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Floor Debate May 21, 2021  
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**FOLEY:** Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the eighty-second day of the One Hundred Seventh Legislature, First Session. Our chaplain for today is Senator Murman. Please rise.

**MURMAN:** Good morning. Once again, I'd like to give a prayer from my son in law, Grant Hewitt, who is the southeast regional director of Christian Medical and Dental Association. Let us pray. Lord God, creator of all things, we thank you for the privilege to speak to you as the true and living God. This morning we confess that you are real, that you hear our prayer not because we are important, but because Jesus Christ has opened the way to God by his sacrificial death. We speak to you this morning because you can do wonderful things which we cannot. We ask your blessing and protection on these leaders who venture out into an often hostile public square in order to help their fellow man and to defend those who cannot defend themselves. Thank you for each person here who is working hard to give others a better life, a life more closely aligned with your design for us. You are the true source of light and you alone give wisdom. Left to ourselves, we are so easily confused and misguided, I ask for your courage for us to stand up for what is honorable, true, and just, despite the many evil forces at work in this world. We also pray for our political enemies, for the grace to truly love them and for you to draw them to yourself in the same mercy that we depend upon. You are the only great and awesome God, and we love you and serve you. May we go forth in your name, in your love and your power, in the name of my lord and savior Jesus Christ. Amen.

**FOLEY:** Thank you, Senator Murman. Senator Lowe, can I ask you listen to the pledge, please.

**LOWE:** Will you please join me in the Pledge of Allegiance. 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.

**FOLEY:** Thank you, Senator Lowe. I call to order the eighty-second day of the One Hundred Seventh Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

**CLERK:** No corrections.

**FOLEY:** Thank you, sir. Any messages, reports or announcements?

**CLERK:** Mr. President, bills read on Final Reading yesterday afternoon were presented to the Governor at 4:50 p.m. An acknowledgment of agency reports available on the legislative website. That's all that I have, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. Members, Senator Bostar would like us to recognize Dr. Heather Kleeman of Lincoln, Nebraska, who is serving us today as family physician on the day. Dr. Kleeman is with us under the north balcony. Doctor, if you could please rise, I'd like to welcome you and thank you for being here today. Senator Clements, you're recognized for an announcement.

**CLEMENTS:** Thank you, Mr. President. I became aware of an announcement from a constituent. I have a constituent, Roger Kupp [PHONETIC], a Vietnam veteran from Nebraska City, and he relayed some information I'd like to share this morning. It's about a passing of a veteran. It's with much sadness that we share the passing of Medal of Honor recipient, Lincoln native and Army combat, combat medic Charles Hagemeister. He was awarded the Medal of Honor for his actions during the Vietnam War and he passed away two days ago, Wednesday, May 19, 2021, at the age of 74 in Leavenworth, Kansas. Mr. Hagemeister was a decorated Army veteran of the Vietnam era, which is my era. I wasn't in the war myself, and I really appreciate those who served in my place. Just wanted to honor Charles Hagemeister, Medal of Honor recipient from Lincoln. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Clements. Senator Dorn, you're recognized for an announcement.

**DORN:** Thank you, Mr. Lieutenant Governor. Yes, I do. I do have a resolution that is included there today. I wanted to talk just a little bit about who this is for. This is for Doug Hanson, who is the current mayor of Hickman, Nebraska. But Doug has been working for the state for a little over 43 years. Doug has worked in the facility, facilities management part of our state of Nebraska, and currently is the administrator of the State Building Division within the Department of Administrative Services. Doug has worked, like I said, for the

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state for over 43 years. One little known fact that I didn't know, Doug served as the facility, facilities engineering manager for the Tecumseh Correctional Facility when that was built. Doug is out in the Rotunda, and I found out that he is going to retire on June 4 after 43 years for the state of Nebraska and I want to thank him very, very much for his service to our state and for all of his work on the great facilities in the state of Nebraska.

**FOLEY:** Thank you, Senator Dorn. Members, we're going to start with Final Reading, if you would all be at your desks, please. Speaker Hilgers, you're recognized.

**HILGERS:** Thank you, Mr. President. Good morning, colleagues. We're here at the end of the session and so I wanted to give one last weekly update going into next week, what to expect. So two updates, one for today, one for next week. So I'll start with the latter. So next week, the schedule will be as follows. Monday and Tuesday will be recess days, not check-in days. They will be recess days. You, you should not come to Lincoln if you don't live in Lincoln, do whatever you want. Wednesday, we will have two things. One will be the LR134, which is the redistricting resolution. As you know, we'll be in special session later this year to handle redistricting. That resolution needs to get across so that they, the Redistricting Committee has the substantive guidelines that will guide their work. So we will do that most likely in the morning. And then most likely in the afternoon, we will handle any motions to override a gubernatorial veto. I've worked with the Governor's Office. They have agreed to get everything that goes through Final Reading today back to us, all vetoes back to us by Tuesday, and the remaining bills signed in process and returned to us no later than Wednesday morning. And so even though constitutionally they have more time, more days available to the, to that office to return everything to us, they've agreed to get everything back to us early enough. I've committed to the body throughout the session there will be no pocket vetoes, and there will be no pocket vetoes this year. So the body will have the opportunity to weigh in on those vetoes. That will be Wednesday. Like I said, most likely in the afternoon. So those are the two major pieces we'll get done on Wednesday. And then Thursday we will have-- that's when we will adjourn sine die. We'll have some miscellaneous motions to pick up and we will have, the Governor will come and speak for his end of session remarks. So that is next week's schedule. In terms of the time when we will actually start those days, most likely Wednesday will be in the morning, most likely 9:00. It just depends precisely how far we get along in today's agenda. And then Thursday, that, that is a little bit

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TBD as well, but, but probably midmorning. But we will, I'll give you advance, heads-up notice on Thursday. And then, of course, Wednesday, we'll know by the end of the day. Today's agenda, I've had several people ask me what, what will we do today? My initial intent was that we would be done by noon. I don't know what will happen today. And so either we will-- I, my intent is to get through the entire agenda today, I'll just say that. So if we-- I'll make an announcement later in the morning whether we'll take a noon recess. Likely we'll be short like we've done the last several days. We'll come back at the-- and then we'll finish up everything in the afternoon, however long that takes. If we are looking like we're going to get close to the end, we might just not have a recess and get done, you know, 1:30 or 2:00 or whatever it might be. I appreciate your flexibility with that. So those-- that's the update for today and next week. Everyone have a wonderful weekend. If you have any questions, of course, just let me know. Thank you, Mr. President.

**FOLEY:** Thank you, Mr. Speaker. First bill on Final Reading, LB432. Mr. Clerk.

**CLERK:** Mr. President, Senator Machaela Cavanaugh would move to bracket the bill until May 25.

**FOLEY:** Senator Machaela Cavanaugh, you're recognized to open on your motion.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I'm actually working on a different motion right now. And I will be pulling this motion for my other motion. So I think-- I don't know if you need me to talk until it's filed.

**FOLEY:** We'll just pause for a second--

**M. CAVANAUGH:** OK.

**FOLEY:** --while we get the motion processed here. The bracket motion has been withdrawn. We move to the next motion.

**CLERK:** Senator Cavanaugh would move to return the bill for a specific amendment.

**FOLEY:** Senator Cavanaugh, you're recognized--

**M. CAVANAUGH:** Thank you--

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**FOLEY:** --to open your motion.

**M. CAVANAUGH:** --Mr. Lieutenant Governor. Good morning, colleagues. So the specific-- this motion is to move LB432 back to Select, to strike Section 13 of LB432. Section 13 is the corporate income tax portion of LB432. The reason that I am proposing today that we move this bill back to Select and strike this portion of the bill is to be, to ensure that we continue to be fiscally responsible in this Legislature. As it was brought to our attention this week, we seem to be in more dire straits financially than we thought otherwise when we were moving bills along, and this bill was moved from Select to Final prior to that realization. And that is why I would like us to move LB432 from Final Reading back to Select to strike the corporate income tax cut. I realize that this income tax cut was a compromise. I myself voted for it, but did not have all of the facts available to me at that time. Those facts being that the state does not have enough money to cover the things that we have been moving through to Final. And as a result, I am here today to help rectify that situation. So I will encourage everyone to vote in favor of the motion to return to Select, and then when we get to Select, to vote to strike that section. So I think before us right now is whether or not we're going to move to Select, and then from there on the motion itself. Thank you.

**FOLEY:** Thank you, Senator Cavanaugh. Is there any discussion on the motion to return to Select File? I see none, Senator Cavanaugh, you're recognized to close on your motion.

**M. CAVANAUGH:** Thank you. OK, well, then I guess we'll get to this vote quickly. This, again, is, is my endeavor to move this bill forward without the enormous fiscal note that it currently has. Since we don't seem to have the resources to do the things that we thought we had the resources to do, I really encourage everyone to vote in support of this floor amendment-- this motion. And then we can have a conversation about the, the striking of Section 13. So thank you.

**FOLEY:** Thank you, Senator Cavanaugh. Members, we are about to move to a vote, if you could all please be at your desks. All senators, please be at your desk for a vote. Members, the immediate question is the motion to return LB432 to Select File. A roll call vote has been requested, you said in which order? Reverse what has been requested. Mr. Clerk.

**CLERK:** Senator Wishart voting no. Senator Williams voting no. Senator Wayne voting yes. Senator Walz not voting. Senator Vargas not voting.

Senator Stinner voting no. Senator Slama voting no. Senator Sanders voting no. Senator Pansing Brooks not voting. Senator Pahls voting no. Senator Murman voting no. Senator Moser voting no. Senator Morfeld. Senator McKinney not voting. Senator McDonnell voting no. Senator McCollister voting no. Senator Lowe. Senator Linehan voting no. Senator Lindstrom voting no. Senator Lathrop. Senator Kolterman voting no. Senator Hunt voting yes. Senator Hughes voting no. Senator Hilkemann voting no. Senator Hilgers voting no. Senator Matt Hansen. Senator Ben Hansen voting no. Senator Halloran voting no. Senator Groene voting yes. Senator Gragert voting no. Senator Geist voting no. Senator Friesen not voting. Senator Flood voting no. Senator Erdman voting no. Senator Dorn voting no. Senator DeBoer. Senator Day. Senator Clements voting no. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh not voting. Senator Briese. Senator Brewer voting no. Senator Brandt voting no. Senator Bostelman voting no. Senator Bostar. Senator Blood not voting. Senator Arch voting no. Senator Albrecht voting no. Senator Aguilar voting no. 4 ayes, 30 nays, Mr. President, on the motion to return the bill.

**FOLEY:** The motion to return the bill to Select File is not successful. Mr. Clerk.

**CLERK:** Senator Cavanaugh would move to bracket the bill.

**FOLEY:** Senator Cavanaugh, you're recognized to open on your motion.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. So one thing that I learned about the rules is you can move something to Select and from Final to Select and you can take a vote on the amendment. And if the amendment fails, it automatically goes back to Final. So instead of doing that, we'll just have bracket motions for the rest of the day, because I was genuine in if that, if we had had a vote on whether or not to take the Section 13 out, I probably would have just sat down. But even if it had failed. But since we're not willing to have those actual conversations because I'm the one proposing them, I'll just have a conversation between me and the people of Nebraska for the next two hours. And then we can-- hopefully enough people will be here for cloture. So refill your coffee. Check your email. Do whatever you like. OK, so I'm going to pick back up on the Arc of Nebraska's report. Alternative state options. The Nebraska-based system. Oh, we're changing-- now we're changing our focus to see what other systems look like. While there are some variations, the state federal Medicaid system does provide some basic structural blocks that do allow some comparisons, comparison across programs. By looking at

other state systems and implementations, we can find beneficial tools that can be offered for the citizens, for the Nebraska citizens. Medicaid waiver comparison to other states. The following chart provides a snapshot comparing Medicaid waivers implementation in Nebraska to other states. The chart shows that population served, the level of care, the number of slots allocated, the number of, of children who qualify through a disability determination. So there's this, this chart, which I probably should distribute, and I might later today, just mostly so-- I know that this is something that Senator Groene has talked about, how we compare to other states. And so I might just email it out to everyone, but it does, it does show how we compare to other states. So individuals and families can access Medicaid several ways, these include income eligibility, which we've talked a lot about, individuals who have lower income can access Medicaid and gain coverage to Medicaid, Medicaid's medical services, supplemental security-- Social Security income. Individuals who qualify for Social Security are also eligible for Medicaid. Family Opportunity Act, the FOA, is a pathway that allows families to gain access to Medicaid for their child with disabilities. More details in Nebraska answers section. Katie Beckett. The Katie Beckett Program offers another pathway for families having children with disabilities to gain access to Medicaid for their child with disabilities. Home and comm-- community-based services, HP-- HCBS waivers. A waiver offers states a pathway to waive the certain Medicaid requirements. States can provide HCBS waivers to support individuals with disabilities and provide their long-term services and support needs in their homes and communities. Foster care. Children in foster care are covered by the state's Medicaid program. So I have to apologize to the people at home, I am extremely tired, probably not for the same reason as some of my colleagues are this evening. But I did go home last night and my youngest did not sleep at all until about 5:00 a.m. And so I was up with him. I guess he missed me and wanted to play in the middle of the night. So I'm running on a few hours of sleep, kind of reminiscent of when he was a baby. But that's OK. I've done it before, I can do it again. I'll just take a drink of coffee. OK, the comparison chart, I'll skip that. Lack of cohesive vision and care regarding age, medical improvement and level of care. Frequently it seems that we lack a smooth, sensible system. Instead, our efforts to keep a few waivers, we have created some clear holes in the system. When we add in the wait of the waiting list, it seems that the system only cracks further. Despite previous small efforts to help increase coordination and efficiency in government, we still seem to have a long way to go. While we have the wide array of stakeholder organizations and

committees, it seems that these committees frequently have significant overlap in mission and discussion. This wastes the time of DHHS staff, stakeholders and community volunteers. This environment of not having the left hand know what the right hand is doing has slowed our progress. Looking at the significant restructuring of these communities-- committees could help significantly improve government efficiency. I like the sound of that. Stakeholders, families and state staff have invested a considerable amount of time in these organizations. Some of the stories we have heard of these committee meetings include the same, that the time is wasted; stakeholders, families and providers give input that is ignored in implementation; the number of meetings and time of meetings during weekdays and in Lincoln makes it hard for busy and geographically diverse families to stay engaged; the right stakeholders are not in attendance; Medicaid director doesn't attend. Appeals issues. One key issue that prevents us from truly understanding the accessibility of these programs is the complex and state-weighted status of departmental hearings and adverse notices. This frequently plays a role in removing people from waivers and preventing them from access. This limits our understanding of how the system works. With that in mind, there are a few pieces that merit consideration. The lack-- the system lacks the appreciate-- appearance of being arm's length, transparent or independent. The state has the resources to process appeals, while the plaintiff must come up with significant resources to pursue an appeal of the state's decision. Issues faced by families. Due to failure to calculate mail-- due to a failure to calculate mailing times, families will frequently only have a few days to address, understand, understand, address, schedule meetings with attorneys, hire an attorney and file an appeal. That was something that was brought up as a really big concern when families were being moved off of the A&D waiver, is that they only had, I think it was ten days to file an appeal. But sometimes they would get the notice, it would be dated and they would get it and it would already be ten days, just depending on where they lived and how frequently their mail came. So that's, you know, of course, problematic. In-- incorrect individuals will receive notices, notices are unclear, vague or lack proper directions to properly appeal. When families do appeal, they face an employee of the department as the hearing officer. This requires an employee of DHHS to make an adjustment-- to make a judgment against DHHS. We lack data regarding the-- I'm sorry, how much time do I have left? Mr. Lieutenant Governor, how much time do I have left?

**FOLEY:** One minute.

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**M. CAVANAUGH:** Oh, OK. We lack data regarding the number of appealed adverse decisions, overturn ratio, percentage where an attorney was employed and the number of cases taken to court, should be published as a matter of public record. I'll pause there for my next turn in the queue. Thank you.

**FOLEY:** Thank you, Senator Cavanaugh. Discussion on the motion to bracket the bill. Senator Stinner.

**STINNER:** Thank you, Mr. President. Members of the Legislature, I would like to congratulate each and every one of these folks that are here today in the Legislature for your fiscal responsibility and your fiscal restraint. If you look at the green sheets with a smidgen left to pass and appropriation bills, we now sit at 2 percent spending growth for the biennium. I think that's something to be proud of, we'll probably be 2.1 if we pass this. We also are leaving about \$25 million as carryover. So we left some money in that checkbook. And I think you should be congratulated on that as well. I also want to congratulate the Revenue Committee and the Chairman of the Revenue Committee strategically putting together some tax strategies, both from Social Security, military pay, as well as corporate taxes. I think that's something that we all should be proud of. We've started a process. We started a process of reducing Social Security tax, we've finished the process of military pay and trying to bring quality individuals and keeping them in our state for our workforce. We started the process for corporate parity and corporate tax relief. We also accomplished quite a few things as it relates to the overall budget and fiscal posture of our state. We have fully funded our pension plan, we restored over \$800 million in our rainy day fund. And if I take the \$50 million out, we're actually at about 16 percent. That's a fully funded reserve. So congratulations on that as well. Rainy day fund is an important part of our fiscal posture, and that's, I just want to continue to emphasize that's an important piece of how we put budgets together, how we need to move forward as a Legislature. We also solidified the Health Care Cash Fund and we provided 2 percent for provider rate increases. The last part of that obviously is LB100, which I think is one of the things that we're going to, to pass today. So it's something to be proud of. It's something to go home and talk about that you did both ends, that barbell side of things. Fiscal restraint, certainly with a look at the future as it relates to our tax posture. So congratulations, I just wanted to get on the mike and, and give you that news.

**FOLEY:** Thank you, Senator Stinner. Senator Groene.

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**GROENE:** Thank you. There's no need to explain my vote, but we do not need a corporate income tax cut. There's no good policy reason to do it. None. I got called twice yesterday by businesses in North Platte who are desperate for employees. Desperate. I'll continue about the unemployment later, but you cut taxes for corporations because you have an 8 or 10 percent unemployment rate and you need companies to move to the state, that's policy. I understand Senator Linehan's reason and those who want to cut taxes. Two ways to control spending. You actually have the bravery to do it or you cut the funding so spending is cut in the future. I understand that philosophy. Some might say we might keep taking money from the disabled. I will tell you, they will take it from the property tax credit fund when revenues drop off. Anybody want to take a bet on that, a rural farmer with the makeup of this Legislature and after redistricting, anybody want to make that bet a couple of years down the road? I have no hiccups at all about taxing an inanimate object called a corporation. In fact, folks, most of them are led by liberals anymore, so I'm really not mad about taxing them. They will take away your property tax credit fund, they will have no choice in the future. So if you think you're going to starve them, they're going to starve the property tax credit relief. That's what I believe, and that's why I voted for the policy. Not for Senator Cavanaugh or against her, the policy. Twenty-one states have rejected already Biden's new unemployment benefits, which can amount up to \$44,000. As I said, I got calls from people that they would go back to the people that used to work for them and say, well, your job is still there? And they say, why would I come back to work? Why would I come back to work? I would take money from my family, printed money off the, off the federal printing presses. I would hope the Governor joins 21 other states and does not accept the new unemployment benefit package, does something brave like Montana did. You actually write them a check. You go back to work today, here's \$1,200. I don't know what we'll do around here because we like to spend, the answer to everything. You know, I wouldn't be standing here today because I tried it the other way, to cut spending. But I see my colleagues vote for every spending thing on there. And Senator Stinner, you voted for Senator Cavanaugh's disability bill, I believe, right. Those of us who killed it put \$15 to \$17 million back in that \$25 million you congratulated us about. Nobody wants to cut spending. They want to do the easy way, give a tax break. We have to control spending here. I tried yesterday with many of my votes. We're going to build tennis courts and basketball courts instead of controlling spending. Fine, if that's what you want to do. But I'm going to be fiscally responsible and I want to pay for it. So I am not going to

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vote for this bill. I said I'd give closure, but I'm not voting for it. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Groene. Senator Machaela Cavanaugh.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. Thank you, Senator Groene. I couldn't agree with you more. I, I didn't support this bill even before we had a failure on LB376 because of the corporate tax cut piece of it. There were other pieces of this bill that I didn't like as well, but the only piece that I'm trying to change or tried to change this morning was the corporate tax cut piece. And the only reason I voted for it on Select was out of respect for the Chair of the committee, because I knew how hard it had been worked on, and the fact that she was willing to compromise, I thought, deserved a vote. But now that I understand that we just don't have enough money for things, I, I feel differently about that and I won't be voting for it and I won't be voting for cloture. And, I appreciate Senator Stinner's update on the budget for everyone, I'm looking at it right now and it looks like we will have \$27,355,393 left over the biennium, and then the estimates for the following biennium are \$77,804,859. So the under \$12 million that the family support waiver would have costed over the biennium would have still left about \$15 million on the floor, \$15 million. We still would have had \$15 million. So I guess I don't know how much money is enough money for us to have left over when we're putting-- this isn't money, like we've put, we put money aside for the rainy day fund. We put money aside for the property tax relief income tax fund. We put money aside for all-- we even just parked money for a prison just sitting there. So I guess I just, I do not understand how much money is enough money for us to have to support developmental disabilities. When will we have enough money what we are then able, feel comfortable enough to support developmental disabilities? I would really appreciate knowing what that number is. Truly, I would appreciate knowing what that number is, because I'm with Senator Groene, I voted on a lot of things, a lot of things that have fiscal impacts. Hundreds of millions of dollars of fiscal impacts. But when it came to developmental disabilities, that's where we had to trim the fat. And no one has told me why that was the fat that had to be trimmed over everything else, over shovel-ready projects.

**FOLEY:** One minute.

**M. CAVANAUGH:** Over cash reserve, rainy day fund. I mean, we're, we're putting money aside in the rainy day fund, which is fiscally responsible. It's like our little savings account, and I appreciate

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that. But how much is enough that we can then help serve the most vulnerable populations? And shouldn't we be serving them before we put anything aside? Shouldn't they be the first people we're serving before any other interests, before our own interests? I think I'm at about time, so I will just get back in the queue. Thank you.

**FOLEY:** Thank you, Senator Cavanaugh. Senator Friesen. Senator Friesen, you're recognized.

**FRIESEN:** Thank you, Mr. President. You know, as we look at going forward, and I am going to support the bill, I agreed to the, basically the trimming back on the corporate tax rate. And so I will continue to support the bill. But again, I think everybody has to keep in mind that looking back in my years here, when I first got here, we had money on the table. We spent it. We didn't look far enough into the future and we didn't realize how fast our cash reserves could be depleted and what might happen. And I, what I'm seeing now is I think the same thing is going to happen. I just don't know when it's going to happen. With all the billions of dollars that the federal government is pouring into our state, you can see our unemployment rate is extremely low right now. We have a lot of restaurants, hotels, everything else looking for employees, can't get them. And I think the damage is not over in some of those sectors yet, and we really haven't done much to help them. Hopefully, people start getting out. And again, unless we address something in the unemployment end of it, there's going to be some businesses out there that will continue to hurt because they just can't open up because they don't have staff. It's not because they don't have customers willing to come, they don't have staff. And when I look at in general, when we talk about our taxes and our spending and where we're going to go in this state, I mean, we've always tried to say that we're going to be fiscally responsible. But again, and I voted for many of these things, they were compromises. They were cut back, they were trimmed back, but we still spent a lot of money. We had a lot of money for the floor and we are going to spend it. And, yes, we'll have the cash reserve built up to healthy levels. But those will be at the levels that when I first came here we were at, within one year we got rid of those excessive levels and we struggled for the next six years on trying to accomplish some of the things that everyone thought was a priority of this body. But again, I will tell people that when these next round of candidates come out campaigning for reelection, ask them what their priorities are, and if they have not been voting according to those priorities then let's send new people here. Because it seems like once we get here, our priorities suddenly change. And as much as we'd like to see

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a comprehensive change in our property tax structure, we still haven't accomplished that. We've put on a lot of bandaids. We've tied up a bunch of money that is, I think, down the road at jeopardy, because when we run short of funds again, that's the first place that everybody's going to look. And so I think we need to look more at our long-term financial health of this state and see to it that businesses get back to doing what they do best and that we pare back some of the spending that we're going to throw out there. Because right now, I think there's going to be a lot of federal dollars that go into infrastructure building and I'm not sure that our companies can even keep up because they won't be able to hire the employees to get the work done. And so in the end, what it's going to do is we're going to shovel all this money into public projects and it's going to raise the cost of those public projects. And we'll end up paying 25, 30 percent more than what we actually should to get these done and then we'll wonder why we spent so much money and didn't get a, get what done what we wanted to get done. So in the, in the bigger picture, I know we're on the last days here now and everybody's down to the Final Reading and we all just want to go home. But I think a little bit what Senator Groene was talking about, it's, it's legitimate and we need to be thinking of that right now. I don't think the body has looked at its priorities and stuck with that. So I'm hoping that maybe over the summer people can think about this a little bit and maybe after we see how many federal dollars actually get dumped into us and we actually probably get a handle on how much, how many COVID dollars the schools have, how many dollars that the cities and the counties and the state has, and we see all those millions of millions of dollars and we'll see if it's spent wisely or if it's just spent. When we could have done better with those dollars, did we just wasted on projects that we wanted versus what we needed, or could we have done better? Could we have lowered taxes somewhere? Could we have accomplished building some of the projects that--

**FOLEY:** That's time.

**FRIESEN:** --are our priorities?

**FOLEY:** That's time, Senator Friesen.

**FRIESEN:** Thank you, Mr. President.

**FOLEY:** Thank you, Senator Friesen. Senator John Cavanaugh.

**J. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. Well, I-- well, ultimately, I'm going to vote for LB432 because I agreed to vote for LB432. But I rose to speak on there's an article in the World-Herald today about a man named, I should have actually practiced pronouncing it, Bill Cave-eye [PHONETIC]-- Caveye, who passed away. He was the quarterback of the kitchen who worked his way up at Gorat's. So he worked for 50 years at Gorat's Steakhouse. In that time, he worked his way up from dishwasher to chef, met the woman who would become his wife, raised three children, cooked for the likes of Warren Buffett and Liza Minnelli. The 69-year-old died of natural causes in his Waterloo home on May 7. After his death, the restaurant's electric marquee said: Thanks for 50 years of service at Gorat's. Rest in peace, Bill Caveye. So I bring this up, obviously, it's a nice story, Gorat's steakhouse is in the heart of District 9. It's a wonderful establishment, an Omaha institution. And it's a nice story about a man who worked his entire life and made a career at this one institution, worked his way up, and I'm sure they paid him a living wage throughout that. And I think that sometimes we have these types of conversations about all these different types of things, in particular right now we're talking about corporate taxes and how we could use that money differently. And some, you-- I guess it would be considered a losing the forest for the trees, losing the trees for the forest, how does that saying go? Losing-- but losing, losing the forest for the trees, losing focus on the individuals when we talk about kind of the bigger story. And so it's just when you look and see a story about a specific person and it jumps out of you, obviously, because I have a connection to the, the story itself and recognize it. And, you know, Senator Clements had his story about a specific person today. And I think it's good often to keep a focus on the individuals and the people it helps. I know we shouldn't make policy based on, like, anecdote, we should make policy based off of the ideas. But it is always good to have an idea of a person that you affected in your community, that the policy will affect and that you can kind of wrap your mind around how these things work. So I just wanted to make sure that The World-Herald has a story, and it's nice to recognize, and I just thought it would be appropriate for us to make sure and mention him as well and his years of service. I'm sure I ate one of his steaks at one point in time, the number of times I've been at Gorat's. So with that, Mr. Lieutenant Governor, I'll yield the remainder of my time back to the chair.

**FOLEY:** Thank you, Senator John Cavanaugh. Senator Linehan.

**LINEHAN:** Good morning, Mr. President. Good morning, colleagues. I'm having a little computer problems here trying to get things printed

off. LB432 is the Revenue Committee priority bill, and it started as a very big package. It had GILTI in it. And I made the mistake, I now realize, when I brought it to the floor, I thought I was working in good faith with everyone. So GILTI was-- Senator Clements is helping me here because his computer is printing, I think, about \$22 million. So I worked with the Revenue Committee and we agreed, considering what all we were trying to do, that we should take GILTI out, which if I remember correctly and people can correct me because like all the rest of you, I am tired. Senator John Cavanaugh wanted it to go away. He said he really didn't like it, so we took it out. And then what we had left was the income tax cut. And it was over the biennium, and remember, this is like people are acting like we're doing away with taxes on corporations, we're not doing away with them, we are simply trying to bring that rate down to the rate that other companies pay. It's a matter of fairness. I don't know why we think corporate should pay. I've never understood it, but obviously some do. So that fiscal note over the biennium was a little over, it was \$29.2 million. So and I've taken GILTI out. I have talked to everybody and I think we're fine because it fits on the green sheet, \$29 million. And then when I'm on the floor and people are-- somehow we have 33 votes on Social Security, but when I'm on this bill, something happens over here and all of a sudden we have to have a hard stop on Social Security in five years, which had nothing to do with biennium. The thing-- Social Security was set in over 10 years, and any time the Legislature could have hit the pause button. Any time if we had a bad year. That's why we wrote it that way, to give the Legislature the ability to stop it if they needed to. But that wasn't good enough. We had to cut it in half. Now, we're here this morning and I'm defending an \$11 million one hundred-- \$11.1 million fiscal note. I should've never taken GILTI out. I will negotiate better next year. I, I understand that Senator Machaela Cavanaugh is frustrated. I get that, I'm frustrated, too. I had a priority bill, priority bill for five years, didn't get to cloture. I have not gotten up, I don't think once and complained that I didn't get to cloture. This is a tiny little thing, actually, and we have people who say they hate the incentive package, same people that are filibustering this right now. OK, you want huge incentive packages--

**FOLEY:** One minute.

**LINEHAN:** --when we pick winners and losers or do you want to fix our tax code so we're all somewhere in the same ballpark of what we pay? I am, and I am very confident that the Revenue Committee is going to look at all our taxes over the summer and into next fall. We have a

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tax code that is a, it-- think where I'm at, it is a mess. And we are not competitive, so we have hundreds of millions in incentive pack-- plans, so we can keep businesses here and get them to come here instead of fixing the tax code. This is a tiny step, guys, and we need to take it. Thank you very much.

**FOLEY:** Thank you, Senator Linehan. Senator Machaela Cavanaugh, you're recognized for your third opportunity.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I have been opposed to LB432 the entire time, regardless of any negotiations that happened on it. Those negotiations never happened with me, I am not my brother's keeper, nor is he mine. And as he has already stated, he's voting for this. I am not. This is not just a little thing. This is a thing that is coming at the expense of the family support waiver. This is almost the same cost as the family support waiver. And if we couldn't afford to do that, why can we afford to do this? That's not a little thing. And I am very consistent on tax cuts and tax incentives and how we're doing them. Probably the only person who is as consistent as I am on these issues is Senator Groene. I think he and I have almost the exact same voting record on all of those issues. I don't like tax cuts for corporations over services for disabled children. I have talked since day one about developmental disabilities and funding for developmental disabilities, if we have money back in the budget, that that is where our money should go. I have been completely transparent and consistent, unlike most of this body. People say about me that I'm unpredictable, and I take umbrage with that because I think I'm the most predictable person here. I will predictably stand up and argue and fight for developmental disabilities every single day. I will stand up and stand against anyone who gets between the state funding those services for anything, I don't care what it's for. If we have money in the budget, we should be taking care of vulnerable populations first and foremost before anything else. First and foremost. There is no greater purpose for government. Someone sent an email the other day saying that funding for developmental disabilities wasn't the government's job. It is exactly the government's job. It is not our job to have corporate welfare. It is our job to take care of the most vulnerable people in this state. That is our job. If you want smaller government, great, let's go through this budget and look at all of the pork that we had passed this year, all of the pet projects that we passed this year. Developmental disabilities does not rise to the level of a pet project. It is the essential function of government to care for the vulnerable people of this state, so much so that if we don't fund it

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and families are left with no other choice, those individuals can become wards of the state.

**FOLEY:** One minute.

**M. CAVANAUGH:** And then we're really responsible for them. And it comes at a much greater cost, much, much greater cost. I will just move on to my closing, Mr. Lieutenant Governor.

**FOLEY:** You can proceed with your close, please.

**M. CAVANAUGH:** Thank you. So people can frame the story however they like, however suits them. It's not going to change the reality that this body is choosing everything on this green sheet over the most vulnerable people in our state, every single thing that we passed in this body that's on this green sheet was a choice, a choice that we all made. A vote that we all made, that the things on here were more important. When it comes down to the argument for why you didn't vote for cloture on my bill is because we don't have the money, then the argument is that's because we made these choices. We made the choice on our own salaries, we made the choice on the salaries of our staff, we made the choice on Capitol construction, we made the choice on state claims. We made the choice on adopting the Nebraska Rural Projects Act and qualification duties and certification of law enforcement officers, aid to counties to pay certain federal judgments, aid to tribally owned federally qualified health centers, Mental Health Crisis Hotline Task Force, Line of Duty Compensation Act, taxation for ready-to-drink cocktails special license, eligibility for Low Income Home Energy Assistance Program, school safety and security reporting system, changes meat and poultry inspection law, changes Nebraska Advantage Microenterprise Tax Credit Act, Nebraska Broadband Advantage Act. Twenty million dollars a year, \$20 million this year, \$20 million next year for broadband. And I am ferociously dedicated to broadband in Nebraska. I think it is an essential service, but not more so than serving people with developmental disabilities. It's just not. I voted for it yesterday on Final Reading because, well, first of all, I voted for it out of committee. It was a committee priority. I voted for it on General, I supported it on Select. And even though I am frustrated at the mentality in this body, I knew, just like I knew with the military benefits and voted for that, I knew that it was a disingenuous argument that we didn't have the money for DD. I knew that the people that stood on here and said that they had concerns about it were lying to this body and to the people of Nebraska. How much time do I have?

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**FOLEY:** 1:15.

**M. CAVANAUGH:** OK, I'm going to pull this motion. I filed a new motion.

**FOLEY:** The bracket motion has been pulled. Mr. Clerk.

**CLERK:** Mr. President, Senator Cavanaugh would move to bracket the bill until April 28 of 2021.

**FOLEY:** Senator Cavanaugh, you're recognized to open on your new bracket motion.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. OK, and I'm gonna get back to the Arc's report. I was on appeals issues. I'm going to move ahead to page 23. If anybody is looking at the report, it's available, I believe it's available online on the Arc's website, Arc of Nebraska, A-r-c. Support waivers, a new innovation, it's on page 23. A relatively new model that is being used by states to support individuals with autism and intellectual and developmental disabilities is a support waiver. These waivers are limited in their services, but offer budget predictability for states as there is a set budget and a set number of slots. These states that have started to use support waivers are doing so to complement other waivers, help to provide limited services to help avoid crisis placements or more costly interventions and embed them in the DD delivery system continuum. These waivers acknowledge that families provide many informal supports and help to support caregivers. So the family support waiver, the money that came with it-- so there was the waiver itself waived income eligibility requirements for Medicaid. So that, that was the part of, I guess, the millionaires and billionaires corrupting or co-opting the system, was that kids could get on Medicaid without consideration to the parent's income. They only consider the child's income then, and so kids can qualify for Medicaid as a result. And as we have heard, even if you make over \$38,000 a year in a family of four, it is very expensive. You have private insurance and you pretty much max out on your private insurance by February of every year, or you've already met the lifetime max on a lot of services for your kid by the time they are two. So having Medicaid in addition to your private insurance is really essential. And, um, and so taking away that income eligibility requirement is really essential because I honestly, even if you make like a really good living, like \$250,000 a year, if you have to pay \$70,000 a month for one medication, that's your-- you don't make a good enough living to survive. So you probably can't give your child the medication that

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they need to walk or feed themselves or stay out of institutionalized care. OK, so that's one of the things that the waiver does. But the other thing that the waiver did is give each family that qualifies for the waiver based on the criteria that was developed with the Department of Health and Human Services, myself and the HHS Committee did not pick winners and losers. We worked with the Department of Health and Human Services and they developed the criteria for how you qualify and who gets the waiver prioritized. That's how that works. That's their job to do as the administration. And the conversation about it on the floor here was that myself and the Health and Human Services Committee was picking winners and losers. We were not picking winners and losers, there was a process. Unlike LB2, which does pick winners and losers and is probably unconstitutional, there was a process for prioritizing. And in that process, they submit that as part of the state plan to Medicaid and then they have to get it approved. It's not Machaela Cavanaugh just decided these kids get this and their parents get 10,000 bucks. That's not how it works. There's a lot of bureaucracy. So in addition to the money, there are also guardrails so that there aren't unintended consequences on how the money can be spent. But there's also flexibility in how the money can be spent. So if you have a kid who can't toilet themselves or is wheelchair bound and you have a house that presents a lot of, a lot of challenges for having a kid with a wheelchair, you can use that money to make changes to your house, like putting in a ramp where needed or maybe a lift if you have a two-story house. Or perhaps you could use it to make modifications to a car. Things that would vastly improve the quality of life for that child. But you didn't want to have a genuine conversation about that and you weren't consistent. You sat silent when this was on General File, you didn't come to me or the committee between General and Select to address any concerns that you might have and amendments that we could make. You were mean and spiteful to these families because the Governor told you to be. And now you have to live with that. You have to live with the fact that you are depriving over 800 families access to a higher quality of life for the family and for their child. That weighs on you. And I'm just here to make sure that the whole state knows who's responsible. So you can give me your disingenuous arguments about how hard you worked on this bill that I've opposed forever, and you can pit me against my sibling on the floor of the Legislature, which is ridiculous. But the arguments that were made against LB376 were lies, plain and simple. They weren't real. They weren't based in facts, they weren't based in reality whatsoever. They were cruel, they were dismissive to the life experience of the families we are here to serve. And it's four days

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later, and I am as outraged and ashamed of you as I was on Tuesday. Sour grapes and all. How much time do I have left?

**FOLEY:** 2:20.

**M. CAVANAUGH:** Thank you, I'll get in the queue. OK. Support waiver innovations. OK, so that's why support waivers are good. That's why they're innovative, because they create opportunities that are low cost to the state to increase the quality of life for Nebraskans. I'm a pro-reproductive health Nebraskan. I proudly believe that women should make their health care decisions, whatever they may be. I believe men should make their health care decisions as well. I don't believe that that should fall to anyone outside of the individual. There are many in this body who do not agree with me on that. And every single person who did not vote for cloture for this LB376 does not agree with me on that, every single one of them.

**FOLEY:** One minute.

**M. CAVANAUGH:** They think that no matter what you should carry a pregnancy to term, no matter what. And that is possibly the most disgusting thing about this all. I think every woman should make the choices that are right for them, and I hope and pray that if a woman is pregnant, that she has the supports and access to health care that she needs to have a healthy pregnancy, a healthy delivery and a healthy newborn. And if those things aren't true, I hope and pray that she has the support she needs and access to health care--

**FOLEY:** That's time, Senator, but you may continue.

**M. CAVANAUGH:** --moving forward to help her improve her health outcomes and improve the health outcomes of her child. I believe in compassion and not placing judgments on other people's health care decisions. It is not my place nor my right to judge your health care decisions. Just like it's not my place or my right to judge someone who is terminally ill of cancer from terminating treatments, which is something I have had to face with family members, when I wanted them to fight and they didn't want to fight anymore. And I'm sure others here have had to do that as well, and it wasn't my place. It wasn't my place to make those decisions for them and I wouldn't even dream of it. But this body and the people that voted against this bill think that it is their place to tell women how to make their health care decisions, but you're not willing to step up to the plate and help them when they have a child that has health outcomes that are, as one mother put it, not

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compatible with life. I know I need to get back in the queue. We have just under an hour left on this bill. And just like every other bill that I've spoken on for the last several days, I know that it's not going to change anything, what I'm doing here right now. But this bill is going to pass and most of the people in this body are going to completely ignore everything that I have said in regards to this bill specifically because apathy is easy. I've never done easy things. It's not in my nature. I think I might actually be incapable of apathy, unfortunately for my psyche. OK, implement the Family Opportunity Act. Many conservative states have implemented this program as it allows children to have access to benefit-- the benefits of early periodic screening, diagnosis and treatment, or EPSDT within Medicaid. I'm pretty sure I read this previously, but I doubt anybody right now has heard it, so I'll read it again. And it keeps families in the workforce. Further, it builds off of families' private insurance as the primary payer and Medicaid becomes the payer of last resort. What? That sounds like a scam for millionaires and billionaires, if ever I heard one. Introduced by Iowa Senator Chuck Grassley who recognize that many working families that had children with disabilities were falling through the cracks and were turning down pay raises, overtime or better-paying jobs to keep Medicaid health care coverage for their children with disabilities. What? That's bananas. That's not happening. People are taking raises, they're millionaires and billionaires. They're greedy. So in 2004, he joined with Senator Ted Kennedy and introduced the Family Opportunity Act, which allows more families with disabled children to remain eligible for Medicaid by enabling states to create options for parents to buy into Medicaid while staying in the workforce. Well, isn't that something? The Family Opportunity Act allows families with disabled children--

**FOLEY:** One minute.

**M. CAVANAUGH:** --thank you-- to remain eligible for Medicaid by enabling states to create options for parents to buy into Medicaid. Well, maybe we'll explore that option next year. If Edison McDonald is listening, start drafting. Don't worry, I'll have somebody else introduce it. I wouldn't want to have the Governor's pettiness destroy children and families again. So increased funding for developmental disability waiver. The average cost of institutional placement in Nebraska is \$221,920. My apologies, colleagues, I was undercutting that by over \$20,000, which is still, just that \$20,000 that I wasn't even talking about is double what we'd be giving families. So institutional care is \$220,920. This is similar to the national average, \$539 per day--

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**FOLEY:** That's time, Senator, but you may continue on your third opportunity.

**M. CAVANAUGH:** Thank you. Sorry, I'm going to take a sip. One hundred-- \$539 per day, which is \$196,710 per year. In comparison, the average cost of community placement is significantly lower, averaging at approximately \$63,811.56, according to the latest numbers from the state. The deferred cost not only will help Nebraska save significant sums, community-based placements are more ethical, developmentally supportive and engage people in the community. In addition, in addition, the deferred cost of emergency placements-- more, more restrictive placements will cut down on that average \$63,811.56. As we can see in the chart below the average cost, well, you can't, but if you go online and look at this report, it's on page 25. As we can see in the chart below, the average cost of these emergency settings costs \$134,657, whereas when families and the state plan well and provide services, plan well and provide services in a timely fashion, the cost on average is only \$19,595. So let's do the math, friends. We can have institutional placement in Nebraska for \$221,000, we can have community-based placement in Nebraska for \$63,811 or we can plan strategically, make strategic investments like a family support waiver and, on average, care will only cost us \$19,595 a year. Well, that's a bananas amount of savings. That's a banana split amount of savings with all the different types of peanuts, cashews and almonds on top. I keep saying I think I might be a fiscal conservative. I know nobody believes it, but Senator Groene and I vote in line with each other on tax policy and I'm trying to save the government money, the state money, by being strategic about how we use our money in-- investing in programs that cost less and yield a better result. Gosh. I mean, I-- maybe I should consider becoming a Republican, except for the Republicans on Twitter, keep just disparaging me for fighting for families. So I guess I won't join that big tent. Fund an autism and/or IDD mental health waiver. Many children with autism are not able to access medical therapies because their family's private insurance will not cover this service. However, Medicaid will cover this service. Currently, Nebraska has an autism waiver that has been approved by CMS. However, because there is no funding to support it, it isn't supporting any children or families. The waiver can provide a pathway for children to gain access to Medicaid by considering only the child's income and resources. Doing so allows the child, young adult, to gain access to Medicaid and his or her family caregivers to remain in the workforce. So that's kind of similar to the family support waiver, which would waive-- the waiver part of it is waiving the

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income eligibility so that you get access to Medicaid. Why we even have to do this, like if you, if a child qualifies for Medicaid, they should be on Medicaid. We shouldn't even have to do a waiver, it should just be automatic. It should not matter what a parent's income is. If you qualify for Medicaid, you should qualify for Medicaid. We shouldn't have an income eligibility for disabilities, period. So I guess I'm not that fiscally conservative because that would cost money. But the current CMS-approved waiver could be updated to reflect current community needs and provide an additional pathway--

**FOLEY:** Senator, you're recognized to close on your motion.

**M. CAVANAUGH:** Thank you. The current CMS-approved waiver could be updated. Yes. Sorry, to reflect current community needs and provide an additional pathway to support individuals with autism, intellectual disabilities and mental health concerns. Utilizing a Medicaid waiver would allow the state to obtain federal matching dollars or could offer a venue for individuals with more challenging behaviors to access both residential supports and intensive services they need. Further, it would help the state meet its obligation to serve individuals with disabilities in the least restrictive environment, as required by the U.S. Supreme Court's ruling under *Olmstead*. It is highly likely that Nebraska is already supporting these individuals, just not in the least-restrictive or least-costly setting. *Olmstead* is like a whole other conversation that could last three more days, so maybe next year we can have that conversation. I know that most of my colleagues aren't, aren't listening, and really the ones that are listening are the ones that probably know most of this information already. But this is really an informative opportunity for those that were clearly very ill-informed about Medicaid and developmental disabilities and waivers on Tuesday. There's a lot of information in here on how these things work. There's also a lot of information in here and how these things work, but people only come to me when they want me to vote or sit down and be quiet. I guess that's what it means to be an honest broker in this body. Revise advisory committees, stakeholder groups into one entity. One of the clearest issues that have arisen from this study is that there is a lack of comprehensive vision. Departments, committees and staff are siloed into one area. By not looking at the broader picture, they have missed opportunities to close cracks in the system. These boards are also stretching citizens who want to stay engaged then. By combining these groups, we will be able to maximize our efficiency, communication and help better address these issues. How much time do I have left. Lieutenant Governor, how much time do I have left?

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**FOLEY:** 2:20.

**M. CAVANAUGH:** OK, I will just go ahead and pull this motion. I filed another motion.

**FOLEY:** The bracket motion has been withdrawn. Mr. Clerk.

**CLERK:** Mr. President, Senator Cavanaugh would move to bracket the bill until June 5 of 2021.

**FOLEY:** Senator Cavanaugh, your June 5 bracket motion is-- you may--

**M. CAVANAUGH:** OK, thank you. OK, so I have another bracket motion to move this until June 5, 2021. I have no funny reason to pick that date or any of the dates at this point, I'm just picking dates at random. But I am going to put in another motion to move to Select. I don't know how Senator Chambers could have, like, a whole conversation and write a different motion. I just have to, like, tell you what I'm doing while I'm writing it, otherwise someone from up there is going to come back to me and be like, you did not write this correctly. It will most likely be Brandon. But OK, so I am going to move-- I move to return, return to Select to strike. Now, since we voted on the motion to move it to Select, but we didn't vote on striking the section, can I move to strike the section again or do I have to move to do something different? People watching at home, I'm like looking at people up ahead of me to indicate something. You know what? I'll just do something different. Enacting clause. There we go. Now, why am I doing that? Because I think I'll probably have us get to another vote on something. That's why I'm doing it. And set it here for a few minutes. So we can, oh, this is curious, rule, rules conversation here. Actually, I should grab my rules book. OK, so can I put up the motion to move it to Select for a specific motion, take that to cloture, and then would we vote on the motion to move it to Select and the motion itself? Oh, well, well, well. Hello, rules. I love the rules. I think I said earlier this week that I wasn't that great of a student, but I am a learner. I don't-- I think, like, school just wasn't my environment. I want to learn in my own way, and my own way is like I just love information. As probably some of the pages have been over to my desk and opened up the doors, and it's like, does this woman have any-- are there any binders left in this building? Are they all in Senator Cavanaugh's desk? And the answer is probably they're all on my desk or up in my office. There was one day where I took ten binders out of my desk, and to be totally fair, Senator McKinney has been very generous in sharing part of his desk with me. So I had ten

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binders that I took out and I still have at least ten more binders in these drawers. To quote Mitt Romney, I'm a woman with a lot of binders. Well, that's not really a direct quote. You get it. OK-- or you don't, I don't know. You might be too young to get it. OK, how much time do I have left?

**FOLEY:** 6:00.

**M. CAVANAUGH:** OK, great. Revision of appeals system. Federally, it is required that any individual who is denied Medicaid coverage has the right to appeal the decision. Many individuals with disabilities and families in Nebraska indicate that when they receive a notice of denial, that by the time they receive the notice, their time to respond is essentially up. To provide adequate equal access, we should open the question of what a system would look like that provided a more level playing field. One example of a system that is more open and friendly to a, to the plaintiff is the administrative appeals system of the Social Security Administration. Huh. So here's a fun fact about my family, one of my brothers, not the one here. I have five brothers. My oldest brother does Social Security disability law, so I actually know a fair amount about this process in Omaha. He is a constituent for Senator Hunt and his business is also in Senator Hunt's district. We've been joking the last couple days, there's a Cavanaugh for everyone. There's a Cavanaugh in Senator Brewer's district, my aunt. She's a doctor. Here, the plaintiff does not have to have any direct out-of-pocket expenses. In a fee agreement case, the attorney representative is only permitted to charge a fee if they win the case and the amount of the fee is limited to the lesser of 25 percent of backpay or \$6,000, whichever is less. Only the plaintiff is represented and the agency does not send a representative nor make additional submissions other than the written case record. In addition to the complexities of the hearing process, there are additional problems within the administration of the programs. Supreme Court decision, Kelly v. Goldberg [SIC] in, I don't-- March 23, 1970, the beneficiary is entitled to a predetermination hearing before the decision is implemented and requires a due process notice to be received prior to the implementation of the decision. Normally, that decision is accepted to be 10 days in advance of the decision and normally must account for reasonable mailing time. SSA and CMS allow for standard five days mailing time. I am not remind-- remembering what SSA is, Social-- oh, Social Security Administration, and CMS is, oh my gosh, Senator Walz, what is CMS? Yeah, what does that stand for? Certified Medicaid Services [SIC]. OK, sorry. I just, when I'm reading acronyms, I like to make sure. I'm very tired, I apologize. The state

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does not have explicit instructions in either the NAC or instructions to caseworkers about providing for mailing time and/or advance notice. There is a calendar on the department website which does provide a schedule for mailing advance notices, but is not well-understood or generally followed when notices are issued. How much time do I have left?

**FOLEY:** 2:40.

**M. CAVANAUGH:** I am going to yield the remainder of my time and get in the queue.

**FOLEY:** Senator Walz, you're recognized.

**WALZ:** I'm sorry. Thank you, Mr. President. Senator, Senator Wishart and I have been listening to Senator Cavanaugh for quite some time, but we really want to, we really wanted to talk about the future and what that holds for people with disabilities and, you know, maybe have a little bit of a conversation about a strategic plan. First of all, I was trying to look up the, um, the website that you were-- the report. What's the report that you're-- oh, I need, can I ask Senator--

**FOLEY:** Senator Cavanaugh, would you yield to a question, please?

**M. CAVANAUGH:** Yes. So it's the Arc of Nebraska. It's their Nebraska waiver study from fall of 2019.

**WALZ:** OK.

**M. CAVANAUGH:** So I don't have, it doesn't have their website on here, but the Arc.

**WALZ:** And I--

**M. CAVANAUGH:** Actually I'm drinking from [INAUDIBLE].

**WALZ:** I guess one of the reasons I'm interested in this is because of the bill that we passed regarding the Olmstead plan, which is a strategic plan involving, you know, all, all aspects of a person's life: transportation, housing, employment, medical services. But so we were thinking about a strategic plan moving forward again. Have you had any conversations with Tony Green or anybody about the strategic plan and funding for how that would work?

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**M. CAVANAUGH:** Not, not this year. I mean, we worked very closely with Director Green and his office on the family support waiver and the the language in the committee amendment. But we haven't sat down and had a conversation about a strategic plan, which I think would be really wonderful for the Health and Human Services Committee to come together with Director Green.

**WALZ:** Yeah, I know he's working hard on the on the Olmstead plan. Senator Wishart, would you yield to a question, please?

**FOLEY:** Senator Wishart, would you yield, please?

**WISHART:** Yes.

**WALZ:** Senator Wishart, you and I were talking about maybe a five-year plan. And I know that you've been thinking about that a lot. Can you kind of explain just what your ideas were on moving forward?

**WISHART:** Yeah, absolutely. So we've had these discussions in Appropriations Committee. One of the reasons that we chose this year to increase the funding for helping reduce the wait list by a million is recognizing that there needs to be a long-term plan on how we eliminate the wait lists over, let's say, five years, where we're also ensuring that there is quality service providers available for people as well, and looking at how we prioritize who gets off the waitlist and who has to wait longer. So all of those things, I know myself as an Appropriations member is committed to and I know the Chairman of Health and Human Services has said he's doing an interim study on this. And so I think there's an opportunity next year for us to have a long-term strategic plan on how to eliminate this waitlist.

**WALZ:** Right. Thank you, Senator Wishart. Senator Arch.

**FOLEY:** Senator Arch, would you yield, please?

**ARCH:** Absolutely.

**WALZ:** Thank you, Senator Arch. I was just going to ask you the same question. I know that you've been working with Director Green quite a bit as well. And we've talked a lot about the Olmstead plan and how, you know, that's a roadmap using all the departments and getting input from, you know, families, individuals with disabilities, transportation, housing. But I'm just curious on the conversations that you've had with Director Green on, on that roadmap and what kinds of things or strategies that we need to put into place in the future.

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**ARCH:** Sure.

**FOLEY:** One minute.

**ARCH:** Yeah, I think-- thank you. My conversations have, have, have certainly received a willingness to participate, to identify those ways to better care for youth, as well as adults with disabilities in our state. I think that is the exact intention of LR239, we'll be engaged in that together on that, on the HHS Committee, is to take a step back and say now, are there other options? Are there better ways? We know that we have limited resources. We will always have limited resources. But what are the best ways to apply resources to better care for these citizens?

**WALZ:** Uh-huh. Thank you, Senator Arch. I do, I do agree, it does make sense to be able to have the opportunity to plan for your children who have disabilities today, and the younger the better, because it does--

**FOLEY:** That's time, Senator.

**WALZ:** Thank you.

**FOLEY:** Thank you, Senator Walz. Senator Machaela Cavanaugh, you're recognized. Is Senator Machaela Cavanaugh on the floor at the moment? Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. Colleagues, I wasn't going to get up today and talk. It's a wonderful day. It's a Friday. It's nice, feels great. But I heard a lot of talk earlier about taxes and things that we should be doing as a body. So I don't see Senator Linehan here on the floor right now, or maybe she's around. But, you know, I'm going to do an LR next year, and I'm for, I'm for separating or, or lowering all taxes. I'm fine with that. I think it's a good thing, which is why I introduced a bill this year to reduce the residential tap water-- tax on residential water. And I'm for that. But I'm going to do an LR next year, and I hope the Revenue Committee and others will join in on this LR. And we're going to really explore the idea of the black tax. And it's an actual thing that I think instead of arguing about social economic programs, we need to start looking at things from a financial and economic perspective. We often talk about social programs to fix communities, but what really happens in a capitalistic society is we need a capitalistic solution, and it seems to be from this body and from across the country where there's some type of changing in the tax structure to allow for that as a way for economic development. We hear

about tax breaks and tax credits and tax incentives. It's all about economic development. Well, if we take that same mind frame and we talk about a black tax, then maybe it's better. So a black tax in South Africa a long time ago was used to describe the tax that professional, black professionals in South Africa during apartheid had to take their money or part of their money and pay it back into their extended families. It was almost an obligation to make sure they supported their own communities. Well, in America, it's partly that, but it's also grown to talk about the racial dimensions that perpetuate the poverty cycle or cycle of poverty. And the reason they call it a black tax is because it's the hidden fees, and it's a true cost, it's the hidden fees associated with being African-American in particular communities across this country. So some of those things are the education gap, right? If you don't-- if we have kids who are continuing to fall through the cycle, which we know that there is an education gap in Nebraska when it comes to black and brown students and white students, that translates directly into an economic gap. So what happens when you have an economic gap like that is, one, you have insurance that is different. If you live in 66-- 68111, your insurance is going to be slightly higher than if you lived in 68512, which is part of, well, it's still east Omaha, but it's a different part of east Omaha. If you live in 68134, the insurance on your car is actually still going to be cheaper. So there is an actual true cost of being African-American in Omaha, living in east Omaha, than it is being out west and white with the better education because your insurance premium is different, your health insurance premium is different. So there's an actual true cost. And what we are starting to see as we dig into this from an economic perspective, that that cost we should be able to eliminate. Let's think about health care. If you don't have a primary physician, somebody you go to on a regular basis, your costs are three or four times higher, because the only time you go to the doctor is in the emergency room and oftentimes that's too late. And there is a cost associated with that. And you often dial 911, which means a fire truck in Omaha is going to show up, so you've got an additional cost on the ride from a rescue squad. There's a true cost that is different, and that is you can see the economic impact. Another one is just opportunity gaps. We talk about that quite a bit.

**FOLEY:** One minute.

**WAYNE:** There are jobs that are readily available in Omaha, but there's no way to get there. And I know this committee and this legislative body overrode the Governor to create a regional transit. And we're going to dig back into that because they're not moving fast enough,

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but there's a true cost to that. What is that true cost of Ubering versus having a car. And again, if you get a car, you don't have credit. And we can go back to financial literacy and education again, but there is a true economic cost. So we're going to do an LR, we're probably going to study, and I want to get as many signatures on this because I don't want to talk about social programs next year. I want to talk about the black tax and how we eliminate or reduce that economic cost so we can have a fair apples-to-apples conversation when we talk about property and farmers and businesses and their tax rate. I want to establish what it really looks like to be black in Nebraska and its tax rate. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Wayne. Senator Blood.

**BLOOD:** Thank you, Lieutenant Governor. Fellow senators, friends all, I do stand opposed to Senator Machaela Cavanaugh's bracket, but respect the fact that she's doing it. And I am in support of the underlying bill, since Senator Linehan was kind enough to negotiate the GILTI part out of it. But with that said, Senator Justin Wayne brought to mind something that's really passionate by talking about the black tax. I want to talk about the pink tax, because next week is actually Period Poverty Awareness Week. And what you may not know about Nebraska is that one in six women and girls between the ages of 12 and 44 live below the federal poverty limit here in Nebraska. Now, period supplies are necessities and not luxuries. But in Nebraska, we have sales taxes on all period supplies, and I think that that places an unequal burden on individuals who menstruate. Thirty states tax period supplies. In Nebraska, all period supplies are taxed. One in four teens in the United States have missed class due to lack of access to period supplies. In Nebraska, 16 percent of female students in public schools, grades 7 to 12, attend Title 1 eligible schools. So think about it. Four-- 411,458 women and girls between the ages of 12 and 44 live here in our state. Yes, yes, Senator Wishart, I'm talking about the tampon tax and sanitary napkins and menstrual cups and all of the above. So of those, one in six lives, again, below the federal poverty level, 61,713 women and girls between the ages of 12 to 44 live below 100 percent of the FPL. Almost 60 percent of families living in poverty experience financial distress and struggle to keep up their bills and cover unexpected expenses. 49,300 women between the ages of 19 to 64 are covered by Medicaid. While Medicaid does provide financial protection for health care needs, individuals still struggle to access the material basic necessities they require to thrive. 9,689 women participate in Women, Infants and Children program, WIC. Participants of the WIC program receive nutritious food. However,

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those living below 185 FPL face challenges meeting other material basic necessities. So I am, thanks to Senator Wayne reminding me what next week is, saying that Nebraska really needs to help end period poverty. We don't have an alliance for period suppliers members program here in Nebraska, as many states do. In fact, I think Colorado actually has three. So I'm hoping that there's somebody watching today that would want to reach out to my office and help me start a period supply program. It's obviously something we can't do through the state or funds through the state. And I think that that's one of the big issues. We actually have females who have to go to school with paper towels between their legs, with rolled up toilet paper that they get from school. I really want you to put yourself in their position. If you are a man, I know that's a hard thing for you to necessarily think about, but what if you did have to think about it? And what if you didn't have the money to pay for those supplies? How would you handle that? This isn't the old days, guys, when we used to use cornhusks, right? And then off to school, you go. Maybe the Montgomery Ward's catalogue, if you're a little bit wealthier and had a catalogue. This is a serious problem--

**FOLEY:** One minute.

**BLOOD:** --and I'm not standing up here trying to be flippant. One in four women struggle to purchase period products due to lack of income. And when we're talking about period products, as Senator Wishart was saying over there, we're not just talking about tampons and sanitary napkins. We're also talking about mini pads, we're talking about menstrual cups. And for those of you that aren't aware of what a menstrual cup is, if you're environmentally friendly, it's an environmentally friendly way to protect yourself when you're having your period because it's reusable and washable. Which is kind of awesome when you think about it. And so with that, I would say, let's raise awareness here in Nebraska of period poverty. Let's remember that next week indeed is Period Poverty Awareness Week. I'm going to be putting together a drive to help the women in Nebraska to make sure that supplies are available to those in need.

**FOLEY:** That's time, Senator.

**BLOOD:** If you would like to join the team, please give my office a call. Thank you, Lieutenant Governor.

**FOLEY:** Thank you, Senator Blood. Senator Machaela Cavanaugh, you're recognized.

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**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I know I missed my last turn. Is this my last turn before closing?

**FOLEY:** I'm sorry, did you ask a question?

**M. CAVANAUGH:** Is this my last turn before closing?

**FOLEY:** No, I believe you have one more. Yeah, you have one more.

**M. CAVANAUGH:** OK, thank you. So, interesting conversation about taxes from Senators Wayne and Blood. And, I actually, I, I guess it was 26 minutes ago, I received an email from a Nebraskan about Medicaid and wealthy Nebraskans abusing Medicaid. Farmers and ranchers are allowed to transfer their farm to a life estate so it is not considered when they go into a nursing home. So I guess Senator Slama was right, there are millionaires and billionaires scheming the system. They are just adults, not children with disabilities. And they're not really scheming the system, because we sent the-- set the system up in such a way that they can do that. So there's that. So if we really want to address millionaires and billionaires getting Medicaid when they don't financially qualify, maybe we should not allow for them to transfer their farms and ranches into life estates. But we do. OK, so it is 10:52, we started on this at 9:11, so this goes to cloture in, oh, 10:53, so 7 plus 11, 18 minutes, 18 minutes before this goes to cloture. Sorry, I just heard a comment behind me. The history of intellectual and developmental disability state services. The waiting list is not just a recent problem, it originated nearly 60 years ago as we worked to move people into community settings. Here are some of the many steps that have occurred since then. From 1850 to 1950, institutional care began in Beatrice. Nebraska Institution for Feeble-minded Youth Beatrice state home forced sterilization, no consent required. Well, that's absolutely horrible. 1950 to 1960, Greater Omaha Association for-- I don't even want to say the word, for just-- OK, the GOARC was founded and then the Nebraska ARC was founded. And then in 1960 to 1970, Governor Morrison created an interagency committee on mental retardation, same happening at the national level. The Legislature established the Office of Mental Retardation within the Department of Health and-- Lee, Lee Terry of KET's seven documentary series on Beatrice State Home "Out of the Darkness," Legislature passed-- I think that's Lee Terry Senior.

**FOLEY:** One minute.

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**M. CAVANAUGH:** Thank you. Legislature passed 14 laws to provide for creation, funding and coordination of community-based programs through the state. 1970 to 1980, Eastern Nebraska Community Office of Retardation, or ENCOR, first regional community services agency formed by four county governments. Pilot Parents Program in Omaha by GOARC. [INAUDIBLE] lawsuit. People First movement began. Individual program plan or IPP process began. Education for All Handicapped Children Act later became IDEA. In 1980 through 1990 home and community, community-based waiver services for children with mental retardation and their families approved for Nebraska. 1990 to 2000, ARC began quality review teams, Governor Nelson's Blueprint for Action--

**FOLEY:** That's time, Senator.

**M. CAVANAUGH:** Thank you.

**FOLEY:** Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. This is probably my last time talking on it, but I was just thinking about our committees and this LR and how I'm trying to, you know, basically look at our standing committees. And I think every committee can do something about this economic, what I call black tax. For example, Education Committee. We can look at test scores and we can determine how many students are actually missing scholarships based off of their test scores being low. Why does that matter? Because fewer scholarships actually adds to their student loans, which creates that opportunity gap and what I call a black tax opportunity gap, because our schools aren't preparing them for the tests they needed to make sure they can get scholarships. Business and Labor, for example. We have less business ownerships and maybe this is where Senator McKinney's iHub comes in and we can move that across the line. Because even a single member LLCs get better deductions than just somebody who's working as a sole proprietor. Basic business understandings of what they can do lowers or reduces that income tax for individuals so they're not paying a higher tax rate. Let's talk about redlining, that's an Urban Affairs issue that there is continued today, that there are property values are lower in Omaha that can tie directly back to redlining that was done by this body and the federal government in the 1930s through the 1970s. Through the 1970s. The last real case of redlining was in the 80s. That's not that far ago. So think about, when we talk about property values and you buy a house and you want to pass that down to your kids, the value is actually lower and that can be directly attributed to redlining. That is a hidden or un-- an untalked about black tax

that we often experience in Omaha. Let's talk about healthy food options, the Agriculture Committee. We often have food deserts in many of the African-American communities, particularly in Omaha. And if you think about farmer markets and food to fork, there is a way to reduce that black tax, because if you're buying sugary products or things from your, your local necessarily gas stations or mini marts, they're not healthy. Which obviously goes to diabetes, which obviously goes to health problems, which actually turns into a banking issue, because if you buy life insurance and you have a group like African-Americans who have a less or a lower life expectancy, your life insurance is actually higher. So there goes another tax that's hidden that just because you're born black, particularly in Nebraska, you're going to have to pay more. Also in Banking and Insurance, we know just as little as less than 10 years ago, Wells Fargo was cited for discriminatory practice. Well, let's look at how they're doing loans in some of these poverty areas, particularly black communities, and see what is their loan ratios and how things are working there to figure out if we can do that. I already talked a little bit about inheritance. Back to banks, which, you know, many people have to have a certain credit score to get a bank. And actually, our SBA did a disservice over the pandemic when they decided to bump their credit score up before to help businesses out. Many businesses in our community were closed because they couldn't even get federal help over credit scores. And what often happens with credit scores is if you can't get a loan, then they go to places like payday lending and other places. So there is a gap there. A little-known secret kind of in the insurance industry is little things like how far you are from the fire hydrant changes the property insurance and how much you have to pay. We have no control over that as a city, but I would like to see what those gaps are, because out west in the west part of Omaha, fire hydrants are really spread far apart. But I bet you that calculation is slightly different when you look at north Omaha.

**FOLEY:** One minute.

**WAYNE:** I already talked about some health issues. Another one that Health and Human Services can look at is lead poisoning. That was huge in north Omaha through the nine [RECORDER MALFUNCTION] --'80s and '90s and what kind of gaps those cause as far as education outcomes and just overall health. Roads and maintenance, while I know this is a local issue, but I believe Senator Friesen went on a little drive with me and we have potholes as big as our cars. And so if you have a car and you continue to hit bad roads, you have a higher cost of maintenance. So these are just some of the things that are basic and

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specific that next year I'm going to ask each committee to figure out over the next two years these gaps or these what I call black tax that are hidden costs that are there that have to be there just because of the way our capitalist society works, that if you are born black in Nebraska, you have to pay higher. And so I will go to bat for any property tax relief--

**FOLEY:** That's time, Senator.

**WAYNE:** --if you guys help me--

**FOLEY:** That's time.

**WAYNE:** --lower the black tax. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Wayne. Senator Machaela Cavanaugh for your third opportunity.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I am just submitting a new motion, so I would like to pull this bracket motion.

**FOLEY:** The bracket motion has been withdrawn. Mr. Clerk.

**CLERK:** I have nothing further pen-- oh, I do, excuse me, Mr. President. Mr. President, Senator Cavanaugh would move to return LB432 to, to Select File to strike Sections 13 and 15.

**FOLEY:** Senator Cavanaugh, you're recognized to open on your motion to return the bill.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. OK, so this motion is to return the bill back to Select to vote on striking Sections 13 through 15. I was going to strike the enacting clause, but I thought better of it and I'm going with striking 13 through 15, so-- and as we discussed previously, Section 13 is the corporate tax piece. Section 14, I actually don't know what Section 14 does, so I just put in through 14 and 15. I knew that it wasn't the firefighters part or NEST, so-- yeah, that's-- the firefighters is Section 12. Section 13 is the corporate-- although an interesting thing about the firefighters piece is that, that it's an unfunded mandate, but we seem to be very cool with those, fast and liberal with our unfunded mandates. I would prefer if we funded it with state dollars, but-- and so I'm just going down to see-- OK, well, I actually think I'm going to redraft this-- one moment. I'm going-- I've, I've thought better of this to-- move to return LB432. OK, so I made a mistake in this motion

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because if we struck that, it would strike the part-- some of the parts that were important to the firefighters. So instead, I'm putting up a motion to strike the enacting clause, so I'm just looking up at the front to see if I can pull this motion and put up the motion to strike the enacting clause.

**FOLEY:** Well, in either event, Senator, you still need to return the bill to Select File.

**M. CAVANAUGH:** Yes.

**FOLEY:** So that--

**M. CAVANAUGH:** I-- the one I submitted is to return it to Select File to strike, strike the enacting clause and I just was giving the Clerk time to process that, sorry.

**FOLEY:** Let me confer with the Clerk.

**M. CAVANAUGH:** So I'll pull this amendment or this motion.

**FOLEY:** Senator, that substitution has been made. You're now open-- ready to open on your motion to return to Select File, so it's a new 10 minutes.

**M. CAVANAUGH:** OK, thank you, and I apologize to, to the Clerk and the staff for that mistake. I should have paid closer attention. Again, I'm running on about an hour and a half of sleep, so-- this very much reminds me of, of trying to function with a newborn. I guess Barrett wanted me to, to feel those, those pings once again today. OK, so this is just strike the enacting clause and it's a motion to return to Select. So we would vote on a motion to return to Select and then if we returned it to Select, what we would be voting on is striking the enacting clause, but first, there will be a motion at 11:11 to vote on the cloture. All right, I'm going to yield the remainder of my time and wait for my close.

**FOLEY:** Senator Blood, you're recognized.

**BLOOD:** Thank you, Lieutenant Governor. Fellow senators, friends all, I stand in opposition to the Cavanaugh floor amendment, but in full support of Senator Linehan's bill. But with that, I've received several messages that people wanted more information on poverty-- Period Poverty Awareness Week. And before I get started talking a little bit about it, I'm going to put out a challenge to every man and

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woman and anybody who identifies otherwise on this floor that next week, you bringing me a minimum of \$50 worth of period supplies to my office and I will make sure that they get distributed across the state of Nebraska in places like churches and women's centers, nonprofit women's centers, schools, wherever these poverty period supplies are needed. I'll make it my mission to make sure that your dollars go back into your districts and to those in need. If you aren't comfortable going to a grocery store and buying feminine supplies, if you give me the money, I'll take the receipt and do the shopping for you-- I'll get a receipt and I'll do the shopping for you and show you where the money was spent. But with that, what is period poverty? Half the population menstruates, guys. We all know plenty of people that have a period, but not everyone knows that one in four people struggle to purchase supplies due to lack of income. This is called period poverty and chances are we each know someone who has experienced this need: a neighbor, a coworker, a friend. No student should have to miss school, no adult should have to miss work, and no person should have to miss out on daily life because they are unable to afford the supplies they need. And I believe that everyone has the right to feel comfortable and clean. So you can show your support by donating to my period supply drive next week, Room 1021, and I will make sure-- especially if you make sure and, and identify with my staff what district you're from, that they get distributed correctly. With that said, one in four women struggled to purchase period products within the past year due to lack of income I found on a recent survey. One in five low-income women report missing work, school, or similar events due to lack of access to period supplies. Lack of access to period supplies is linked to using substitute products such as toilet tissue or socks, stretching product usage, which of course is very unhealthy, and missing important events. An overwhelming 88 percent of women agree that period products are a basic necessity, that you cannot function without those. Only 4 percent of women are aware of a local resource where free or reduced-cost period supplies are available. And we all know state and federal safety net programs cannot be used to purchase period supplies, so this is a crisis that we as government leaders can actually do something about. Now so much of the time in government, we throw money at things that we don't necessarily know will have a true solution. This is something that's going to help somebody in your district, in Hastings, Nebraska, in Norfolk, Nebraska, in Clay Center. We all know-- and etcetera, etcetera-- we all know there are people that are struggling, but this is not something that someone's going to come up to you and say as a senator, hey, Senator Flood, Michael Flood, I'm having my period, but I can't afford a tampon. Do you hear

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that very often? I don't think so. So we need to really be comfortable with this issue. We need to think about-- I'm sorry, I looked at Senator Walz and she was laughing. It made me laugh-- but I'm serious about this. I'm not doing this to be a smart aleck in any way. This is a serious topic--

**FOLEY:** One minute.

**BLOOD:** --and I want the men and the women to take it serious and I want you to accept my challenge. I think if you call Frank Daley, you'll find this is constituent services. And for these-- those of you who have very flush funds thanks to Governor Pete Ricketts, what a great way to use some of those funds to help others here in Nebraska. Thank you, Lieutenant Governor.

**FOLEY:** Thanks, Senator Blood. Mr. Clerk, you have a motion at the desk.

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

**FOLEY:** It's the ruling of the Chair that there has been a full and fair debate afforded to LB432. Senator Linehan, for what purpose do you rise?

**LINEHAN:** I'd like everybody to check in and roll call vote in regular order, please.

**FOLEY:** Thank you, Senator Linehan. All members, please return to your desks and check in for a vote. This is just a check in. All senators, please return to the Chamber and check in. Senators Hilkemann, please return to the Chamber. All unexcused members are now present. The immediate question before the body is whether or not to invoke cloture. A roll call vote in regular order has been requested. Mr. Clerk.

**CLERK:** Senator Aguilar, voting yes. Senator Albrecht, voting yes. Senator Arch, voting yes. Senator Blood, voting yes. Senator Bostar, voting yes. Senator Bostelman, voting yes. Senator Brandt, voting yes. Senator Brewer, voting yes. Senator Briese. Senator John Cavanaugh, voting yes. Senator Machaela Cavanaugh, voting no. Senator Clements, voting yes. Senator Day, voting yes. Senator DeBoer, voting yes. Senator Dorn, voting yes. Senator Erdman, voting yes. Senator Flood, voting yes. Senator Friesen, not voting-- I'm sorry, Senator. Yes, excuse me-- Senator Friesen, voting yes. Thank you. Senator Geist,

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voting yes. Senator Gragert, voting yes. Senator Groene, voting yes. Senator Halloran, voting yes. Senator Ben Hansen, voting yes. Senator Matt Hansen. Senator Hilgers, voting yes. Senator Hilkemann, voting yes. Senator Hughes, voting yes. Senator Hunt, voting no. Senator Kolterman, voting yes. Senator Lathrop, voting yes. Senator Lindstrom, voting yes. Senator Linehan, voting yes. Senator Lowe, voting yes. Senator McCollister, voting yes. Senator McDonnell, voting yes. Senator McKinney, voting no. Senator Morfeld, voting yes. Senator Moser, voting yes. Senator Murman, voting yes. Senator Pahls, voting yes. Senator Pansing Brooks. Senator Sanders, voting yes. Senator Slama, voting yes. Senator Stinner, voting yes. Senator Vargas, voting yes. Senator Walz, voting yes. Senator Wayne, voting yes. Senator Williams, voting yes. Senator Wishart, voting yes. 43 ayes, 3 nays, Mr. President, to invoke cloture.

**FOLEY:** Cloture has been invoked. The next vote, members, is on Senator Machaela Cavanaugh's motion to return the bill to Select File. Those in favor of returning the bill vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** 2 ayes, 40 nays on the motion to return the bill.

**FOLEY:** The motion to return the bill is not successful. Next vote is to dispense with the at-large reading. Those in favor of dispensing the reading vote aye; those opposed vote nay. Record, please.

**CLERK:** 36 ayes, 3 nays to dispense with the at-large reading.

**FOLEY:** The at-large reading has been dispensed with. Mr. Clerk, please read the title.

**CLERK:** [Read title of LB432.]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is shall LB432 pass? Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, John Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, Han-- Ben Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pahls, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senator Hunt. Not voting: Senators Machaela Cavanaugh, Groene, McKinney, Briese, Matt Hansen, Pansing Brooks. Vote is 42

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ayes, 1 nay, 3 present, not voting, 3 excused, not voting, Mr. President.

**FOLEY:** LB432 passes. Next bill, please.

**CLERK:** [Read LB432A on Final Reading.]

**FOLEY:** All provisions of law relative to procedure have been complied with, the question is shall LB432A pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, John Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, Ben Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pahls, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senators Machaela Cavanaugh, Groene, McKinney, Briese, Matt Hansen, Pansing Brooks. 43 ayes, 0 nays, 3 present, not voting, 3 excused, not voting.

**FOLEY:** LB432A passes. Speaker Hilgers, you're recognized.

**HILGERS:** Thank you, Mr. President. Good morning, colleagues. Just a brief update. I told you I would do this a little bit later this morning based on progress. So two things, one is we are not going to take a lunch break. We're just going to go-- continue to get through the agenda and the second thing is I know it's Friday. I know we're going into a weekend that wasn't originally going to be a long week-- weekend and we do have two recess days now, Monday and Tuesday, but there are some important votes on the back half of this agenda and so I'd really encourage everyone to be able to be here for the second half of the day as we finish because I know there's people who will really need those votes and need people to be here. So we're just going to continue to go through. We're not going to recess and we're going to complete the rest of the agenda. Thank you, Mr. President.

**FOLEY:** Thank you, Mr. Speaker. LB579, Mr. Clerk.

**CLERK:** [Read LB579 on Final Reading.]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is shall LB579 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

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**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, John Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Ben Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senators Machaela Cavanaugh, Briese, Matt Hansen, and Pansing Brooks. 45 ayes, 0 nays, 1 present, not voting, 3 excused, not voting, Mr. President.

**FOLEY:** LB579 passes. Proceeding to LB236. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing the reading vote aye; those opposed vote nay. Record, please.

**CLERK:** 36 ayes-- excuse me, 37 ayes, 3 nays to dispense with the at-large reading.

**FOLEY:** The at-large reading has been dispensed with. Mr. Clerk, please read the title.

**FOLEY:** [Read title of LB236.]

**FOLEY:** All provisions of law relative to procedure have been complied with, the question is should LB236 pass? Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Ben Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senators Hunt, Briese, Matt Hansen, and Pansing Brooks. 45 ayes, 0 nays, 1 present, not voting, 3 excused, not voting.

**FOLEY:** LB236 passes. Proceeding to LB385e. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing the reading vote aye; those opposed vote nay. Record, please.

**CLERK:** 35 ayes, 2 nays to dispense with the at-large reading.

**FOLEY:** The at-large reading has been dispensed with. Mr. Clerk, please read the title.

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**CLERK:** [Read title of LB385.]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is shall LB285e pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Ben Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senators Hunt, Briese, Matt Hansen, Pansing Brooks. 45 ayes, 0 nays, 1 present, not voting, 3 excused, not voting, Mr. President.

**FOLEY:** LB285e passes with the emergency clause attached. Final bill, LB100e.

**CLERK:** [Read LB100 on Final Reading.]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is shall LB100e pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Groene, Halloran, Ben Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Sanders, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: none. Not voting: Senators Clements, Erdman, Lowe, Slama, Briese, Matt Hansen, Pansing Brooks. 42 ayes, 0 nays, 4 present, not voting, 3 excused, not voting, Mr. President.

**FOLEY:** LB100e passes. Items for the record, please.

**CLERK:** Yes, sir, I do have some items. Senator Albrecht would like to withdraw LR228. That will be laid over. I have a Reference Report referring LR242 to the Agriculture Committee. New study resolution, LR246 by the Natural Resources Committee. That will be referred to the Executive Board. Senator Briese offers LR247. That's all that I have at this time, Mr. President.

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**FOLEY:** Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following six legislative bills: LB432, LB432A, LB579, LB236, LB285e, and LB100e. Moving on to the agenda to legislative confirmation reports, Mr. Clerk.

**CLERK:** Mr. President, the-- several reports. The first this morning is offered by the Natural Resources Committee and involves the appointment of Randy Gard to the Nebraska Ethanol Board.

**FOLEY:** Senator Bostelman, you're recognized to open on the report.

**BOSTELMAN:** Thank you, Mr. President. Good morning, colleagues. This is a reappointment. I rep-- I present for your approval the reappointment of Randy Gard to the Nebraska Ethanol Board. Mr. Gard came before the Natural Resources Committee for his confirmation hearing on February 10. After graduating from the Northern-- Northwood University with a bachelor's in business management, Mr. Gard served as a manufacturing manager for the Eaton Corporation for ten years before becoming the director of the United States operations at Stewart Entertainment Inc. There, he managed 880 employees and oversaw a \$39 million annual budget. Mr. Gard has also held the position of president and CEO at Chief Automotive Technologies in Grand Island, where he oversaw operations in Paris, Birmingham, Shanghai, Cape Town, and Amsterdam. Currently, he is a COO of the Bosselman-- that's with two S's-- family of companies where he is responsible for business planning across all divisions operating in 26 states and has sold \$60 million of fuel. Mr. Gard has also served his community as a member of the Hall County Livestock Association, board member of the Riverside Golf Club, president of the Equipment Tool Institute, member of the Grand Island City Council, and has served as-- on the Ethanol Board since 2016. The Ethanol Board is a state agency created in 1971 by the Nebraska Legislature. The board focuses on four key issues: ethanol production and industry support, market development, research and technology issues, and also public policy development. The Ethanol Board has seven members, all appointed by the Governor. Each member represents a specific area or interest related to Nebraska's ethanol industry. Mr. Gard represents the petroleum production position on the board. The committee advanced his appointment by an 8-0 vote. I ask for your confirmation of Randy Gard to the Nebraska Ethanol Board.

**FOLEY:** Thanks, Senator Bostelman. Any discussion of the report? I see none. Senator Bostelman, you're recognized to close. He waives closing. The question before the body is the adoption of the

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confirmation report from the Natural Resources Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 37 ayes, 0 days on the adoption of the confirmation report.

**FOLEY:** The confirmation report from the Natural Resources Committee has been adopted. Next report, Mr. Clerk.

**CLERK:** Mr. President, Health and Human Services reports on three appointments to the State Board of Health.

**FOLEY:** Senator Arch, you're recognized to open on your report.

**ARCH:** Thank you. The first appointment is for Dr. Joel Bessmer. On April 22, the HHS Committee held a hearing on the appointment of Dr.-- of Joel Bessmer to the State Board of Health. He is a reappointment to the board and was originally appointed four years ago to fill one of the medical doctor positions on the board. Dr. Bessmer received his medical degree from UNMC in 1993, completed his internal medicine residency at UNMC, where he remains an adjunct faculty member. Dr. Bessmer was involved in legislation authorizing direct primary care in Nebraska and he currently owns Strada Healthcare, a direct primary care practice in Omaha. Dr. Bessmer testified that he has a unique position in Nebraska healthcare, working as a private practice physician who operates his own practice and also being involved in an academic medical center. Dr. Bessmer will be an asset to the Board of Health, so I hope you'll join me in supporting his appointment. Second, Dr. Donald Ostdiek. The Health and Human Services Committee held a hearing on April 22 on the appointment of Donald Ostdiek to the State Board of Health. He will fill the physical therapist position on the board. Dr. Ostdiek has practiced outpatient physical therapy in Omaha, Bellevue, and Fremont for the past 19 years after receiving his doctorate of physical therapy from Creighton University. He currently owns a physical therapy practice in midtown Omaha, where he specializes in treating patients with acute pain conditions. Dr. Ostdiek testified that he has a passion for serving the people of Nebraska and he spoke knowledgeably about scope of practice issues, which are an important part of the Board of Health's purview. Dr. Ostdiek is qualified to serve in this volunteer position, so I urge your support for his confirmation. Third, David Reese. The Health and Human Services Committee held a hearing on April 22 on the appointment of David Reese to the State Board of Health. Mr. Reese is a new appointment to the Board of Health and will fill the hospital

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administrator position on the board. He currently serves as vice president of clinical and support services at Bryan Medical Center in Lincoln, where he's worked in administration for more than 20 years. Mr. Reese testified that access to healthcare, especially in rural areas, and the shortage of healthcare workers are two of the big challenges he's interested in working to address on the Board of Health. He also testified about the opportunities that telemedicine presents for our state. Mr. Reese will bring a great deal of experience in hospital administration to the Board of Health, so I'd urge your support for his confirmation as well. Thank you.

**FOLEY:** Thank you, Senator Arch. Any discussion on the report? I see none. Senator Arch, you're recognized to close. He waives closing. The question before the body is the adoption of the commission report from the Health Human Services Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 36 days, 0 nays on adoption of the confirmation report.

**FOLEY:** The confirmation report of the Health Committee has been adopted. Education Committee, Mr.-- report, Mr. Clerk.

**CLERK:** Mr. President, the Education Committee reports on the appointment of William "Scott" Wilson to the Coordinating Commission for Postsecondary Education.

**FOLEY:** Senator Walz, you're recognized to open on your first of two confirmation reports.

**WALZ:** Thank you, Mr. President and members. This appointment is to the Coordinating Commission for Postsecondary Education, which was established in 1991 by a constitutional amendment. This commission is charged with developing an ongoing, comprehensive statewide plan for the operations of postsecondary education. This is an 11-member commission and appointed members serve a term of six years. William Wilson, who goes by Scott, is a Plattsmouth native and is being appointed as an at-large representative to the commission. Scott graduated from Papillion La-Vista High School and went on to receive his bachelor's degree in business administration from Wayne State College. Currently, he is employed as a senior design engineer for CenturyLink, where he has been working for the past 30 years. Originally appointed by Governor Heineman, Scott has been on the commission for about ten years and during his tenure has served as chair. One of the issues he noted that he is passionate about is

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increasing the rate at which high school students move on to college. I would like to take a moment to say congratulations to Scott since during his testimony, he recently became a grandfather. Thank you for your time and I would like to ask you for your support in the confirmation of Scott Wilson. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Walz. Any discussion of the report? It's not showing up. Senator McKinney, you're recognized.

**McKINNEY:** Thank you, Mr. President. I rise because I voted no in committee on these appointments. My reasoning for voting no wasn't because these appointees are bad people or anything. Throughout this year, I've sat and watched us appoint numerous people and the one thing that sticks out is a lack of diversity. And that's my biggest issue and that's why I voted no. I think if we're going to appoint people to these boards and commissions, these boards and commissions need to be diverse because the state of Nebraska is diverse and it should be just the standard to have diverse boards and commissions in our state. And until we do so, I'll, for the future, vote no on any of these appointees unstill-- until we start appointing diverse candidates. I don't know if it's a problem with the appointing process or the nomination process or the applications aren't getting in, the outreach to get more diverse candidates on these boards and commissions. There's an issue somewhere and I think we need to solve it because I find it-- I have a problem with nominating nondiverse candidates to, to these boards when they're already not diverse in the first place. And I think it's important as a body and as a state that we commit to diversity and be intentional about it. I don't think it should just come out in words. We should be intentional about making sure these boards and these commissions are diverse because there's, there's students from my dist-- students from my district that go to state colleges. There are students from my district that go to community colleges and state colleges and things like that. So I think it's very important that we make sure that these boards and commissions or what-- whatever we like to call them are diverse because without that, we can't say that there's real representation at all levels. And I'll yield the rest of my time back to the Chair. Thank you.

**FOLEY:** Thanks, Senator McKinney. Senator Pahls.

**PAHLS:** Thank you, Senator McKinney. I, I agree with you. We do need more diversity, but that is up to us because we have the opportunity to rep-- to recommend people to many of these commissions. And you

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will see that there's regularly a line-- a list of them that the Governor does send out. So all I'm suggesting, if we want this, if we want to see a change on some of these, we need to have our input and then eventually it comes back to us. Of course, we may not get who we want on there, but at least we ought to make that available to the constituents in our district. Thank you.

**FOLEY:** Thank you, Senator Pahls. Senator Machaela Cavanaugh.

**M. CAVANAUGH:** Thank you. I just wanted to remind everyone when we had a conversation previously this year about gubernatorial appointments and the lack of diversity in the appointments, there were a lot of comments made about if they don't apply, then how can we appoint them? People have to apply. And I just wanted to remind everyone that you're not given the list of people who have applied, you're given the list of people who are being appointed. So it's not really genuine to be able to argue that those people aren't applying unless you've done a, a records request, which-- just so you know, if you do a records request, they make it take about a month for you to get that information. I'll yield the remainder of my time.

**FOLEY:** Thank you, Senator Cavanaugh. Senator Arch.

**ARCH:** Thank you. I, I-- this, this is not a new issue and, and Senator McKinney bringing it up here today. We, we've, we've noticed the same thing within Health and Human Services Committee. We, we, we started asking our appointees how did you hear about this opportunity? And it's, and it is, it is all over the map as to how: sometimes recruited, sometimes a friend told them, sometimes they are looking on the websites, sometimes, sometimes it, it just, it-- you know, just, just word of mouth, what-- whatever it might be. And I, and I think that the issue is in recruitment, but I think we also have to remember that there are thousands of these appointments. There are, there are openings constantly on multiple and we keep creating these task forces and more of them. It is difficult to recruit, to increase that pool of applicants. And I agree with Senator Pahls. I think it is-- it's part of us, too. We, we need to let people-- our constituents know that there are opportunities, knowing that this is a, this is a commitment. I mean, to serve on some of these-- Board of Health, whatever it might be, it is a voluntary commitment of time and not everybody's in the position with jobs where they can offer that voluntary commitment of time, so we have some sensitivity to that. But I agree, I, I think we can do a better job by putting the word out ourselves to our own

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constituents that there's opportunities to serve this great state of Nebraska. Thank you.

**FOLEY:** Thank you, Senator Arch. Senator McKinney.

**McKINNEY:** Thank you, Mr. President. I rise again to say that I spoke with Chancellor Turman of the state colleges and he replied to some questions the Education Committee sent and he did admit that there wasn't an extensive process in finding diverse candidates. There, there was previously-- I believe she was Latino on the, on the State College Board, but currently they-- there is no diversity. The appointees were already on the board, so they just reapplied, I guess, or renominated themselves. But he did admit that the, the process was not extensive. So not to throw him under a bus or anything, but it's just kind of clarifying that I think if it's up to us to appoint-- not appoint, but nominate people, I think there, there needs to be more clarity on when those-- the nomination process comes out and those things. I think it should also be on the Governor and whoever else is in charge of this to do more outreach. It shouldn't-- it, it should be way easier for people to know when to apply to these boards and things like that. It shouldn't be you need to go to the website to figure this out. I think we have to commit to more outreach if we would like to have more diverse boards. It, it can't just be sit on our hands and hope people apply. And as Senator Machaela Cavanaugh stated, we don't know who did or did not apply because we don't know. And I think that would help with more understanding as well to get a better picture of who's applying, who's not getting appointed, and things like that if we knew who was applying, but I don't know. I just know for the rest of my time here until a diverse candidate pops up, we, we have to be intentional about our words and our commitments to things like this and I would advise you all to vote no until we start getting more diverse candidates. Thank you.

**FOLEY:** Thanks, Senator McKinney. Senator Hunt.

**HUNT:** Thank you, Mr. Lieutenant Governor. Colleagues, I want to share my support for this conversation. I think it would be a good thing if candidates who apply for these boards and commissions, which anybody in Nebraska can apply to, it would be a good thing if those applications would perhaps be forwarded to the Clerk of the Legislature for distribution to the members. That might be a good practice going forward. And next year, I'll look at if that's a rule change or a bill or, or who we have to talk to between the branches of government to make that happen because the more transparency there is

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between who is applying for these commissions and boards and then who's actually coming to our desk for confirmations in our committees, the more we can actually analyze, you know, who, who was in the pool that we had to choose from? And then we can also-- you know, we know that that's going to reduce corruption too. We know that that's going to reduce the thing of where someone gets appointed to a commission as a favor or in return for something else, which we don't know if that happens or not because we just don't even have sunshine or transparency in the process. Another process that might not be a, a bill or it might not be a rule change, but it might just be a best practice going forward is if other commissions-- for example, the Latino American Commission or the African American Commission. This year, Senator Matt Hansen introduced a bill to create an Asian American Commission in Nebraska, which is on General File now. I'm sure we'll take that up next year. If these other diverse commissions could recommend appointees for the other boards and commissions in Nebraska, that might be a great thing, a good way to get other people involved. And again, colleagues, it may very well be that they're doing that already and it's just that we don't know because we don't get to see all the people who apply. So Nebraskans, colleagues, for the record, this is definitely a problem. It's definitely something that would be clogging up the pipeline of representation for leadership in Nebraska and that does deserve to go on the record. And I'm happy to work with Senator Machaela Cavanaugh, Senator McKinney, anybody else in the body-- I see a lot of heads nodding-- who, who want to increase the transparency in this process next year. And I don't know what process we'd go through to do that, but we will do it. So thank you, Mr. Lieutenant Governor.

**FOLEY:** Thank you, Senator Hunt. Senator Walz, you're recognized to close on the confirmation report.

**WALZ:** Thank you. I sincerely, sincerely appreciate the conversation and I appreciate Senator McKinney raising the awareness of the lack of diversity that we do have regarding our appointments. And I heard some great ideas on how we can move forward when we're choosing these appointments, so thank you for that conversation. With that, I would ask a green vote on-- oh, boy-- on-- I lost his name-- William Wilson. Thank you.

**FOLEY:** Thanks, Senator Walz. Members, the question is the adoption of the confirmation report from the Education Committee. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

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**CLERK:** 37 ayes, 3 nays.

**FOLEY:** The first confirmation report from the Education Committee has been adopted. Senator Walz, I believe you have a second report.

**WALZ:** Yes, thank you, Mr. President. These two appointments are to the Board of Trustees for the Nebraska State Colleges, which was originally established in 1867. The powers include approving salary and benefits for all system employees, reviewing instructional and courses-- instructional courses and programs offered by colleges, establishing system-wide tuition and fees annually, inspecting the physical properties of the state colleges to ensure they are maintained, in good repair, and are accessible, approving degrees awarded by colleges, and more. There are seven members on the board, six of whom are appointed by the Governor to six-year terms with legislative approval. The commissioner acts as an ex officio member and each year, the Governor appoints a nonvoting student board member from each of the state colleges. Today we have two reappointees before us. The first is Marjean Terrell. She is a co-owner of a family farm and ranch and very active member of her community. She serves on, on a number of boards, including the Chadron State Foundation, the Northwest Rural Public Power District, the Western Nebraska Community College Board of Governors, and many more. Originally a student at Chadron State, she later became an adjunct faculty member and served as an onsite coordinator for students participating in the Rural Health Opportunities Program. The second reappointment is Jess Zeiss, a Wayne native that is now living in Omaha. He was first appointed in 2014 and has served as vice-chair for the past three years. As a managing director at First National Capital Markets, he has brought his skills to the board by serving on the facilities and audit committee. This led to significant cost savings on the Chadron State math-science renovation, an addition project. Jess is a graduate of Doane College and Stonier Graduate School of Banking. With that, I would ask for your support on these two confirmations. Thank you, Mr. President.

**FOLEY:** Thanks, Senator Walz. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. Colleagues, we just-- I guess this is the exact-- HHS brought out a committee group earlier this year. We spent about an hour and a half talking about the need to diversify and then what I saw just happen was people get up and say, well, we kind of agree. It's kind of all over the place. It's kind of this, it's kind of that, and then we all push green. And so that tells me

diversity really isn't important. This is an opportunity-- regardless of whether you like this person or not, this is an opportunity to make a statement that diversity matters. So don't come talk to me for the rest of the summer, going into next-- my next four years about diversity if you acknowledge right now there is a problem in how we are recruiting. I'm just saying at the basic level of opening up this to make sure we have a diverse group of individuals apply. If they are already acknowledging that it's not a diverse group, which happened in this instance--they're also saying from-- Senator Arch said that he's asked different people and it's all over the place, so there is a problem in this process to ensure that there is just a basic, diverse group of applicants. I'm not saying that from the applicants to who comes before the committee has to be diverse, that's not what I'm saying. I'm saying just a basic group of diversity in the application process, making sure that the applicant pool is diverse. And if we're acknowledging that is an issue on the floor and we're still hitting green, then we're not really caring about diversity. So I'm asking people, although they may or may not be listening, that at some point we have to just be present, not voting if you don't want to vote against the Governor's recommendation to say diversity is important. Because if we don't, then let's not talk about diversity being important. And every time it comes up from this point on, from this vote on, I'm going to bring up this vote and I'm going to just call people out saying hey, it's not really important. It's not really important because we haven't taken a stance at all. And we've talked about it too many times on this floor about these committees, about being diverse. And I'm not saying you have to vote no, just present, not voting and let it fail. At some point, we have to make a, a statement. If we don't today, then let's stop talking about diversity on these commissions being important because nothing's ever going to change. So we'll see where, where it falls, but that's just where I'm at. Either it's important or it's not and if it's not important, then just say that. But to say that we're going to, we're going to acknowledge there's problems and next year we're going to fix it and then the following year we're going to fix it, we're always going to be right here in a situation where somebody on the board and we're going to vote and we're going to say well, this process wasn't the best, but this person's decent, so-- or good or great, so we're going to go ahead and vote green, then nothing ever changes. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Wayne. Senator Pahls.

**PAHLS:** Senator Wayne, I understand the situation, but I need to know whether these appointments need to be filled now. I can vote green, red, or not voting, but I need to vote-- I need to understand if these positions need to be filled now. Now if, if we vote some of these people down, then all of a sudden everybody's going to start saying hey, what is-- I'm spending time. I'm willing to do this stuff again, but now you're saying I-- I'm not capable. We-- I agree with you. We can continue to talk about it and not do anything, but right now, if we make that major change, I think we're sending a message to those people who have volunteered. And by the way, they are getting paid very well and we are having a hard time finding positions. You can make me feel guilty. I'm trying not to be guilty. I'm trying to make this work, but I don't know if I vote these people down today or do not vote am I causing all these commission or all these organizations to have issues? I'm more than willing to work on this after, after today instead of just talking about it, trying to find a solution, but if I do it today, I'm telling these people who have already volunteered and stood in front of us or the committees-- and sometimes when you do that, that is actually to some degree intimidating to some individuals. To those who do not make it a regular basis to come in front of groups like us, I could see where it could be a little bit-- you look at the group and you think just because we sit behind those-- the desks that we have all the answers. And occasionally when somebody is talking to us, when I-- in the past, when people come be in front of us, I want to say Jiminy Christmas, guy, you're more-- you probably are more intelligent than anyone sitting on this side of the desk. And I was talking a little bit about me, but some of my peers also. I'm going to make everybody feel-- but I think today is a different day-- if, if I vote green, I hope you do not hold that against me because these people have already made a commitment. Thank you.

**FOLEY:** Thank you, Senator Pahls. Senator McKinney.

**McKINNEY:** Thank you, Mr. President. Senator Pahls, the, the need for diversity is important because it's also uncomfortable for an individual to go to an institution, speak in front of a board, and not see anybody that you could relate to on that board. That is uncomfortable. So if we have to vote down these appointees and it may make some people uncomfortable, I, I think I'm good with that because it's also uncomfortable to know that you are in a state where there, there's many boards and commissions and you have zero representation. Representation matters because decisions are being made every day that may affect any, any one of us. And if you don't have representation on these commissions or boards, that can be problematic because your

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voice won't be heard. So being uncomfortable because we may need somebody on a board or not shouldn't be the conversation. The conversation should be let's get uncomfortable so we can solve this issue. If we, if we can't get uncomfortable, we'll never get to the heart of any of these issues. I'm, I'm, I'm just saying, like, I-- some of these people are probably great people and I'm not up here saying they, they are not, but we have to get to a space where we're comfortable being uncomfortable to make the changes that we need in our state, whether that's having a committee or a commission without a couple people for a little bit just to fix the issue, then we just have to do it. But if we're never-- but if we're not willing to get uncomfortable, I don't see if we'll ever change anything. We have to get used to that because representation matters a lot, especially when decisions are being made that affects all of us. You need-- if, if I'm a farmer, I, I want somebody on the board. If I'm from urban Nebraska, I want somebody on the board. If I'm from north Omaha, I want somebody on the board. All voices should be heard. It shouldn't be limited to just one group of people. That's why it matters. So I would encourage you all to get comfortable being uncomfortable to solve the issues that we're discussing today because it's definitely needed. And if we're not willing to get uncomfortable, I don't see if we'll-- I, I don't see how we could ever change what's going on. Let's get comfortable, comfortable being uncomfortable. There's nothing wrong with that. We'll all grow, grow as people and as a body if we can get used to being uncomfortable for however long it takes to fix this issue. Thank you, Mr. President.

**FOLEY:** Thank you, Senator McKinney. Senator Walz, you're recognized to close on your confirmation report. She waives closing. The question before the body is the adoption of the confirmation report from the Education Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 29 ayes, 2 nays on the confirmation report, Mr. President.

**FOLEY:** The second confirmation from the Education Committee has been adopted. Next report, Mr. Clerk.

**CLERK:** Mr. President, the Banking Committee reports on the appointment of Eric Dunning as director of the Department of Insurance.

**FOLEY:** Senator Williams, you're recognized to open on the Banking Committee confirmation report.

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**WILLIAMS:** Thank you, Mr. President, and good morning, colleagues. The Banking Committee is pleased to put forward the name of Eric Dunning to be our next director of the Department of Insurance. Nearly everyone in here knows Eric, so if you would like me to, I could just say press green and I'd sit down. I guess not. Eric told us in testimony he's a sixth-generation Nebraskan. Eric was born and raised in Lincoln and currently resides in Omaha with his wife and family. Eric is a graduate of the University of Nebraska and the University of Nebraska-- or excuse me, the University of Notre Dame Law School. After law school, he spent three years working at the Colorado General Assembly, drafting insurance and banking regulation. In 1998, Eric returned to Nebraska to work for the legal division of our Department of Insurance. He worked there for the next 15 years and more currently, for the last seven and a half years, as most of us know, Eric has been the government affairs leader for Blue Cross Blue Shield of Nebraska. In his confirmation hearing, he told us that the core of insurance regulation responsibility is company solvency. The most important function of any department of insurance is to make sure that companies have the resources to keep the promises they've made to their policyholders. Eric told the committee that there are many ways to measure the size of a domestic industry. He said he likes to measure it by capital and surplus. Under that measurement, Nebraska has the largest domestic insurance industry in the United States. The insurance industry means many jobs and a significant economic presence in Nebraska. That is something Eric says he will focus on to see that it continues to flourish and grow. I would urge your green vote. This confirmation hearing was held on May 6 and Eric's name was advanced 8-0 from committee. I would encourage your green vote. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Williams. Any discussion on the report? I see none. Senator Williams waives closing. The question for the body is the adoption of the confirmation report from the Banking Committee. Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 34 ayes, 1 nay, Mr. President, on the confirmation report.

**FOLEY:** The confirmation report from the Banking Committee has been adopted. Next report, please.

**CLERK:** The Transportation Committee reports on the appointment of John Selmer as the director of the Department of Transportation.

**FOLEY:** Senator Friesen, you're recognized to open on your report.

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**FRIESEN:** Thank you, Mr. President. I'm presenting John Selmer for confirmation as director of the Nebraska Department of Transportation. Mr. Selmer is a professional engineer who got his degree from UNO back in the day and he worked in the Iowa Department of Transportation for 32 years in various positions. During his time in Iowa, he oversaw high-profile construction projects, including the \$1.6 billion Council Bluffs Urban Interstate Reconstruction Project. My office has sent you a copy of Mr. Selmer's testimony from his confirmation hearing on May 4. There are a lot of challenges facing NDOT and the state in terms of transportation infrastructure and I'm excited to work with Director Selmer to try to improve these areas. And his appointment was advanced out of Transportation and Telecommunications Committee with an 8-0 vote. I'd encourage you to vote green on Mr. John Selmer's appointment as NDOT Director. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Friesen. Any discussion on the report? I see none. Senator Friesen waives closing. The question before the body is the adoption of the confirmation report from the Transportation and Telecommunications Committee. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** 34 ayes, 1 nay on adoption of the report.

**FOLEY:** The confirmation report has been adopted. Next report, Mr. Clerk.

**CLERK:** Senator Friesen, I have the report regarding the appointment of Allen [SIC] Gorynski to the State Highway Commission.

**FRIESEN:** Yes.

**FOLEY:** Senator Friesen, you're recognized to open on the report.

**FRIESEN:** So I'm happy to offer the appointment of Alec Gorynski to the State Highway Commission. The commission meets at least six times each year and advises NDOT in establishing policies and programs to help provide an adequate and safe highway system for the state, conducts public hearings, investigations, and studies related to state highway systems, and provide assistance and advising the public regarding policies, programs, and activities of Nebraska Department of Transportation. Mr. Gorynski is from Omaha and works as vice-president for community development and corporate philanthropy at First National Bank of Omaha. He will represent District 2, which includes Dodge, Washington, Douglas, Sarpy, and part of Cass Counties. His appointment

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was advanced from the Transportation and Telecommunications Committee 8-0 and I encourage you to support Alex-- Alec Gorynski for State Highway Commission. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Friesen. Any discussion on the report? I see none. Senator Friesen waives closing. The question before the body is the adoption of the confirmation report from the Transportation and Telecommunications Committee. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** 33 ayes, 1 nay on adoption of the report.

**FOLEY:** The report has been adopted. Mr. Clerk.

**CLERK:** Mr. President, Senator Friesen, I now have the appointment of Shane Greckel to the Information Technology Commission.

**FOLEY:** Senator Friesen.

**FRIESEN:** Thank you, Mr. President. I would like to present two appointments to the Nebraska Information Technology Commission. I have Shane Greckel from Bloomfield and Dan Spray from Norfolk. The NITC is a nine-member commission established by the Legislature to provide advice, strategic direction, and accountability on information technology investments in the state. NITC annually prepares the statewide technology plan, provides biannual recommendations on technology investments to the Governor and the Legislature, and adopts technical standards, guidelines, and architectures. Mr. Greckel is a fifth-generation farmer in Knox County and produces corn, soybeans, and has a small feed yard. Mr. Spray is the owner of Precision Technology, Inc. in Norfolk. Mr. Spray has served with me on the Nebraska Rural Broadband Task Force and has offered valuable insights on challenges involving precision ag technology. I believe Mr. Spray and Mr. Greckel will provide valuable perspective to the NITC. Both were advanced from the Transportation and Telecommunications Committee with an 8-0 vote and I'd encourage your support of these two appointments.

**FOLEY:** Thank you, Senator Friesen. Any discussion on the report? I see none. Senator Friesen waives closing. The question before the body is the adoption of the confirmation report from the Transportation Committee. Those in favor vote aye; those opposed vote nay.

**HILGERS:** Have all those voted who wish to? Please record, Mr. Clerk.

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**CLERK:** 32 ayes, 1 nay, Mr. President, on the adoption of the report.

**HILGERS:** The report is adopted. Next report.

**CLERK:** The Transportation Committee reports on the appointment of Clint Jones to the Motor Vehicle Industry Licensing Board.

**HILGERS:** Senator Friesen, you're recognized to open on the confirmation report.

**FRIESEN:** Thank you, Mr. President. I have three reappointments to the Motor Vehicle Industry Licensing Board: Brad Jacobs from St. Paul, Clint Jones from Genoa, and Matthew O'Daniel from Arlington. The Motor Vehicle Industry Licensing Board regulates the vehicle industry, including the manufacturing and selling of new and used cars, trucks, trailers, and motorcycles. The board also investigates consumer complaints against dealers and resolves franchise disputes between dealers and manufacturers. The board is made up of ten members and a cash-funded agency. Mr. Jacobs is a new and used car, truck, RV, trailer dealer with Jacobs Ford in St. Paul. He will serve as a representative of the trailer dealers. Mr. Jones owns Clocktower Auto in Columbus and works there as a car dealer. He represents the used car dealers and Mr. O'Daniel owns O'Daniel Honda in Omaha and will represent the new car dealers. All three were advanced from the Transportation and Telecommunications Committee with 8-0 votes. I think all three of these appointments have knowledge and experience in the vehicle industry and will be valuable additions to the board. And I want to thank Mr. Jacobs, Mr. Jones, and Mr. O'Daniel for their willingness to serve and encourage you to advance these appointments to the Motor Vehicle Licensing Board. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Friesen. Debate is now open on the adoption of the confirmation reports. Seeing no one in the queue, Senator Friesen, you're recognized to close. Senator Friesen waives closing. The question before the body is the adoption of the Transportation and Telecommunication confirmation reports. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**CLERK:** 31 ayes, 1 nay, Mr. President, on the adoption of the reports.

**HILGERS:** The reports are adopted. Next report.

**CLERK:** The General Affairs Committee would report on the appointments of Kurt Griess and Boyd Pedersen to the State Electrical Board.

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**HILGERS:** Senator Lowe, you're recognized to open on the confirmation reports.

**LOWE:** Thank you. The committee held a meeting on May 21, 2021, and we heard the following for the State Electrical Board. Boyd, Boyd Pedersen has been an electrical contractor in Nebraska since 1984, has served as chairman of the Antelope County Museum, the secretary at Antelope County Shooters Club, the chairman of the Neligh Church of Christ, received a diploma from Northeast Community College. We also heard Kurt Griess has served on the Nebraska Chapter of International Association of Electrical Inspectors as a member of chairman and a board member. He has served 25 years on the electrical field as state inspector in Grand Island and maintains his journeyman's electrician's license. He received a degree in electrical technology from the Central Community College in Hastings. Each of these candidates was voted out of committee on a 7-0 vote, with one committee member not present. I urge you to vote green on these two members for the State Electrical Board.

**HILGERS:** Thank you, Senator Lowe. Debate is now open on the confirmation reports. Seeing no one in the queue. Senator Lowe, you're recognized to close. Senator Lowe waives closing. The question before the body is the adoption of the confirmation report from the General Affairs Committee. All those in favor vote aye; all those opposed vote nay. Have all those voted that wish to? Please record, Mr. Clerk.

**CLERK:** 28 ayes, 1 nay, Mr. President, on the adoption of the report.

**HILGERS:** The report is adopted. Next report, Mr. Clerk.

**CLERK:** General Affairs reports on five appointments to the Nebraska Arts Council.

**HILGERS:** Senator Lowe, you're recognized to open on the, on the confirmation report.

**LOWE:** Thank you very much and May 21, 2021, the General Affairs Committee held a hearing and heard the following candidates for the appointment of Nebraska Arts Council. The first is Pamela Snow has served on the Nebraska Humanities Council, Nebraska Cultural Endowment, Nebraska Foundation for the Humanities, Museum of Nebraska Arts, and many others. She was the executive director for the Nebraska Cultural Endowment from 2006 until 2014 and owned a floral company with her husband in Grand Island for 25 years. She received her

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bachelor's degree in English with minors in art and music from the College of William and Mary, master's degree in English at the University of Nebraska-Kearney, and also did graduate studies in art and photography at the University of Nebraska-Lincoln. The second is Ann Michelle Dudley currently serves as the marketing chairperson for Nebraska Culture Endow-- Cultural Endowment and as vice chairman of the Zone After School Program for At-Risk Youth, has also served on the Norfolk Arts Council-- or Arts Center Board, worked as speech and language pathologist for over 25 years. The third is Sharon Hofschire has served on many boards and commissions, including Nebraskans for Arts' board of directors, Omaha Children's Museum board of directors, and Westside Community Schools Board of Education, worked as an instructor in the department of arts and art history at the University of Nebraska-Omaha, and has served as director of UNO's Center for Innovation in Arts Education. She received her bachelor's degree in education and English from the University of Omaha [SIC], master's of arts degree in arts and English and art history, and a master's of art in art history from George Washington University. Fourth is Brenda Davis has served on the board of the Willow Center in Beatrice, currently employed as a freelance theater set designer and lecturer-- and temporary lecturer at the University of Nebraska-Lincoln. She has extensive experience in the set design for theater performances, received a bachelor's degree in theater from Loyola University and a master's degree in fine arts theater design from Yale University School of Drama. And finally, fifth, Zachary Cheek is currently a student at the University of Nebraska majoring in economics and music, trombone performance. He-- if he is confirmed, he will be the youngest person ever to serve on Nebraska Arts Council. He is also a second-generation American from Afghanistan. Thank you, Mr. President. I urge everyone to vote green on these confirmations.

**FOLEY:** Thank you, Senator Lowe. Discussion is now open. Senator John Cavanaugh.

**J. CAVANAUGH:** Thank you, Mr. Lieutenant Governor, and thank you, Senator Lowe, for that introduction. I rise in support of these confirmations. Anybody who is on the General Affairs Committee, I-- actually, we had this hearing two days ago, I think-- would say that the joy that the-- all of these folks brought for the arts was infectious and it was a good respite from kind of what goes on around here and so I think these folks are all great. They all have incredible resumes that you just heard from Senator Lowe. We'll be lucky to have them on the board. I rose to talk about two parts of this. One is during that hearing, we asked kind of the questions

that-- some of them that have been brought up here, how did people come to apply for this? You know, what, what's their interest? And you heard certainly the interest and the connection these folks had and-- but one of the things that I noticed from looking at the list, I have the list of everybody that we're talking about here today and I kind of counted through about 30 different individuals we're hearing on; 7 of them are women and I think five of those women are on, on the Arts Council here. So this is a great slate of women, but I just-- it seems we're putting them all in one category. And that's not really why I rose to talk, but that just struck me while I was looking at this. But basically one of the questions that was asked is so the Arts Council-- I, I always ask what does this do when we're appointing somebody to a board because a lot of these boards-- again, I'm relatively new here and a lot of these things, I don't have an experience before and so I don't know necessarily what every board and commission we're appointing people to. One of the things the Arts Council does is gives out grants every year. I think it's about \$1.8 million in grants and so we asked what's the process? And the grants-- the Arts Council-- a number of these people have been recipients or parts of organizations that were recipients of these grants, meaning they've applied for them before. A number of the people were on the, the grant review board and they described a robust process where they bring in a diversity of opinions and people with different skill sets and different types of arts and different perspectives and from different communities and they all assess the merits and the value of the, the project itself and its context. And so they have a very robust process to discuss, which grants to award and the amount and the value of the grant affords to it. So I think it's just important when we're talking about-- because we're appointing folks to these boards, it's important that we get a diversity of opinions and perspectives, but we also make sure that we engage in a conversation about how is this money getting spent? We've had a lot of conversations the last couple of days about specific amounts of money and, and, you know, fighting about \$5 million here and \$8 million there. This is \$1.8 million that this board gives out every year. They engage in what sounds like a pretty thorough and robust process and that brings value to a lot of communities. Senator Brandt asked about some specific value to his community. We talked about some value that, that was brought to Senator Flood's community. So there's a lot of important projects brought. Nonetheless, I think it's just important to pay attention to the process. And I'll probably talk-- I'll talk a little bit later about process of grants in another process, but when it comes to giving out our money, we need to be vigilant of not just the money we

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are allocating, but the money that people are handing out in our name for the-- in these boards that we-- that are going out of the state of Nebraska. So with that, I'd urge your green vote on all of these folks. I think we're lucky to have them and they are a fantastic slate of individuals to serve on the Arts, Arts Council. Thank you, Mr. Lieutenant Governor.

**FOLEY:** Thank you, Senator John Cavanaugh. Senator McCollister.

**McCOLLISTER:** Yeah, thank you, Mr. President. Good morning, colleagues. I'd like to echo the comments of Senator Cavanaugh, particularly with regard to Shari Hofschire, who I've, I've known for 30 years, well qualified to be on the council, and I'm sure she provides a lot of good expertise. So I endorse, endorse the candidates that have been proposed and I would appreciate your green vote.

**FOLEY:** Thank you, Senator McCollister. Any further discussion? I see none. Senator Lowe waives closing. The question before the body is the adoption of the confirmation report from the General Affairs Committee. Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 34 ayes, 1 nay on the confirmation report, Mr. President.

**FOLEY:** The confirmation report has been adopted. Next report, please.

**CLERK:** Mr. President, Health and Human Services reports on Valerie Hitz as-- to the Commission for the Deaf and Hard of Hearing.

**FOLEY:** Senator Arch, you're recognized to open on the confirmation report.

**ARCH:** Thank you. The Health and Human Services Committee held a hearing on May 18 on the hearing of Valerie Hitz to the Commission for the Deaf and Hard of Hearing. The commission's statutory responsibility is to monitor public policies and implement programs, which shall improve the quality and coordination of existing services for deaf or hard of hearing persons and promote the development of new services when necessary. Ms. Hitz is a new appointment to the commission. She is deaf and testified that she has a large deaf family, has always had an interest in the deaf community. Ms. Hitz's goal in serving on the commission is to provide information to the deaf and their families about services that are available to them. She is especially focused on serving Nebraska children who are, who are deaf and increasing educational opportunities for them. This

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appointment advanced from committee with 6 yes votes, 1, 1 member absent. Ms. Hitz is a-- is passionate about deaf issues and dedicated to the deaf community, so please join me in supporting her appointment to the commission.

**FOLEY:** Thanks, Senator Arch. Any discussion of the report? I see none. Senator Arch waives closing. The question before the body is the adoption of the confirmation report from the Health Committee. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** 33 ayes, 1 nay, Mr. President, on the adoption of the report.

**FOLEY:** The confirmation report has been adopted. Next report, please.

**CLERK:** The Health Committee, Mr. President, reports on the appointment of Cotton [SIC] Palmer to the State Board of Health.

**FOLEY:** Senator Arch.

**ARCH:** On May 18, the Health and Human Services Committee held a hearing on the appointment of Colton Palmer to the State Board of Health. Mr. Palmer is a new appointment to the board and he will fill the position for one credentialed mental health practitioner on the Board of Health. He is an advanced practice registered nurse with a BSN from Northwestern Oklahoma State University and a master's in nursing from Wilkes University in Pennsylvania. Mr. Palmer has experience working in a variety of settings, including the Residential Treatment Center for Children at Boys Town, UNMC's orthopedic and medical surgical units, and inpatient and outpatient clinics at CHI. He currently operates his own mental health services clinic in Omaha, where he provides medication management, therapeutic interventions, and other alternative treatments. This appointment advanced from committee with 6 yes votes and 1 member absent. Mr. Palmer is qualified to fill the mental health practitioner role on the Board of Health and willing to volunteer his time, so I hope you'll support his confirmation. Thank you.

**FOLEY:** Thank you, Senator Arch. Any discussion? I see none. Senator Arch waives closing. The question before the body is the adoption of the confirmation report from the Health and Human Services Committee. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** 32 ayes, 1 nay on the adoption of the report.

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**FOLEY:** The confirmation report has been adopted. Next report, please.

**CLERK:** Mr. President, the Natural Resources Committee reports on the appointment of Henry Brandt to the Nebraska Game and Parks Commission.

**FOLEY:** Senator Bostelman, you're recognized to open on the report.

**BOSTELMAN:** Thank you, thank you, Mr. President and members of the Legislature. I, I present for your approval the reappointment of Henry Brandt to the Nebraska Game and Parks Commission. He came before the committee at his confirmation hearing on January 29. Mr. Brandt has a degree in music and a minor in wildlife management from the University of Nebraska-Lincoln and a postgraduate degree in music performance from Hartt School of Music at Hartford, Connecticut. His passion is riding his mule tracks, tracking sheep in Fort Robinson State Park in northwest Nebraska, and riding in the Yellowstone Country with his wife, Sharon. The Nebraska Game and Parks is governed by a board of nine commissioners, each member of which is appointed by the Governor to a four-year term. Eight commissioners serve each of eight districts across the state and the ninth, and the ninth serves at the at-large role. Mr. Brandt has served District 8 since his original appointment in 2017. Commissioners serve in a volunteer capacity and meet in various locations across the state approximately every two months. The Game and Parks Commission is charged with the stewardship of the state's fish, wildlife, state park, and outdoor recreation resources. The commission is also charged with issuing state hunting license, fishing license, and boat regulations-- registrations. It conducts public education programs for hunting and boating safety and also provides other resources for those who wish to learn to enjoy the outdoors. The committee advanced Mr. Brandt's reappointment by a 5-3 vote. I ask for your confirmation of Mr. Henry R. Brandt to the Nebraska Game and Parks Commission.

**FOLEY:** Thanks, Senator Bostelman. Debate is now open on the report. Senator Hughes.

**HUGHES:** Thank you, Mr. President. Good afternoon, colleagues. I'm going to speak against this reappointment of Mr. Brandt. As you all know, I have a long-running battle with Game and Parks. They have consistently demonstrated a lack of compassion for the damage done by the state's wildlife to landowners. As I've stated before, beyond property taxes, the second-most complaints I get is about wildlife damage in my district. I have worked very hard during my tenure here and I have made some advances to get the Game and Parks commissioners

to be more engaged and I think I'm making progress. This is just my latest salvo, if you will, to the commissioners to make sure that they understand that their job is not just to show up at the meetings every couple of months and take the hunting trips and the fishing trips and go look at wildlife. There's a lot of important work that needs to be done and there are a lot of landowners out there who are complaining about the damage that elk and deer and antelope and turkeys are doing to their property. It's costing them money. It costs about \$60 million a year just to feed the deer herd in the state of Nebraska. That's coming out of the landowner's pocket and the Game and Parks Commission is the one that is benefiting by selling hunting licenses for those. I'm, I'm just very frustrated at the lack of cooperation that I get from Game and Parks Commission and commissioners. There are some very good commissioners and there are some that are certainly not interested in hearing the complaints of the landowners, of the individuals who are feeding the state's wildlife. So continuing to talk to the commissioners, to the Governor, to the landowners, to the personnel about the challenges that the landowners face because of damage, trying to introduce different pieces of legislation to possibly compensate landowners for that damage-- because they are the state's animals and they are the state agency that is charged with taking care of those animals. And it's important that we have a dialog and some compensation with the landowners for when there is damage. There are multiple examples that we've had over the years of, you know, a path as wide as this room going through a farmer's cornfield-- on the travel path between the river and, and grass, where the deer travel every day or every three days. And it's extremely frustrating that they get no help from the Game and Parks and quite frankly, this has been going on for 20 or 30 years. The farmers, the landowners are tired of the lack of response from Game and Parks and the commissioners are the individuals who are appointed to oversee Game and Parks and they need to be doing their job. Mr. Brandt, I know him. He's an all right guy, but he's had six years, I believe, on the board to make some changes and he's been hearing from me during my tenure and I have not seen any significant change.

**FOLEY:** One minute.

**HUGHES:** So I do believe there's an opportunity to send a message to all of the commissioners. I've had conversations with the Governor about individuals that are being appointed to the Game and Parks Commission, that they do need to be a little more attuned to the landowners' issues. And there are-- there is a culture within Game and Parks of disrespect for landowners. We've had a individual who was

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spreading his sister's ashes after her death on his property and Game and Parks game wardens drove a mile out of their way across his property to see what he was doing. Clearly, no guns were visible. They have field glasses. They could have looked and said, you know, they're not hunting. But there is some harassment going on and quite frankly, that needs to stop. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hughes. Senator Erdman.

**ERDMAN:** Thank you, Lieutenant Governor. I appreciate that. Senator Hughes, I appreciate your comments. I want to allude to some of the things that happened at Game and Parks besides just the wildlife management or lack thereof. They do a poor job of managing the lakes and the recreational areas and I'll give you an example is Lake McConaughy. There is a citizens group that's to work with Game and Parks to try to solve some of those issues and there are some of those people on that commission or that committee that are concerned about me talking about Game and Parks because of the retaliation. They make decisions about Lake McConaughy "irregardless" of what the citizens want to have happen. The tail wags the dog in this situation and I'll give you an example. Early last fall, there was a meeting in Ogallala and Game and Parks was going to buy 67 acres of land near a recreational area in Kearney. The management people stood up and explained what the acreage was and what it was going to do. Once that person made the presentation, there was a question asked, is there such a motion? And there was and there was a second, no discussion, and they bought the land. When do they make these decisions? The buck stops with the commissioners and I can tell you that from my past experience serving on boards, when things go awry and it goes the wrong way, they don't serve-- they don't sue the manager. They sue the board members. So those board members have a responsibility that they've been shirking for a long time and I can tell you-- I can prove that because when my son was here back in the early 2000s, he had the same issues with Game and Parks we're having today. And so these people are appointed by the Governor and then they're free moral agents after that and they do whatever they want. So in that instance I just described to you in Ogallala when they bought that land, every issue on the agenda that day, the chairman of the board, chairman of the commission asked for public comment on every one of the issues except one. Guess which one that was? The purchase of the land. And I would have spoken against that because it was taking it off the tax rolls. I was not afforded that opportunity. So the tail wags the dog. They do exactly what they want. The commissioners are the ones that are supposed to set policy and make decisions and they should have

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terminated and eliminated Jim Douglas years ago, but they didn't have the intestinal fortitude to do the right thing. And so let me tell you-- let me explain to you what these people do, who these people are, OK? Dan Kreitman was involved in dental work, sell dental equipment. He owns some farm ground. His idea is more hunting, more animals. Then we have Donna Kush. She's from Omaha. She's president of the community foundation. And going off is Jim Ernst and he was from Columbus. He was an auto dealer. And then we have Jim [SIC] Hoggatt. He's from Kearney. He's a bank president. And then Robert Allen, he was a John Deere dealer and he was from Elm-- from Eustis, Nebraska. Pat Berggren, he is a contractor, house builder. And then we have Doug Zingula from Sidney. He's on the board of the Big Game Society and a member of the Wild Sheep Foundation and a member of the Sierra Club. And then we have Mr. Rick Brandt, the guy that's up for reappointment, and Mr. Brandt was the chairman of the Nebraska Environmental Trust Board, state chairman of the Rocky Mountain Elk Foundation, and also founding president of the Big Sheep Game Society [SIC], OK? Think about that, Big Game Society. All these people-- oh, I nearly forgot Mr. Cassels--

**FOLEY:** One minute.

**ERDMAN:** --he's from Kiewit and he's vice president of Kiewit Corporation. So how many of those people that I just read off are agricultural producers? Three of them or four of them own ag land and the reason they own ag land is to hunt. We need to put people on that who suffer under the consequences of the wildlife and also maybe somebody from Ogallala who suffers under the decisions they make about Lake McConaughy. It's a great lake that goes to waste because we don't have the right kind of management. So as Senator Hughes correctly stated, we need to send a message to these people that we are watching them because once they're appointed, they do whatever they want. And I don't remember of reading anybody ever getting removed from the Game and Parks Commission. So it's time for us to make a decision to stand up and take control of Game and Parks and this is our opportunity that comes not very often. And we almost got Mr. Kreitman last time. He got 25 votes. And I would encourage you to vote red against Mr. Brandt.

**FOLEY:** That's time.

**ERDMAN:** And we'll see how it goes and if-- is that time?

**FOLEY:** That's time.

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**ERDMAN:** All right, thank you.

**FOLEY:** Senator Wayne.

**WAYNE:** Thank you, Mr. President. It's just ironic. One, I thought it was ironic that part of the issue is harassment by government officials happens all the time in our community and we can't get a bill to do anything about that, like, police oversight. I just thought that was ironic. I mean, anytime somebody goes on somebody's property and does that, I think it's problematic. Second thing I thought was it's ironic that we're saying we need to send a message not only to this commission, but to the-- not only to the commission itself, but the overall-- how this process works. But on the State Education Board or the state board-- college board, that was the same thing that we just asked and everybody voted for it. So it's just we pick and choose when things are important. I get that. I'm not going to say I know what goes on in Game and Parks because there's not a whole lot of Game and Parks in my district. So I would defer to Senator Erdman and Senator Hughes on this. I just hope if I file a motion to reconsider since I was present not voting on the state board, our state college one-- that comes back up, you guys give Senator McKinney and I the same deference. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Wayne. Senator Erdman.

**ERDMAN:** Thank you, Lieutenant Governor, and good morning again. So following on to what I had to say, what we need to do and what needs to-- who needs to be appointed to Game and Parks are people who have skin in the game. And I would guarantee you that if you appoint Mr. Shuler [PHONETIC] from my county who suffers over \$100,000 a year in damages from wildlife, he would make different decisions and bring a different perspective. If you appoint someone from the Lake McConaughy area, they would have a different perspective as well. And so what we have is a whole bunch of people who are big game hunters or big game enthusiasts who serve on big game organizations who want more animals. And when I ask Game and Parks how many animals do you have? They don't have a clue. I get one answer from the assistant manager and I get a different answer from the manager. When I ask them lately how many camping spots do you have at Lake McConaughy? They couldn't answer that either. So anything that you can't measure, you can't manage. That's plain and simple. And so the buck stops with the commissioners and they've allowed Mr. Douglas to have free rein to do whatever he wants as long as he's been there. And I've been to their meetings. I understand how it works. And if they have conversations about things,

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they sure have those behind the closed doors because I never see what they're deciding until they vote. And so as we voted on Mr. Kreitman two years ago or whenever it was and he got 25, we had a great opportunity to send a real message. I think we woke them up somewhat, but when they had that problem back in '18 with the elk in my district and they-- Game and Parks released an email. They said that I forced them to make depredation permits, which wasn't true. None of those commissioners stepped up to see exactly what the truth was or try to solve the problem. Now I have visited with Game and Parks and I have visited with some of you in this room about what the real solution is. And the real solution to this wildlife issue is we get three different groups in the room together to negotiate how we solve this issue. One of them are the landowners, the other one is Game and Parks, and the third one and most important is the hunters. We all three have to be in the room and some of you in this room agree that that is the right way to solve this issue. So Game and Parks will come and say we need more depredation permits, we need a different type of depredation season, or we need all these things so that we can manage wildlife when in fact they have had every tool in the box that they needed for the last 20, 30 years to solve the issue and they're not willing to do that. And so they had the time, they had the effort, they had the opportunity to bring these three groups together to solve the issue, but they don't want to solve it because the majority of these people that serve on this board want more wildlife and not less. And they bought 1,500 acres more land in Sioux County two years ago to have more habitat for, for elk. And so the issue is the lack of management, the lack of oversight by the commissioners. And so when we change the commissioners and they know we're watching them, all of a sudden they start making different decisions. And so I'm asking you to vote red on Mr. Brandt and we'll see how that goes and then I'll talk about Mr. Curry after that. Thank you.

**FOLEY:** Thank you, Senator Erdman. Senator Hughes.

**HUGHES:** Thank you, Mr. President. I'll be brief, colleagues. I want to be very clear that I'm not anti-Game and Parks. I just don't like the way they are managing the state's wildlife. You all voted for a bill yesterday that I brought to increase the fees on nonresidents, nonresident park permits. I did that because they need more money specifically for Lake McConaughy. They don't value that resource that we have in order to manage it properly. So I worked hard to try and figure out a way to give them some additional resources to manage that property, not only for the benefit of the Keith County residents, but also for the state of Nebraska. And there are employees that are

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challenging in every business, but by far most of the employees in Game and Parks are doing a good job. My whole thing has been trying to get the commissioners to control the staff. As Senator Erdman said, the tail has been wagging the dog for way too long and the commissioners need to stand up and make those decisions, listen to the landowners-- and they'll tell you we have landowner meetings all the time, but the landowners tell me we've been going to those meetings for 20 years and nothing ever happened, so we quit going. That's why nobody shows up and complains. Some of the landowners take care of the problem themselves. Game and Parks doesn't like to tell you that, but it happens. When the populations get a little too large and cause too much damage in certain places, there's the three S rule: shoot, shovel, and shut up. And that's not good for anybody. That's not good for the landowner. That's not good for the Game and Parks Commission. That is certainly not good for the state of Nebraska. So we need to send a message to the commissioners to do their job. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hughes. Senator Pahls.

**PAHLS:** May I request a-- some dialog with Senator Bostelman?

**FOLEY:** Senator Bostelman, would you yield, please?

**BOSTELMAN:** Yes.

**PAHLS:** Thank you, Senator. You know, I've, I've been listening to both sides and I've, I've heard from both sides on an individual basis. The question I have, the vote was what, 5-3?

**BOSTELMAN:** Correct.

**PAHLS:** OK, 5-3 in support of this individual. Do you believe that you-- that the committee did a good job of vetting these individuals?

**BOSTELMAN:** Yes, I do. In fact, Mr. Brandt explained that the, the concerns they had he agreed with and he was going to address them and he was willing to address and he committed to that.

**PAHLS:** OK, I'm finding out there, there seems to have been some issues in this particular department. Is it my understanding-- is there a new director or, or did I miss the vote there?

**BOSTELMAN:** I'm sorry, could you repeat that?

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**PAHLS:** Is there a, is there a new director?

**BOSTELMAN:** There will be. They've managed to force the existing director to retire.

**PAHLS:** OK, so this director-- so in other words, it should be-- things should be looking better if we have another person in charge of that department is my understanding.

**BOSTELMAN:** I would agree.

**PAHLS:** OK, so that's what I'm going to count on with the new director. And, and I'm, I'm sure they're listening to-- or they have heard about-- or the new person would have heard about all the issues involved, so-- and I'm assuming-- you said you vetted them, the individuals, so I, I believe right now I have to go with what the committee is recommending. Thank you.

**FOLEY:** Thank you, Senator Pahls. Senator Erdman, you're recognized for your third opportunity.

**ERDMAN:** Thank you, Lieutenant Governor. I wasn't going to speak again, but after hearing the comments or questions from Senator Pahls, I thought I needed to, to make a comment or two. Senator Pahls, when they have a confirmation hearing, no one comes in to testify against these people because as Senator Hughes alluded to, we've been going to meetings and we've been talking to Game and Parks about the issue for so long that they have given up and they don't come and talk about why they shouldn't be reappointed. And you're very astute when you point out that this gentleman came out of committee 5-3. Had one more person not voted for him and it had been 4-4, he wouldn't be here on the floor today for confirmation. So don't put a lot of stock in the fact that he came out 5-3, that he's the guy, because I want to share with you that they have changed managers before. In the past, they have changed managers before and nothing changes. Because you see, you don't change the culture at a agency like Game and Parks by just changing the director because all of the people that are there now will continue to serve there and they will continue to do what they've always done before and they will tell the new director or secretary, whatever they call him, yes, yes, we're going to do what you ask. And then when he goes out of the room, they'll do what they've always done before. So don't put any stock at all in the fact that things are going to change because I can tell you this for sure, if they appoint the assistant director, Tim McCoy, I can guarantee you things won't

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change. And so I don't care who they hire, it won't make any difference. It's going to be just like it was before. And if you don't believe me, ask Senator Hughes. They have been dealing-- we have been dealing with Game and Parks for 20 years and you were dealing with them when you were here before. And I went back and looked at some of the things my son did when he was here concerning Game and Parks and he had issues 20--some years ago. And we have the same issues and we've had new directors since then, Senator Pahls, and nothing changed. So voting green for Mr. Brandt won't guarantee that you're going to get any different organization or management than you have now. It will be the same. It's time to send a message. It's time to vote red. It's time to send Mr. Brandt back to checking on the wildlife. Thank you.

**FOLEY:** Thank you, Senator Erdman. Senator Bostelman, you're recognized to close on your report.

**BOSTELMAN:** Thank you. I'd like to do a call of the house as I close.

**FOLEY:** 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. Senator, as the house is being called, your clock is running if you care to make any closing remarks. Record, please.

**CLERK:** 26 ayes, 1 nay to place the house under call.

**FOLEY:** The house is under call. All Senators, please return to the Chamber and check in. The house is under call.

**BOSTELMAN:** Mr. President, if I may, can I go ahead and continue to my close?

**FOLEY:** Yes, you may, may continue.

**BOSTELMAN:** Thank you. Thank you, Mr. President, and, and thank you, colleagues, for listening this morning. I want to point out a few things. Mr. Brandt has been on the-- has been a commissioner since 2017, not 20 years-- 27 years ago. Mr. Brandt has been very effective, been, been very strong supporter of, of-- I guess you would say the Game and Parks and, and moving ahead in new directions. He committed to that when he was in the committee hearing. Oftentimes-- how many times in committee hearings you have on, on appointments, reappointments, there's no-- oftentimes, there's no proponents and the majority of times, there's no opponents. That's common. Mr. Brandt did commit to his time when he was there. There was a lot of questions

asked of him to the specific topics that have been discussed today by the committee members and he answered those to the satisfaction of those committee members that he was committed to make those changes. They've, they've had to do-- we've, we've enacted some laws, in fact, LB359 and LB336 to address some of the issues that Senator Erdman brought up about depredation on elk and antelope. That wasn't available before, now it is. They've increased the permits because of discussions that have had. That's new. They've also provided additional funding with LB336 we just passed. For the McConaughy area-- I will talk about McConaughy area a little bit. That's not owned by Game and Parks, understand that. I think it's-- Central Irrigation owns that. They just manage it. And there's been huge conflicts between the city, the county, the irrigation district. People won't-- can't agree upon things. And that's what we hope to do with LB406 is bring those together. Game and Parks, it does pay taxes on their wild-- wildlife management ground. They do pay taxes on that. It's paid taxes at each and every year. Senator Brandt [SIC], as I've said-- I've had the opportunity to visit with him on a number of numerous different occasions and he's been very responsive, very positive in what he has to say and the direction to go. We've made a lot of changes. They've made a lot of changes and they're committed to those changes. With that, I would ask for your green vote and a roll call vote in regular order. Thank you.

**FOLEY:** Thanks, Senator Bostelman. The question for the body is the adoption of the confirmation report from the Natural Resources Committee. A roll call vote has been requested. Mr. Clerk.

**CLERK:** Senator Aguilar, voting yes. Senator Albrecht, voting yes. Senator Arch, voting yes. Senator Blood, voting yes. Senator Bostar, voting yes. Senator Bostelman, voting yes. Senator Brandt, not voting. Senator Brewer, not voting. Senator Briese. Senator John Cavanaugh, not voting. Senator Machaela Cavanaugh, voting yes. Senator Clements, voting yes. Senator Day, voting yes. Senator DeBoer. Senator Dorn, voting no. Senator Erdman, voting no. Senator Flood, voting yes. Senator Friesen, voting no. Senator Geist, voting yes. Senator Gragert, voting yes. Senator Groene. Senator Halloran, voting no. Senator Ben Hansen, not voting. Senator Matt Hansen, not voting. Senator Hilgers, voting yes. Senator Hilkemann, voting yes. Senator Hughes, voting no. Senator Hunt, not voting. Senator Kolterman, voting yes. Senator Lathrop, voting yes. Senator Lindstrom, voting yes. Senator Linehan, voting yes. Senator Lowe, voting yes. Senator McCollister, voting yes. Senator McDonnell, voting yes. Senator McKinney, voting no. Senator Morfeld, voting yes. Senator Moser, not

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voting. Senator Murman, not voting. Senator Pahls, voting yes. Senator Pansing Brooks, voting yes. Senator Sanders, voting yes. Senator Slama, voting yes. Senator Stinner, voting yes. Senator Vargas, not voting. Senator Wayne-- Senator Walz, excuse me, voting yes. Senator Wayne, not voting. Senator Williams, voting yes. Senator Wishart. 29 ayes, 6 nays on the confirmation report.

**FOLEY:** The confirmation report has been adopted. I raise the call. Next report, please.

**CLERK:** Mr. President, the next report from Natural Resources involves the appointment of Kendall Curry to the Games and Parks Commission.

**FOLEY:** Senator Bostelman, you're recognized to open on the report.

**BOSTELMAN:** Thank you, Mr. President. Members of the Legislature, I present for your approval the appointment of Kendall Curry to the Nebraska Game and Parks Commission. He came before the committee at his confirmation hearing on January 29. Kendall Curry graduated from the University of Nebraska-Lincoln with a bachelor of science degree in mechanical engineering and also earned his master of business of administration. He has over 37 years of experience in engineering sales, consulting engineering, manufacturing, and electrical-- electric utility operations. He served as a president of-- with the NPPD for the last ten years as a vice-president customer services chief customer officer. He also retains certifications from the certified Lean Leader, certified Six Sigma Black Belt, and is a certified energy manager of the Association of Energy Engineers LEED-accredited professional. Several of his community involvement includes the Columbus Public School Board of Administration, Columbus Area United Way Board Member, Habitat for Humanity Board, Teammates Program, UNL Columbus Area Alumni Association, Columbus Chamber of Commerce Board, where he currently serves as chairman. The agency is governed by a board of nine commissioners, each member of which is appointed by the Governor to a four-year term. Mr. Curry would serve District 3 for his first term in the, in the commission. Eight commissioners serve each of eight districts across the state and the ninth serves at an at-large role. Commissioners serve in the voluntary-- a volunteer capacity and meet in various locations across the state approximately every two months. The Game and Parks Commission is charged with stewardship of the state's fish, wildlife, state park, and outdoor recreation resources. The commission is also charged with issuing state hunting license, fishing license, boating registrations. It conducts public education programs for hunting and

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boating safety and provides other resources for those who wish to earn-- learn to enjoy the outdoors. The committee advanced Mr. Curry's appointment by an 8-0 vote. I ask for your confirmation of Mr. Kendall Curry to the Nebraska Game and Parks Commission.

**FOLEY:** Thanks, Senator Bostelman. Discussion is now open. Senator Hughes.

**HUGHES:** Thank you, Mr. President. I'll be brief. I'm certainly going to support Mr. Curry. He has not had a chance to be tainted by the rest of the Game and Parks. He came to my office and we had a long conversation about the challenges that the landowners face with big game in the state of Nebraska, so I certainly feel he has heard me. We will see if he will follow through. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hughes. Senator Moser.

**MOSER:** Thank you, Mr. Lieutenant Governor. I've known Mr. Curry for over 20 years. He's a good businessman. He's been a great supporter of the Columbus community area and I think he'll make decisions that benefit the whole state and not necessarily take sides in this discussion. So I support Ken Curry and I hope that you'll vote for his-- approval of his nomination. Thank you.

**FOLEY:** Thank you, Senator Moser. I see no further discussion. Senator Bostelman waives closing. The question for the body is the adoption of the confirmation report from the Natural Resources Committee. Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 28 ayes, 1 nay, Mr. President, on the adoption of the report.

**FOLEY:** The confirmation report has been adopted. Mr. Clerk.

**CLERK:** Mr. President, the next report and-- from the Natural Resources Committee involves the appointment of Rodney Christen to the Nebraska Environmental Trust Board.

**FOLEY:** Senator Bostelman, you're recognized to open on your report.

**BOSTELMAN:** Thank you, Mr. President. Members of the Legislature, I present for your approval the appointment of Rodney Christen to Nebraska Environmental Trust Board. Mr. Christen came before the Natural Resources Committee for his confirmation hearing on February 4. Rod and his wife, Amy, have two daughters, Dana and Lee [SIC] and one son, Evan. They operate a cow-calf operation with Rod's sister,

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Kay, and their parents, Richard and Sharon. On their ranch, they use pasture rotation, cross fencing, and multiple water sources as management conservation tools to increase their productivity and income. They take advantage of state and federal programs like Environmental Quality Incentive Program, Grassland Reserve Program, and Landowner Incentive Program. Mr. Christen was appointed to the trust board in March of 2009 by Governor Heineman. He was a recipient of the 2007 Leopold Conservation Award, presented by the Sand County Foundation and prominent state conservation partners, the 2008 Nebraska Land Stewardship Award, presented by the Partnership for All Bird Conservation, and one of the 2009 Master Conservationist Award recipients in the category of production agriculture, presented by the Omaha World-Herald. As a result of his wildlife-friendly practices and land stewardship, originally from District 1, Mr. Christen now represents District 3 on the trust board. The Nebraska Environmental Trust Board was established in 1992 to conserve, enhance, and restore the natural environments of Nebraska. It was created on the conviction that a prosperous future is dependent upon a sound, natural, natural environment that Nebraskans could collectively achieve real progress on real environmental issues if seed money were provided. The trust especially seeks projects that bring public and private partners together collaboratively to implement high-quality, cost-effective projects. The committee advanced Mr. Christen's, Christen's appointment by a 5-3 vote. I ask for confirmation of Mr. Rod Christen to the Nebraska Environmental Trust.

**FOLEY:** Thanks, Senator Bostelman. Mr. Clerk.

**CLERK:** Mr. President, I have a motion. Senator Jon Cavanaugh would move to recommit the appointment-- the report to the Natural Resources Committee.

**FOLEY:** Senator John Cavanaugh, you're recognized to open on your motion.

**J. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. So-- well, first, I want to thank Senator Bostelman for his work on the, the whole session in terms of these hearings and particularly the latitude he granted me in questioning in some of these. And I would say my opposition to Mr. Christen's appointment is not personal. We did have a long hearing on the date that Senator Bostelman talked about. I asked him a lot of questions and he and I actually had a nice conversation afterwards. It was very pleasant. But my opposition has to do with the way that the trust has been administered-- administering its trust-- its actual

trust over the last couple of years. So I just kind of-- I've filed this motion so I can get a little bit of time to talk and tell you the story. So Senator Bostelman touched on this, the Environmental Trust-- I'll just read you the legislative intent-- it is the intent of the Legislature to establish the Nebraska Environmental Trust for the purpose of conserving, enhancing, and restoring the natural, physical, biological environments that Nebraska-- of Nebraska, including air, land, ground, water, groundwater and surface water, flora and fauna, prairies, forests, wildlife, wildlife habitat, natural areas, aesthetic and scenic views. And this was created as-- about 50 percent of the lottery funds from the early '90s go into this fund and they end up giving out about \$20 million a year. So I circulated two items. One is a letter from the Friends of the Nebraska Environmental Trust and I would recommend reading it. It kind of gives you the broad strokes, but at the very end, they mention that the trust has given out nearly \$400 million covering every county in the state since 1993. So currently they, they give out about \$20 million a year. So this came to my attention even before I was in the Legislature and I circulated-- the second thing is an article from Paul Hammel dated February 11, 2020, "Conservationists decry Environmental Trust Board's decision to increase grant funds for ethanol project." So what, what happens is, walking through the process, the Environmental Trust has this \$20 million. They have applicants and they get many, several-- I think a 100-- and then they go through a review process, they score the grants objectively, and then they report them out and then fund the projects. They have criteria, applicant criteria-- this is from their website-- which is scored on a-- up to 25 points per category for some, up to 15 for some, up to 10 for others, and up to 5 for others for a total of 215 points. And they include things like degree project advances, categories of, of the trust, sound planning and design, direct measurable environmental benefits, cost effectiveness, duration benefit, all the way down to individual or, or local initiative. So total points they score and then they come up with a list, which I have here and I can show you, but I didn't circulate because it's-- they're quite long-- where they score all the projects. And in the 2020 grant year, they scored projects and came up with a list-- I'm trying to find it here-- where the highest-scoring project scored 178 points and that was the Middle Loup Niobrara NRD, where they gave them \$485,000. And they scored all the way down where they funded projects down to-- let's see-- 135 points. So ultimately they scored all these projects and then they went to this review process and they took funds away from five projects that scored from 158 points, down 147 points. I know this is a little dry, but I wanted to

make sure you guys have all of the information. So they took funds away from those projects and gave them to a project that did not qualify, which is what that article references, which is what people have a problem with. So the, the projects to fund the Ducks Unlimited project in the Platte Water Basin, the restoring wetlands in the North Platte River Valley, the Eastern Rainwater Environment and Habitat, the Pine and Butte Ranch protection project, and the Eastern Saline Wetlands project. So they took a fund-- away funds from those to give to an ethanol blender pump project, which some people have joked that I'm against ethanol blender pumps, which is not actually the problem. My problem is with the process. When we're asking somebody to allocate \$20 million of our money, we're asking them to engage in an objective process, which there is one. They have these scores they go through and several people score the projects and then they allocate the funds. And when you pervert the process by then up scoring other projects just to get them funded because certain people want them funded and then striking projects that have been objectively scored higher because you don't like those, that is a problem. So in, in Mr. Christen's hearing, I asked about that process and he said that they diverged from the objective score after having a conversation about what they valued and that those projects were overvalued because they were a land preservation or taking land into trust and they-- that that artificially increased their score, which-- because of the duration of the project, and they didn't think that the-- the total board, when they voted on it, did not think that that merited that score. And so my question was, OK, you have an objective process that didn't work because clearly five projects got funded that shouldn't have. And you had to diverge from that to take funds-- those funds away and give them to another project. So what steps did you implement going forward to take that subjectivity out of it and make sure that the project-- process actually works correctly going forward? Because you're handing out 20 million of our dollars and if you're doing that and it becomes a subjective process, there is a trust issue there. And the answer was we're going to continue to engage in this subjective process, so that is the basis of my disagreement with this. But to fast-forward to the next year, we had our hearing on, I believe, as Senator Bostelman said, February 4. The day or two days before that, the Environmental Trust got together to vote on their grants for this year, where they had scored projects ranging from a score of 205 down to a score of about 100 and-- we'll say 140. And the second-highest scoring project was 159 points, the Nature Conservancy Sumac Control Grassland Demonstration project, which-- so second-highest objectively scored project. They took the funding away from that project and

another project that was, I think, the 30th or so highest-scoring project and ultimately made an attempt to move it to something way down, the 128th scoring project, which is on-- they funded projects on page 1 and 2 and part of 3 and moved it to a project at-- the very last project on page 5. And that attempt failed by one vote at the first hearing the day before we had our hearing. And when I asked about what was going on and what the process was, there was a caginess there that I didn't recognize at first because I didn't know that the conversations were public. When I asked if any projects had been attempted to be fun-- defunded or any lower projects had been funded like they did last year, there was the, the question was not answered because it hadn't been published as a public yet. I didn't know there were-- that was a public meeting that people had attended, so that obviously left me with a bad taste in my mouth when I don't get honest answers to questions. But then what I subsequently found out, the project that was attempted to be funded is the Lewiston School District Project, which is in-- we'll say Mr. Christen's neighborhood, I-- my understanding is that his kids attended or, or did attend or do attend that school district and so there's a personal interest in this. And so we had that hearing, I asked those questions, did not get that-- those direct answers, and come to later find out they came back to the meeting two months later and ultimately made a second motion to fund that project again, to move the funds from these higher objectively scored projects to lower scored-- way, way lower scored projects that have a person-- they have a personal stake in. So the reason I have a problem with this and the reason we should again vote down this recommendation is this is an organization that gives out \$20 million a year of our money. We spent the last couple of days having quite an intense debate about whether or not we can afford \$11 million over the next two years. Whether it's \$5 million a year was it a-- it was a priority for the state. This is \$20 million a year, \$20 million. We-- I talked about the Arts Council, \$1.9 (million) or \$1.8 million a year. We should engage in that level-- we should engage in oversight of how these organizations-- this is our opportunity to say you're not spending our money appropriately. We need to keep an eye on this. And if we don't, it's going to get further and further away from us. You just heard Senator Hughes and Senator Erdman talk about the fact that the nonresponsiveness of the Game and Parks Department and it has come from--

**FOLEY:** One minute.

**J. CAVANAUGH:** --a number of years of being asleep at the switch. We're not having that kind of oversight and that's what they're trying to

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get to. That's what they're engaging in here, is trying to force us to pay attention, to force these organizations to respond to us. And if we continue to reappoint people who have that cavalier attitude about our money and even when I-- when they get directly challenged and questioned on it, continue to attempt to move money from projects that were objectively deemed valuable to projects that were objectively deemed less valuable that they have some personal stake in, that is problematic. And if we do not take a stand and vote down these people when they're doing these things, it's going to get worse. Next time, it's not going to be one project or it's-- and to a project of interest, it's going to be multiple projects. And we're going to have no reliability, no, no objectivity in how this money is allocated and so this is why this is important. This is why it's important about all of these. We're having these conversations about a number of problems we have in our appointment process and how our-- and it comes from the perfunctory nature with which we've handled appointments and oversight, where we just rubber stamp people, we don't ask any questions, we don't want--

**FOLEY:** That's time, Senator.

**J. CAVANAUGH:** Thank-- am I next in the queue?

**FOLEY:** You're actually-- you're next in the queue.

**J. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. And so this is an opportunity, like Senator Hughes and Senator Erdman pointed out and I think Senator Wayne has pointed out, that we have an opportunity to take a stand and to point out and to say we are watching. We want you to be more responsible. We want you to be objective in a, in a-- pursuing the goals of the trust. This is a trust, literal and figurative trust that we have in these people and for this money. We want them to spend our \$20 million appropriately on projects and we want to be able to look at the scores. We want to look at the report that they get out and all of the things that they find and say we understand that this is a fair process and that everybody had an opportunity and that it was objectively determined and the value was there. But when they continue to, to disregard objectivity and fund projects based off of their subjective desires, that is not a process that is going to work and that should not be how we hand out the \$20 million. That should be a red flag to everyone here when people are handing out money in ways that are different than the process we have asked them to. They're not elected officials. They're appointed by us. They're appointed by the Governor and confirmed by us, which means

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that they're, they're meant to take this role in trust for us because we can't go and hand out all the \$20 million all the time. So that's why I'm asking for you to vote red on this appointment and I will talk on the other appointments as well, but I think it's important for us to take a stand at this point. Otherwise, next year it's not going to be one project. We're going to have a question about all \$20 million. We're going to keep coming back every time. And we appoint people for six-year terms and they're going to sit on that board and they're going-- it's going to get worse and it's going to get worse and eventually we'll come back and people will say-- in 20 years from now say what happened? Why did this happen? Because the Legislature didn't engage in its oversight role of, of appointments of boards and so we have that problem. It's, it's becoming pervasive. This is where-- this is the beginning of a pervasive problem. We need to stop it now. So I think I'll probably get back in the queue and yield the rest of my time back. Thank you, Mr. Lieutenant Governor.

**FOLEY:** Thanks, Senator Cavanaugh. Senator Blood.

**BLOOD:** Thank you, Lieutenant Governor. Fellow senators, friends all, for those of you that aren't on the floor, if you're back in the Lounge or in your office, I'm going to try and put what Senator Cavanaugh just said in, in a very informative speech-- what he said into one sentence. The issue and the reason that I do support this recommit to committee and I do not support this confirmation and why you should be worried about it is that board members of the Nebraska Environmental Trust have literally short-circuited the work of the trust's own grants committee by lifting up grants favored by one or two of the trustees and revoking funding for grants with a much higher ranking. That's an issue. Sarpy County senators, listen carefully. I pulled one out in reference to something that our own Governor said was important, something that the NRD said it was important, the mayors of Sarpy County said was important, but most important to Nebraskans, was important to Offutt Air Force Base, Offutt Air Force Base, which scored-- the request-- 148 points and instead what was considered in that meeting was something that scored 128 points, which was a school, which I'm not going to address. And so what the request was, was to assist the city of Bellevue, Sarpy County, and unnamed private developers with this \$11.56 million, 863-acre public-private partnership to acquire 540 acres of nondeveloped-- well you can't develop it-- land, but highly desirable habitat, recreation, and flood-prone land, right-- we know how much money floods have cost the state of Nebraska-- for \$4.6 million with a cost-share grant. It's important that we had this track, track of land to prevent flooding on

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the eastern side of Nebraska. It was a priority. Everybody was on alert that this was a priority. Everybody pitched in, but not the Nebraska Environmental Trust Fund. And the reason they did not pitch in and the reason they turned down the request from NRD was because of the individual and several others who are sitting on that committee and the decision that they made. Now I'm not sour grapes because Bellevue didn't get funded. I am disappointed that people are not following the criteria. That has never happened before. It's a very rare occurrence when the full board bypasses the recommendations of the grants committee. There's a reason the grants committee exists, it's to filter through the information and then to score the importance based on criteria that they're given. It's not willy-nilly and they do it in a very unbiased fashion. And so then it is the job of the grant-giving committee to look at that guidance, not ignore that guidance. The fact that such an important project could have been ignored to me is unbelievable and it was not voted for by more than one person who's going to come up today. And again, I'm not sour grapes. I don't have a vendetta, but I looked at the criteria and there is absolutely zero reason why at least part of this shouldn't have been approved.

**FOLEY:** One minute.

**BLOOD:** Apparently, there's an angel in here. I just want to say that-- and you heard a little bit about John Cavanaugh, there is-- everybody in here has been affected by this. The grants to the city of Lincoln to preserve the wetlands, as Senator Cavanaugh said, the Platte River Wetlands grant, the Pine Ridge pasture with the serene trout system, all of them screwed over, screwed over because people didn't do their jobs well and had personal biases that they brought forward that prevented things that were positive and what this grant money is for from happening here in Nebraska. You need to take this seriously and not vote these people back on or recommit it to committee for further discussion. Thank you, Lieutenant Governor.

**FOLEY:** Thank you, Senator Blood. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you, Mr. Lieutenant Governor. I rise in opposition to-- or in, in favor of the recommit to committee. Again, I have-- there are very few things that I have been contacted so vociferously about and this issue of what the Nebraska Environmental Trust Board is doing with the money that they are receiving from various entities is, is really probably one, which has raised the most alarm. And as both Senator Cav-- John Cavanaugh and Senator Blood have

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said, they have a complete ranking system. And, you know, we-- the discussion earlier today was about transparency and transparency of board members. Well, this is about transparency of where funding is going. Platte River watershed conservation has been, has been-- and they were-- they had one of the highest ranks of the-- of all the projects there. East-- Eastern Rainwater Basin, environmental and habitat was looked over for three years, Pine and Butte Ranch protection project. And then in Lincoln, the Eastern Saline Wetlands project for 2020. But again, the 2020 award was zero. The intent for the next two years is zero dollars. So I don't know-- I can't understand it. The foundation that, that raises money and works with the Nebraska Environmental Trust can't understand what's going on. It seems to me if you have a system and a formula and a method of going forward, then for the sake of transparency-- transparency, you need to follow, follow what your formula is and, and what is happening in the state. So if you're not doing that and there's no discussion of why you aren't funding it or why you've changed the way you're going to do it and you're funding things with much lower priority ranking, that needs to be, that needs to be discussed and made public. So I have a hard time with this. I, I'm sorry because I usually feel it's important to move forward on confirmations and trust people, but especially Mr. Christen brought the motion to fund-- lower rank proposals for an added building in a school where at least one of his children attends. That's from a quote from the-- a letter from-- that we have on our desk from Sandy Scofield, former Senator Sandy Scofield, former Lieutenant Governor Sandy Scofield, and the president of the Friends of the Environmental Trust. So I hope you'll all read the letter that you have before you. It's seems a little convoluted, I know. And I thank Senator John Cavanaugh for bringing this information to, to light and for helping us to understand that we can't just rubber stamp every single person that goes through. And if we have concerns about what some people are doing with the funding that they have, then we need to respond to that. And the same questions were brought forward last year. There was a reaction to it, but then they went ahead and defunded those higher-ranking projects as well. So to me, it doesn't smell right, it doesn't seem right, and I cannot be for this. There, there were a number of comp-- of complaints about these board members previously and nothing really came forward to any of us to say oh, well, here's what really happened. Well, if you're not going to come forward and tell us what really happened--

**FOLEY:** One minute.

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**PANSING BROOKS:** --how we go forward-- thank you, Mr. Lieutenant Governor-- how do you go forward then supporting the same old thing that doesn't make any sense and seems to lack complete transparency? So with that, I will be voting against or I will be voting in favor of the recommit to committee and hope that you'll join me. Thank you, Mr. Lieutenant Governor.

**FOLEY:** Thank you, Senator Pansing Brooks. Senator Matt Hansen.

**M. HANSEN:** Thank you, Mr. President, and good afternoon, colleagues. Colleagues, I-- to speak to this specific appointment, I basically will just agree with what Senator John Cavanaugh said. I think there's needed skepticism on what exactly this board has been doing and I think us as a Legislature kind of drawing the line on some of the appointees and reappointees is needed, so-- which is why I will not be supporting them today. Talking a little bit broader, I do want to say I think the debates we've been having today on the appointees illustrate at least a common thread through the body that I think most people in this body have one board or commission that they have issues with and I mean that just as it is. And I think there's an opportunity there to actually use that to leverage some reflection and some insight and maybe some changes into how we as a Legislature interact with these boards and these commissions. As people have noted on the microphone, these hearings are often quick. They're, they're often not too deep. There's often not much public comment, but, of course, changes occasionally, depending on the type of appointee or position. But in many of these instances, you know, it's kind of both a limited pool of people who even know they-- the-- even know to apply, a limited pool of people the Governor is considering, a limited pool of people who are even paying attention to the hearing for ultimately, you know, boards and trusts that control, you know, millions of dollars of state tax dollars, you know, the people's money. And I think that it is important for us to kind of always be a little vigilant and I think it's important for us to kind of-- at some times maybe step up and reflect and review on how a confirmation report should go, including our own procedures, including the Governor's procedures, just all the way through. And not necessarily looking for scandal or a smoking gun or anything, but just is it working? Is it working well enough? Is it working in the way we want? You know, we as a Legislature do have some power, but obviously the Governor does too. I think it was mentioned earlier that you had one vote change on a previous prior, they would have stayed in committee. My understanding is, is if the Legislature doesn't affirmatively vote down an appointee, that they get to serve, you know be-- errs on the side of

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the appointee being confirmed and getting to serve in their positions, including, you know, a number of these people-- maybe not these people, but a number of these people early on in session have been, you know, appointed over the summer and fall and have been serving kind of precomp-- preconfirmation in their own roles, which I just kind of bring up to kind of reflect and review upon the process, you know, as earlier in the session, we had a lively debate on the State Board of Health nominee who had both never been elected by-- confirmed by the Legislature and proved to be kind of a narrow vote at the same time was already vice chair of the State Board of Health if I remember correctly. And I think some of that is us as a Legislature just, you know, using this-- you know, for me, it's, you know, the Nebraska Environmental Trust. For others, it's Game and parks. For others, you know, it's some of the education institutions. For others, I'm sure it's other commissions and boards that I haven't thought of, maybe the Brand Committee once we make those gubernatorial appointees confirmable. There's going to be some oversight and desire to wade into this and this is something that I think-- it's worthy of doing so, including just, you know, absent a candidate, you know, put up-- you know, put up the veil of ignorance, like, how do we want confirmations to go start to finish? Regardless of who the Governor is, regardless of what board it is, is this a process we like? Is this the process we're, we're doing?

**FOLEY:** One minute.

**M. HANSEN:** Thank you, Mr. President. That's something I've always been curious in. I probably won't get any major changes in my tenure, but it's research and considerations that I want to work on this summer and certainly would welcome any others who have an interest in joining me. So with that, thank you, Mr. President.

**FOLEY:** Thank you, Senator Hansen. Senator John Cavanaugh for your third opportunity.

**J. CAVANAUGH:** Third opportunity? Second. I did the opening--

**FOLEY:** Open, open, then you spoke, and now your third.

**J. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I shouldn't spend my time arguing--

**FOLEY:** You still have a close.

**J. CAVANAUGH:** So I appreciate what Senator Hansen is talking about, about process. And that's really ultimately where I started out in this was to say is this the right process and is this a process we can trust? And that was where my questions went and that was my questions about last year because I didn't want to relitigate it, which you should know, the decision from last year to defund those five projects and fund the ethanol blender pump project is actually being litigated. They're being sued over this. And then ultimately this year, they decided not to fund the ethanol blender pump again. So that was a project they, they stepped back from and I, and I think that there are a number of behind-the-scenes conversations about how that went, of score getting moved up a little bit so it could be the last remaining project that hadn't been funded and some gaming of the system as it pertains to that. But that was-- that is not my issue here. My issue is that there, there-- if there was a problem that was identified by five projects being funded, if we funded five projects we should not have funded, that is a problem. And if your perspective is we don't need to change the system and the objective metrics by which we are assigning these if five projects that are not getting-- that are, that are getting funded shouldn't be, that is a problem; people who shouldn't be on boards if they think we shouldn't change a process if we're funding things we shouldn't fund. So that is how I became interested in this and that's how I started asking those questions. And when the answers I got were we are not going to make any systemic changes, we're going to do it on an ad hoc basis, that further scared me about this process and it said I-- we cannot trust people whose attitude is we're going to just fly by the seat of our pants when we're giving out \$20 million. And then the third thing was when they had this another year and they defunded projects and then attempted to fund projects further down. So you heard me talk and you heard Senator Pansing Brooks talk about the objective scoring process. The Nature Conservancy Sumac Control of Grasslands Health Demonstration project scored 159 points up-- in an objective process where they basically have one, two, three, four, five, six people score a project and then they average the scores. So the average score of those six scores was 159.83, second-highest scoring project overall. The project that was attempted to be brought up scored an average of 128, whereas highest score was 134. That was the average project score, which is 30 points lower. The lowest-scored project was 140, which means it was 7 points or 6 points higher than the highest average-- the highest score on the other one. But the reason or the thing, thing about that is this project, sumac control project, I think was somewhere up in probably Senator Gragert's sort of neck of the woods, somewhere around there,

that project got its funding taken away after it had-- it provided a grant application that they saw the objective score, they think they're getting funding, they followed the system. Senator Blood talked about a project in Sarpy County that had tremendous support and scored very well, well enough to get funded and that had huge support in this community, to have its funding taken away after the objective process. People need to be relying on this. People need to feel confident when they apply for these things. That, that is one problem when we're giving out money like this, but the other part is we need to be confident when we put people in these positions that we trust them for their-- the outcome. And so that's, that is the big problem here is we have people who have been on the board here, and Senator Hansen actually just pointed out, people who have been appointed to the board and have been sitting on the board before confirmation and have been voting on these things before we had an opportunity to weigh in and to confirm them. So now we have an opportunity, after we've seen some of their work product, to say we don't like it, so give us somebody else, put somebody else on there. We want-- these people need to know that we're paying attention and that we will not continue to put people on the board who are being so reckless with our money, being unreliable with \$20 million a year, funding projects that they personally want, but that are not-- do not meet the objective criteria that we established in statute and in their, in their own rules. So that is a problem going forward and that-- and if we don't stop it here, if we don't say to the people who are doing it now, it's going to continue on this board. It's going to find its way into other boards. So the-- this project that we're talking about in particular, the Lewiston School project that scored so low, was actually-- at the first meeting, there was a motion to move it up and it failed on a-- I think it was, like, a 7-1 vote because it was a unanimous consent motion. That motion failed because the one person voted against it. So one person away, as Senator Hansen just pointed out, we've had other opport-- places where one person was the difference-- could have been the difference, but one person made a difference there.

**FOLEY:** That's time, Senator.

**J. CAVANAUGH:** Oh, thank you, Mr. Lieutenant Governor.

**FOLEY:** Thanks, Senator Cavanaugh. Senator Bostelman.

**BOSTELMAN:** Thank you, Mr. President. Just want to say a couple items about what we've been talking about this morning. One thing is, is the subcommittees that are there provide a recommendation, if you will, to

the whole committee. And at that point in time, that's when they make the decision. So there's a recommendation from any subcommittee to the whole committee, then the whole committee makes a decision as to whatever, you know, is, is on the table, is on the board at that time, whatever action needs to be taken. The whole committee makes that determination based on information that comes from the subcommittee. That's the process they use, so it's not that whatever the subcommittee has in the past or, or potentially may in the future, whatever the subcommittee recommends, that the whole committee will pick up and approve or take up. Just want to make that, that point, if you will. The valuation metrics do appear to be objective, but are clearly subjectively applied, thus the need for averaging. There's no metric perfect and that is why there's only guidance on this. As Senator Cavanaugh, John Cavanaugh mentioned, the Lewiston, that did not-- that failed as a vote. That did not go through. Also, the blenders pump has been pulled. There is a lawsuit involving the Environmental Trust as a defendant. It was filed in Lancaster County in 2020 and the state has denied all allegations. With that, I remember when Mr. Christen came in for the hearing. We had a lengthy discussion. And to Senator John Cavanaugh's credit, you know, there was a lot of, there was a lot of discussion during the hearing and I thought it was very productive and I thought it was very positive. Mr. Christen does a lot of thing in soil health. He is adamant about healthy soils. He is adamant about the environment. He is adamant about what he does and his position on the board. I think he, he is a, a valuable person on the board and I thought that discussion went very well and the hearing went very well to his support in that area. And again, I would just like to talk-- if we're talking process, just to make sure we're clear on that, the subcommittees make recommendations. The committee has the final determination. With that, I'll yield the rest of my time back to the Chair.

**FOLEY:** Thanks, Senator Bostelman. Senator Blood.

**BLOOD:** Thank you, Lieutenant Governor. Fellow senators, friends all, I still stand in support of the recommit to committee and I support-- excuse me, I appreciate Senator Bostelman explaining again about the subcommittee and the committee and I'm in clear understanding of that, but again, the issue is that it's a rare occurrence when the full board bypasses the recommendations of the grants committee. There's a reason that there is a scoring system. It's so the grants committee can sit there and be unbiased and bring what is really a very long process to the board so they don't have to deal with it, with really comprehensive information to help them make good decisions. And yes,

the board can most definitely do whatever they want to do because it is a recommendation, but it's upending the long-standing policies and procedures that have always worked so well here in Nebraska to protect our environment. And I'm going to tell you, I'm going to talk about Sarpy again because as Senator Cavanaugh would say, this is bananas, if you look at this packet, because I'm looking at these letters of support and the expressions that are given in these letters of support as to why we need to purchase this land to protect Bellevue and Sarpy County communities from future floods. So we have a letter from the, the city administrator, Jim Ristow, for the city of Bellevue. We have the chairman of the Sarpy County Board of Commissioners who wrote on behalf of the entire board of commissioners, Don Kelly. We have a support letter from Andrew Rainbolt, the executive director of the Sarpy County Economic Development Corporation. We have a letter of support from Marty Link, the water quality division administrator here at the state of Nebraska, Tim McCoy, for the Nebraska Game and Parks Commission. I don't know if he's on everybody's hate list today. There's a lot of people you guys don't like there, but he wrote a letter of support. We have a letter of support from Larry Foster from Back to the River, which is a nonprofit that is really concerned about the Missouri and issues that pertain to flooding and the environmental issues that are pertained-- that pertain to the areas around the Missouri River. And then we can wrap this up with a letter from Jeff Fortenberry, U.S. Congress. So you can stay-- stand here and you can say well, the full board has the option to do basically what they want to do, regardless of what recommendations they receive from the subcommittee, but to blatantly ignore such an important and pressing issue that has so much documentation as to why it is needed-- and really the Environmental Trust organization was just asked to play a very small role when it comes to the very big picture. But the criteria that was met within these letters that was, that was recommended is exactly what that trust is for and that's why I'm so puzzled why this didn't get done. It was to enhance wildlife habitat, native plant species, and pollinate-- pollinator habitat as a few of the opportunities available on this land, in addition to developing the remaining acreages so it could be ideally attached and, and developed to prevent future flooding. The city of Bellevue supported this and you know why? Because it was a public-private partnership so we save taxpayer dollars too, saving lives, saving property, saving taxpayer dollars. Boy, what's wrong with that? That sounds like a good Nebraskan way to look at things to me.

**FOLEY:** One minute.

**BLOOD:** Folks, I, I don't fault these individuals. I'm sure they are good people, but that doesn't mean that they're good at making decisions. That doesn't mean they're good at making the right decisions. And I don't feel comfortable sending them back to make more bad decisions. I know that we're talking about a lot of people on these different committees, these different commissions that are volunteers. And we try and be kind and we try not to be negative on the mike and I respect that. But, boy, when I look at this, I'm wondering if anybody even read it because I can't imagine not funding such an important project to Nebraska from our Governor down to the city councils. Everybody thought this project was important. What the heck happened? This tells me somebody didn't do their job and you should be concerned about that.

**FOLEY:** That's time, Senator. Thanks, Senator Blood. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you, Mr. Lieutenant Governor. I just-- I really hate standing up and speaking about somebody that I have no idea really-- I don't have personal knowledge, but I am-- there is a letter here of people whom I do respect and admire and you each have one of these on your desk, but I think I'm just going to basically read most of it into the, into the record. So this was written by Sandy Scofield, the chair of the board of Nebraska-- of Friends of the Nebraska Environmental Trust. And she says the Friends of Environmental Trust were brought together by a common concern that the board of the Nebraska Environmental Trust has not adhered to either the letter or the spirit of the laws that govern its operations. I am president, she says, of the Friends of the Nebraska Environmental Trust and I've served as a member of the Legislature, chief of staff to a Governor, State Budget Director, and have been an administrator for the University of Nebraska. Other board members of the friends similarly have deep experience in both public and private sectors. Four have served as members of the Nebraska Environmental Trust Board. We are a bipartisan group. The Nebraska Environmental Trust's mission is to conserve, enhance, and restore the natural environment of Nebraska. It uses funds-- public funds derived from the Nebraska lottery to make grants. The trust's grant award process should conform to statutory requirements, be transparent, understandable, consistent, and fair. We care about the mission, about the mission of the trust and the need for public confidence in its board. Once in a while, a board loses its way and we believe that this one has. You're being asked to confirm appointments to the board for four individuals who are not committed to the mission of the trust and have not earned our

confidence that they will act in the public interest in its grant process. A year ago, the board defunded five grants that were recommended by its grants committee and shifted those funds to another proposal that was much lower ranked. The action taken was not transparent, nor was it consistent with past practice. It was unfair to the defendant grant-- defunded grantees who were blindsided and given no coherent explanation, Lincoln, Nebraska, being one of those. Private citizens-- that was my addition-- private citizens have brought a legal challenge to those actions and legal questions raised will be resolved in court. This year, two high-ranked proposals were pulled back from being funded, then another attempt was made to shift funds from recommended proposals to a much lower scored proposal for a school building. That move was denied on a 5-3 vote. The people on the board who recognized their responsibility to the public interest saved the board from repeating their earlier mistake. You are asked to confirm the appointment of Rod Christen. Mr. Christen was a leader in efforts to defund grants last year. This year, Mr. Christen brought the motion to fund a low-ranked proposal for an added building in a school where at least one of his children attends. You are asked to confirm the reappointment of James Hellbusch. Mr. Hellbusch assisted in the funds shifts last year, but was not present during-- for this year's votes. However, his attendance pattern does not indicate a commitment to his duty as a board member. You're asked to confirm the appointment of Josh Anderson to the board. Mr. Anderson was one of three members of the board voting to support Mr. Christensen's-- Mr. Christen's efforts to fund the school district proposal. He is clearly willing to put special interests ahead of the public trust. You are asked to confirm the appointments of Mark Quandahl to the board. Mr. Quandahl also voted to fund Mr. Christen's motion. Mr. Quandahl is an attorney--

**FOLEY:** One minute.

**PANSING BROOKS:** --and former state senator. He should recognize his duty to properly administer public funds. Our organization has attended all meetings of the trust board since 2020. Based on observations of the appointees in action, we do not believe that any should be confirmed. Furthermore, a board exclusively composed-- composed exclusively of white males residing east of Hastings is not representative of Nebraska. The Nebraska Environmental Trust Board hasn't distributed a total-- or has distributed a total of nearly \$400 million covering every county in the state since 1993. Its program has been the envy of other states. The integrity of the Environmental Trust can only be protected by board members who understand and carry

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out their duty to the public. We urge you to reject the confirmations of Christen, Hellbusch, Anderson, and Quandahl. Sincerely and in strong support of legislative oversight, Sandy Scofield, rural Chadron. Thank you, Mr. Lieutenant Governor.

**FOLEY:** Thank you, Senator Pansing Brooks. Senator Moser.

**MOSER:** Thank you, Mr. Lieutenant Governor. I've been listening to the discussion this afternoon and thought I might add a few comments to explain the situation, how we kind of got where we are. So the subcommittee looks at the projects and ranks them, gives them relative strength score, and then that information is given to the entire board and then they look at it and decide whether the subcommittee made the right choices in what they want to fund. And I think that the fuss here is more about the subjective-- our subjective view of how these decisions were made. I don't, I don't know that there's any way we can, from our position, control what decisions the Environmental Trust Board makes. They're nominated at the pleasure of the Governor and it's-- you know, all we can do is either approve the nomination or not approve the nomination. So there'd be no guarantee that whoever the Governor may nominate, if these nominations are not approved, would be any more friendly toward easements and, and the other environmental-type projects that some of our senators seem to favor. You know, ethanol pumps were not the traditional environmental project, possibly. You know, maybe you're thinking more along buying fields full of cattails and prairie grass and frog ponds and all that sort of thing, but using more ethanol is good for the environment. It's better to burn ethanol than gas and some cars can handle up to 85 percent ethanol. Going forward, there's no guarantee that they're going to fund more ethanol pumps or that whoever the Governor nominates and we would approve would make decisions that we still-- I mean, we may still not agree, some may not agree with the decisions they make. I think their decisions are somewhat subjective and I think for us to complain after the fact about how those decisions were made is more about politics and our opinion on the decisions they made-- more so on that than the process. Thank you.

**FOLEY:** Thanks, Senator Moser. Senator John Cavanaugh, you're recognized to close on your motion to recommit.

**J. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. Is this five minutes?

**FOLEY:** Correct.

**J. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. So there's a couple of things that were said there that I feel like should be addressed. Senator Moser made me think past is prologue, which means we can learn from the past about what the future is going to happen. And I'm not-- I, I don't like the ethanol blender pump. I think I've made that clear. I didn't think that that, that was a project that had value. The point is, and you and Senator Bostelman were correct about this, the process is this-- the, the projects are scored, they're averaged, they're sent to the whole committee, and then the committee votes to approve-- accept or to reject that recommendation. The problem is when you need-- that is an objective process and an average where they use these scores, but then they put in the subjectivity. And when I asked Mr. Christen about ways to account for the five divergences from the objective process, the answer I got was our subjective process. And he did say that he, he disvalued easements and things like that and that those were overvalued. And I said fair, I disagree with that, but why don't you integrate that into the objective process? And they will not do that. That is the problem is they want to continue to engage in a subjective process, which then the, the next logical step of that is where they further diverge from the objective process to an even more gross perversion of the system and we continue down that process. So I don't like how it went in the past. I'm not here to relitigate how it went in the past. I'm telling you the past is evidence of how this will go in the future if we do not step in. And that is why I'm saying we need to vote down these appointments because they have demonstrated to us how they will behave and will continue to behave if we don't stop them. So in these processes, I asked a lot of these types of questions. What, what's the historic nature of these divergences? I asked the nature-- or the Natural Resources Commission. They have grants. They said they didn't recall-- I think maybe one in the entire history where they had a divergence from the objective process. I don't recall anybody saying there were ever any other divergences from the objective process in the nature-- the Environmental Trust grant process. So what I'm saying is this is the beginning of a problem that we need to stop because it happened then and it continues to happen and they demonstrated to us that it will happen again after we start asking the questions, that is why. When I started asking these questions in February, they had not done this again. They attempted to do it again in the April meeting and that is why it's so imperative that we step in at this point, exercise our role in this process, which is to say you cannot do this. This is not appropriate. That is why I'm asking for your green [SIC] vote on the renomination and with that, Mr. Lieutenant Governor, I would withdraw my motion to recommit.

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**FOLEY:** The motion to withdraw has been pulled. Senator Bostelman, you're recognized to close on your motion.

**BOSTELMAN:** Thank you, Mr. President. I would like to have a call of the house and I would like to be able to close this if-- once we get started.

**FOLEY:** There's been a request, a request to place the house under call. The question is shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 23 ayes, 1 nay to place the house under call.

**FOLEY:** The house is under call. All members, please return to the Chamber and check in. The house is under call.

**BOSTELMAN:** May I continue with my close?

**FOLEY:** You may continue, Senator.

**BOSTELMAN:** Thank you, Mr. President. Thank you, colleagues. I think it was a good discussion. Thank you, Senator John Cavanaugh, for the discussion points that you made. I will say that when Mr. Christen came into the hearing, I was very much impressed by him. I thought that he had the, the right backing and the right knowledge, the right intentions, willing to work to make changes if they needed to be done, looking at the processes. He was very much so-- soil conscious, environmental conscious, was a person that, that took a lot of that to heart. As far as-- there was a conflict of interest question before. I don't there-- I don't believe there is one because each of the appointed members are supposed to work for their area, for their districts. That's part of what they do, to advocate for those. And that vote was, was, was not approved, was negative. So I do feel that Mr. Christen would be a, a valued confirmation and would ask for your green vote for the appointment of Mr. Christen to the Environmental Trust Board. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Bostelman. Members, we're under call. All senators, please turn to the Chamber and check in. We're under call. All unexcused members are now present. The question before the body is the adoption of the confirmation report from the Natural Resources Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 27 ayes, 9 nays on the report.

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**FOLEY:** The confirmation report is adopted. I raise the call. Next item, please.

**CLERK:** Second report, Mr. President, from Natural Resources involves the appointment of Jim Hells-- Hellbusch to Environmental Trust Board.

**FOLEY:** Senator Bostelman, you're recognized to open on your report.

**BOSTELMAN:** Thank you, Mr. President. Members of the Legislature, I present for your approval the appointment of Jim Hellbusch to the Nebraska Environmental Trust Board. Mr. Hellbusch came before the Natural Resources Committee for his confirmation hearing on February 3. Mr. Hellbusch owns and operates Duo Lift, a company that manufactures wagons, trailers, running gears, and various farm equipment to enhance farming operations. Today, Duo Lift manufactures one of the largest lines of fertilizer trailers and running gears in the country and is known throughout the industry as a manufacturer of high-quality equipment with specific emphasis on safety. He also founded the Busch Equipment Company, LLC. in 2007, where they distribute several lines of farm equipment to dealers. Mr. Hellbusch has also served and created multiple councils for national safety standards for agricultural machinery, marking the first time, first time large farm equipment manufacturers like John Deere and CASE worked with smaller companies such as Duo Lift. He is also very involved in various other community programs, such as the Dream-- Dream It. Do It campaign, board of trustees for the Mid-America Council of the Boy Scouts of America, the Taste of Columbus silent auction cochairman, as well as a coach for various young-adult sports leagues. He and his wife, Connie, have three children. Mr. Hellbusch was originally appointed to the trust board on March of 2015. The trust especially seeks projects that bring public and private partners together collaboratively to implement high-quality, cost-effective projects. The committee advanced Mr. Hellbusch's appointment by a 5-3 vote. I ask for your confirmation of Mr. Jim Hellbusch to the Nebraska Environmental Trust Board.

**FOLEY:** Thanks, Senator Bostelman. Debate is now open on the report. Senator John Cavanaugh.

**J. CAVANAUGH:** Thank you, Mr.-- thank you, Mr. Lieutenant Governor. I'm going to probably try and talk on this and just not the other two, but I just rise in opposition to the remaining-- Mr. Hellbusch and the other two appointees. And I actually voted the other two out of committee, but Mr. Hellbusch, I, I didn't vote for either. He was on

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the board and part of the process last year. He was not present at the most recent meeting with the attempted divergence, but that brings us to the other problem about Mr. Hellbusch is that he seems to not be present at a lot of meetings. And, and actually, the letter from Sandy Scofield points out that lack of, I guess, attention to the board, so I will be voting against Mr. Hellbusch. As to the other two folks, I actually voted them out of committee because they're new and I thought give them a fair chance. And Mr. Anderson is an engineer and he, and he demonstrated an interest in an objective process when I talked with him about it. But the reason I'm rising to oppose him at this point is that he then was one of the three-- him and Mr. Quandahl and Mr. Christen all voted to move the funding to that Lewiston project that was so much lower down. So I'm just going to use this as my opportunity to talk on all three because I know people are probably sick of hearing from Cavanaugh's this week. And so it's a-- this is a courtesy objection to everyone where I'm going to vote red on the remaining three appointees, but I won't speak again. And I again do appreciate Senator Bostelman's work and the whole committee as they endured this process, but thank you and I urge you red vote on the remaining appointments. Thank you.

**FOLEY:** Thank you, Senator Cavanaugh. Senator Bostelman, you're recognized to close on your report. He waives closing. The question before the body is the adoption of the confirmation report from the Natural Resources Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 25 ayes, 7 nays, Mr. President-- excuse me, 25 ayes, 8 nays on the confirmation.

**FOLEY:** The confirmation report has been adopted. Next item, please.

**CLERK:** The appointment of Mark Quandahl to the Environmental Trust Board.

**FOLEY:** Senator Bostelman.

**BOSTELMAN:** Thank you, Mr. President. Members of the Legislature, I present for your approval the appointment of Mark Quandahl to the Nebraska Environmental Trust Board. Mr. Quandahl came from the Natural Resources Committee-- in front of the Natural Resources Committee on March 5. Mr. Quandahl serves as-- of counsel to Dvorak Law Group, headquartered in Omaha, Nebraska, representing a full spectrum of clientele, including corporations, government entities, nonprofits,

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and individuals throughout the country. He is experienced in public administration, banking and finance, nondepository institutions and securities regulation, government relations, litigation, fintech, healthcare, and startups. Mr. Quandahl most recently served as the director for the Nebraska Department of Banking and Finance. Prior to that, he was a shareholder in a regional commercial law firm. Mr. Quandahl is a former Nebraska state senator where he served as the Chairman of Banking, Commerce and Insurance Committee. He also is a former Nebraska State Board of Education member. Mr. Quandahl is a long-- lifelong Nebraskan and proud member of the Nebraska State Bar Association. He holds a bachelor's degree and a law degree from the University of Nebraska-Lincoln. His original appointment to the Environmental Trust was in September of 2020, is being appointed as well as a reappointment to his position. Mr. Quandahl will fill the District-- 2nd District seat on the board. The committee advanced Mr. Quandahl's appointment by a 6-2 vote. I ask for your confirmation of Mr. Quandahl to the Nebraska Environmental Trust Board.

**FOLEY:** Thanks, Senator Bostelman. Any discussion? I see none. Senator Bostelman waives closing. The question before the body is the adoption of the confirmation report from the Natural Resources Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 28 ayes, 7 nays on the confirmation report.

**FOLEY:** The confirmation report has been adopted. Next item, please.

**CLERK:** Mr. President, the Natural Resources Committee reports on the appointment of Joshua Anderson to the Environmental Trust Board.

**FOLEY:** Senator Bostelman.

**BOSTELMAN:** Thank you, Mr. President, and this is the last of the Natural Resources confirmations for today. Mr.-- that is for the approval of the appointment of Mr. Joshua Anderson to the Nebraska Environmental Trust. Mr. Anderson came before the Nebraska-- the Natural Resource Committee for his confirmation hearings on February 4. After graduating from Kansas State University in 1998 with a bachelor of science degree in mechanical engineering, Mr. Anderson worked for Halliburton Manufacturing Center as a technical professional before becoming a production group leader, where he managed a \$300 million a month capital build program. From there, he went on to continue his fourth-generation farm in Rainwater Basin,

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which includes irrigated and dry land row crops as well as large cow-calf operation. His farm currently participates in several conserve-- conservation programs such as [INAUDIBLE]-- EQIP, WRP, CRP, Soil Bank, Water Bank, and Pheasants Forever Nesting Habitat. He currently has two U.S. patents and three global published technical publications on behalf of Halliburton Energy Services. Mr. Anderson also serves his community as a board member of the Clay County Farm Bureau and Nebraska Extension Cub Master and Scout Master and Eagle Scout, as well as a participant in Nebraska Department of Agriculture, Nebraska Beginning Farmer Program. Mr. Anderson would be serving his first term on the Nebraska Environmental Trust. Mr. Anderson is, is an appointment to fill the 3rd District seat on the board. The committee advanced Mr. Anderson's appointment by an 8-0 vote. I ask for your confirmation of Mr. Joshua Anderson to the Nebraska Environmental Trust Board.

**FOLEY:** Thanks, Senator Bostelman. Any discussion? I see none. Senator Bostelman waives closing. The question before the body is the adoption of the confirmation report from the Natural Resources Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 26 ayes, 6 nays, Mr. President, on the adoption of the report.

**FOLEY:** The confirmation report has been adopted. Proceeding on the agenda, legislative resolutions. Mr. Clerk.

**CLERK:** Mr. President, the first resolution, LR5, introduced by Senator Gragert. It was introduced earlier in the year. At that time, was referred to the Agriculture Committee for purposes of conducting a public hearing. The resolution has been referred back to the further-- for the-- to the Legislature for further consideration.

**FOLEY:** Senator Gragert, you're recognized to open on LR5.

**GRAGERT:** Thank you, Mr. Lieutenant Governor. Just before I get started, I'd like to point out this LR is one that Senator Lathrop has been so patiently waiting for. Mr. President and fellow senators, in 2019, I introduced and prioritized LB243, which created the Healthy Soils Task Force. LB243 passed in April of that year on a 43-0 vote and signed by the Governor. The Healthy Soils Task Force was charged with developing a comprehensive healthy soils initiative for the state of Nebraska, as well as developing a comprehensive action plan to coordinate these efforts in carrying out the initiative. As directed

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by LB243, the task force submitted its final report to the Governor and Agricultural Committee on December 31, 2020. I distributed printed copies of the report entitled "Soil Health for Nebraska Wealth," which I'm sure everybody had a chance to look at now, earlier this session. If you would like another copy, just let me know. LR5 was heard before the Agriculture Committee on February and was advanced on an 8-0 vote. No one testified against the resolution at the public hearing. I introduced LR5 because I felt Nebraska Legislature, which created the Nebraska Healthy Soils Task Force, should formally acknowledge their report, findings, and recommendations. I felt it important that the legislation again send this message that we support soil health and want to see accelerated action to protect and enhance our soils. I want to publicly thank the 17 members of the task force for their dedication and hard work developing the health-- Soil Health for Nebraska Wealth Initiative. I especially want to thank task force chair Keith Burns for his excellent leadership and guidance through this complex process. The task force fulfilled the message that I emphasized during LB243 debate, that the initiative be accomplished without the need for mandates and regulations. Again, to accomplish this without the need for mandates and regulations. The report encourages implementation through a voluntary grassroots effort. I feel that the task force members did a great job of working hard to obtain input from a broad spectrum of sources. They drew upon best practices in other states and from expertise outside the task force, after which they crafted an approach to Nebraska-- for Nebraska. The task force held 25 listening sessions involving 31 groups. The input went into the final report and there were 28 letters of support. The report is a plan for moving forward and also a great information resource on soil health. The findings and recommendations do not take away from the excellent soil health programs in existence, but builds upon them, formally pulling them together to enhance the effectiveness, adding new approaches to increase awareness, and raise confidence that adopting healthy soil practices work. Of special note is the direct involvement of producers in all levels of the initiative's design, from governance to peer-to-peer education. I encourage your green vote on the adoption of LR5. Thank you.

**FOLEY:** Thanks, Senator Gragert. Senator Halloran, you're recognized to open on the committee amendment.

**HALLORAN:** Thank you, Mr. Lieutenant Governor. Colleagues, the committee amendment replaces the first resolve clause in the resolution, but will actually only change one word. As originally written, LR5 states "the Legislature accepts the report, findings, and

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recommendations of the Healthy Soils Task Force report." The committee amendment would change that to read, "the Legislature acknowledges the report, findings, and recommendations of the Healthy Soils Task Force report." I do want to thank Senator Gragert for his initiative on this topic and to congratulate him and the Healthy Soils Task Force for the detailed and thoughtful document produced as a result of their deliberations. If you have not read this report, I would encourage you to do so. It has put forth a vision for an infrastructure to demonstrate and improve our knowledge of practical applications of stewardship principles. I'm hopeful it can serve as an important milestone in advancing the cause of soil stewardship in both public and private decision-making. I would encourage the adoption of LR5.

**FOLEY:** Thanks, Senator Halloran. Is there any discussion on LR5 or the pending committee amendment? I see none. Senator Halloran, you're recognized to close on the committee amendment. He waives closing. The question before the body is the adoption of AM197 committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** 36 ayes-- excuse me, 37 ayes, 0 nays on the adoption of the committee amendment.

**FOLEY:** AM197 has been adopted. Any further discussion on the bill-- or excuse me on the LR? I see none. Senator Gragert, you're recognized to close. He waives closing. The question before the body is the adoption of LR5. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** 39 ayes, 0 nays on the adoption of LR5 as amended.

**FOLEY:** LR5 has been adopted. Next LR, please.

**CLERK:** Mr. President, LR128, a resolution originally, originally introduced by Senator Brewer and others. It was introduced in May of this year, at that time, referred to the Government Committee, reported back to the Legislature for further consideration without amendment.

**FOLEY:** Senator Brewer, you're recognized to open on LR128.

**BREWER:** Thank you, Mr. President. The great part about following Senator Gragert and the Soils Task Force is no matter what I say, it'll be more interesting. All right, so we're going to ask you to support today a request that's going to go to Harvard University to

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return the tomahawk that was Chief Standing Bear's. And so you understand a little about how Harvard came in possession of this, when Chief Standing Bear made the trek back from Oklahoma to bury his son in 1879, he was arrested, put on trial, and at the end of the trial, he had nothing to give his attorney so that tomahawk became his gift. That was the only thing of value in the world he had. Webster, the lawyer who it was gifted to, when he passed, through collectors, it ended up at Harvard University. And what we're asking now is that that be returned to the state that Standing Bear was born and died in, to the tribe that was his tribe. And so this request will go to Harvard formally asking that they return it to the Ponca people and to Nebraska and I would ask for your support today for this LR. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Brewer. Discussion? Senator Pansing Brooks.

**PANSING BROOKS:** I just had to momentarily-- thank you, Mr. Lieutenant Governor. I just had to momentarily stand up and wholeheartedly support this resolution. Think of the excitement of actually bringing that tomahawk back to Nebraska and having it part-- I have one of the, I have one of the maquettes in my office, so if you haven't seen it, please come down and see it. But really, it's, it's sort of coming home and it feels quite emotional and I'm so grateful for Senator Brewer in this body to help us-- remind us of our first peoples and all the good and all that we have grown from because of their incredible influence and of course, because of Standing Bear and his courage and just his amazing ability to stand before that court and give his famous speech about I am a man. So anyway, thank you, Senator Brewer, for your leadership and great compassion and knowledge and ability in all of this. Thank you, Senator Brewer.

**FOLEY:** Thank you, Senator Pansing Brooks. I see no further discussion. Senator Brewer, you're recognized to close. He waives closing. The question before the body is the adoption of LR128. Those in favor vote aye; those opposed vote nay. Have you all voted? Senator Moser, have you pushed the wrong button? Record, please.

**CLERK:** 42 ayes, 0 nays, Mr. President, to adopt the resolution.

**FOLEY:** LR128 has been adopted. Items for the record, please.

**CLERK:** Mr. President, a communication from the Governor: engrossed LB57, LB90, LB166, LB166A, LB209, LB256, LB261, LB275, LB275A, LB291, LB296, LB313, LB317, LB317A, LB355, LB407, LB479, LB521, LB540, LB628,

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LB669 received to my office on May 19. These bills were signed and delivered by the Secretary of State on May 21. Bills read on final reading this morning were presented to the Governor at 11:36 a.m. I have a series of resolutions starting with LR248, Senator Erdman; Senator Friesen, LR249; Hilkemann, LR250; Ben Hansen, LR251, LR252, LR253; Senator Halloran, LR254; Senator Vargas, LR255; Senator Lowe, LR256; Senator Murman, LR257; Albrecht, LR258, LR259, LR260. Pursuant to those introductions, communications from the Speaker directing that LR248, LR249, LR253, LR254, LR256, LR257, LR258, LR259, and LR260 be referred to the Reference Committee. Name adds: Senator Clements to LB239-- LR239. Senator Lindstrom would move to adjourn the body until Wednesday, May 26, at 9:00 a.m.

**FOLEY:** Members, you heard the motion to adjourn till Wednesday at 9:00 a.m. Those in favor say aye. Those opposed say nay. We are adjourned.