these plans, I look at this whole COVID relief money, all of the ARPA money, and I'm concerned that a year from now we'll look back and we'll wonder why we did that or why we did this, and it was because we're under tremendous pressure to get it done at the end of the session. We're going to make deals. We're trying to get our little piece of the pie done. And I do love pie, just not this kind of pie. So I think we need to slow it down. If we're not sure what happens with this money, let's just not spend it. Next year we'll come with a plan that everybody can work on, talk about, study, bring it to the floor, hash it over. You'll have plenty of time to do it. You'll have 90 days to work on it. Thank you, Mr. President.

ARCH: Thank you, Senator. Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. President. So as I listened to the conversation that Senator Wayne had in his opening, I believe what he is saying is we had a hearing for north Omaha, south Omaha census tracts, but not for the rest of the state, so I was wondering if he would yield to a question. Senator Wayne, will you yield?

ARCH: Senator Wayne, will you yield to a question?

WAYNE: Yes.

ERDMAN: Did you hear my, my statement, my comments?

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WAYNE: Can you-- no. Can you say it again?

ERDMAN: OK, here they go. Are you saying we had a hearing for the census tracts for north Omaha, south Omaha, but not for the rest of the state's census tracts?

WAYNE: That is correct.

ERDMAN: OK. So I appreciate that. Senator Vargas, will you yield to a question?

ARCH: Senator Vargas, will you yield to a question?

VARGAS: Yes.

ERDMAN: Senator Vargas, you brought the amendment at the end of the Appropriations meeting on that Saturday which included the census tracts for north and south Omaha and the rest of the state. Are you of the same opinion that Senator Wayne is, that we should have had a hearing on those census tracts outside of those two cities or those two districts?

VARGAS: I will say this, and I think we heard this through our appropriations process. I definitely heard from different projects across the state that wanted to utilize qualified census tracts. This does not designate \$50 million outside of Omaha. It just says that they were-- they can access those \$50 million. I will say this. I support Senator Wayne's amendment, and, and I think we should support it. But that's what this additional \$50 million does. It could be accessed, but is not designated to, outside Omaha.

ERDMAN: OK. So are you saying that census tracts outside of Omaha would be eligible to apply for this?

VARGAS: Fifty million of the \$150 (million), the way it currently is, census tracts outside of Omaha could apply for that \$50 million, yes.

ERDMAN: OK, so what do you say to the point that Senator Wayne made that those census tracts should have had a hearing before they'd be eligible for funding?

VARGAS: I mean, it's a valid point. We have had a lot of different changes made to amendments and some of those brought in hearings. I, I had this conversation with Senator Dorn and Senator Stinner and Senator Wishart that people brought a lot of projects in qualified census tracts to our committee. It was one of the reasons why, well,

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quite honestly, that was part of the language. But it was left up to the committee and in the committee discussion, we had enough of us that felt like that was the pathway forward, rather than just giving \$150 million just to north and south Omaha, so.

ERDMAN: So this is a yes or no. Do you think we should have a hearing for the census tracts outside of Omaha?

VARGAS: I think we could have a hearing. I don't think we would necessarily need to have a hearing, but-- because most of the projects and the things that came to the committee, many of these were in qualified census tracts and-- but like I said, I would have supported \$150 million going to north and south Omaha as it currently is, but this is where we landed.

ERDMAN: Yeah. OK, thank you. I would, I would say that-- I would agree with Senator Vargas. He would be fine with \$150 million going to north and south Omaha. And if I were in north and south Omaha, I'd be fine with that as well. This is one of those bills-- the census tract thing is one of those that happened at the end of the Appropriations Committee meeting. So if we're going to eliminate the rest of the state from being eligible for these funds, then we need to reduce the amount to \$100 million. I don't see it in the--

ARCH: One minute.

ERDMAN: --cards that we give them the whole \$150 million if the rest of us are not eligible for it. That's my opinion. Thank you.

ARCH: Thank you, Senator. Speaker Hilgers, you are recognized.

HILGERS: Thank you, thank you, Mr. President. Following up with the conversation, colleagues, I now have the amendment in front of me. I just spoke to Senator Vargas. The-- I'm sorry. I have AM2330 in front of me, and it's all on page 28-29. I want to flag a little bit about how the amendment works currently and then-- and then I might ask Senator Wayne a question or two. So there's, there's several sections that-- this is Section 37, and what it does, it says it gives \$150 million to this particular program in DED. And then what it says, and I think this is kind of critical, it says, first, there should be no less than-- and actually, as I understand, this, the "no less than" was omitted in Section 2, which relates to north Omaha, but-- and I understand that a technical amendment is coming to fix this. But as it-- as I understand the intent of the appropriators to be, it says no less than \$50 million of these overall \$150 million pot of dollars

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shall go to this area, basically what is north Omaha. And then in Section 3 there says less than-- no less than \$50 million should go to south Omaha. And then Section 4, it says a little bit different. So outside of those areas, what it says is up to \$50 million. The way that I read the combination of these sections, if they are not amended, is that you could have theoretically over \$50 million go to north Omaha or south Omaha if, for instance, you have fewer than \$50 million worth of projects outside of those areas. So would Senator Wayne yield to a question?

ARCH: Senator Wayne, will you yield?

WAYNE: Yes.

HILGERS: Thank you, Senator Wayne. So you and I have had a couple of conversations about this. What I'm trying to get to is not about this, this section, but in terms of the number of qualified census tracts around the state and how many are in north Omaha, how many are in south Omaha, or how many are out state. Can you give us a little bit of a factual background on how the qualified census tracts are distributed around the state?

WAYNE: There are 32 census tracts in north Omaha, 26 in south Omaha. There are about 12 to 13 in Lincoln, 1 in Hastings, 1 in South Sioux City, and 1 in Norfolk-- 2 in Norfolk, sorry. I'm just going off the top of my head. So that's kind of the breakdown. But here's the other question, Senator-- Speaker Hilgers. I've never had an amendment from a committee be advanced out that amends my bill without talking to me.

HILGERS: Well, I will yield what time I have to you in-- here in a second, Senator Wayne. You can follow up on that point. But do you have any sense-- and you might not, but since you were in the hearing before, you, you have an idea of, of maybe the number of potential projects. Do you have a sense of-- any sense of the number of projects, either by dollar or by volume, that might-- that might be at play in those various geographic areas that you described north of Omaha?

WAYNE: No, that's, that's the issue, Senator-- Speaker, sorry. That's the issue, Speaker, is nobody else has an idea. We're the only ones who came with the actual dollar amount in a plan. We don't know if Hastings needs \$5 million or \$20 million. And how would that have changed the impact of the ARPA budget if we heard from Hastings on what they need for their qualified census tracts? And, and, Speaker,

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I've gotta remind you, qualified census tracts are the hardest-hit areas in the state, where the federal government says we should put our ARPA dollars. So I don't know.

HILGERS: So-- so thank you, Senator-- thank you, Senator Wayne. I had a follow-up question, but I just-- I forgot it. I apologize. So, colleagues, I-- oh, I remember my question, Senator Wayne. If I recall your briefing, under ARPA qualified census tracts, you can-- there aren't-- the restrictions that might exist for different programs really don't exist in the same way in qualified census tracts. Is that right?

WAYNE: Correct.

HILGERS: Thank you. Thank you, Senator Wayne. Colleagues, I think Senator Erdman may-- raised a good point that, if we do close this off to the rest of the state, I think it's-- we should be open to maybe modifying the amount. I think that's a fair question to ask if we were to do this. I think certainly Senator Wayne has raised a very good point about expanding the potential dollars to out-- areas outside of the, of the area that was the focus of the hearing. And not knowing whether or not those are-- there are projects that could qualify, what would that look like, what-- are there plans there, and I think that's a good point. I think right now, colleagues, I'm leaning towards voting--

ARCH: One minute.

WAYNE: --green on AM2478 understanding that if it does pass, there would be some subsequent conversations with maybe Senator Erdman and some others, especially out, out-west senators or out-state senators who might have some of those projects that we could reassess on Select File exactly what to do with the numbers. I'd yield what remaining seconds I have left to Senator Wayne.

ARCH: Senator Wayne, 35 seconds.

WAYNE: I'm in, I'm in the queue. I'll yield the rest of my time.

ARCH: You are next in the queue, Senator Wayne. You are recognized.

WAYNE: Will Senator Erdman yield to a question?

ARCH: Senator Erdman, will you yield?

WAYNE: This is where it gets fun.

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ERDMAN: Yes, I will.

WAYNE: Senator Er-- Senator Erdman, do you know of a project in Hastings?

ERDMAN: Say that again?

WAYNE: Do you know of any projects outside of Omaha that's in the qualified census tracts?

ERDMAN: I do not.

WAYNE: OK, so you got on the mike and said we needed a plan before we appropriated any dollars to a place, and we need to know where that dollars are going and what's happening, so why are you OK with appropriating \$50 million to an entire state that has no plan?

ERDMAN: How do you know I was in favor of that?

WAYNE: No, I'm ask-- based off of your questions right now, I'm asking you, OK, well, are you in favor of the amendment? You're correct, I assumed. I apologize. I assumed. I assumed. Are you in favor of this amendment?

ERDMAN: Am I in favor of your amendment?

WAYNE: Yes.

ERDMAN: I don't know what it does yet.

WAYNE: Well, it, it removes the western part of it. it just says all the qualified census tracts for the \$150 million is inside the metropolitan area.

ERDMAN: OK. I would be in favor of your amendment if it's \$100 million.

WAYNE: A hundred million dollars?

ERDMAN: Right.

WAYNE: So you don't like the \$150 (million). That was you--

ERDMAN: I, I didn't vote for the census tract thing when it came to Appropriations.

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WAYNE: Ah, thank you. You didn't vote for it. I appreciate that. I wish I had a card to read who all voted for it and who didn't.

ERDMAN: I do too.

WAYNE: [LAUGH] Thank you, Senator Erdman. Colleagues, here, here's-- this is real simple. Are you going to treat Senator McKinney and I the same as everybody else? We got up here and we, we were told, we need to see money, where it's going. Senator Friesen, we have a very detailed plan. We had a briefing. There is a spreadsheet, dollar by dollar, of sample programs that are currently there that we can scale, scale up based off of evidence-based outcomes. This isn't make-believe. We are scaling items to change things. And here's why north Omaha matters, because if a kid can't read in your district, it matters to me; if somebody is being discriminated in your district, it matters to me; if there's a farmer out there who's going to lose their farm because property taxes are too high, I'm going to vote to lower property taxes because it matters to me, because that's going to help that farmer. The fact of the matter is, in east Omaha, most people don't own their home. They're renting. The data shows that. Property taxes don't benefit us. What will benefit us is putting jobs next to where they live; what will benefit us is making sure that we change the economic plight of the many people in east Omaha. So it does matter, not just to Omaha but to the state, because we're all in it together. And what I'm saying is we did our homework. We went out and studied plan after plan and had seven community meetings and got input. We came with a plan. Nobody else who had a qualified census tract came with a plan. Now they're going to back into a plan, but we did our homework the entire time. When I was in Africa, I was calling Senator McKinney at 10:00 at night, 6:00 a.m. over here, having these conversations, but we get the same treatment as the rest of the state, who hasn't put a plan in. Money going to the military department, Senator Sanders, they have a plan for each project. Senator McDonnell's NC3, there's a plan for; internship, there is a plan for it. That has been the standard in this body until it comes to this. I'm just asking that we give it the same treatment as everybody else, nothing more, nothing less. Thank you, Mr. President.

ARCH: Thank you, Senator Wayne. Senator Flood, you are recognized.

FLOOD: Thank you, Mr. President, members. I do have a list here of where these census tracts are, and there are two in Norfolk. All of Wheeler-- or Garfield County is in here, Valley County, Dawson County, also a lot-- two-- several in Dawson County, Red Willow County, Adams County, Hall County, Buffalo, York, Merrick, Lincoln, Colfax, Omaha,

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and of course Dakota County. Yesterday, when I stood up on this bill, one of the, one of the things I was looking at was, how are we going to get money into north Omaha and south Omaha, and, and one of the funding sources that Senator Wayne identifies was the \$150 million census tract funding that the Revenue-- or the Appropriations Committee identified. And as you know, him and I had an exchange yesterday where I shared some of my thoughts, and he certainly shared some of his, and, two of one, everybody I've talked to today all say the same thing, and they say I am for-- I'm speaking for them-- I am for doing something in north and south Omaha. And I think that that is a general feeling. And today, in my opinion, the Legislature has operated wonderfully, like this has been a really good day in the Legislature to consider all of these different things. And I want to have an-- I want to have a conversation with Senator Wayne about a way forward. I don't know that I am necessarily against committing all \$150 million to north and south Omaha because I don't know how we're going to get to any number that he's capable-- or he's, he's ready to accept without it. But I hate to put handcuffs on it tonight, not knowing how we're going to get to go where we have to on Select File to find out a place. Yesterday, I counted \$631 million. I don't think that was-- it was clear on the record. That wasn't his intent. The \$128 million he found and so, to his credit, I think we all could acknowledge that Senator Wayne and Senator McKinney have been out looking in the boneyard for all of the available funding that's possible to fuel what their priority is. But as somebody who represents a district that has two census tracts and we've been working since 2018 on a plan to repopulate our community, I'm not ready just to write us off on this specific one. It may come to me that this is what we-- the best vehicle is to use to fund what they want to accomplish, what we want to accomplish as a body, and so I guess I would ask Senator Wayne a question, if I may, Mr. President.

ARCH: Senator Wayne, will you yield?

WAYNE: Yes.

FLOOD: Senator Wayne, does-- does it make sense, what I'm saying? Like I, I see why this \$150 million really works for what you want to accomplish with Senator McKinney. Would you be leaving anything on the table if we walked away from this amendment tonight, knowing that you're going to be on Select File with your LB-- I can't remember what your big bill number is.

WAYNE: Senator Frie-- Senator Flood, I'm willing to sit down and have a conversation, but the position you're putting me in by keeping this

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on there is you're putting me at a disadvantage to negotiate against myself before we even start. Second, if you had a plan with two qualified census tracts, there was-- you had the opportunity to introduce a bill. I don't mind helping your community. In fact, my committee bill has one of your bills in it to make sure your community can get rid of their sanitary improvement problem. So my point is, I'm willing to sit down, but don't make me start at a disadvantage point from a negotiating point.

FLOOD: Well, actually, I see it the other way around, like the Appropriations Committee did identify \$100 million out of the \$150 (million) for Omaha and then put the rest of the state in the \$50 (million). You know, from where I sit, if we're all negotiating in good faith-- and granted, I didn't give you a vote to move your bill yesterday, but a lot of people here did move a sizable amount of money your direction on Select File with the understanding that you were going to talk about it. So yesterday it was good enough--

ARCH: One minute.

FLOOD: --to move \$631 million, but today you want to tie up another \$150 (million) to make sure that you've got negotiating power.

WAYNE: Well--

FLOOD: Like, for me, you can't have it both ways. You can't tie up all \$150 (million) and then say, oh, we'll, we'll pare down the \$631 million.

WAYNE: And I appreciate that, but I didn't tie it up. The Appropriation Committee has told me that we had \$150 million and they told the press that too. The language came out with something different.

FLOOD: So I wasn't part of any of that. I didn't pay any attention to it. And, no, I didn't bring a bill to do anything with a census tract. But when I look at the whole state laid out here and you've got these census tracts, I think it may be reasonable that we use the whole amount of money to accomplish what you want to do, but I'd hate to tie your hands on General File when there's supposed to be this convening of all these ideas on Select File. I guess that's the point.

WAYNE: But you, but you want to put one arm behind my back by keeping, keeping it from what the original intent was. And, and I don't have a problem with that.

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FLOOD: Well, I don't-- the-- nothing's being done behind your back. I don't know any, any--

WAYNE: No, I didn't say being done behind my back.

ARCH: Time, Senator.

FLOOD: OK.

ARCH: Thank you, Senator Flood, Senator Wayne. Senator Clements, you are recognized. Oh, I'm sorry. Speaker Hilgers, for an announcement.

HILGERS: Thank, thank you, Mr. President. I apologize, Senator Clements. I wanted to clear something up. This is, this is not related to the bill. So I've had a few people come and ask me, and I think there was a little bit of a miscommunication when I made the announcement earlier, so to be very clear, we have one amendment left here. Whether that goes to 6:30 or doesn't go to 6:30, we either have cloture or we don't, either way, the bill will move. We'll at least have a vote. After-- when I said the last amendment, what I meant was-- or the last thing, is the last thing on this bill. We are not quitting when we get a vote on this bill. I want to be clear. I think that's-- there's some confusion. Maybe Senator Wayne might have added some fuel to the fire in his opening, I think, but we are going to continue with the agenda either way. Either we get done a little bit before 6:30 or we get done at 6:30, but in either case we are going to move forward. So for those of you who were going to ask me that question, I hope that answers it. But certainly, if you have any other schedule questions, you can ask me off the mike. Thank you, Mr. President.

ARCH: Thank you, Speaker Hilgers. Senator Clements, you are recognized.

CLEMENTS: Thank you, Mr. President. I was-- as a member of the Appropriations Committee and involved with the two hearings, LB1025, Senator Wayne was asking for \$450 million; in LB1238, a separate bill-- separate-- Senator Vargas for south Omaha recovery, \$50 million. And the committee process-- I'm going to agree that the way the AM2330 is written is not the way that I was understanding the vote in the committee, because it says \$50 million is included north of Dodge Street but no less than \$50 million is south of Dodge Street and then up to \$50 million outside of a metropolitan city. And so when it was presented to me, I thought we were allocating \$50 million to north Omaha, \$50 million to south Omaha and \$50 million anywhere in the

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state, including north and south Omaha, and I saw that really as likely being \$100 million for north Omaha, for Senator Wayne, because I had not heard of any other requests outside of north and south Omaha for qualified census tracts. So I do support the amendment, the way this-- because the way the AM2330 is written is not what my understanding was in our committee, what we voted on. I thought that the excess money was to be allocated anywhere in the state. That's-- and the, the \$450 million, I did not support the, the whole amount, but I was thinking the \$150 (million) between north and south Omaha would, would be what I supported. So I just wanted to clarify that, that I'm going to be green on AM2478. Thank you, Mr. President.

ARCH: Thank you, Senator. Senator McKinney, you are recognized.

McKINNEY: Thank you, Mr. President. I just rise to have an honest conversation. Let's be honest here. LB1025 was written and introduced for north and south Omaha-- well, initially, north Omaha, then we included south Omaha. It was never opposed to-- supposed to say necessarily qualified census tracts anywhere. The bill was written, written as the North Omaha Recovery Plan, and then we worked with Senator Vargas to include south Omaha. We, me and-- Senator Wayne and I, all interim, we met with everybody in our communities. We looked at every proposal. We went to every meeting we could go to and all those things to put a plan together. Nothing against the other, you know, areas across the state that, you know, have qualified census tracts, but everybody else should have to go through six months of meeting with people, heated meetings, people walking out, dealing with community questions, trying to take every perspective possible. And that's what we did. We're just asking that you guys respect the process and respect us as individuals that took the time to be thoughtful and bring something to the table that, you know, worked for our community. I have nothing against South Sioux City, Norfolk, Hastings, anywhere, but the facts are the facts. One, senators that represent those areas didn't introduce bills to address those issues in those qualified census tracts. Two, it was, it was never supposed to be divided up like that, and everybody knows it. It was supposed to be \$150 million to north and south Omaha for recovery. Let's be honest here. And that's just it, and I'd yield the rest of my time to Senator Wayne if he would like it.

ARCH: Senator Wayne, you have 2:50.

WAYNE: Thank you, Mr. President. Thank you, Senator McKinney. Colleagues, I-- every ARPA request this body has given has had a plan, every one of them. There is a-- there is an outline of how-- I mean,

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the provider rates not so much, but that's kind of easy to figure out. But when you call out the special projects, the one I questioned-- the one I questioned was the small beef processing because that was one without a plan, believe it or not. But from the sewer projects, from sustainable beef to everything, you can figure out where it's going and what it's doing. We are literally going to set aside \$50 million for the rest of the state with no idea of what the needs are. And here, here's the optics of this, and maybe nobody cares, but I'm going to say it. When you put \$50 million to Omaha-- \$50 million in north Omaha, \$50 million in south Omaha, and you tag \$50 million with the rest of the state, you are essentially saying the struggles and the issues of north Omaha are the same as the qualified census tract, the value is the same as in Hastings. That's what we're saying. So I'm gonna say this one more time and I might-- I'm gonna turn off my light and just close. I'm asking to be treated consistently, Senator McKinney and I, with everybody else who came in with the ARPA request, who truly had a plan asking for dollars, and I'm asking you to really value, is a \$50 million value--

ARCH: One minute.

WAYNE: --of north Omaha and the historical context of North Omaha and the unemployment figures, the incarceration figures-- I can go down every statistical category-- are you saying that value is the same as the 14, maybe 15 census tracts in the rest of the state? Because by assigning a dollar amount, we are putting a value on that. I hope we all vote green. I hope I can look at my colleagues and I can be treated just like everybody else. Thank you, Mr. President.

ARCH: Thank you, Senator. Senator Albrecht, you're recognized.

ALBRECHT: Thank you, President. You know, I'm, I'm looking at all these different numbers, and I will say that I did go to the meeting that Senator McKinney and Senator Wayne had and they really laid out a plan, which I thought in the last 40 years there was somebody else that never even came close to doing for what, what they're going to be doing for their district. And, and I applaud them for being able to have a plan and have it laid out and, and to have been talking with people about what they're going to do and what they're going to bring in. What I haven't seen personally, myself, is anything from south Omaha. Now I'm understanding they have something. But if somebody between now and, and Select-- if this should happen to go forward, I'd like to learn more about the south Omaha plan. But the-- here's the thing. There's a lot of money in here for-- \$150,000 [SIC] for this north O-- it says North Omaha Recovery Act grant program, so you're

saying that we're going to add south Omaha and maybe some outlying areas. But also in the workforce housing we have that NIFA, we have rural, we have affordable, and I understand that Senator Wishart has a water program for the city of Lincoln. Not sure why we would have something like that included in this because, I mean, I don't think we're helping any other cities put in a new water treatment facility. So I'm looking for funding myself for the one that I'm coming back on Select. And to me, if you have something laid out, no different than when you go before the Department of Economic Development, you pretty much have to have a plan. You pretty much have to have some things laid out that, you know what, these three companies are coming in to north Omaha, these are how many homes that we need built in the next two years in north Omaha. When you have a plan like that, that's something that we can wrap our mi-- our minds around. But I'm going to question how these funds, all of them, when it comes to workforce housing and the Recovery Act for north and south Omaha, how-- and-- and-- and tell me, someone, where in the Rule Book says that we can spend these kind of dollars on projects like this. And if we don't spend it, does it go back to the federal government? So we have to be really careful on how much funding. It's easy to just say, yep, we'll put \$150 million over here, we'll do \$91 million over here, but it's like-- it's, it's just like a wish list. But do we really have people lined up with the Department of Economic Development that they're going to say, hey, we've got four homes over here, we've got six homes over there? What are we basing all of this on? I mean, I really feel like you have to have things laid out in how you're going to spend these dollars because this is an exorbitant amount of money to be spent the right way. And if we spend it the wrong way, where are all of us going to be in the next two years if the federal government comes in and says, you know what, that's not part of our plan, that's not how we wanted you to spend this money? So I, I really feel like we need to caution. I would like to ask Senator Vargas if he'd-- has time for a question.

ARCH: Senator Vargas, will you yield?

VARGAS: Yes.

ALBRECHT: Senator Vargas, do you actually have a plan laid out for south Omaha, as Senator McKinney and Senator Wayne have for north Omaha?

VARGAS: I'm actually looking at an email from a architecture plan that has been created for redevelopment at South 24th Street for the Plaza redevelopment, to renovate the Plaza Pavilion area and parking area,

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and also for a community culture center, for 30,000 square foot for culture, arts, job training, technology center. That'd be a collaboration with UNO for at least--

ARCH: One minute.

VARGAS: --\$6 million, and then also--

ALBRECHT: How much, sir?

VARGAS: --two different housing, two different housing projects that were--

ALBRECHT: How much was the amount you just said? Because he just told you [INAUDIBLE]

VARGAS: That's \$6 million and \$6 million for each of those--

ALBRECHT: OK.

VARGAS: --and then housing projects that are in excess of \$15 million that would have to compete within the rural workforce, sorry, the middle-income workforce housing program or within the grant program that exists within Senator Wayne's bill, and that's not including the Christie Heights PACE project that's also in-- already has designs and are doing fundraising for that.

ALBRECHT: And so are you at \$50 million?

VARGAS: That right there is around \$30-35 million, and we have other projects, but those are just the ones I'm referencing off my phone.

ALBRECHT: OK. And again. I don't know if those folks have asked the city of Omaha to help with this at all or any--

ARCH: That's time, Senator.

ALBRECHT: Thank you.

ARCH: Thank you, Senator Albrecht. Senator Moser, you're recognized.

MOSER: Thank you, Mr. President. Senator Clements, would you respond to a question or two?

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

CLEMENTS: Yes.

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MOSER: So in your comments about this amendment, you said that you didn't feel that the bill turned out to be the way that the committee intended it to be.

CLEMENTS: Correct. It did not-- it does not read the way I understood what we voted on because it on-- it limits north Omaha to \$50 million, where I thought they would have a share of \$100 million--

MOSER: OK.

CLEMENTS: --\$50 (million) plus what, what they could get from the other \$50 million, which, what I called it, the rest of the state, including Omaha.

MOSER: I-- yes, and I think, from my understanding, the way the bill is written, north Omaha is guaranteed no less than \$50 million, south Omaha is guaranteed no less than \$50 million, then there's another \$50 million that could be used in some of these out-state census tracts. And if it's not used, that could be added back into the \$50 (million) that both north and south individually got?

CLEMENTS: No, there's a correction to that. You said no less than \$50 (million). The-- the amendment reads exactly \$50 million is included for north Omaha. South Omaha wording is no less than \$50 (million), but north Omaha is capped at \$50 (million).

MOSER: OK, thank you, Senator Clements. Well, yesterday, Senators McKinney and Wayne talked about funding for north and south Omaha, and I didn't vote in that, on that bill, and I committed to them that, once we get a little farther down the line, that I would support something for south and north Omaha. We were talking. Somebody mentioned \$600 million. I was thinking that somewhere around-- the number that I had heard earlier was around \$250 (million), which I thought, you know, I could possibly support. So I guess I have a question, if I have enough time left, for Senator Wayne.

ARCH: Senator Wayne, will you yield to a question?

WAYNE: Yes, yes.

MOSER: OK, so your amendment gives money to north and south Omaha. Is this part of the overall plan or is this addition-- in addition to the plan that we voted on yesterday or whenever that was?

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WAYNE: This is-- this is all inclusive, so the-- the total amount does not change. We are not changing the total amount, so we're just saying the \$150 (million) that--

MOSER: So you're not-- you're not piling on.

WAYNE: No.

MOSER: You're just trying to build your, your--

WAYNE: No. No, and in, in reality--

MOSER: --total where you want it to be.

WAYNE: And in reality, our total number is going to come down before Select. I'm being completely transparent with you, Senator Moser.

MOSER: Thank you. Thank you. I was just asking him what I asked him before so that, you know, people who are following this at home could understand, you know, where, where we're at and what we're talking about. So thank you both, Senators Clements and Wayne. And thank you, Mr. President.

ARCH: Thank you, Senator Moser, Senator Wayne. Senator Wayne, you are recognized. This is your second opportunity, but you have your close as well.

WAYNE: Thank you, Mr. President. I forgot to turn off my light. I will yield my time to Senator Wishart.

ARCH: Senator Wishart, 4:50.

WISHART: Thank you, Mr. President. Colleagues, I did want to get up and clarify and add to what Senator Clements is saying. The discussion in the committee is not entirely reflected in this bill because there was a typo, and it's just a, an error, a human error. The discussion we had in the committee was that \$50 million would go towards north Omaha, \$50 million to south Omaha, and \$50 million for the rest of the state, including the opportunities for north and south Omaha to utilize that \$50 million, so just statewide \$50 million. I do think Senator Wayne has a point. He did-- he and-- and Senator McKinney did a lot of the work in presenting a plan for qualified census tracts. I've already told Senator Wayne that in this round of debate I'm going to be a not voting, sticking with the decisions that the Appropriations Committee makes, but I recognize the, the issues and am

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willing to work on this between now and Select File to ensure that we're doing significant work for north Omaha in particular. Thank you.

ARCH: Thank you, Senator Wayne, Senator Wishart. Senator Vargas, you are recognized.

VARGAS: Thank you very much. I'm going to pick up where Senator Wishart left off. There's a typo, and it's something we're going to fix between General and Select, at least for the "no less than." Look, the way that this was initially, initially discussed in committee and even reported out was that there'd be a certain amount that's available to north and south Omaha, and that's why it would be, be up to \$250 million. This language was designed to then include census tracts that were outside, that could utilize it, that \$50 million access, but north and south Omaha are eligible for that \$50 million. That aside, I support the amendment for multiple reasons. One, there's an excess amount of need in the qualified census tracts in north and south Omaha. There is not only projects, but when we talk about equity, it is important that we address that inequities in this, so I want to make that abundantly clear. So I am supporting that amendment. And I know that might not be the case for all my Appropriations members, but what we can get passed in committee is the product of-- with some of these technical corrections that we will address. And I just wanted to make sure that's abundantly clear, and I know that there's some people that are looking this as, you know, is this someplace that we can use projects or is this not? We couldn't get to the full \$150 million on its own with enough votes in committee, but we could get to a place where we got to this, and I think that's part of the reason why we're having the debate here or the discussion on what we can and should do. I hope our colleagues have obviously listened to Senator Wayne and Senator McKinney on the mike about the need for bringing in more dollars, and making this \$150 million to the east side is probably one of the more strategic things that we can do. So I do support that amendment and I want to make sure that is abundantly clear, and we will be addressing the "no less than," because in the end of the day, if there is \$150 million, we were trying to make sure that there is a minimum amount that would go to communities so that there's some equity, but the rest of it is going to be competitive. So at the end of the day, I do urge you to vote green on AM2478. That is me speaking for myself. But we will address the technical change to make sure it's "no less than" for the north Omaha, so it's a minimum of \$50 million that would go to north Omaha, not just \$50 million. Thank you.

ARCH: Thank you, Senator. Senator Flood, you are recognized.

FLOOD: Thank you, Mr. President, members. I think it's important to reiterate that the way that AM2330 currently is written, 50 is allocated-- \$50 million is allocated to north Omaha, \$50 million is allocated to south Omaha, and the remaining \$50 million is available for anyone else in the state, including north and south Omaha. I don't think that we are-- I don't think the Appropriations Committee has acted in any-- I mean, you basically put everybody on the same footing. You don't even exclude north and south Omaha in that situation. So it is conceivable, if north and south Omaha are the only ones that have a plan for these census tracts, that they will get all \$150 million. The question I have from my seat is, where's Lincoln? Where is Lincoln? Third-- 300,000-plus people with multiple census tracts, and we're told all the time that this is-- that urban Nebraska is not getting its share. Where's Lincoln? We're talking about \$100 million for north and south Omaha and \$50 million for the rest of the state, including the low-income census tracts in the city of Lincoln. I think that deserves a response from where we sit as a state when we're looking at the urban areas of Nebraska. What do the Lincoln senators think? What does the Lincoln mayor think? What does Lancaster County-- what do Lancaster County commissioners think? I think-- and I know, because I can speak for myself, that I want something significant to happen in Senator Wayne and Senator McKinney's district. I want something significant in Senator Vargas' district and Senator McDonnell's district. But let's not march into Select File with hamstrung votes already on \$150 million census tract fund. We've got to balance the interests of the whole state, and you've got the state's second-largest city growing rapidly, adding new high schools, adding new grade schools, dealing with the same issues on a lot of levels between affordable housing and English language learners, poverty, healthcare disconnect. I think what the Appropriations Committee has done is very advantageous already, and it's not enough. It may be what we come up with on Select File. Yesterday, as you'll recall, I threw my hand up in the air and started asking questions when a bill for \$631 million came, came past me and there were two people in the queue, \$631 million. And to their credit, they are-- they're finding every last dollar. But our job here is to discern what the best outcome should be as a Legislature, and it doesn't help when every time I stand up I'm told, well, I don't care about a certain part of the state-- not true and not fair. I do care. We all care. The people that want this for north and south Omaha should shift and work on inspiring the rest of us--

ARCH: One minute.

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FLOOD: --instead of telling us that we don't care, because I think we do, and we want to get to where they're happy and we have a balance with the rest of the state, which includes the state's second-largest city and all of the rest of the cities in the state of Nebraska. And I would ask again, where is Lincoln? Thank you, Mr. President.

ARCH: Thank you, Senator. Senator Wishart, you are recognized.

WISHART: I'll yield my time to Senator Wayne.

ARCH: Senator Wayne, 4:50.

WAYNE: Thank you. Great speech. I'm just taking a little time to watch the campaign ads come out, because at the end of the day, we sat on a budget bill for billions and nothing was talked about, a little bit of criminal justice reform, but nothing-- let me repeat, nothing came out of that mouth about the budget. But when it comes to north Omaha, let's talk about it. And let's talk about it. Where is Norfolk in our ARPA bill? There wasn't a bill. Where's Lincoln in the entire cash transfer? I asked that question multiple times. I didn't hear no echo on that one. This isn't about whether you care about north Omaha or south Omaha. It's about whether we're going to put actions in our votes and where dollars are. I stood up yesterday and said the one thing I can ask, the one thing we can say about north and south Omaha, is we can't do it alone. It takes all of us, and we are very diverse. We have people who think just as conservative in this body and just as liberal in this body who oftentimes live next to each other. When I ran for office, the first question I got asked by my next-door neighbor was whether I was pro-life or not. The second question I got asked by the second neighbor was how do I feel about public schools. That's my neighborhood. We care about everybody, and we all are different. This isn't about census tracts in other parts of the state. This is about did we have a bill, did we have a plan, did we go through all the same steps that everybody else seemed to have gone through to prove that they are worthy of some ARPA dollars, but you want to ride back in on my free labor and all the work we did put into this to get some extra dollars for the area you represent, and I have no problem with that. I'm just saying let's have an honest conversation before the bill is vote-- voted out of committee. As a committee Chair, I will never, never amend your bill without talking to you, never. I will never vote out a bill without talking to you. In addition to that, I will make sure that the language I put out on the floor is what the intent is. But you know what's interesting about that? We are capped at \$50 million. North Omaha is capped at \$50 million. Do you know where the mistake lied? Supposedly in north

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Omaha, because south Omaha can go above \$50 million. The rest of the state can get up to \$50 million. We just get \$50 million.

ARCH: One minute.

WISHART: Colleagues, this isn't about political grandstanding. This isn't about who cares and who doesn't care. The question is, are you going to treat all the rest of your colleagues the same? And to get up and say how I should talk and what we should do on the mike, come walk a day in my shoes. Before you ever give me advice on how I should speak, come walk a day in my shoes. To even imply that, to even imply that, my guess is you probably wouldn't have said that to Stinner, you probably wouldn't have said that to Lathrop, you probably wouldn't have said that to anybody else. Let's be better. Let's do better. I hope people do something real simple: look for the plans--

ARCH: Time, Senator.

WAYNE: --look for the work, and vote green. Thank you.

ARCH: Thank you, Senator. Senator Machaela Cavanaugh, you are recognized.

M. CAVANAUGH: Thank you, Mr. President. Good evening, colleagues. I rise in support of AM2478. It's not because I don't think that other census tracts outside of Omaha deserve any ARPA funds, but this was introduced for a very specific reason, for a specific population, and I'm hearing from senators who did not support SNAP and did not support rental assistance talking in opposition to this because their census tracts in their district, and I'm thinking, well, wouldn't those people benefit from some of these other things that are money that is due to our state? You don't have to fight over it with any of us. Again, we continually act like you feel one way, but your votes say something else. You care about people, you care about low-income people, and you still keep voting against them unless whoa, whoa, whoa, whoa, whoa, oh, you want it to go to Omaha, oh, you want it to go to north Omaha and south Omaha, which is, of course, code language for black Omaha and Latino Omaha. Whoa, whoa, whoa, whoa, whoa, we can't do that. We've got to split it three ways, obviously. Meanwhile, I'm looking at a fiscal note for a \$200 million bill, LB1023, which is coming up, which is economic development for all of those areas around your census tracts. And I thought this was economic development for you, so why do you need \$50 million more? Why do you need to take away more money from north Omaha? It just-- both sides of the mouth all of the time, every bill. From amendment to amendment, from bill to bill,

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there's no consistency. But as Senator Wayne said, there are campaign speeches. There are campaign speeches constantly being made on this floor. I wish I was savvy enough to make a campaign speech, but I just can't tolerate not doing the right thing and being inconsistent. This was a bill. It was for a specific population, a specific community, and the way that they defined that was using census tracts. It was very specific. It was not intended for anyone else. You make the black men and the Latino men in this body prove themselves over and over and over again. They have to jump through hoops. It's like they're women in this body. They have to jump through all these hoops. They have to show you that they are smarter than you, that they've planned harder, that they've done the things that they need to do to get you to support them. Meanwhile, we can roll on in and be like, hey, you know what, let's build a canal in another state. Cool? Cool, great, like no problem whatsoever. As for AM2478, I yield the remainder of my time.

ARCH: Thank you, Senator. Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. President. So I was listening to the conversation this afternoon, and I-- I'm always amused when people get real concerned or they're really adamant about what they want to do and they start yelling, they raise their voice. I gue-- I guess maybe that's why I don't get a lot of stuff done. I don't do a lot of yelling. But here's a, here's a thought. We pass a lot of amendments in this body that have never had a hearing. We do that. And I do agree with Senator Wayne that the census tracts outside of Omaha didn't have a hearing. But we pass those-- we pass things like that all the time. Whether it needs a hearing or not is for discussion. And I seen Patrick had a yellow slip, and I ask him if that was sine die and he just smiled. So I think it's probably a cloture vote coming up. So several have asked what my decision is going to be on AM2478, and I will tell you this. I would be-- I am for AM2478 if we had \$50 million set aside for other census tracts. Now that may not be popular and I may not vote that way, I haven't decided yet, but that would make sense. I think Senator Friesen has numerous times stated that we need to set aside some money for next year, so we see how all this shakes out, so we can have a discussion about spending that money maybe differently. I think he's right. I think he's right. I am very concerned that at the end of the day we've grown our state budget by 10 percent at least-- excuse me, yeah, at least 10 percent, \$500 million. And it won't be something that I relish in two years or next year when it happens that I said and I say, I told you so. It doesn't help much. That happened in '17. We brought a budget, was \$250 million too much. In October of that year, the Forecasting Board said that we were \$238 million out of balance. I wasn't a prophet and I didn't have

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ESPN. I just recognized what was happening in the economy and didn't figure it was going to be there. And so we'll be there again. And so maybe Senator Friesen is right. Maybe we should set aside about half of this money and wait till next year, but we're not going to do that. This train has now left the station and is rounding a corner, so get on or get out of the way. And so we're about to come to a vote, and I appreciate all the discussion we've had. The discussion in the Appropriations Committee was thorough at times, and we explained and talked and discussed what we're going to try to do. But I think Senator Wishart said it exactly right. We had discussed about \$50 million for north and south Omaha, and the other \$50 million could go to the rest of the state or to Omaha, so I think that is correct. So to move it forward, I'll probably vote for 4-- AM2478 just to get down the road so we can get to Select File and find out what we do next. Thank you for your time.

WILLIAMS: Thank you, Senator Erdman. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. After being here for eight years and almost getting to the end of the line, which maybe can't come soon enough, I continue to find it really strange how we really don't address what's best for the state. We talk about what's best for north Omaha, south Omaha, rural Nebraska. Justin Wayne, Senator Wayne, says that we-- we get all this money, water projects in the west, and-- and on the east there's economic development; there's north Omaha's problems. But in the middle, where I'm at, my district isn't going to get any ARPA money. There's no projects there. They're doing things on their own, using the resources that we have provided. And when you dangle more money on us, it's just like a giant food fight here. Everybody wants a piece and they think it's going to fix their area, and yet what is best for the state? Is it best for the state that rural Nebraska continues to decline in population, we still don't fund our K-12 schools? One hundred and eighty five of them still receive no state aid education to speak of. We're losing population in 70 or 80 schools, continually declining in population. In the east, you can't build schools fast enough. Everybody complains about property taxes and we dance around the subject. What is best for the state? Can we get rural areas to start growing again? There's-- our tax policy over the last 20 years has, to me, in my mind, has pushed everything to the east end of the state. They're the ones that took advantage of the minimum-wage jobs in Lincoln and Omaha, created all those jobs with tax incentives. We use tax incentives to build the big-box stores everywhere, which took down small businesses. And, and incentives didn't make or break that, didn't make it happen or wouldn't have

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stopped it from happening. It probably sped up that process. And now we look back and wish we had those small businesses on Main Street and we don't. And COVID hit and we had small businesses shut down right and left, and we really don't do much for them. I think Senator Wishart had a bill that was going to do something, a little bit, small amount. But otherwise, we ignore those and we try to do all this other stuff. To me, a lot of these incentives for businesses, whether it's meatpacking plants or the small packing plants, those are business decisions. They didn't get hurt by COVID. Cattlemen got hurt by COVID, not the slaughterhouses, not JBS. And so I-- I sit here and I listen to this over and over. I know that north and south Omaha have iss-- issues. Where is Omaha? Where is Douglas County? Do they care? Their millions in COVID money that they got, did they put any of that into north Omaha to fix that problem?

WILLIAMS: One minute.

FRIESEN: How does a local community-- we-- you need leaders in them communities to make things happen. I don't care whether you're a big community or small community. Out our way, you can tell which communities have some business leaders left that drive things, that make that community grow or at least maintain itself. Omaha has got the same thing. There's a group of business leaders. Do they care about north Omaha, south Omaha? And if not, why are they still in office? It's your community. I have carried bills for Omaha. I've voted for bills for Omaha. I'm still waiting for my schools to get funded. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Friesen. Senator McKinney, you're recognized.

McKINNEY: Thank you, Mr. President. And I rise again in support of AM2478. And just listening to this, this discussion about north and south Omaha and other places across the state and whether the city or anybody else cares about north and south Omaha, and I try to be optimistic as much as possible, to try to keep a smile on my face, but, honestly, this-- this discussion for this past hour or whatever it's been has been a little frustrating because it seems to me, which historically you could look at the numbers and the neglect that has persisted in our state for north Omaha, that nobody cares about north Omaha. LB1025 was introduced originally for north Omaha, for the North Omaha Recovery Plan. It never was divided out. Then, through process, we was like, OK, let's work with Senator Vargas and south Omaha. That is the elephant in the room that you guys are missing. It was never supposed to be written that way. It was never supposed to happen. Why,

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every time we stand up and try to, you know, get dollars for our community, we gotta explain 50 million ways upside-down, across the middle, back, forth, down again, like I'm playing a video game, about why we're asking for something when we clearly put a plan together that obviously, from the conversation, you either-- you either haven't read or didn't care to read or look at. It's, it's really frustrating. And if you cared so much about those qualified census tracts in your community, you would have introduced legislation to address that. But then don't wait till we introduce something to address issues in our community and say, oh, what about us, when the bill was meant for our community. Literally, it was never supposed to be written that way. If you have something in-- in your heart or on your chest, just say it. Stop nitpicking. Thank you.

WILLIAMS: Thank you, Senator McKinney. Mr. Clerk, you have a motion on the desk?

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

WILLIAMS: It is the ruling of the Chair that there has been a full and fair debate afforded to LB1014. Senator Stinner, for what purpose do you rise?

STINNER: I'd like a call of the house and a roll call in reverse order, please.

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

CLERK: 26 ayes, 3 nays to, to place the house under call.

WILLIAMS: Members, 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. The house is under call. All unexcused members please report to the Chamber. Senator McCollister, Senator DeBoer, Senator Hughes, Senator Matt Hansen. Senator DeBoer, if you'd please check in. All members are present. Members, the first vote is the motion to invoke cloture. All those in favor will vote aye; those opposed will vote nay. There's been a request for a roll call vote in reverse order. Mr. Clerk, call the roll.

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CLERK: Senator Wishart voting yes. Senator Williams voting yes. Senator Wayne voting yes. Senator Walz voting yes. Senator Vargas voting yes. Senator Stinner voting yes. Senator Slama voting yes. Senator Sanders voting yes. Senator Pansing Brooks. Senator Pahls. Senator Moser-- Senator Murman, excuse me, voting yes. Senator Moser voting yes. Senator Morfeld voting yes. Senator McKinney voting yes. Senator McDonnell voting yes. Senator McCollister voting yes. Senator Lowe voting yes. Senator Linehan voting yes. Senator Lindstrom voting yes. Senator Lathrop voting yes. Senator Kolterman voting yes. Senator Jacobson voting yes. Senator Hunt voting yes. Senator Hughes voting yes. Senator Hilkemann voting yes. Senator Hilgers voting yes. Senator Matt Hansen voting yes. Senator Ben Hansen voting yes. Senator Halloran voting yes. Senator Gragert voting yes. Senator Geist voting yes. Senator Friesen voting no. Senator Flood voting yes. Senator Erdman voting yes. Senator Dorn voting yes. Senator DeBoer voting yes. Senator Day voting yes. Senator Clements voting yes. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Briese voting yes. Senator Brewer voting yes. Senator Brandt voting yes. Senator Bostelman voting yes. Senator Bostar voting yes. Senator Blood voting yes. Senator Arch voting yes. Senator Albrecht voting yes. Senator Aguilar voting yes. 46 ayes, 1 nay, Mr. President, to invoke cloture.

WILLIAMS: The motion to invoke cloture is adopted. Members, the next vote is on the adoption of AM2478 to LB1040. All-- LB1014, excuse me. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 29 ayes, 1 nay on adoption of Senator Wayne's amendment to the committee amendments.

WILLIAMS: The amendment is adopted. Members, the next vote is on the adoption of AM2330. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 44 ayes, 1 nay, Mr. President, on the adoption of the committee amendments.

WILLIAMS: The amendment is adopted. Members, we will now vote on the advancement of LB1014 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 41 ayes, 1 nay on the advancement of the bill.

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WILLIAMS: LB1014 is advanced. Raise the call. Mr. Clerk, for items. No objection, so ordered.

CLERK: Mr. President, Enrollment and Review reports LB1013, LB1024, LB121, LB697A, LB805A, LB848A, LB896A, LB1112A, LB1241A, and LB1084 all to Select File, some having Enrollment and Review amendments. And I have an amendment to LB1015 by Senator Stinner to be printed.

WILLIAMS: Returning to the agenda, Select File, LB1241.

CLERK: Mr. President, LB1241 on Select File. Senator McKinney, I have Enrollment and Review amendments, first of all.

WILLIAMS: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to adopt the E&R amendments to LB1241.

WILLIAMS: Members, you've heard the motion. All those in favor say aye. Opposed say nay. The E&R amendments are adopted.

CLERK: Mr. President, Senator Clements, I have AM2173, a floor amendment, FA126, AM2353. I have notes to withdraw, though, Senator.

WILLIAMS: Withdrawn.

CLERK: Senator Clements would move to amend, Mr. President, with AM2485.

WILLIAMS: Senator Clements, you're recognized to open on your amendment.

CLEMENTS: Thank you, Mr. President, and I want to thank Chairman Lathrop for inviting me to add this amendment. This came from my LB1270, which was heard in the Judiciary Committee February 10th. The purpose of AM2485 is to assist law enforcement agencies across Nebraska in its attempt to recruit and retain law enforcement officers. Law enforcement agencies across Nebraska have seen a noticeable drop in applicants to become law enforcement officers. The part of Nebraska hit especially hard has been in the rural areas. Law enforcement agencies have had to evolve and get creative when it comes to recruiting officers. But now we have an opportunity for the state of Nebraska to assist them. Yesterday, I thought this bill was coming out so I had the pages hand out a fly-- a handout, which describes what this bill amendment does. It's for retention payments and hiring bonuses for law enforcement and there are three tiers regarding this. This is to encourage them to continue to stay on the force. And tier

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1, if-- the larger agencies over 75 officers would get \$750 if they'll stay for one year after July 1. The smaller departments: \$1,500 for staying one year. Then the rest-- then the next-- tier 2, the smaller department, which means 75 or fewer officers, \$2,500 if they serve three years and tier 3, it's \$3,000 if they stay on the active duty for five years. This is for full-time officers. And then there is a fourth section that there is a hiring bonus for departments that have 150 or less officers. The hiring bonus is flexible. The Crime Commission is authorized to make those decisions and the hiring bonus is only for departments who are under their recommended staffing level. The amendment varies from my LB1270 somewhat. I had different dollar amounts and those were placeholder amounts while I was working with-- the Fraternal Order of Police brought this bill to me and I wanted to pick it up because I was hoping-- I've been hearing about shortages in my own sheriff's department in my county and around the state. The-- there is not a fiscal note that you'll be able to see. It was difficult to determine what this would be, how many people would be hired with a hiring bonus, but it does have an annual maximum of \$5 million. By my calculations, when I was looking at how many officers there are around the state, it was a little over \$4 million-- \$4.6 million that this would cost in the first year and then in the third year and the fifth year, about a-- the \$5 million amount. This also terminates June 30, 2028. It's a six-year program, giving them-- making sure that they qualify to get the payment in the fifth year for those who stay five years and then terminating them. I was thinking that we'll give these agencies and departments five years to try to restaff from the losses they've had and then hopefully the state will have given them a head start and will stop from that. The-- so that's the size of the amendment and the definition of law enforcement officer is quite a few different ones. If somebody wants to know more particularly, I can refer you to the statute for that. So thank you, Mr. President. I ask for your green vote on AM2485.

WILLIAMS: Thank you, Senator Clements. Debate is now open on AM2485. Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President and good evening, colleagues. I rise today in support of AM2485 and in support of LB20-- LB1241, but I do want to just take a moment to express my disappointment that we're not going further with this bill to help our rural law enforcement departments. And I say that because we had a hearing in the Judiciary Committee-- all of these bills were heard on the same day, including my LB942 and we had the privilege of hearing from rural sheriffs that had driven across the state. They left at 3 a.m. to drive to a committee hearing to ask us for help. The help they were requesting,

it involves some of the aspects we're dealing with with LB1241; the reciprocity, the hiring bonuses. But their main complaint was that their hands had been tied by a one-size-fits-all approach to law enforcement in the state of Nebraska, thanks in large part to LB51, which we passed last year, which had very strong support from urban law enforcement officials. Even cities like Kearney, Nebraska City came in support. But at the end of the day, LB51 had a disproportionately negative impact on our rural sheriff's departments. And I was tempted to take some more time on this and even bring parts of my LB942, which I think goes further to address some of the concerns that those sheriffs brought to us in that committee hearing to directly address some of their situations. And there's two components that I was hoping to get added to LB1241 and it didn't work out, but one of those was simply a firearms certification notification letting our training instructors know when their certifications are up, because we had a sheriff in my own district whose instructor certification expired without him knowing and he was surrounded by instructors, largely sheriffs, that were in the same situation. It was similar to Senator Clements' bill that he brought last year about the concealed carry notification, something that probably could have been on consent calendar, but it wasn't added to LB1241. The second part that I did want to take some time talking through, because this is a real consequence of LB51 creating safety concerns for a rural sheriff's departments, are the reserve officer components that we implemented in LB51. My LB942 would have eliminated them. So right now, reserve officers are trained officers. They're just a half a step below your certified officers. They have ongoing training, they're within the department, and they're used largely for events, times when you need extra hands. And some of those situations are situations in which you're not going to have a visual of a certified officer. LB51 requires that any reserve officers be within the line of sight of a certified officer. Well, that's fine if you're Omaha, if you're Lincoln, or even if you're Nebraska City or Kearney. That's all right because you have the number of guys necessary to where you can have eyes on a person. But if you're trying to set up a perimeter around a scene and you have one sheriff and two reserve officers, you can't set up a perimeter because you don't have line of sight. You're putting your officers potentially in harm's way, trained officers to follow regulation that--

WILLIAMS: One minute.

SLAMA: --thank you, Mr. President-- that rural sheriff's departments don't have the manpower to cover. And I am grateful-- we talked a lot in the budget and with ARPA about the expansion of the training

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center. I do hope that that will ease some of the manpower concerns with our rural sheriff's departments. But at the end of the day, we are not going as far as we should be with LB1241. I'm happy to support it. I'm happy to see it passed. But I-- we do need to go further because we are putting our rural sheriff's departments at risk with some of the things that we passed in LB51 that disproportionately impact rural departments. We can't have a one-size-fits-all approach to law enforcement in our state. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Slama. Mr. Clerk, you have an amendment to the amendment.

CLERK: I do, Mr. President. Senator McKinney would move to amend the amendment with AM2560.

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

McKINNEY: Thank you, Mr. President. AM2560 is a friendly amendment, but I thought, you know, during the hearing, you know, some thoughts about this and not that I disagree with it, I just thought we needed to add some more language. So AM2560 says on page 2 at the line 25, insert the following new subsection: a law enforcement officer shall not be eligible for tier 1, tier 2, or tier 3 retention incentive payment under this section if: (a) such law enforcement officer certification has ever been revoked; (b) such a law enforcement officer has ever been convicted of a felony or Class I misdemeanor. This subsection shall not apply if the law enforcement officer received a pardon or a set aside for such conviction; (c) such law enforcement officer has ever been adjudicated by the council to, to have engaged in serious misconduct, as such term is defined in section 8-1401 [SIC]; or (d) such law enforcement officer was allowed to resign instead of being terminated from employment. This sub-- this subdivision shall only apply if the law enforcement officer certification would have been revoked or he or she not resigned, not resigned. This is a friendly, friendly amendment again. I just thought, you know, if we're recruiting officers and trying to retain them and there's bonuses being handed out, that we need to make sure that individuals that receiving these bonuses are the model officers in our communities. And that's all I would like to do. Now, I think it's simple. I don't think anyone should oppose this. I think if, you know, we're giving retention bonuses, we should ensure that individuals are acting the way-- acting, you know, as, you know, good citizens of the law and law enforcement officers and thank you.

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WILLIAMS: Thank you, Senator McKinney. Debate is now open. Senator Lathrop, you're recognized.

LATHROP: Thank you, Mr. President. Colleagues, you'll remember when I introduced LB1241. I'm going to take you back to a day in Judiciary Committee. When LB1241 was introduced-- this is a bill from the League of Municipalities that allows someone who's coming from out of state a swifter process to be certified as a law enforcement officer in Nebraska. And that day of hearings turned into a lot of what are our challenges in big cities getting law enforcement people to sign up and, and become law enforcement officers, but we also heard about the process of small towns having difficulty recruiting. When they recruit somebody, they get poached by the middle-sized town and the middle-sized town gets poached by the big cities. And we learned a good deal in a day of hearings on law enforcement, the challenges in recruiting and retention. LB1241 itself helps with the guy coming in from out of state or the law enforcement officer coming in from out of state. Senator Clements' bill, which I think is a good addition to this bill, basically allows law enforcement agencies some retention bonuses as well as some recruitment bonuses and it is a good addition to LB1241. I wholly support it. Senator McKinney's amendment simply says if these guys are bad actors, they shouldn't be eligible for the bonus. I think the FOP even supports this McKinney amendment. They certainly have-- support AM2485 as well as LB1241. I think we are coming up with something that's responsive to the needs of a lot of the small and, well, all of law enforcement. But I asked Senator Clements when he came up with this amendment to focus as much as he could on some of those smaller communities because they really are challenged trying to find people to go into law enforcement and once they get there, trying to keep them so they don't get poached by the next larger-size law enforcement agency. And so I think this turns into a pretty good recruitment and retention package for law enforcement and I would encourage your support of the amendments on the board as well as the underlying bill. Thank you.

WILLIAMS: Thank you, Senator Lathrop. Senator Hilkemann, you're recognized.

HILKEMANN: Thank you, Mr. President. I want to thank Senator Clements for bringing this, this amendment. I fully support it and I'm glad that we were able to find the resources within our general budget to, to support the-- this amendment. Several years ago, I attended a Lifesavers conference and I was made aware by one of the speakers who was a, who was a, a law officer that during the period of around 2009, 2010 when we had the, had the, had the recession, that most law

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enforcement agencies, from the sheriff to the, to the state, lost up to 20 percent because of the declining funds. They lost up to 20 percent of their officers and they have not been replaced. And I've even found that even in the, in the state of Nebraska, that we've lost, over that period of time, about 20 percent of our officers simply through attrition. And so this bill is going to be helpful in, in retaining officers and recruiting new officers for the-- for their replacement and for that, I'm very grateful. One of the things I learned during that conference by this speaker is that there's nothing that we can do. And I'm, I'm-- one of the goals that I've had here is to try to make our roads and streets safer. I brought in some legislation, most of it never reached-- ever got here to the floor for discussion, such as texting and, and require mandatory seatbelts, etcetera. But this of-- this officer said the most important thing that we can do in public safety, the best public safety thing that we have is the physical presence of a law enforcement authority. And I think that that's true. You think about your own driving habits. And therefore, I think this is good legislation and I encourage that we-- and I'm going to urge everyone to do a green vote for that. Thank you very much, Mr. President.

WILLIAMS: Thank you. Senator Hilkemann. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. Well, colleagues, I felt so isolated and alone on the last series of votes that I'm going to vote green on all of these. I just wanted you all to know that. I do support the whole idea behind this. We have had, I think in rural areas, a hard time recruiting officers. Small towns, especially, they get somebody recruited, they send them to Law Enforcement Training Center, and the larger police departments pick them up and, and it's-- the cycle is over and over again. So I'm hoping that maybe this can help retain some of those officers on those forces that-- where they are. And I do believe this will help longer term keep our local rural police forces intact and hopefully there's some longevity in their stay. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Friesen. Senator Jacobson, you're recognized.

JACOBSON: Thank you, Mr. President. I guess I do have a couple of questions maybe for Senator McKinney, if he's available-- if he would-- could ask-- if he would answer a question for me?

WILLIAMS: Senator McKinney, would you yield?

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McKINNEY: Yes.

JACOBSON: Thank you, Senator McKinney. First of all, I'm in-- very much in favor of the, of the bill itself and, and the Clements amendment. I just have a question on, on, Senator McKinney, your, your amendment. I agree that if we've got bad actors, we shouldn't be rewarding them, but I know there's been a lot of talk about people getting second chances and so on. So I'm kind of reading through and it's pretty self-explanatory. If there are somebody that's been convicted of a felony, I get that. But when we talk about a Class I misdemeanor, I'm just kind of curious what all is included in that. I just want to be careful that as we look at somebody-- and I'm not necessarily looking at necessarily in the big cities, but, you know, I don't know where somebody getting a first-time offense DUI, is that-- does that raise to the level of misconduct that would make them disqualified for this incentive payment? And, you know, I'm just trying to be a little consistent with, you know, what, what are we looking for? Because I, I agree that, that we want to reward law enforcement and I want to be careful that we're not setting that bar, you know, I guess too high in terms of what-- something happens that's not serious. So could you tell me about that Class I misdemeanor? What all qualifies there?

McKINNEY: I would have to grab it off my laptop, but I will say, if you read the language, it says this subdivision "shall not apply if the law enforcement officer received a pardon or set aside," which means this language of this amendment still allow for somebody to get a second chance.

JACOBSON: OK, OK. And I, I didn't look at that piece of it so I appreciate that and that would be my only concern. And I get it, I mean, we, we, we aren't going to be wanting to reward bad actors. I would hope they wouldn't be on the force if they were bad actors, but I also want to-- I-- fully in support of this program. We need law enforcement. We need to retain our existing law enforcement. We need, we need to get more and I just want to be careful that we aren't overcompensating here on, on your amendment, so.

McKINNEY: No and also, I spoke with the FOP and they're, they're good with the language as well, if--

JACOBSON: Perfect.

McKINNEY: --if that's helpful.

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JACOBSON: Thank you very much. Appreciate it. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Jacobson. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. I just repeat what Senator McKinney just said. I did speak with the FOP representative and they are not-- they don't have any objections to the McKinney amendment and so I also support AM2560. Thank you.

WILLIAMS: Thank you, Senator Clements. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. President. I rise in support of the amendments, both of them as well. I just thought I, I would attempt to answer Senator Jacobson's question about the levels of offenses. A first-offense DUI is called a Class W misdemeanor on a first-offense, non-aggravated doesn't carry any jail time automatically and then a, a first-offense, aggravated carries some jail time. And a Class W-- so misdemeanors are classed based off of the amount of time, jail time. So a Class 1 misdemeanor carries up to a year, but less than a year. Something over a year becomes a felony. So a Class 1 misdemeanor is something that's punishable by up to a year in jail, which includes things like domestic violence, domestic assault, regular assault, an assault that is not of a domestic partner, and then certain theft offenses for value and higher-level DUIs. I think it's DUI second offense, aggravated. So more serious-level misdemeanors are the types of offenses that we're talking about in a misdemeanor-- Class 1 misdemeanor offense. And then, of course, I think felonies are included in there and I appreciate Senator McKinney adding that language about getting the pardons and being cognizant of people making mistakes and then getting an opportunity of a second chance. We have a lot of conversations around here around second chances and considering giving somebody a second chance to have a career in law enforcement, giving people second chances when it comes to other state services and other opportunities, I think it's important and make sure that we consider that. So I think it is good to be consistent and make sure that we are giving people those opportunities. Thank you, Mr. President.

WILLIAMS: Thank you. Senator Cavanaugh. Seeing no one in the queue, Senator McKinney, you're recognized to close on AM2560. Senator McKinney waives closing. Members, the question is the adoption of

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AM2560. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on the adoption of Senator McKinney's amendment.

WILLIAMS: The amendment is adopted. Returning to debate. Seeing no one in the queue, Senator Clements, you're recognized to close on AM2485.

CLEMENTS: Thank you, Mr. President. Just again want to thank Chairman Lathrop for allowing me to add this amendment. I want to thank the law enforcement officers that have been through a lot in the last couple of years and let them know that the Legislature recognizes their service. We thank them for their service and this-- in a small way. I hope they'll think-- remember that we are paying attention to the good work they do. I ask for your green vote on AM2485 and LB1241. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Clements. Members, the question is the advance or the adoption of AM2485. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

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

WILLIAMS: The amendment is adopted. Mr. Clerk.

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

WILLIAMS: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to advance LB1241 to E&R for engrossing.

WILLIAMS: Members, you've heard the discussion and the motion. All those in favor say aye. Opposed say nay. LB1241 is advanced. Mr. Clerk, next bill.

CLERK: LB741. Senator, I have Enrollment and Review amendments, first of all.

WILLIAMS: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to adopt the E&R amendments to LB741.

WILLIAMS: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The motion is-- the E&R amendments are adopted.

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CLERK: Senator DeBoer would move to amend, AM2163.

WILLIAMS: Senator DeBoer, you're recognized to open on AM2163.

DeBOER: Thank you, Mr. President. For those of you watching at home, it's quite cold in here. I think that Senator Hughes may have forgotten to pay the heat bill so you may see some, some of us wearing coats tonight. AM2163 addresses the concerns that Senator Bostelman raised on General File about the definition of stillbirths. The, the amendment ensures that the definition of stillbirths is the same as in section 71-606, which allows for fetal death certificates to be issued. I appreciate Senator Bostelman working with me on this amendment and would appreciate your green vote.

WILLIAMS: Thank you, Senator DeBoer. Debate is now open. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, Mr. President, and I just want to thank Senator DeBoer. She said the amendment is a good amendment. I appreciate her work on that and making that change and I encourage you to vote green on AM2163 and LB741. Thank you.

WILLIAMS: Thank you, Senator Bostelman. Seeing no one in the queue, Senator DeBoer, you're recognized to close-- or excuse me, close on AM2163. Senator DeBoer waives closing. Members, the question is the adoption of AM2163. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

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

WILLIAMS: The amendment is adopted. Mr. Clerk.

CLERK: Senator Brandt, I understand you wish to withdraw AM2177.

WILLIAMS: Withdrawn.

CLERK: Mr. President. Senator Brandt would move to amend with AM2309.

WILLIAMS: Senator Brandt, you're recognized to open on your amendment.

BRANDT: Thank you, Mr. President. Good evening, colleagues. Today I'm offering AM2309, a friendly amendment to LB741, to adopt the Domestic Abuse Death Review Act. The language in AM2309 is the same as my bill, LB1009, which will establish a statewide domestic abuse death review team that will evaluate and analyze domestic violence-related fatalities and develop appropriate recommendations through an annual

report to help prevent future deaths. I want to thank Senator DeBoer, who introduced LB741, and Senator Vargas for prioritizing it and thanks to both of them for working with me to include LB1009 in LB741. LB1009 was advanced to General File by the Judiciary Committee, had no opposition or neutral testimony or letters, and we worked heavily with the Attorney General's Office on the bill, who I would also like to thank. Their edits to the bill have been implemented into the amendment. AM2309 creates a Nebraska domestic violence death review team consisting of 14 members appointed by the Attorney General and three other appointed members that will meet at least four times a year and issue an annual report on or before August 15 of each year, beginning with the fiscal year ending June 30, 2024. The purpose of the team is to prevent future domestic abuse deaths by conducting investigations to understand the contributing factors in domestic abuse deaths, examining the incidence, causes, and contributing factors of domestic abuse deaths, and developing recommendations for changes within communities, public and private agencies, institutions, and systems based on an analysis of the causes and contributing factors of domestic abuse deaths. AM2309 provides specific guidelines for who is to be on the domestic abuse death review team. It is essential that strong parameters are set in statute for a domestic abuse death review team to operate effectively and AM2309 includes the necessary guidelines to accomplish this, including ensuring confidentiality and establishing consistency and continuity over time. Establishing a state domestic abuse review team is not a new idea. As of 2021, 41 states had active statewide domestic violence fatality review teams, leaving Nebraska as one of only nine states that do not have one. With the exception of Wyoming, every state surrounding Nebraska has one. Since 2012, the average number of domestic violence-related deaths annually in Nebraska is 14. Domestic violence is a statewide problem that demands our immediate attention. From 2017 to 2020, 84 out of 93 counties in Nebraska reported at least one instance of domestic assault and in that same time frame, over 30,000 domestic assault instances were reported across Nebraska. Data provided by the Nebraska State Patrol shows that from 2012 to 2020, 127 individuals died as a result of domestic violence, with 36 of those deaths occurring in 2019 and 2020. Domestic abuse-related deaths are devastatingly common and we can best honor the lives of victims and their families by learning from these experiences and making improvements in the way our systems and agencies respond. I introduced this bill for the family of a domestic violence victim who came to me to ask what we could do to prevent what happened to their loved one from happening to anyone else. And one way to address their concerns, after consultations with groups that work with domestic abuse victims,

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was to create a domestic abuse death review team. I ask you to help me help them by your green vote on AM2309 to LB741 and create the domestic violence death review team. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Brandt. Debate is now open. Seeing no one in the queue, Senator Brandt, you're welcome to close. Senator Brandt waives closing. Members, the question is the adoption of AM2309. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 40 ayes, 0 nays on adoption of Senator Brandt's amendment.

WILLIAMS: The amendment is adopted. Mr. Clerk for another amendment.

CLERK: Mr. President, the next amendment is Senator Pansing Brooks that Senator Arch has agreed to handle. It's, it's AM2482 [SIC, AM2402].

WILLIAMS: Senator Arch, you're recognized to open on AM2402.

ARCH: Thank you, Mr. President. Good evening, colleagues. I rise tonight to support LB741, provide a brief introduction of LB901, which is included in this bill, via AM2402. AM2402 implements language that requires the Nebraska Department of Health and Human Services to develop and publish cytomegalovirus public education and prevention material for women who may become pregnant, expecting parents, parents-- and parents of newborn infants. Additionally, healthcare providers who are caring for pregnant women must distribute such materials at the appropriate, at the appropriate time. Furthermore, this legislation provides opportunities for parents of infants following the initial CMV hearing screening test. CMV refers to cytomegalovirus. According to the CDC, in the United States, nearly one in three children are already infected with CMV by age five. Over half of adults have been infected with CMV by age 40. In some cases, CMV can cause mild illness, but can also cause severe problems and illness in other cases, really a devastating disease if that-- if you respond that way. According to the CDC, babies born with CMV can have brain, liver, spleen, lung, and growth problems. The most common long-term health problem in babies born with congenital CMV infection is hearing loss, which may be detected soon after birth or may develop later in childhood. The increase in awareness and opportunities that this bill will bring to women who may become pregnant, expecting parents, and parents of newborn infants will allow us to combat CMV more effectively in the future here in Nebraska. I met with Senator Pansing Brooks and citizens personally affected by CMV early in this

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process. Hundreds of Nebraska families are affected by this virus each year. It is a virus that not only cause issues at birth, but in the years following as well. After hearing the stories from families, Senator Pansing Brooks brought legislation that raises awareness, makes information more accessible, and helps thousands of families throughout our state. The help this bill would bring to women who can become pregnant, expecting parents, and parents of infants is substantial, would greatly increase the prenatal health of women in every area of Nebraska. I ask you to vote green on LB741 and AM2402. This bill was heard in the HHS Committee, was passed unanimously as amended. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Arch. Debate is now open. Senator Ben Hansen, you're recognized.

B. HANSEN: Thank you, Mr. President. I'm just going to be brief here. I do appreciate Senator Pansing Brooks bringing AM2402 and I'm voting in favor of it. I am-- being a cosponsor of this bill, I think it is important to make sure that parents are aware of what cytomegalovirus is and how it can have a potentially devastating effect on their child if the mother becomes infected with CMV. A lot of times, these issues are unknown to many parents and they don't recognize it in children once they are born with it. And so I think all this bill really does responsibly is it provides information or has an area where medical professionals and people would take care of pregnant females can go and get information and provide it to the families if they, if they see fit. So I would encourage my colleagues to vote for AM2402 and the underlying bill. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hansen. Senator Albrecht, you're recognized.

ALBRECHT: Thank you, President. I just have a quick question if, I believe, Senator Hansen, Ben Hansen, would yield.

WILLIAMS: Senator Ben Hansen, would you yield?

B. HANSEN: Yes.

ALBRECHT: OK, I think this is a great bill, but can you tell me is this something that is obviously-- it's not standard testing so do insurance companies cover this for the women?

B. HANSEN: That I would not know. I'm unsure. Senator Arch might know that, but I wouldn't.

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ALBRECHT: Senator Arch yield for a question?

WILLIAMS: Senator Arch, would you yield?

ARCH: I will. So this is not a-- this is not putting into mandatory testing. That-- it's, it's not at all. This is, this is-- CMV affects, affects people very differently. I mean, as I mentioned, 50 percent of adults are, have CMV, but to some, it affects them dramatically and to others, not at all. So--

ALBRECHT: So this--

ARCH: --testing is not is not being required. This is simply informing, informing pregnant women, informing parents of infants to, to be alert for these, for these issues.

ALBRECHT: OK, so this is something that they would learn about before they take the child home?

ARCH: Hopefully. When-- even, even at the time of pregnancy, going into an OB, OB-GYN, they would, they would-- they provide information on many issues to the pregnant women. This would be one of those things that they would be educated on.

ALBRECHT: So in the bill, it doesn't actually say, so would HHS provide that to the hospitals?

ARCH: HHS develops that and then would provide that information; post on the website as well as hand out and, and HHS was good with that.

ALBRECHT: OK, thank you.

WILLIAMS: Thank you, Senator Albrecht, Senator Arch, and Senator Ben Hansen. Seeing no one in the queue, Senator Arch, you are recognized to close on AM2402. Senator Arch waives closing. Members, the question is the adoption of AM2402. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays, Mr. President, on the adoption of Senator Pansing Brooks' amendment.

WILLIAMS: The amendment is adopted. Mr. Clerk for amendment.

CLERK: Senator DeBoer would move to amend, AM2358.

WILLIAMS: Senator DeBoer, you're recognized to open on your amendment.

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DeBOER: Thank you, Mr. President. AM2358 incorporates LB245, which, which advanced unanimously from the Judiciary Committee with no negative or neutral testimony. The bill harmonizes the adoption statutes with case law in the area of adoption, providing specific steps and mechanisms to address the right of-- rights of putative, acknowledged, and adjudicated birth fathers, including definitions that mirror the categories of birth fathers identified by the court. It expands periods of time for putative fathers to respond to notices of intended adoptions from five business days to ten business days and gives 45 days for adjudicated and acknowledged fathers to object to a planned adoption which strengthens the constitutionality of our adoption statutes. It has the support of the County Judges Association, as it clarifies issues of jurisdiction, makes adoption fall within the exclusive jurisdiction of the court, county, and juvenile courts, and removes unnecessary and antiquated steps of getting consent from other courts like divorce courts and guardianship courts. It also clarifies when separate attorneys and counseling are provided for birth mothers and the context in which communication and contact agreements can be made. There currently exists uncertainty and confusion in the adoption statutes based on case law that has invalidated parts of the statutes, making it an area fraught with the risk of mistakes being made by well-meaning practitioners. This will help provide the revisions to best avoid mistakes being made in this very important area of law for children and families. Thank you for your consideration of AM2354. I urge your green light on the amendment to update and improve our adoption statutes. Thank you.

WILLIAMS: Thank you, Senator DeBoer. Debate is now open. Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President, and good evening, colleagues. I'll, I will be brief on this, but I do want to thank Senator DeBoer for her efforts on AM2358. I, I remember this hearing in the Judiciary Committee and our, our adoption statutes have needed to be cleaned up for years. Senators have tried to do it piecemeal. Senator DeBoer's approach really cleans up our statutes in the adoption process to where they need to be. And if we were going to call ourselves a pro-life state, we owe it to the adopting parents and those interested in adoption in our state to have statutes that aren't convoluted, that reflect current case law, and Senator DeBoer has done a wonderful job with AM2358 of achieving that. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Slama. Senator Jacobson, you're recognized.

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JACOBSON: Thank you, Mr. President. I too will be very brief. First of all, again, I want to thank Senator DeBoer for bringing the bill and the amendments. I think these have all been very important. As I mentioned early on, this is the first bill that I spoke on when I got here to the Legislature, a really important bill all the way through. I want to speak very briefly on adoption. The reason this is so important is besides losing a child, Julie and I also adopted both of our children, and I can tell you both were interstate adoptions. It can be very involved, particularly when you're dealing with birth fathers. Cleaning this up is incredibly important. If you think about the emotions that go through this whole process, I can tell you as an adoptive parent, there's nothing worse than having the thought that you have this child, you're caring for this child, and suddenly you're concerned about is that-- is there going to be a problem with the father? Is there going to be some problem with the legal process? We've got to be careful it's done right, but I can tell you that there's-- this is a great cleanup and I can tell you, as an adoptive parent, I feel very good for those future adoptive parents that this is going to be a very good thing for them and adoption, adoption is a wonderful thing. I would just also just note for those, as you think about the abortions that happen in this country, all of the adoptive parents that are out there just wishing that they had the opportunity to adopt an infant and oh, by the way, adopting an infant without regard to how that an infant entered this world. So I can tell you-- thank you again, Senator DeBoer, for bringing this. I'm a green vote all the way through and I would encourage you all to do so. Thank you.

WILLIAMS: Thank you, Senator Jacobson. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, Mr. President. Would Senator DeBoer yield to a question?

WILLIAMS: Senator DeBoer, would you yield?

DeBOER: I would.

BOSTELMAN: Thank you, Senator DeBoer. As we talked briefly off the mike, would you turn to page 2? And we're looking at lines 1 through 9 in there and husband or wife has changed to spouse. Could you explain why that is?

DeBOER: That was something that, that was something that Bill Drafters did. I did not request that change, that just was what Bill Drafters did.

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BOSTELMAN: Did they give you an indication why they did that?

DeBOER: No. I don't know if it's because it's shorter. I don't know why, but that's what they did.

BOSTELMAN: OK, thank you. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Bostelman. Seeing no one in the queue, Senator DeBoer, you're recognized to close on AM2358. Senator DeBoer waives closing. Members, the question is the adoption of AM2358. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of the amendment.

WILLIAMS: AM2358 is adopted. Mr. Clerk.

CLERK: I have nothing further, Mr. President.

WILLIAMS: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to advance LB741 to E&R for engrossing.

WILLIAMS: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB741 is advanced. Mr. Clerk, LB917.

WILLIAMS: Members, we're passing over LB917 and LB917A so we go to LB519.

CLERK: Senator McKinney, I have Enrollment and Review amendments, first of all.

WILLIAMS: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to adopt the E&R amendments to LB519.

WILLIAMS: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The E&R motion, motion is adopted.

CLERK: But I have an amendment to the bill.

WILLIAMS: Mr. Clerk for an amendment.

CLERK: Mr. President, Senator Lathrop would move to amend with AM2311.

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WILLIAMS: Senator Lathrop, you're recognized to open on your amendment.

LATHROP: Thank you, Mr. President. Colleagues, this is a real quick one. This is a cleanup. The bill relates to witnesses and victims of sexual assault. In the bill, we inadvertently inserted the term "crime of violence" where we should have said "sexual assault." This is truly a technical cleanup amendment to make the language in the bill consistent throughout. It was identified by E&R, but too much for an E&R amendment. I would appreciate your support of AM2311 and we'll clean up LB519. Thank you.

WILLIAMS: Thank you, Senator Lathrop. Debate is now open on AM2311. Seeing no one in the queue, Senator Lathrop, you're recognized to close. Senator Lathrop waives closing. Members, the question is the adoption of AM2311. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

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

WILLIAMS: The amendment is adopted. Mr. Clerk.

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

WILLIAMS: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to advance LB519 to E&R for engrossing.

WILLIAMS: Members, you've heard the motion. All those in favor say aye. Opposed say nay. Bill is advanced. Members, we'll now go back to LB917.

CLERK: First of all, Mr. President, Senator Wayne, I apologize; unintentional mistake on my part. No E&Rs. Senator Wayne, you have AM2204. I have a note you wish to withdraw that.

WILLIAMS: Withdrawn.

CLERK: Mr. President, Senator Wayne would move to amend with AM2469.

WILLIAMS: Senator Wayne, you're recognized to open on your amendment.

WAYNE: Thank you, Mr. President. I will be brief. I knew that we gave the Speaker a lot of power under that, that point of order. I didn't

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know he could pass a bill on Select without-- with, with a amendment without even voting on it. I was like, whoa, when do we do that? I was really confused. All right. So on the General File-- this is real quick. On General File, I told everybody we were going to focus on moving this from a deduction to a credit because businesses were more familiar with the credit. And what happened, there's going to be two quick changes. We had to reduce the percentage of income eligibility. If you recall in the deduction, it was 65 percent. We had to reduce it to 25 percent because, believe it or not, businesses really understand tax credits. So the Fiscal Office went from a \$5 million fiscal note to a \$32 million fiscal note. So we reduced it and to put a belt and suspender on it, we capped it at \$5 million. So we kept the fiscal note exactly the same. And there still is a sunset because we want to see if this works and if it doesn't work, we should get rid of it. So that's what the bill does. Businesses understand tax credits so we put it in their language. We capped it at \$5 million, which was-- the original fiscal note was around that same amount, like, four something and some change, and we made it a tax credit that moved the eligibility from 65 percent of their wage to only 25 percent to keep the fiscal note down. Sorry for the confusion, but I told you on General File that's what we were going to do because the business community was asking for that. And with that, I'd ask you to vote green.

WILLIAMS: Thank you, Senator Wayne. Debate is now open. Senator Arch, you're recognized.

ARCH: Thank you, Mr. President. I have, I have a question for Senator Wayne if he would yield.

WILLIAMS: Senator Wayne, would you yield?

WAYNE: Yes.

ARCH: So this-- Senator Wayne, this is a question for my education. When you, when you do a \$5 million cap like that, is it, is it simply first come, first capped? I mean, how, how does that work?

WAYNE: Yeah, it'll be first come, first serve. So businesses will have to fill-- make out their filings first, come first serve, just like we do with all of our tax credits.

ARCH: So if you file early, if you file-- yeah.

WAYNE: Yeah.

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ARCH: And when that comes and it's no longer available-- and the-- and, and our Revenue Department tracks that and so they know when, when that, when that has been issued and then they stop?

WAYNE: Then they stop.

ARCH: OK.

WAYNE: And so the goal is in two or three years, we can come back and see how many people applied and maybe there's a more-- more demand or not.

ARCH: Will they keep track of, of those that do not get that \$5 million--

WAYNE: They, they typically--

ARCH: --later on?

WAYNE: They have for all the other incentives, yes.

ARCH: OK. All right. Good. Thank you. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Arch and Senator Wayne. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, Mr. Speaker. Would Senator Wayne yield to a question?

WAYNE: Yes.

WILLIAMS: Senator Wayne, would you yield?

WAYNE: Yes.

BOSTELMAN: Is this, is this 2.5 a year for two years, one year, 2.5, second year, 2.5, or is it \$5 million a year?

WAYNE: It's \$5 million each year.

BOSTELMAN: Per year?

WAYNE: Yeah.

BOSTELMAN: OK.

WAYNE: And it is sunset.

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BOSTELMAN: On the fiscal note, I was just looking on second page on fiscal year '23-24 and '24-25 has got a 2.6 and then a 2.6 fiscal note onto it and I was just curious if it was going to divide 2.5 basically over-- you know, \$5 million broken over two years or it's \$5 million per year.

WAYNE: No, it's, it is \$5 million per year. I will tell you the same amount that was a deduction was only 2.6. When I changed it to a tax credit, it was \$32 million so we tried to reduce it. If I need to reduce it more, I have no problem pulling it off of Final and reducing it more, but we tried to keep it at the same.

BOSTELMAN: OK, thank you. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Bostelman and Senator Wayne. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. Would Senator Wayne yield to a question?

WILLIAMS: Senator Wayne, would you yield?

WAYNE: Yes. They haven't turned off my mike yet.

FRIESEN: Senator Wayne, I'm just-- I'm curious because I have, I have supported this bill in the past. Is there any record-keeping to, to show that if it's working-- because we talked about recidivism, things like that, if a, if a felon gets a job, the chances are that he keeps working, and is there some record-keeping involved or a report to the Legislature to see if this is working?

WAYNE: No. From the, from the Department of Revenue, they're not tracking whether somebody goes back into prison. The goal really is that first 12 months. I'm just looking up in the air thinking how we can do that. I'm more than happy to talk to--

FRIESEN: Well, I mean-- well, it-- I'm interested because I'd like to see what works and what don't work and by not measuring something-- I think this is a program that, I think we'd all agree, if a person has a job, you tend not to commit crime. And so let's, let's see if it works and if it's easy to do and I don't know what the-- I don't want to make it burdensome--

WAYNE: Right.

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FRIESEN: --but I-- it would be, it would be interesting to see if a program like this actually does something.

WAYNE: Right and I'll just tell you that, you know, the big limiting factor is, is the first 12 months after being released are off paper. So if you've been-- if you're a felon and you're-- you've been out, out for three years, you wouldn't qualify. It's literally the, the first-- we are trying to get them when they first come out back in the community a good-paying job.

FRIESEN: OK, thank you.

WAYNE: Thank you.

FRIESEN: Again, I support the concept of this. I think having people get a job, it's great. In those first few years, if we can incentivize an employer to take that chance, I do think it's worth it. I will support the bill and the amendment. Thank you, Mr. President.

WILLIAMS: Thank you. Senator Friesen and Senator Wayne. Seeing no one in the queue, Senator Wayne, you're recognized to close on AM2469. Senator Wayne waives closing. Members, the question is the adoption of AM2469. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 42 ayes, 0 nays on the amendment.

WILLIAMS: The amendment is adopted. Mr. Clerk.

CLERK: I have nothing further, Mr. President.

WILLIAMS: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to advance LB917 to E&R for engrossing.

WILLIAMS: Members, you've heard the motion. All those in favor say aye. Opposed say nay. The bill is advanced. Mr. Clerk, moving to LB1023.

CLERK: I have Enrollment and Review amendments, Senator.

WILLIAMS: Senator McKinney for a motion.

McKINNEY: Mr. President, I move to adopt the E&R amendments to LB1023.

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WILLIAMS: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Senator Hilgers would move to amend, AM2300.

WILLIAMS: Speaker Hilgers, you're recognized to open on AM2300.

HILGERS: Thank you, Mr. President. Good morning, colleagues. It's so cold in here it feels like the morning, right, Senator Hughes? I apologize. Good evening, colleagues. I'm introducing AM2300 and this is-- this has one primary change and it came from the conversation we had on General File. And if you recall, I had a number of conversations on the mike, I think primarily with Senator John Cavanaugh as well as Senator DeBoer. One of the questions and concerns that was addressed on, on General File was, hey, look, we want to really make doubly sure, if not triply sure, that this, that this project, if it ever comes to fruition, that this is a state asset and that public access is guaranteed. And the green copy of the bill and, in fact, in the amendments, I'm sorry, the white copy that came out with the committee amendments initially, I actually thought went far enough. But I went back, we added some additional language in AM2300, which I did show to Senator John Cavanaugh and Senator DeBoer a week or two ago. And it's on page 5 and it is subsection (8). I'm just going to read it into the record here. So it says, "The land selected for the lake shall be owned by the state, and the department shall ensure that the general public has complete access to the lake. No private entity involved in the constructing, developing, or managing of the lake shall designate any portion of the lake for exclusively private use." And it goes on to say, "Nothing in this subsection shall preclude reasonable limitations on the number of people using the lake, a marina, or any other access point so long as such limitation does not restrict access to a designated class of private parties." So both-- this ensures both that this is going to be a state asset and also that no private party can close off the lake or any portion of the lake for solely private use. I think the combination of those two things is a belt and suspender approach, an amendment to LB1023. I'm happy to answer any questions, but I ask for your green light on this amendment. Thank you, Mr. President.

WILLIAMS: Thank you, Speaker Hilgers. Mr. Clerk, you have an amendment to the amendment.

CLERK: Senator Machaela Cavanaugh would move to amend with AM2496.

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WILLIAMS: Senator Cavanaugh, you're recognized to open on your amendment.

M. CAVANAUGH: Thank you, Mr. President, colleagues. I have two amendments on this bill, and I actually will be updating this particular amendment because I left part of it out. But-- so AM246 [SIC] puts language in to ensure that the employees associated with the Department of Natural Resources and any relative cannot profit, financially profit either directly or indirectly from partici-- from the projects. And the same is for the Game and Parks Commission. Any employee of the commission shall have-- no member, sorry, of the commission shall have a financial interest, either personally or through immediate family member in any purchase, sale or lease of the real property relating to the project. And so I wanted to add to that which I will be later, but that no member of the Legislature, and I know that's redundant because we already have a conflict of interest. But I also want to add the part about the subsection for the purposes immediate family and defining immediate family, so that these projects-- so that the people of Nebraska know that if we move these projects forward, it's not for any personal gain for anyone in here or anyone who works for the Game and Parks Commission or the Department of Natural Resources. So that is the intention of that amendment. And I hope you will vote for it because it's a serious amendment. Thank you.

WILLIAMS: Thank you, Senator Cavanaugh. Debate is now open. Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. President. Well, I was rising to comment on Senator Hilgers' comments on AM2300. I will take a look at AM2496, but it does sound in principle to me like a good idea. So I'll take a look at it before we get to a vote here. I appreciate Senator Hilgers working with me on addressing my concerns on this. And there are a few things that I think were in the original draft that also got taken out that are not there anymore. I don't really need to talk about because they're not there anymore, but they were concerns that I addressed with Senator Hil-- Speaker Hilgers, as well. But I did want to make sure and-- and just address since I did take some time to talk about it, the comments. He did read the-- the text of the change we have in there that it shall be open to all people; there shall be allowed reasonable limitations to the number of people visiting the lake, marina, or any other access point. That sounds to me logical that you can have maybe a number of people that are coming through the, well, the marina at a time or through a boat dock, that sort of thing. But the key is the most important part, I thought, was that part where he

talked about the land shall be-- for the lake shall be owned by the state, and the department shall ensure that the general public has complete access to the lake. So that's the important part right there. And no private entity involved in the construction, developing, or managing of the lake shall designate any portion of the lake for exclusive private use. So I think my interpretation of that and I could ask Speaker Hilgers a question, but I think if he wants, he can answer on the record. But my interpretation of that would be that they can't close off parts of the lake. In some of the renderings, there was kind of coves you would call it where people would have houses and docks and things like that, and making sure the other boats could come through there without it being sort of a private drive on the lake itself. But nothing in this shall preclude them from reasonable limitations on the number of use. So obviously not over-- having the lake completely full of people. And then that there shall not be as long as such limitations does not restrict access to a designated class of private parties. And so I thought that-- that's an important distinction to make sure that there can be reasonable limitations, but you can't exclude people based on a designated class. So I don't-- I would think that would mean you can't make it specific to a private club or exclude individuals from the lake for-- from because of the class they're in. I did have a question. I'll probably run out of time here in a minute, but-- and I didn't get a chance to ask Speaker Hilgers because he was busy today with the ARPA bill, and I think everybody was asking him questions. But the part about-- I still have this question about the fact that no land within the lake development district, as designated by the Department of Natural Resources pursuant to Section 3, shall be annexed. And I'm still just curious about what the specific reason for that, because my interpretation is that there will be houses on this lake and potentially in close proximity to my imagination, and maybe I'm wrong, is Gretna and that Gretna may come and grow towards the west is how it seems to be growing, and come up to this lake. And it would be a natural part of Gretna and there may not be. I don't know what the argument would be that if Gretna does come to the lake that then they shouldn't be allowed to annex the houses at least that are part of the lake. I understand that making sure that the-- no city or subdivision or other government entity annexes the lake itself.

WILLIAMS: One minute.

J. CAVANAUGH: Thank you, Mr. President. But the houses, some may end up being residences realistically, if this goes as everybody expects, then I don't-- I don't see why those shouldn't be allowed to be part of a city. So that's a question. But I do-- I think it's very

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important if we're talking about these types of investments-- we've had a lot of conversations about investments today, which I appreciated everybody's comments-- that we make sure that it does remain accessible and available to Nebraskans for their beneficial use and enjoyment, as you would say. And so I do appreciate those changes that Senator Hilgers, Speaker Hilgers has made to the-- the bill going forward. And I'll push my light and I can talk again. It looks like there's a few people in the queue. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Cavanaugh. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. So I had a floor amendment written up and I was going to strike the lake. I don't believe that lake will ever happen. Seven square miles, 30 feet deep. Where in the world do you put sand or dirt from 7 square miles, 30 feet deep? Amazing. No clue how much that will cost. No clue. But I was wondering if Senator Hilgers will yield to a question or two.

WILLIAMS: Senator Hilgers, would you yield?

HILGERS: Absolutely.

ERDMAN: Senator Hilgers, you'll be happy to know that I have kept my little yellow sheet that I had drawn up right here. I haven't dropped it in. But please tell me, how does one go about securing 4,000 or 5,000 acres to build a lake? Are you going to use eminent domain?

HILGERS: No. The purpose of this is through an arm's length transaction. You can't go out and get 4,000 acres through eminent domain.

ERDMAN: OK, so the NRD is going to be involved in this, correct?

HILGERS: Under the bill, that's-- that's the Department of Natural Resources is directed to utilize NRDs to the fullest extent allowed by law. Yes.

ERDMAN: OK. So the bill says that the NRDs are allowed to use whatever is available to them by-- by the law, granted to them by the law, which is eminent domain, right?

HILGERS: One of their powers does include eminent domain. Correct.

ERDMAN: So you think that you're going to go out there and negotiate with these farmers, these landowners, these homeowners, and you're

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going to buy their land from them without using eminent domain? You believe that?

HILGERS: Absolutely, Senator. I mean, why are you so skeptical?

ERDMAN: I think I have a bridge in Arizona I want to sell you too.

HILGERS: Well, Senator Wayne, I, I'm sorry, Senator Erdman, I would say there's a lot of reasons this-- this ultimately might not come to fruition. We're doing a phase one approach. And the idea is we are looking at land that is in the floodway. In other words, you can't build. It's encumbered. There's-- the economic value is not the same as if you're going to some area outside of Ashland. And the entire idea here is to do an arm's length transaction where you have multiple winning parties, not to go and say, well, we can have a thousand acres here. Let's go use eminent domain to try to go take people's property. That's not a winning approach for that area. It's not a winning approach for the citizens in Nebraska, and that's not what we're trying to accomplish. This phase one through LB1023, Senator Erdman, will allow us to go see if we can go get the funds, not taxpayer dollars, a billion dollars, \$2 billion of private investment to go be able to do what? Not just build the lake, but pay money to landowners who are willing to sell.

ERDMAN: OK. OK. So is there a plan on what you do with this much sand?

HILGERS: It-- well, that's part of the phase one, Senator Erdman. Obviously, if you were to do-- to dredge an entire seven-square-mile lake in a year, you'd flood the market. And so as you talk to some of the gravel companies that have land out there, there's a way to sequence this where everyone can win. If they actually start to do the dredging on their own dime, could you then purchase the land from them after they get done with that, say, over five or ten years? I think the answer is yes, you absolutely can. And if-- and then the answer to your question is they would sell the sand over time under their current business operation.

ERDMAN: OK. So when they built, when they do this, the-- the direction or the information says they're not going to build a dam, right?

HILGERS: Absolutely, correct.

ERDMAN: So I would assume then as they dig out this sand, then their surface water, the groundwater is going to come up to the surface. Is that how it's going to be filled?

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HILGERS: That's exactly, that's my understanding, yes.

WILLIAMS: One minute.

HILGERS: I'm not a hydrologist, but that's my understanding.

ERDMAN: There's not a river or anything that runs into that, is there?

HILGERS: Well, there is obviously the Platte River. But no, we would not tap directly into the Platte through a dam or otherwise.

ERDMAN: OK. All right. Well, it's still kind of peculiar to me, but thanks for answering those questions.

WILLIAMS: Thank you, Senator Erdman and Senator Hilgers. Senator Hilgers, you're recognized.

HILGERS: Thank you, Mr. President. And thank you, Senator Erdman, for the dialogue and the questions. I do appreciate that and I appreciate you keeping your yellow pad with your sine die motion as well on your desk. Those are good-- these are really good questions. I know we've had a lot of-- we've had a number of people ask questions about this. And as we take a step back, I want to just remind the body this is a phase one approach over the next two or three years. A number of these questions have to be answered. Now some of them we know we can answer now. Are we intending to use eminent domain for this project? No. Are we trying to do arm's length transactions with landowners? Yes. Do we think this is going to have a multibillion dollar impact on the state of Nebraska, if we can do it? Yes. Are we certain that we can do it? No. Are we trying to use private investment versus state dollars? Yes. Exactly where it's going to be located? We don't know for sure. Exactly how-- where those private dollars are going to come from? We don't know for sure. What landowners might sell their land? We don't know precisely for sure, but we won't know and we won't have the lake built if we don't do LB1023. So I appreciate those questions, Senator Erdman, a lot of people asking some of the same questions. On AM2496, I appreciate Senator Cavanaugh bringing this. I do support AM2496. I think it's a good amendment. It's a positive amendment. It makes this bill stronger. In previous context on other bills, I think I have fought for these types of protections. I think whenever you're dealing with any kind of public dollars, whether-- whether it's a dime, a thousand dollars or a million dollars, it's really important that the stewards of those dollars act in accordance with their fiduciary responsibilities. And we don't have any perception, let alone reality of any person working on this particular project or their family

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members in any way benefiting from the project. And so I support this particular amendment, AM2496. I would urge you to vote green on that. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Hilgers. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Speaker Hilgers, I appreciate that. It was meant to be a good amendment, so I appreciate that you feel that way as well. So just to reiterate, AM2496, what this does is just creates another layer of transparency and ensuring that those on the government side that are involved in the project are not financially benefiting from the project. This is a huge project and there's going to be a lot of contracts handed out for this project. And so I just want to make sure that we are using the taxpayers' dollars to the best of our ability, and I think that's really important and important for transparency. As I mentioned before, I meant to include the Legislature, so I have another amendment and I know that we'll be talking about this more as-- well, I don't know that we're going past 8. No. So we'll be talking about this more at another time. So I would leave this amendment up and I'll be putting up another-- a different amendment to this. Thank you.

WILLIAMS: Thank you, Senator Cavanaugh. Senator Albrecht, you're recognized.

ALBRECHT: Thank you, President. I do have just a few quick questions. I had a phone call from some friends in Sarpy County that I've been very close to over the years, and they've asked me to ask a few questions. So would Senator Bostelman yield to a question?

WILLIAMS: Senator Bostelman, would you yield?

BOSTELMAN: Yes.

ALBRECHT: Thank you, Senator Bostelman. Will this new lake draw any waters from Mead? They're concerned about the polluted area. Is this--

BOSTELMAN: Say that again?

ALBRECHT: Is the lake in Ashland that you're talking about Gretna area, will any of the new lake draw polluted water from the Mead site?

BOSTELMAN: That would be something that the study would do.

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ALBRECHT: OK, but does-- does the waters from that area run into the area that you're going to be constructing?

BOSTELMAN: I don't know if the groundwaters go down to that area or not.

ALBRECHT: OK. And where will the money come from to clean up the ethanol plant in Mead?

BOSTELMAN: That's a DEE question. That's-- that's with the seed companies.

ALBRECHT: OK. I'm just asking the questions from the folks that are asking me this. And again, Senator Erdman touched on, will the lake, will there be any eminent domain taken? So that's been answered. And will it be our tax dollars to create this new lake? And will the public have access? And I do believe Senator or Speaker Hilgers talked about that. Thank you, Senator Bostelman. One thing I will say when we do a project like this and it involves a great deal of land going out of production, it's very, very important to get in touch with the communities surrounding this area because I think, if anything, that's where your push back is going to come if those questions aren't answered. So I appreciate Senator Bostelman's time and I'll yield my time back to the President. Thank you.

WILLIAMS: Thank you, Senator Albrecht. Mr. Clerk.

CLERK: I have some items, Mr. President. Amendments to be printed: Senator Hunt to LB933; Senator Morfeld, LB1014; Senator Machaela Cavanaugh, LB1015; Senator Wayne to LB917. Mr. President, a name add: Senator Matt Hansen to LB825. And Senator Lowe would move to adjourn the body until Thursday, March 24, at 9:00 a.m.

WILLIAMS: Members, you've heard the re-- the motion to adjourn until 9 o'clock tomorrow morning. All those in favor say aye. Those opposed say nay. We are adjourned.