

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 29, 2022

**HUGHES:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Chamber for the fiftieth day of the One Hundred Seventh Legislature, Second Session. Our chaplain for today is Senator DeBoer. Please rise.

**DeBOER:** Colleagues, please-- please pray with me. Oh, Holy One, when you brought your people out of Egypt, you hardened Pharaoh's heart. Soften ours. We see the brokenness in this world a roundness-- around us, in the discord between families, colleagues, strangers, in our own lives, and in the lifeless legs of a two-year-old lying in the streets of Ukraine. Soften our certainties that lead to this brokenness when we know we are right; when we know what you want; when we have all the answers; when we must be the victors. Soften our certainties and help us hear the quiet persistence of your "perhaps." In this holy season of Lent, let us be amazed again as your grace breaks the certainty of death because everyone knows death is death. And yet? Perhaps. Soften our certainties so that we might mend the brokenness of the world with humility and an open heart full of your hear-- healing grace. We pray especially today for those who mourn, for those who are sick, especially those amongst us and those we name in our hearts. All this we ask in the name of the one who is, who was, and who always will be. Amen.

**HUGHES:** Thank you, Senator DeBoer. I recognize Senator Jacobson for the Pledge of Allegiance.

**JACOBSON:** Thank you, Mr. President. Please join me. 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.

**HUGHES:** Thank you. I call to order the fiftieth day of the One Hundred Seventh Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

**CLERK:** I have no corrections, Mr. President.

**HUGHES:** Thank you. Are there any messages, reports, or announcements?

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**CLERK:** Mr. President, a series of study resolutions: Senator John Cavanaugh, LR394, LR395, and LR396; Senator McDonnell, LR397 and LR398. That's all that I have at this time.

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

**HILGERS:** Thank you, Mr. President. Good morning, colleagues. I have a couple quick updates. Number one, on the amendment-- or the motions today-- I'm sorry, the budget bills that-- that we have today, just as a reminder, today's Day 50. Any-- any motion to return to Select that is adopted would mean that we don't get those budget bills passed by today under our rules, so I wanted to remind everyone of that today. Secondly, on our night agenda this evening, again, it's we're moving more Select File and what I have perceived to be noncontroversial General File. That doesn't mean there won't be some debate on it. It doesn't mean that those are going to pass to Select File. I certainly don't want to con-- convey that to the body. But that is how we've tried to set it up today. Note that LB927, I believe Senator Flood's been authorized to introduce that for Senator Pahls, who's not with us today. And then tomorrow, just to-- just to give everyone a little bit of situational awareness, we have a lot of Select File to move. And tomorrow night, on the evening agenda, I anticipate having a lot of Select File that we want to get done before the four-day weekend so the Revisors have time to get that in shape for Final Reading. So that-- that's what I anticipate for tomorrow. The rest of the agenda, it's all fluid and I'll have a better update later in the day. Thank you, Mr. President.

**HUGHES:** Thank you, Speaker Hilgers. Senator Moser would like to recognize Dr. Dan Ren-- Rosenquist of Columbus, who is serving as the family physician of the day today on behalf of the Nebraska Academy of Family Physicians. Dr. Rosenquist, if you would please rise to be recognized by your Nebraska Legislature. Mr. Clerk, we'll now proceed to the first item on the agenda.

**CLERK:** Mr. President, Final Reading, before, Senator Arch, I have AM2389 with a note you wish to withdraw. Mr. President, Senator Aguilar, AM2425, a similar note to withdraw. Thank you, Senator. Senator Morfeld, AM2541, I have a note that he wishes to withdraw. And, Mr. President, Senator McDonnell, AM2510, a similar note to withdraw that at this time. I have nothing further on the bill, Mr. President.

**HUGHES:** Thank you, Mr. Clerk. Colleagues, we will now move to Final Reading. Members, please return to your seats in preparation of Final

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Reading. Mr. Clerk, the first bill is LB1012e. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 33 ayes, 4 nays, Mr. President, to dispense with the at-large reading.

**HUGHES:** The at-large reading is dispensed with. Mr. Clerk, please read the title.

**CLERK:** [Read title of LB1012]

**HUGHES:** All provisions of law relative to procedure having been complied with, the question is, shall LB1012e pass? All those in favor vote aye; all those opposed vote nay. With the e cause, this does require 30 votes. Colleagues, I misspoke. It is 33 votes to pass with the emergency clause. My apologies. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Arch, Blood, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, DeBoer, Dorn, Erdman, Flood, Gragert, Hilgert-- Hilgers, Hilkemann, Hughes, Hunt, Jacobson, Kolterman, Lathrop, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pansing Brooks, Sanders, Stinner, Vargas, Walz, Williams, Wishart. Voting no: Senators Albrecht, Briese, Friesen, Halloran, Linehan, Lowe. Not voting: Senators Bostar, Day, Geist, Hansen, Hansen, Lindstrom, Pahls, Slama, Wayne. 34 ayes, 6 nays, 9 excused and not voting, Mr. President.

**HUGHES:** LB1012 passes with the e clause. We'll now proceed to LB1011e.

**CLERK:** Mr. President, I have a series of amendments with respect to this bill. I have a priority motion. Senator Machaela Cavanaugh would move to bracket the bill until April 20, 2028.

**HUGHES:** Senator Cavanaugh, Machaela Cavanaugh, you're welcome to open on your bracket motion.

**M. CAVANAUGH:** Thank you, Mr. President. I am bracketing this motion because-- or bracketing this bill because there's a motion to move this bill to Select, which would, in effect, kill it, because we have to pass it today. So I'm not sure how much time we're going to have for debate on this particular one, if it's 45 minutes or 2 hours, but this will stay up here until there's a motion for cloture. So actually, maybe I can ask the Speaker to yield to a question.

**HUGHES:** Speaker Hilgers, will you yield?

**HILGERS:** Yes. Sorry about that.

**M. CAVANAUGH:** That's OK. Thank you. I just wanted to know how long we're going to be on this bill for debate.

**HILGERS:** Well, I was just speaking with Senator Lathrop about that. So as I came into today, Senator Cavanaugh, I anticipated given the extensive debate before, that maybe we wouldn't do two hours on LB1011 and LB1013. I was just speaking to Senator Lathrop about whether we would go a shorter time before cloture. So I don't have an answer. I would hope we can go a little bit less, but I think we'll see what debate goes.

**M. CAVANAUGH:** OK, thank you. I appreciate that. OK, so as I said, this is not to-- this is not to kill the bill; it's actually to save the bill. I haven't really been supportive of the budget bills, but I'd also recognize the importance of passing them, especially with so many important pieces in these bills, which is also why I made sure that we had enough votes for the emergency clause, the e clause on the last bill. So I'm just looking through LB1011 and kind of some of the highlights of what are in here. I have-- this is probably not the latest one. This one is from AM1999, the "Prince" amendment. And so this one I had highlighted. It's got things from provider rate increases, which is great; the new cottages or the renovations at Kearney for the Youth Rehabilitation/Treatment Center; it has some funds for the JEDI and the canal; Game and Parks; military; proceed with planning construction related to a new National Guard Readiness Center at Offutt Air Force Base in Bellevue, which is great, \$7.6 million Readiness Center; \$8.3 million cash funds for state aid for the purposes of recreational trails; Commission-- Game and Parks Commission, authorize to construct three cabins at Mahoney State Park with the appropriation in this section; make improvements pursuant to the Water Recreation Enhancement Act. Let's see what else is in here: oh, the NU ag program, establishment of an agricultural innovation facility for the University of Nebraska at the Nebraska Innovation Campus. No funds appropriated in this section shall be expended unless the University of Nebraska certifies to the budget administrator of the budget division of the Department of Administrative Services the receipt of matching funds in the amount of \$25 million from private or nonstate funds for the purpose of establishing the agricultural innovation facility. The crime lab, which I do still have questions about the crime lab, but I'm not really sure who's the appropriate person to ask them, probably the State Patrol, because we are investing in construction of a new crime-- crime Lab. And I'm just curious about what that's going to look like and how that's going to

be staffed and what sort-- sort of testing will be happening there because, as we've talked about in the past in this body, we are behind on our sexual assault kit testing, and so if this is going to help expand that capacity, that'd be great. I would love to know more about it. Maybe once it's built, we can all go visit. There's housing in here in the amount, appropriation, \$99 million cash funds, state aid, which shall be used for the purposes included in the amount shown as aid to this program for \$50 million cash funds from the Nebraska Rural Projects Fund. There is included in the amount shown as aid for the program cash funds for Rural Workforce Investment Fund. There is money for Lead-Based Paint Hazard Control Cash Fund, which is really important. A lot of older homes use-- had lead-based paint, and even though they've been updated or painted over, it still is a real issue for children who might get-- ingest some of those paint chips. And then that causes all kinds of developmental problems, especially the younger they are and the more lead that they get into their system. So that's something that is one of the screenings that you have at your pe-- pediatrician's office every year is for lead in their blood, make sure that they're not having too much of that. My house was built at a time where lead paint was a thing, and so have to get this whole pamphlet about it. So for those of you who are renters, you might be getting pamphlets about the year your apartment building was built and it's the lead-based paint, and that's why, so don't eat the paint chips. That's a pro tip there. Even if they aren't lead-based, I would recommend against eating the paint chips. On page 51, we have the federal Child and Development Block Grant of 1990, and shall be used to increase childcare provider rates at the 75th percentile of the Market Rate Survey. Oh, I think I know who's bill that is, Senator Wendy DeBoer. Great work. Let's see here, what else do we have? Managed care, excess profit funds for Medicaid assistance, OK, so this is the Department of Administrative Services shall monitor the appropriations and expenditures for this program according to the following program classification: medical assistance; Medicaid expansion aid. There is also-- there is included in the appropriations to this program for '21-22 \$989 million General Funds, \$63 million cash funds, and \$2 billion federal estimated for state aid which shall only be used for such purpose. There is included in the appropriation to this program for '22-23 \$999 million General Funds, \$42 million cash funds, and \$2.26 billion federal funds, which shall only be used for this purpose, for Medicaid Managed Care Excess Profit Fund for Medical Assistance. So the Nebraska Health Care Cash Fund-- OK. So managed care, here's a little healthcare-- I don't know what you would call it-- lesson. So in Nebraska we have Medicaid; and to administer our Medicaid program in Nebraska, we have contracts with managed--

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what we call managed care organizations, or MCOs. And so we bid it out. We're actually doing that right now, going through a contract, RFP process. We-- so the companies that currently are-- are covering, managing, doing the insurance for our managed-- our MCOs will probably apply again, and maybe some other healthcare insurance agencies, and then they are the ones who are paying the providers and doing all the--

**HUGHES:** One minute.

**M. CAVANAUGH:** --paperwork. The state doesn't do all of that, and the federal government doesn't do all that. I mean, we could, but we hire professionals outside of the state to do that. And so this is the money that sort of we get a specific amount per person and then they say, OK, we will cover these services for this amount per person and we'll take 1,000 people at that rate. And then it's kind of a gamble for them if each person costs more than that or less than that, so it's a whole sort of actuarial table. It's actually kind of fascinating. And really, if you read this budget, you'd be like, there's a lot of really interesting things in here. I see there are a lot of people in the queue, and I am almost out of time, so I will yield the remainder of my seconds to the Chair and see you all in a bit.

**HUGHES:** Thank you, Senator Cavanaugh. Senator Lathrop, you're recognized.

**LATHROP:** Thank you, Mr. President. Colleagues, good morning. I wanted to take a moment this morning or a little bit of time this morning. First of all, I'm in opposition to the Cavanaugh motion. I hope you'll vote for cloture on LB1011 and advance or pass LB1011, to be clear. Second thing I want to talk about is the-- obviously you understand that I've been working on LB920 and the criminal justice reform, the response to a problem facing the state that is a fiscal reality, that we need to build much, much more space than has been proposed by the Governor unless we figure out what we're going to do with our population. I'm struggling a little bit on this one because I'm having trouble finding someone who can get to yes. I can make offers, I can make proposals, I can negotiate, but it's a challenge to do that when it's hard to find somebody that can say, yeah, that's fine, or here's a counterproposal. And that's what I-- I spent-- Senator McKinney and I spent yesterday trying to do. I'm not being critical, but what I'm trying to do, or trying to find out, is, why am I having that challenge, right? Why is it so difficult to get in the room and figure out what LB920 needs to look like instead of simply saying, no, no,

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no, no, no, we're not going to do that? And it occurred to me on the drive home last night that-- that this thing may be getting caught up in the notion of, is this soft on crime, is this hard on crime, are we being tough on crime, or are we being soft on crime? And I want to talk to you about that because you need to understand what this does. It enhances public safety. We're not being soft on crime. I want to talk to you about one piece in this five minutes, or what's left of it, and that is the idea that we would get someone to parole eligibility sooner. That's an important piece in this bill. It's an important piece. Understand, at the risk of repeating myself for the 500th time, parole eligibility is not the same as getting out. That means you still have to pass by the Parole Board, appointed by the Governor and approved, and that means you have to-- you have to jump through some hoops. And the Parole Board, again, appointed by the Governor, three of those people have to believe you're a sufficient risk. But understand when somebody-- when somebody gets out on parole, they are on parole for as long as the remainder of their sentence. OK? So if somebody gets on parole, let's say, five years before their mandatory discharge date, that person is going to be followed by parole for five years. So you-- if-- if you look at this as somebody's getting out early, you're missing it, because the tough-on-crime piece is we are now going to follow you for a longer period of time. You will be accountable. You will take drug tests. You will maintain employment. You will report. You could have an ankle monitor. There's nothing soft on crime about that. That's a law enforcement objective. Having people followed after they've been released from the department is tough on crime. Here's something to think about. Somebody released from the Department of Corrections is going to move in next-door to you. Now do you want that person, who has been released, do you want him to spend one more year in jail and be accountable--

**HUGHES:** One minute.

**LATHROP:** --to no one? Or would you rather have him out a year earlier and spend a year as your neighbor accountable to a parole officer? That's not soft on crime. That's being tough on crime. It is the-- you can't message this into something it isn't. And when you-- when you try to take this bill and turn it into something it is not, you're missing an opportunity to do good, to enhance public safety, and to solve a problem of the state. These parole provisions that would allow somebody to be paroled-- parole eligible sooner, mean that they will be followed by a parole officer longer. And that is, my friends, tough on crime, if that's where you need to be. It's also smart on crime,--

**HUGHES:** Time, Senator.

**LATHROP:** --and it also helps solve our problem. Did you say time?

**HUGHES:** Time, Senator.

**LATHROP:** Thank you.

**HUGHES:** Thank you, Senator Lathrop. Senator Linehan, you're recognized. Senator Linehan, you're recognized.

**LINEHAN:** I'm sorry. Good morning, Mr. President. Good morning, colleagues. So I-- I did actually give Senator Clements a head up-- heads up, so I'm trying to figure out the process here. I think the bill we just passed was what would we call in D.C. authorization language to start new programs. But the bill we're on currently actually moves money around, so-- and then I also had questions about the cash fund versus the Capital Construction Fund. So, Senator Clements, would you yield for some questions?

**HUGHES:** Senator Clements, will you yield?

**CLEMENTS:** Yes.

**LINEHAN:** So, Senator Clements, if we-- in the bill we're on now, it uses money. There's three lines under each section that says-- three or four lines-- it'll be like General Funds, cash funds, federal funds, and sometimes there's another line. But so some of the money we're spending in this bill comes from General Funds, and some of it comes from cash funds. Is that correct?

**CLEMENTS:** Yes, it is.

**LINEHAN:** And to figure that out, we'd look at the bill and look at those headers on the left-hand side of the page, and it tells which fund it's coming out of.

**CLEMENTS:** Yes, General Funds are state tax dollars. Cash funds are from a cash fund somewhere, then there is federal funds if the federal government is matching some things, especially like Medicaid.

**LINEHAN:** So on the cash funds, if it's coming out of the cash funds, the cash fund is money. How does the cash fund work?

**CLEMENTS:** Well, we have put money into a cash fund and then this is appropriating the money for a purpose as, in this bill, it's the General Fund budget bill that's actually authorizing the spending of money that's been put into a cash fund earlier.

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**LINEHAN:** So if we take money from the cash fund, which we're doing like some \$500 million in cash fund transfers, I think, in these three bills-- well, this bill and then the next bill-- the next-- the final bill this morning, I think, is the cash funds-- when we move money from the cash fund to the-- and I might not get the name of this right, so correct me, please-- the Capital Construction Fund?

**CLEMENTS:** Yes, Nebraska Capital Construction Fund. Usually, that money goes in there out of our Cash Reserve. Those are usually one-time projects. And then the authorization from the Capital Construction Fund actually funds the project.

**LINEHAN:** But when we put money in the Capital Construction Fund from the Cash Reserve Fund, then it actually gets appropriated twice, right? We put money in the Cash Reserve Fund, and then you put it in the Capital Fund.

**CLEMENTS:** It takes, yeah, two operations to actually spend it.

**LINEHAN:** So the money for-- the money that we have spent updating the Capitol HVAC and painting the walls, that came from the Capital Construction Fund?

**CLEMENTS:** Yes. First, we take it out of the Cash Reserve, put it in the Capital Construction Fund, and now this bill spends it from the Construction Fund for remodeling the Capitol Building.

**LINEHAN:** OK, then finally, since there's much concern about whether we are/are not building a prison, the compromise is, as I understand it, is we've put money in the Cash Reserve Fund, but it's not appropriated to the Capital Construction Fund, or is that right?

**CLEMENTS:** It's-- the Cash Reserve Fund is put into the Construction Fund, but does-- it is not authorized to be spent out of the Construction Fund.

**LINEHAN:** OK, so--

**HUGHES:** One minute.

**LINEHAN:** --before that money could be spent, we'd have to authorize it--

**CLEMENTS:** Yes.

**LINEHAN:** --and none of that's in this bill.

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**CLEMENTS:** Correct. The Appropriations Committee did not appropriate any money for-- or that \$175 million to be spent on a prison, but it is sitting off in a-- in the Construction Fund account but not authorized to be spent.

**LINEHAN:** Thank you, Senator Clements. Thank you.

**HUGHES:** Thank you, Senator Linehan and Senator Clements. Senator Friesen, you're recognized.

**FRIESEN:** Thank you, Mr. President. Well, I'm going to just keep repeating what I've always been saying, and I'm talking more to the audience that hopefully is watching us. I'm going to talk about how, as politicians, we always come around at election time and tell you that we're overtaxed and we're going to cut taxes, we're going to cut spending, and then we come here and we spend money. For the last few years, we've done a pretty good job of holding down the budget, but this year, when revenues come in over forecast, everybody gets sticky fingers and we want to spend the money. And so we're going to increase our budget, our spending by 5.7 percent, biggest increase I've seen since probably our first year here. So the reason we're a high-tax state is because we're a high spending state. We spend it and we don't want to give it back to you. We like spending money. I voted against every one of the budget bills this year and I'm going to continue to vote against them. We haven't really had an opportunity to change these budgets up until now at Final Reading, which is kind of late. We've had some discussions, but most of it's been centered on other things than the budget. And I just look at everything we're doing this year and all the money that's getting doled out everywhere. Everybody's getting a little piece here and there, but there's a lot of money going out the door. And fundamentally, I don't think it's going to make a big difference, except in certain areas where a lot of money is getting poured into. There's some things with-- I agree with in here, but a lot of it is just plain pork. It's spending because we can. And so when politicians come around and ask for your vote this year, ask them if they voted to increase spending at 5.7 percent and they'll tell you all, we're going to hold the line on spending, we won't do that again. Don't buy it. Anytime we have revenue, we're going to spend it. Our projections have come in above forecast ever since the pandemic hit. If you look at what's happened, the federal government has dumped \$24 billion into Nebraska, \$24 billion. It has driven everything. There's businesses with cash in the bank because they did really well during the pandemic, and they also did really well with the distribution of cash from the federal government. And I'm not blaming the businesses for taking that money because, back

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when it was offered, no one knew what the economy was going to do. But thankfully, Nebraska stayed open for business, for the most part, especially in the rural areas. We just continued on with our job like we did before. But when you look at the total dollars that were shoveled into Nebraska, \$24 billion, that had a huge impact on our budget. And when that revenue all comes rolling in, the reason we have such high inflation is because everybody's spending it and we're going to contribute to that inflation by spending our share. You won't be able to find a construction firm that can put up some of the buildings that are proposed because they're all going to be busy. We're already-- look at all the supply chain issues that we have, and then you throw the increased spending that we're doing here yet.

**HUGHES:** One minute.

**FRIESEN:** We're going to be pushing up the inflation rate even higher. With government spending, we just compete with the private sector for all of those things that are short in the supply chain and we just double down and make it worse. And so I hope everybody's looking through the-- the budget bills. It's listed out there. You can go online and you can read it, LB1011. It line items all the increases to every department, and some of those are just wage increases, which they should go up. Inflation is driving the-- the wage increases, a pretty-- pretty good hike. But at the same time, inflation is taking away your buying power. So in the end, I think you're still ahead with the wage increase, but it's going to be close. If we keep these inflation rates in place, I doubt that wages can keep up with the inflation rate. So again, sooner or later, when the--

**HUGHES:** Time, Senator.

**FRIESEN:** --federal government decides it has spent enough-- thank you, Mr. President.

**HUGHES:** Thank you, Senator Friesen. Senator McCollister, you're recognized.

**McCOLLISTER:** Thank you, Mr. President. Good morning, colleagues. This is how the sausage is made, is it not? When we passed LB1107 a couple of years ago, that package did include many elements that we thought important to include in-- into a final bill. Well, I'm definitely in support for LB1011 and other of the bills that will come up before this body. But an important bill for me is LB920. We have a historic opportunity to bend the curve on our prison population situation, and I'll be so sad if we can't deal with this in some kind of constructive

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way. We need to do it. I keep referring back to 1980, when we had 1,400 people in our prison system. Now we've got 5,500 at a time when crime rates have dropped. Senator Lathrop is right. We can't have people jamming out. That's just not good policy, and we can deal with that in some kind of constructive way. It's time to do that and the time is now. I don't want to look back on this legislative session and working with my colleagues and having missed an opportunity to deal with criminal justice reform like so many states have done in the country. Over 35 states have done this, so this is not reinventing the wheel. We simply need to move forward with this and pass this bill, pass this bill and also pass LB920. I yield the balance of my time to Senator Lathrop.

**HUGHES:** Senator Lathrop, 3:15.

**LATHROP:** Thank-- thank you, Mr. President. And, Senator McCollister, I appreciate that. Colleagues, there comes a point in time where it becomes our responsibility as policymakers to identify issues facing the state and to address them. The Appropriations Committee, not the Judiciary Committee, the Appropriations Committee recognizes the problem we have; that is, that if we do not do something about the growth in our population, we need to build a billion dollars' worth of facilities for the next 20 years and not simply \$270 million. This is a significant problem facing the state, and I will submit to you that LB920 is the only option that has been presented. For all of the-- all of the conversation and the people that have concern or whatever, no one's offered a solution besides LB920. That's it. And at some point, at some point, we have to leave the campaigns outside, we have to thank those who speak to us in the lobby for their input, but at some point it becomes our responsibility to make good policy. And this is a problem that the state faces, and the concerns come from people who don't have to pay this billion dollars for additional capacity or the additional millions-- tens of millions of dollars in operating costs. Those are our responsibilities as a state. This is our problem and it's our problem to solve. Now the idea that this might turn into some kind of a campaign message, it's off the mark. This is not soft on crime. This is smart. It enhances public safety. When we started the CJI process, I had a press conference with the Governor--

**HUGHES:** One minute.

**LATHROP:** --kind of announcing that CJI was coming in and what the purpose and how they were going to do it. And I promised-- I promised at that time that this process, our North Star would be public safety. It is enhanced when people are on parole longer. It is enhanced when

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we make investments in substance abuse. It is enhanced when we focus on the high-need, high-risk offender and stop spending jail space on the low-risk, low-need offender. When we use the Department of Corrections to keep us safe and focus on treatment for those people who have an addiction or a substance abuse problem, that's what we're talking about and that is not soft on crime. That's being smart on crime. And--

**HUGHES:** Time, Senator.

**LATHROP:** Thank you.

**HUGHES:** Thank you, Senator Lathrop. Senator Moser, you're recognized.

**MOSER:** Oops, sorry about the static electricity there. Good morning, colleagues. Three things: One, I want to talk a little bit about the tax cut package that didn't quite pass and then I want to talk about the budget process a little bit and then I would like to ask Senator Lathrop a question, so if he's got some time to answer a question when I get to my third point. First of all, the-- I was disappointed in that the tax cut package didn't pass. Current rates have amassed a lot of money and government can keep that money for future use, it can spend that money or, in the case of the tax cut package, we could give some back to the citizens because we set rates that collected more money than we needed and we should give that back to the citizens rather than spend it. We've put more into the rainy-day fund so the rainy-day fund is nice and healthy, and I think it's our responsibility to give some of that money back. And then-- and in a practical part of my observation of the tax cut package not passing is a number of us are running for office, and citizens I talked to, the number-one thing is always taxes. The number-one things are taxes? OK, whatever. Hopefully, my grammar teacher is going to send me an email and correct my grammar. But how can we run for office and go out and tell people when we go door to door, well, I couldn't vote for that tax cut package, you know, it's too much to give those senior citizens a little less tax on their Social Security. You know, it-- it's too far to go to-- to protect the Property Tax Credit Fund. You know, it's too far to go to give tax cut packages to corporations. You know, we collected too much money with current rates. We should adjust those rates, and then we can adjust them the wrong way later if we have to. But corporations aren't all the big fat-cat people that you imagine. Some of them are very small. You know, there are a lot of small C corps, and having a lower tax rate on corporate tax is a good thing, I think. OK, point number two, talking about the budget, it's disappointing for the budget. I understand the Appropriations

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Committee meets the whole session on the budget, even in the off years. They spend hours and hours and hours. It's a-- it's a behemoth task to put all this together because \$5 billion is a lot of money and they're-- they're bound to make some mistakes and we will probably vote for the budget, mistakes included, and just in normal years. But when we're spending so much money at once, it's kind of like, you know, you hit the lottery and then so you go out and you buy a new car and you buy a new house and-- and you go on some expensive vacations, and pretty soon, you know, you pay your taxes on your lottery fund and your lottery winnings and you have no money left. So those are my concerns on the budget. Then back to-- I was wondering if Senator Lathrop would respond to a question about the LB920 bill.

**HUGHES:** Senator Lathrop, will you yield?

**LATHROP:** Yes, I-- yes, I will.

**MOSER:** OK, great. So you sent some graphs out that showed the differences, where we're going without reform and where we're going with reform--

**HUGHES:** One minute.

**MOSER:** --and there wasn't a whole lot of difference. Is that true?

**LATHROP:** Well, first of all, thank you for that question. Second of all, thank you for reading the stuff that I handed out and going through it. The third thing is there-- there were two graphs, Senator. One was there have been some amendments to LB920 offered by Senator Geist. That's the one where there's very little difference between where we're headed and where we'll get to if we adopted that amendment. That's--

**MOSER:** But I don't-- I don't think we'll probably have enough time here. But the real question I have is we haven't really made changes to make our sentencing more critical in the last few years, yet the graph is still going up. So what is making the graph increase when the laws haven't changed that much? Is there some--

**LATHROP:** Great question. Great question, and the answer is people are staying longer. Our admissions are going down, so the number of people--

**HUGHES:** Time, Senators.

**LATHROP:** --coming in the front door-- thank you.

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**HUGHES:** Thank you, Senator Moser and Senator Lathrop. Senator Briese, you're recognized.

**BRIESE:** Thank you, Mr. President. Good morning, colleagues. And I had been agreeing on the budget proposals, the budget bills, and the ARPA bill all along. But that changed on Friday when the tax proposal ran into those headwinds. Since then, I've been a red and I'll continue to be a red until we find a path forward on the tax package. Why keep coming back to the tax package? Well, bottom line here-- here, there's just way too much at stake. The tax package is going to prevent a \$200 million property tax increase on everyday Nebraskans. It's going to provide an additional \$195 million worth of property tax relief. It's going to trim back our growth curtailing high marginal income tax rates. And it's going to protect our seniors; it's going to put more dollars in the hands of our seniors through Social Security tax relief. And so the stakes are way too high here to be playing fast and loose with it. And I-- I certainly appreciate Senator Lathrop's passion for the proposals of LB920, and-- and-- and really, I agree with quite a bit of what he says there, a lot of what he says. But again, I don't think we should be playing fast and loose with the tax proposal, way too much at stake there. You know, I've got bills I'd like to get in that tax proposal. Number one, I tried to get LB79 in there. LB79 would have put an escalator in the Property Tax Credit Fund, but it was perceived by myself and others as creating too many headwinds for this tax proposal, so we left it out. And that's my perception of LB920. It creates too many headwinds to be trying to stuff it into a tax proposal that is extremely important to everyday Nebraskans. We need to get the tax proposal passed. That's all there is to it. It's way too important to be trying to stuff things in at the last minute. And again, Senator Lathrop's ideas, I'm more than willing to consider those ideas, but not in this context. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Briese. Colleagues, Senator Day would like to announce 78 fourth graders from Prairie Queen Elementary in Papillion, along with teachers and sponsors. They are seated in the north balcony, if they would rise and please-- to be recognized by your Nebraska Legislature. Thank you for coming today. Returning to debate, Senator Pansing Brooks, you are recognized.

**PANSING BROOKS:** Thank you, Mr. President. So I wanted to rise and talk some more about being smart on crime, right on crime, all of that information. I-- I ran off an article from a magazine called National Affairs. It's a conservative magazine that is-- is owned and run by conservatives, and there is an article that's called "Conservatives

and Criminal Justice," so-- and it's from Spring 2016. In the 1992 presidential campaign, George H.W. Bush and Bill Clinton each tried to prove he was toughest on crime. Bush touted a record of escalating the drug war during the Reagan years. Clinton famously flew to Arkansas to stage-manage the execution of a man-- of a mentally disabled killer. Elections at the state level in that period followed the same pattern, with Republicans pushing for ever-more-severe criminal penalties and Democrats following them as fast as they could run. In the 2016 Election, the storyline had almost completely reversed. Hillary Clinton's first major policy speech focused on reducing unnecessary incarceration. And despite attacking her on everything else, no Republican candidate has gone after her for being soft on crime. An electorally driven consensus in favor of expand-- of ever-expanding punishment is being replaced on both sides by elite agreement on the need to reduce our extraordinary levels of incarceration, make prisons-- prison conditions more humane, and steer offenders back into productive lives. Liberals and conservatives have arrived at these conclusions from different principles. Liberals tend to view mass incarceration as a product of structural racism and crony capitalism and emphasize the disadvantaged conditions of most offenders. Conservatives see the expansion of prisons as a case of big government run amuck and stress the potential for offenders to be spiritually redeemed-- spiritually redeemed. These distinct narratives make prison reform a case of transpartisanship, an agreement on policy goals driven by divergent, deeply held ideological beliefs. This is very different from bipartisanship, in which established institutions facilitate compromise by bringing two sides together to split the difference with grand bargains brokered by party leaders. Transpartisanship, by contrast, is de-- is typically led by ideological true believers on the back benches and distinct factions that converge on shared policy positions through separate independent routes. Transpartisanship agreement on criminal justice was a long time in the making. It was driven by ideological diehards on both sides who worked for years against near hopeless odds before their labors produ-- bore fruit. On the right, even at the height of the crime war, the better prison conditions, less incarceration, and better reentry services were genuinely conservative objectives. On the left, ACLU, the Open Society Institute, and other organizations ensured that commitment to lowering incarceration would remain embedded in the liberal identity, even as democratic poli-- politicians did their best to prove themselves tough on crime. So, colleagues, what we're talking about is nationally we are behind-- we are way behind what's going on nationally with best practices. The-- the view is what we have is government run amuck. We are over-- we

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have overcrowding. We continue to build more prisons. That's the goal, rather than having more humane--

**HUGHES:** One minute.

**PANSING BROOKS:** --objectives, more humane sentencing, and more humane programming so that these people come out of the prisons better people. And the fund-- the fundamentalists are coming forward and saying people are not-- are-- are redeemable. And these-- these decisions that we continue to make to be tough on crime is not smart on crime. And all the country is doing this. Texas, Louisiana, all the conservative states are doing this, but Nebraska's still stuck back in, oh, if we aren't tough on crime, if we don't continue our ridiculous efforts at just building more prisons and not re-sentencing and not helping with programming, we're-- we're not accomplishing anything. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Pansing Brooks. Senator Clements, you're recognized.

**CLEMENTS:** Thank you, Mr. President. I wanted to stand up and discuss. You'll see on the committee statement that I was a no vote on this bill. And it's not that I didn't want to pass the entire budget, but there were items in there that I did not support. But I do want to tell you a few of the things I do support that are important items, and so I'm glad that it has proceeded this far. You'll see LB788 is the Nebraska Rural Projects Act. It doesn't describe it very well, but it's really the bill which will help North Platte build a rail yard, which will really help west-central Nebraska-- we'll call it west-central Nebraska. And LB989, Medicaid nursing facility rates, I had a call this week from a nursing facility and they are really hurting. Their Medicaid reimbursement is well below their cost, And then the Perkins County canal project, I was glad that we were able to fund that project so that the flows from the South Platte River into Nebraska can be protected. I appreciated the Governor's strategy on that part. And the Strategic Air Command nuclear command facility, I think, is important. I hadn't appreciated so much the development of Offutt Air Force Base, some of those developments, but in debate here, I think I have come to appreciate it. That will be a benefit for Nebraska. The one item that I was involved with was the Lake Development Act, LB1023, and that's improving-- improvements at Lake McConaughy around Ogallala, and then up at Niobrara and Lewis and Clark Lake in Knox County. Then the The Lake project here and the flood control on the Platte River, there was a couple of concerns there. Would Speaker Hilgers be available for a question?

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**WILLIAMS:** Speaker Hilgers, would you yield?

**HILGERS:** I would.

**CLEMENTS:** Yes, well, regarding the JEDI project, we call it, water resources project. I see in the bill it has a phrase, "primary purposes of providing flood control," but I've had constituents who say that's not really part of it. What do you think? What would you describe the flood control purpose?

**HILGERS:** Well, thanks-- thank you for-- Senator Clements, for the question. So when people think of the lake in the way that we've arti-- spoken about it, we've talked about it in the context of economic development and recreation, I will say, when we looked at that language that you're referring to, we looked to strike it, actually, in light of some of the comments that we also received. We did speak to our consultant, HDR, who did the preliminary hydrology study, and they said there actually are flood control benefits. I'd have to defer you to them in order to properly answer that specific question, or I can get it for you and come back on the mike.

**CLEMENTS:** OK, thank you. Then one of the large concerns from a landowner that called me was granting all power necessary to carry out the purposes and purchasing land. Does that include eminent domain?

**WILLIAMS:** One minute.

**HILGERS:** Which portion are you referring to? The Department of Natural Resources does not get eminent domain authority under LB1023.

**CLEMENTS:** Well, it talks about natural resource districts may use their full powers.

**HILGERS:** Well, NRDs already have eminent domain authority, if that's your question. But the bigger picture, Senator Clements, is the entire intent, approach on this is arm's length, win-win-win transactions, and not to use eminent domain to take people's property.

**CLEMENTS:** Good. I'm glad to hear that. Thank you, Speaker Hilgers. While I am going to vote yes on the bill, the one-- one thing I would have that I was disappointed about, the tax package, and that we-- we do have still \$439 million of excess budget and hope that we can come to an agreement on giving some of that back to our taxpayers. Thank you, Mr. President.

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**WILLIAMS:** Thank you, Senator Clements and Speaker Hilgers. Senator Hunt, you are recognized.

**HUNT:** Thank you, Mr. President. Good morning, Nebraskans. I rise in opposition to this motion to bracket, and I will be supporting LB1011. And this morning, since I got here, I observed something out in the Rotunda that was very special. And one of the most special things that many students experience in Nebraska in their younger years is coming to the Capitol from all over the state, sometimes, you know, on a bus for hours to come to a field trip and get to see their State Capitol. And for many of these kids, this is the closest they've gotten to any interaction with government, to any kind of civic engagement, and these are the kinds of things that we are always encouraging schools to do and always encouraging students to be involved with. You know, it's really the beginning of the watchfulness of the citizen, right, is when the fourth graders come up and sit in this balcony and look over us? And it hopefully dawns on them and occurs to them that even though, you know, we're a lot older people down here, that we are for them and this government is for them and that we are not above them. They're literally above us, looking down on us. And that's a habit that I hope will continue for them throughout their lives, whether as Nebraskans or wherever it is that they go move. And one of the most special things that they can do in the Capitol is get the tour, right? And we love seeing the children out in the Rotunda, sitting in a circle in the Rotunda under the dome, learning about the symbolism of the mosaic on the floor, telling the story of evolution, learning the symbolism of the chandeliers above them and the beautiful mosaics and the quotes about government and equity and justice that line the ceiling. And this morning, the children that were here visiting the Capitol did not get to have that opportunity. They didn't get to have that experience because something else was going on-- going on out in the Rotunda: Chuck Herbster having another press conference and political rally for his campaign for Governor. There are-- reasonable people can agree that that's wrong, that this building is for everybody, that these children should not be denied the opportunity to appreciate their State Capitol so that a man in a cowboy hat, wearing a suit that costs more than my car, can come displace children that are here to learn about their state, so that he can have a political rally. Reasonable people can agree that that's not in the best interest of trust in government or the purpose of this institution, and I think that we need to look at a serious rule change, culture change. Does this need to come from the Executive Board? I don't know, but we need to prevent political rallies from happening in the Rotunda. I don't like it, no matter what, and I, capital "H," hate it

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when it happens and displaces children from the Rotunda, students who come here from all over the state, driving for hours in some cases, to learn about this beautiful building, and they don't get to see the chandelier, they don't get to see the ceiling and the mosaics. They get to see a political rally. That is not what government is about, and that's not what civic education should be about. There are agreements that reasonable people can come to, and it concerns me to see a lack of moderation in this body. This is me saying this, right? It con-- it concerns me to see a lack of moderation in government.

**WILLIAMS:** One minute.

**HUNT:** Man, I've got a lot more than a minute to say. Moderation is when reasonable people can agree on something, whether we're talking about children using litter boxes in schools, which reasonable people can agree is not happening in schools in Nebraska, in rural Nebraska-- that's not happening, be reasonable-- or whether we're talking about banning abortion with no exception for rape or incest or for the life of the mother or anything. Reasonable people can agree that's absurd. Or we're talking about banning teachers from teaching about the good and the bad and the ugly of the history of this country. Reasonable people can agree that that makes no sense. Passing tax cuts that we can afford this year, when we have a ton of extra revenue, but will not be sustainable over time for revenue in this state, reasonable people can agree that that doesn't make sense. We gotta walk it back. We're doing some extreme things.

**WILLIAMS:** Time, Senator.

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

**WILLIAMS:** Thank you, Senator Hunt. Senator Matt Hansen, you are recognized.

**M. HANSEN:** Thank you, Mr. President. And since we've gotten to it already, I was going to dive in and talk about the tax bill. And I understand this bill is now linked to the tax bill in its own way. I just want to push back, and this might be the only time I get to talk about it this morning. I just want to push back on any sort of this continuing narrative that the tax plan, including the bill that we were talking about on Friday, is about average Nebraskans or everyday Nebraskans, and to do that I'm going to hold myself up as an example. So my wife and I are a young couple in our mid-30s, married for a few years, own a home. In that tax bill, we would not have qualified for Social Security. We're about 30 years too early. We would not have

qualified for the corporate income tax. We don't own a corporate income tax. We would not have qualified for the individual income tax because we don't make enough. But we would qualify for some of the property tax components. So that's the one component of that multicomponent bill that would apply to my family individually. Now I don't have to benefit from a bill to be able to vote for it. But every time somebody gets up on this microphone and explains that I don't understand what, like, young working couples' income means are talking about cutting taxes for people who aren't me, and so just factor that into your floor speeches from now on, from going on. So again, the only one my wife and I would individually benefit from were the property tax cuts, which, if we were renters, like so many of our friends and so many of our peers are, we wouldn't even get that. There are a huge swath of young families, millennial families, all sorts of people who aren't included in that tax bill. Now again, I can support bills and I could support concepts that I won't personally benefit from. I was a cosponsor of the Social Security repeal, and that's not something I'm going to benefit from in decades, but I thought that was good policy. I supported the military retirement tax breaks because that-- and it's something I will never benefit from-- because I thought that was good policy. But when you want to get up and talk about how average, everyday Nebraskans are getting it, you're talking about people on this floor who aren't even necessarily going to benefit from that tax bill or benefit from the tax bill in the way that you are saying so. OK, now that's the reality of what we are talking about. And if we're kind of speaking to the public, telling them to call on elected officials, I mean, throw it right back at you. Have people call in. Ask your state senator what your tax break under that bill would have been. If-- if you're a renter, if you're not in the highest income bracket or not sure if you're in the highest income bracket, like, check, ask, because odds are it doesn't apply to you at all. With that, Mr. President, I'll yield the balance of my time to Senator Lathrop.

**WILLIAMS:** Senator Lathrop, you are yielded 2:20.

**LATHROP:** Thank you, Mr. President. And, Senator Hansen, thank you for the time. I want to visit a little bit about-- just to step back, I'm going to make this observation. I've been talking about this thing for about 25 hours now, myself along with others, which I appreciate, but this is the first time I've had a full house, and it might have something to do with being on Final Reading. So many of you have not had an opportunity to hit your light and ask me questions. If you have a question about any part of the solution to the problem we have over at the Department of Corrections, I'm happy to stand here and answer

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those. I'm happy to answer any question you may have about the particulars of LB920. I'm happy to-- I'm happy to talk to you about corrections. I've been on this issue for 12 years and intensely on it for the last nine months, so, number one, I'm happy to talk about it. Number two, what we're talking about, colleagues, has been done in many, many conservative states. This movement, this movement of being smart on crime, checking for how do we best use taxpayer dollars to better ensure public safety--

**WILLIAMS:** One minute.

**LATHROP:** --I said better ensure public safety-- is a conservative movement. It's coming from people like the Koch brothers, like ALEC. Those groups are the ones that are behind the movement to be smart on crime, to enhance public safety with these kinds of measures, to better spend the taxpayer dollar where we know the investment will lead to lower rates of recidivism, where they in-- where that investment will lead to better public safety. This is about public safety. It's about public safety. It's a conservative principle and, I have to tell you, I'm struggling. I'm struggling because in 12 years-- am I next in the queue, Mr. President?

**WILLIAMS:** One minute.

**LATHROP:** Am I next in the queue as well?

**WILLIAMS:** Yes, you are. You may continue. Thank you.

**LATHROP:** Thank you. Thank you. I'm struggling because I don't remember a time in 12 years where we have not identified a significant problem facing the state and you can't find people that can sit down and agree or get to yes on what the solution should look like, and my only explanation is concern over the politics of it. And I have to tell you, this is about enhancing public safety. There's nothing soft about this. This is about having people on parole for a longer period of time, having that guy that moves back to your community being overseen by a parole officer, having them accountable. By the way, parolees don't like that parole officer process, right? They'd rather get out and not be accountable, not be subject to drug tests, not have somebody tell you who you can hang around with and not hang around with, not having a law enforcement officer be able to go through your car, having an ankle monitor on to ensure that you are abiding by the terms of your parole. This is enhancing public safety that we're talking about and now, many of you, this is the first time you've been on the floor during these discussions. And I would encourage you to

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ask questions, encourage you to talk about the topic and-- and any concerns you may have so at least I can address them. Where I find myself is unable to find somebody that can get to yes, and no one's standing up and asking an intelligent or any question. I appreciate Senator Moser asking a question this morning. If you have concerns, let's hear about them. Maybe they're-- maybe they're well founded, maybe they're not well founded, or maybe there's a solution. Yesterday, Senator McKinney and I spent some time trying to ne-- to explain the bill and offer opportunities to enhance it or make people more comfortable. We found ourselves betting against ourselves, to be very honest, but let me tell you what sort of the vision is, if you will. We have two pieces in this bill that would allow someone to become parole eligible sooner. And I said this earlier. The sooner someone gets parole, the longer they're going to be watched or overseen by a parole officer. Our vision with this is not to simply let people out earlier, but Senator McDonnell and I have been working on another project, something that we saw over in Iowa called a halfway-back house. And a halfway-back house, people who have technical violations of parole, they don't report on the right time, they're a day late reporting, or maybe they have a-- a-- fail a drug test, something that happens when you're following a parolee. We would have a facility that those people can be brought back to. We call it a halfway-back house. This is a concept they use over in Iowa. Senator McDonnell and I and some others, Mike Friend, some of you may know, a former colleague and now a county commissioner. We went over and looked at this halfway-back facility. This is a really good idea for some people who are coming from the Department of Corrections out. They have all this freedom, all the temptations, and some of them need to be brought back to something more structured. Maybe they need a little more substance abuse treatment. There is a plan in this bill. There is a vision in this bill. It's having people have an opportunity--

**WILLIAMS:** One minute.

**LATHROP:** --for parole sooner and expanding our capacity to take care of the people who are struggling while they're on parole, put them in a more structured environment, much like work release, where they get treatment, they get counseling, they get mental healthcare, and they're accountable to somebody. They have to check in every day and sleep at a halfway-back facility. What problem do you possibly have with that? What problem do you have with that? If you have a problem, turn your light on and ask me about it. How much time do I have?

**WILLIAMS:** Twenty seconds.

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**LATHROP:** Next time I get on the mike, I'll tell you about the other changes that Senator McKinney and I proposed yesterday so that you know kind of we've made a good faith effort to try to move towards some consensus, and we are challenged by not being able to get to someone who can say yes. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Lathrop. Senator Linehan, you are recognized.

**LINEHAN:** Thank you, Mr. President. So again, I'm going to talk about the bill. So I don't know how many of you have it up, but if you go to page 84, Section 262, it's the bottom of the page. So one of my children gave me the autobiography by George W. Norris, which I read last summer. And we talk a lot-- I don't so much, I'll admit that-- about George Norris and nonpartisanship. But I read his autobiography and what he didn't like more than anything else, and why he wanted one house, it did away with the conference committees. So the conference committees are like this, the house in all other states and in D.C. The lower house passes a bill, the upper house passes a bill, a bunch of people go in a room, close the door, kick the press out, and they write the law. And if you're not in the room, you don't know exactly what happened; you don't know who traded what; you don't know who was doing what. So when George Norris set up a one-house Legislature, his main point was sunshine, openness; everybody has to know what everybody's doing. So we have rules. We have rules on Exec money-- there-- Exec Committee-- there's an exception, I've used it once, where the press is not in the Executive Committee, but only once and it was because it was personality conflicts, had nothing to do with legislation, and it was only for like 15 minutes. I have always had them in the room. They need to be in the room. We also have record votes. So I'm a Chairman. We have a very wonderful Revenue Committee, but I've got two ag producers. I've got rural. I've got urban. I've got chambers of commerce. I've got the whole deal. We are good representation, some of our more senior members to some of our youngest members. We rarely have-- I shouldn't say rarely, but we have a lot of 5-3, 6-2, 4-4 votes. But the press is right there. Not only is the press right there, but there's a committee statement, if it gets out of committee, on every vote. So here's my question. I'll talk about one other member. Senator Chambers always said that he read every bill before it came to the floor. I've learned there's some tricks to that because there's no way you have time to read every bill. But you kind of read the first few pages so you get an idea of what's going on, and then you flip toward the end, because if a committee wants to hide something it's toward the end of the bill. So let's set this up. This isn't about this bill so much, but let's talk

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about the ARPA thing that when I-- the bill that was here yesterday. If I understand, and somebody can correct me here, the Governor did not have to ask us about the ARPA money. He could have spent all of it, a billion dollars, however he wanted to without coming to the Legislature. That was his prerogative. But in this bill, on page 84, it says, starting on line 23, any federal funds not otherwise appropriated, any additional federal funds made available to the director or the State Treasurer, and any amounts on hand, any such federal funds on 30 June 2021-- underlined new language-- excluding any funds allocated to the state of Nebraska from the Federal Coronavirus State Fiscal Recovery Fund pursuant to the Federal American Rescue Plan Act of 2021. So if I understand this language right, the Governor, trusting us--

**ARCH:** One minute.

**LINEHAN:** --said he would work in partnership, and as partners we took his ability away. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President, colleagues. I had some other things to say, but I think I will hold onto them for later in the day, so I will yield the remainder of my time to Senator Lathrop if he would like it.

**ARCH:** Senator Lathrop, 4:40.

**LATHROP:** Thank you. And thank you, Mr. President and Senator Cavanaugh. I gotta make sure my phone's-- the ringer's turned off. It keeps dinging at me. I want to-- I want to tell you a story because we're here and we're-- we're apparently concerned about how is a vote on LB920 going to be interpreted. And I was here some years ago and a bill came along that allowed for prenatal care for everyone, no exclusions for someone whose immigration status was undocumented. That bill came to the floor. I think Senator Campbell may have introduced it, by the way, Senator Campbell, one of the most courageous members of this body in the time I've been here. That bill came to the floor and it was about-- it was about providing care to an unborn child, a child that, when they came and drew their first breath, they would be an American. And Governor Heineman at the time called it a giveaway to "illegals," and the pro-life community called it a pro-life bill. How is this thing going to be messaged once the vote was over? That was difficult, particularly if you were a registered Republican, and this

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is the drum that Governor Heineman liked to beat frequently. And that bill passed. It passed because it was the right thing to do. It was the right thing to do and I can tell you. I was there. I was in the middle of it. And so was Senator Flood. Speaker Flood was in the middle of it too. We knew that that was going to be messaged in a certain way. In his primary race right now, it's being messaged in that way, as a giveaway to "illegals." It was, in my race the last time, it was Lathrop voted to give public benefits to "illegals." You know, at some point, my friends, at some point we have to recognize the issues in front of us, decide what the right thing to do is, and have the courage to do it. That was a courageous vote, in my estimation, by Senator Flood and everybody else, including me, that took that vote because the criticism was withering and it had a long tail that's still following some of us around, but it was the right thing to do. And-- and we are called to do the right thing. And if we stand here and spend all of our time worried about how something's going to be messaged if we vote one way or the other, we are missing the opportunity. You will all be term-limited, as I have been, and you will look back and reflect on your time here. You will look back and reflect on your time here. And I can-- I can just tell you, the only regrets you will have is when you didn't have the courage to do the right thing--

**ARCH:** One minute.

**LATHROP:** --because that's what's happening right now. My friend Senator Lindstrom is being hammered for a vote on gas tax. We gotta pave some roads around here. He had the courage of his convictions. Will it happen? It might. But we-- at the end of the day, if we're nothing else, we gotta be problem solvers and come here with the courage to do the right thing. I need somebody to talk to about LB920. If you got a problem with LB920, tell me what it is, but don't just sit in your chair and wait till somebody tells you what to do or what the messaging people are telling you what to do or the campaign managers are telling you what to do, because this is a big problem. It's a fiscal problem. You need a billion dollars' worth of corrections in the next 20 years.

**ARCH:** Time, Senator.

**LATHROP:** Thank you.

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

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**FRIESEN:** Thank you, Mr. President. That was an appropriate lead-in. I've talked about school funding for eight years. Nothing's happened. We've tried, blocked every time. Tough subject, nobody wants to talk about it. One hundred and seventy-five schools get no state aid to speak of. It was a big issue to my constituents. It's a big issue for rural Nebraska. We've gotten nowhere. I've always been able to sit down with people and try to reach a consensus, but not on school funding. We've worked through a lot of other issues, on broadband and transportation issues; but, no, a lot of kids don't deserve state aid for schools. And I've made the comment that in the last couple years I've learned that facts don't matter and find a hostage, and Senator Lathrop has done that too. I don't blame him for it. He's got a huge issue that nobody will listen, no different than a rural senator. Down the road, that's going to be the only tool we have. It'll just get more and more that way until we get rid of term limits or do something where we can have some institutional consistency here, where we have people who really want to fix the problem. And right now, it's just a lot of people posturing for reelection or election to a higher office or who knows what. I just want to go home in ten days. We've finally got lots of revenue and we just want to spend it, and I'm not even talking about the prisons. We've gotten projects to-- long lists of projects, and we will spend it. And then, come some years from now, if we refuse to give any ba-- back to the taxpayer, which I'm hoping we can still get done-- I'm not giving up-- we still won't have fixed our school funding problem, but we'll have at least set aside some money that I hope somebody in this body can take the lead and get some funding for those rural schools. I'm not holding my breath. I'm sure they'll be talking about prison reform after Senator Lathrop's gone. Sooner or later, something's going to have to be addressed. I'm not disagreeing with him. The only way to get people's attention is to hold something hostage in this body. And again, facts usually don't matter. It's how you drive the narrative.

**ARCH:** One minute.

**FRIESEN:** We rarely have a long-term picture of what we want the state to look like. We're very short-sighted. We have for years, decades, ignored the fact that rural Nebraska is shrinking. We don't address it in our tax policy. Everybody is just OK with it as long as Omaha can build a streetcar, use tax increment financing on billions of dollars of property, their schools will get funded with state aid and ours won't, and we'll keep doing the same thing over and over. Thank you, Mr. President.

**ARCH:** Thank you, Senator. Senator McCollister, you are recognized.

**McCOLLISTER:** Thank you, Mr. President. Good morning again, colleagues. One of my favorite quotes, and I think I've followed it during my time in the Legislature, is from Edmund Burke. Let me read that quote to you: Your representative owes you not his industry only, but his judgment, and he betrays, instead of serving you, if he sacrifices it to your opinion. I think that's what I've done this eight years in the Legislature. I've made a lot of tough votes, helped folks overcome vetoes. I suppose the Governor has vetoed more of my bills than anybody else. And it's always been my rule that you're here for eight years, but this job isn't worth you betraying your conscience if you can't vote according to your-- to your mind and your conscience. So I'm happy to be here and I feel, when I leave, I-- I will have left nothing behind. We always look to the Tax Foundation to figure out where-- where Nebraska lies in the-- in the scale of states in terms of income tax, property tax and income taxes. Well, what does Nebraska? If you take Nebraska's tax collections as a whole, our Nebraska collections per capita are \$2,986, \$2,986; Iowa, \$3,342, so Iowa, actually, on a per capita basis, charges more taxes than Nebraska; Minnesota, high, \$4,695; Missouri, \$2,016, it's low; North Dakota, get this, \$5,566; Colorado, fairly low, \$2,611. I think Nebraska, when you look at our overall tax structure, we don't get credit for the property tax relief funds that we pay. It doesn't show up in the Tax Foundation's summaries. And I think we all know that sales tax, we have such a narrow sales tax. Many states, including Tennessee, have broadened their sales tax to include services and have been able to use the revenue generated to adjust income tax and-- income tax primarily. That's how it goes. I agree with Senator Linehan and Senator Briese. We do need a tax package. I recognize Nebraska's income tax don't compare favorably with our neighbors. We need to deal with that. But we also need to deal with giving people in the income-- middle-income range some help as well, more property tax; we still need to do more. As I start thinking about going door to door for my next election, I'll be asking those questions from people. What did we accomplish in 2022? What did we accomplish? And I hope we can speak of not only tax reform but also criminal justice reform. That's important to me as well. Yes, we'll have to have a combination of bills together, the grand package, and I would like to see that include tax reform and criminal justice reform. Thank you, Mr. President.

**ARCH:** Thank you, Senator. Senator Morfeld, you are recognized.

**MORFELD:** Thank you, Mr. President. Colleagues, I want to get up and talk a little bit about LB825 and some of the comments that were made on that legislation in particular. So first off, a lot of people have gotten up and said, I can't believe that there are some people that

were present, not voting, on Social Security income tax exemption. And the bottom line is-- the bottom line is, is that people were present, not voting, because it was hijacked at the last minute. It was hijacked at the last minute. All of the people getting up and saying that know it full well, that it was a last-minute, cheap, political trick where they attached an amendment that not even the people pushing LB825 knew it was coming. And the reason why myself and many other people were present, not voting, is because it was a cheap political trick to attach a totally separate package, to try to get people on the record, to then go attack them in their elections. And everybody who orchestrated that should be ashamed of themselves. The reason why people did not vote on that was because that was not the bill, not the bill that the vast majority of people unanimously supported on General File. It was a cheap political trick. The people that orchestrated know it, and then they flooded the queue to just get up and say, well, if you don't vote for this, you're not voting for seniors, even though we know that there was about \$900 million in other tax giveaways for mostly folks that were wealthy. I'm not going to play into those tricks and I'm not going to be trapped by it. And also, I know a lot of our constituents know better. A lot of the seniors that were advocating on that bill were urging us to vote no on that cheap trick and that amendment that you put on that bill at the last minute, that you didn't even inform the advocates who brought you the bill about. I'm not going to play your games, and that's what that is. It was a cheap trick, it was a game, and it was well orchestrated. I'll give you that. But I'm also not going to be a part of it. I'm in support of exempting Social Security for income tax. I'm almost positive I was a cosponsor of the bill, I think it was last year or the year before, and I voted in support on General File, along with 42 other people, until people decided to play cheap political games and attach a wholly different amendment with about \$900 million in more unsustainable tax breaks. I'm not just concerned about the Legislature now. I'm not just concerned about the state right now. I'm concerned about what the Legislature and the state looks like two to three years from now. That's my responsibility as a responsible lawmaker. And, yes, we might be flush with cash right now because of a historic federal relief package and a bunch of other things, but we know that we're not going to be, likely, two to three years from now. And so I'm worried about creating structural deficits that my colleagues have to go and deal with two or three years from now. And then there will be a bunch of the people, some of the same people who orchestrated that, going, oh, no, can't increase taxes, but you know what we need to do, we need to cut K-12 education because times are tough. That's what happens every single time. So when folks get up on the mike and say,

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oh, go-- golly, gee, I just can't even believe there's a bunch of people present, not voting, on LB825, like what a shame, yeah, it was because of a trick that you or some of your friends decided to orchestrate at the last minute. And we all know it, and Nebraskans should know it. It was cheap, it was underhanded, and that's the reason why LB825--

**ARCH:** One minute.

**MORFELD:** --did not advance. And that's on you. That's your fault, not the people that all supported that bill that you decided to hijack. And I was going to yield time to Senator Hunt, but I needed to say what I was going to say, and I don't have any time left. So thank you, Mr. President.

**ARCH:** Thank you, Senator. Senator Moser, you are recognized.

**MOSER:** Thank you, Mr. President. A couple things I wanted to talk about. The budget is my second thing. First thing I want to talk about is the refundable tax credit that you can claim on your Nebraska income tax forms this year. I had a friend I talked to over the weekend, and he neglected to apply for his refundable tax credit on his school portion of his property tax. And I helped him kind of figure it out, and it was going to save him about \$350. So I just wanted to remind people to-- if you're using a professional tax preparer, chances are they're going to catch this. But if you do your own or if you use some of the online tax-preparing software, sometimes it doesn't pop up. But on line 36, there's a-- a-- an amount to put in and you fill out a form called your PTC, property tax credit form. You go online to look up your property tax that you paid for your schools. You can Google it and find it. You find your county, you find your-- your parcel numbers, you put in your parcel numbers, it'll print out a form, then you print that form out and you put 25 percent of it on line 36. And even if you didn't make any money, you can still get a refund. If you filed already and you need to amend your return, you can, I think, and get that money back, even last year, I think. I'm getting myself into dangerous territory. I'm not a tax preparer, but I think you can go back a certain number of years and amend your return if you made a mistake. So those are things that I wanted to remind citizens about, make sure they claim that credit, long as we're talking about tax credits and reducing taxes. I was wondering if Senator Stinner would respond to a couple of questions.

**ARCH:** Senator Stinner, will you yield?

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**STINNER:** Yes, I will.

**MOSEER:** Do you have line-item veto in the budget?

**STINNER:** Do I? No.

**MOSEER:** So do you have to put things-- or do you put things in there that you personally are not excited about?

**STINNER:** Yes.

**MOSEER:** So you understand some of the angst of having the budget all kind of put together and it comes to the floor and when we change it, it starts messing up the plan?

**STINNER:** Well, the committee process that we go through, I think I've explained before, and when we come to the floor, I feel pretty strongly it's been-- all of these items have been appropriately vetted. There's hearings and certainly consultation with the Fiscal staff, so we-- we get a lot of information before we come with our recommendation.

**MOSEER:** Yes, and I appreciate the work that you do. You know, you spend an awful lot of time going through the budget to make sure that it's as good as you can get it, and we appreciate that. But this is our chance to talk about a little bit today, and so that's why I've been talking about it. Thank you, Senator Stinner.

**STINNER:** Thank you.

**ARCH:** Thank you, Senators Moser and Stinner. Senator Hunt, you are recognized.

**HUNT:** Thank you, Mr. President. I'm glad Senator Morfeld said all that because I think there was a lot of confusion among Nebraskans about what really happened with that tax cut vote. And again, this goes to my point about being reasonable. I want to cut taxes for Nebraskans. I want middle-class working Nebraskans to pay less in taxes. I want them to pay less in property taxes. And in addition to that benefit, I want to make sure that they have good schools. I want to make sure that when and if a pandemic hits, or some other kind of disaster, that if they find themselves out of work and system-involved for the first time in their lives, that they can get food assistance, they can get rental assistance. Colleagues, helping our neighbors doesn't begin and end with tax credits or tax cuts or taxes at all. It's part of the-- the solution. It's part of the solution. And when you come up with a

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really reasonable idea to cut taxes, like Social Security taxes, I completely supported that bill. I voted for that bill on every round and I have in the past. But then at the very 11th hour, you slip in an amendment that's like, oh, and then the ultra-wealthy and corporations, we're going to give them nearly a billion dollars in tax credits too. Like, why do you think that it's unreasonable that that's something we oppose? When you want to put that in, but looking at the entire smorgasbord of different things we can do to help Nebraskans with their problems, you don't say, oh, also food security we can address, also education quality we can address, also rental assistance, which Nebraska is poised to be the only state in the country that's not accepting federal rental assistance, which, let me know-- let me tell you, the Nebraskan taxpayers are paying for. You want taxpayers to pay for rental assistance for 49 other states and then you yell at me when I don't want to give nearly a billion dollars in tax cuts to corporations and wealthy Nebraskans? Reasonable people can agree that's absurd. Anyway, if I was Chuck Herbster and I was out there in the Rotunda in my cowboy hat and my suit, you think he's ever roped a bull? Whatever, get out of here. If I was Chuck Herbster out there and I was having my campaign rally in the Rotunda of the State Capitol, and I saw this group of 75 fourth graders pass through and have to sit way off to the side and they didn't have the opportunity to lay on their backs in the Rotunda, in the circle underneath the Rotunda and look up at the wonderful Native American history we have depicted up in the ceiling, the wonderful art and culture that we have depicted in the symbolism of this Capitol, that is a huge purpose of the reason kids come here to see this beautiful building, this beautiful, historic building, if I was Chuck Herbster and I saw that my campaign rally was the reason these children didn't get to do that, I think I'd die of embarrassment. People have no humility, people have no shame, and people have no rational reason. Why are we doing such extreme things? Building more prison capacity without putting reforms in place to prevent overcrowding from continuing, reasonable people can agree that's absurd. Saying that Nebraskans who are eligible for food assistance should not be able to apply because they committed a nonviolent drug crime decades ago, reasonable people can agree that's absurd. Saying that tipped workers in Nebraska should earn \$2.13 an hour, but then do nothing to combat wage theft in this state, is absurd. A grown billionaire adult having a campaign rally in a government building--

**ARCH:** One minute.

**HUNT:** --displacing classrooms of fourth graders is absurd. No reasonable Republican, from my dad in Blair, Nebraska, to your dad,

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around this state would think that that makes sense if he heard that was going on, whether you're conservative or progressive or Republican. I'm a sixth-generation Nebraskan. I'm from here big time. I come from here deep. Nobody in my family would think that makes sense. The way you all are out of touch with Nebraskans reflects the type of people that we elect to this Legislature, right? It can only be people who can basically afford not to work, who are independently wealthy or who have a spouse that can support them or who are retired or who are very young and, you know--

**ARCH:** Time, Senator.

**HUNT:** --don't really care if they don't get health insurance. Thanks, Mr. President.

**ARCH:** Thank you, Senator. Senator DeBoer, you are recognized.

**DeBOER:** Thank you, Mr. President. This morning, I had the opportunity to give the prayer for all of us, and I remember praying about grace and softening our hearts. And then just now, my anger was getting up as I was hearing some of the conversation, and I realized that I probably need to moderate my tone. And so I will-- I have some things to say. I'll come back on the microphone and say them in a little bit. But until I can moderate my tone, I think I will yield my time to Senator Lathrop.

**ARCH:** Senator Lathrop, 4:20.

**LATHROP:** Thank you. And thank you, Senator DeBoer. Colleagues, I want to ask a question. I want to ask a question. This is a serious question. When you look at the information I've provided you about our population and our capacity, when you look at that, it's plainly obvious to anyone looking at it that the state of Nebraska has a problem with capacity, and that the proposal to build 1,500 beds doesn't even come close to answering that. So what's your solution? What bill do you want to pass this year? What bill do you want to amend into LB920 that solves the problem? What's your answer? What do you want to do? Why is it that we're just OK kicking a problem down the road again and not solving the problem? So tell me. Hit your light and jump up. Tell me, what bill do you want us to pass that fixes the problem? What's your idea? What's your idea? Senator McKinney and I have spent nine months working on the CJI process. It's actually getting closer to a year now that the session's moving along, and they came up with consensus items and nonconsensus items. I will tell you, the consensus items that are being peddled as the solution don't do

anything. They don't solve that problem. They do not solve the problem. So what's the solution? We just message it? Let's say that that's the solution and pretend it does something to solve a problem. It doesn't. It does not. I've given you charts. I've given you graphs. I've given you 27 hours of explanation, and everybody just sits there waiting for the hours to pass, not looking for a solution but waiting for the text that tells them what to do next. What should I do? I gotta wait till I get a text. Who's going to email me direction on this one? I guess we're against it. I'm not really sure why, but we're against it. Text back, when you get that one, what's the solution? What's the answer? If it's not LB920, tell me what your idea is. Sit there waiting for a text or an email, oh, the Governor just sent something out, now we got some direction. You know, two weeks ago, I saw the problem that we are experiencing now. Things are getting balled up. Things are getting balled up. The tax bill, there should be a way forward for that tax bill. The ARPA bill, that should move. LB920 should move. The solution and the way forward is obvious.

**ARCH:** One minute.

**LATHROP:** But, Jesus, we don't want to get caught up in this situation where somebody could say we're soft on crime. We'll just not solve the problem, and then no one can accuse us of something. It makes no sense. It is cowardice. And when somebody tells you that the consensus items are smart on crime and they solve the problem, it's nonsense. It doesn't. There's data to support that it makes virtually no difference. It allows us to put out the "mission accomplished" banner and get on with building more prison beds and getting in a path that is not sustainable. You want to be fiscal conservatives? You want to do tax cuts? Here is a money suck that we're getting into. This is going to be a black hole we throw--

**ARCH:** Time, Senator.

**LATHROP:** --money in for years.

**ARCH:** Thank you, Senator. Senator Matt Hansen, you are recognized.

**M. HANSEN:** Thank you, Mr. President, and good afternoon, colleagues. Good morning, colleagues. Just feels like afternoon. I just want to rise, and I guess, if we're talking kind of holistically about many of the last few years, we've done significant work on a lot of issues. And I appreciate that not everybody who's in my class, not everybody who's being termed out or choosing not to run for election accomplished all of their legislative priorities. I certainly-- you

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can just even see this year I had bills that I would have liked to get across the finish line that are going to sit in General File for want of a priority. And that's kind of the-- one of the things that's probably hardest to come to terms with in terms of being termed out of the Legislatures. I think in many issues I've worked, have people who are less senior than me who are interested and are going to carry those forward, so I feel optimistic about that, which I bring up to say, when we talk about what we've done or what the body hasn't done and all these things, you know, it's been said that the-- kind of like the body hasn't addressed property taxes or hasn't addressed school funding. I was just reminding and thinking here. I have the headline from the LB1107 signing. This was the World-Herald, but: Governor Ricketts signs compromise tax bill, says it's "giant step" for property tax relief. I understand and I understand that LB1107 wasn't going to be the end of everything. I did support LB1107. That is something we as a body did less than two years ago that was hailed as kind of one of the biggest tax changes of a generation. So to get up and say that this isn't something the body's worked with or nobody's willing to negotiate or nobody's willing to work on, to me, isn't true because we have the verifiable proof. You know, there was a big press conference and signing ceremony on the steps of the Capitol celebrating this tax package that we did again in 2020, in August of 2020. And I bring all that up to say is I'm under-- I understand that we have to keep working on issues, and I understand that, just because we pass one bill one year, probably doesn't ever put an issue truly to bed, maybe a niche enough issue, maybe a specific enough component, sure. But I understand that, regardless of what tax bill we pass this year, we're not going to not pass a tax bill next year or [RECORDER MALFUNCTION] strong push to push similar tax bills next year on and on, same on school funding, same on all sorts of education policy, same on healthcare policy. I understand. That's the ongoing nature of a Legislature. That's our duty as a body to continue to support and continue to promote kind of the growing and changing needs and perspectives of Nebraskans. But again, I just wanted to kind of put up and push back, there hasn't been a willingness on this body to do things on taxes. There has been. We've done a ton. I'm appreciative of the people who have reached out and worked to me when we've worked on issues. I want to appreciate, Senator Kolterman worked with me a ton on LB720, the ImagiNE Nebraska Act, that ultimately got rolled into LB1107 on wages and benefits. And there was a considerable portion of that bill that I helped steer, again, granted just on the wages and benefits part, but I felt that I had an opportunity to negotiate, to say my preferences, to have somebody in the room respond back on, you know, where the areas of compromise, where the areas for negotiation

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could be or would be. And we could go from there. So that's, that's the things we can do and accomplish in this Legislature. And I think LB1107 does show that we have and there are many of us who have had this strong commitment. Again, just like the military retirement, the first half of Social Security, there's been all sorts of things, including in just the last, in the last two, two and a half years, not to mention everything we've done over the full course of my eight. You know, talking about the size of the Property Tax Credit Fund we have in Nebraska and that's in rival in size to TEEOSA.

**ARCH:** One minute.

**M. HANSEN:** So to talk about it is not being something significant that we've done over our tenure I think doesn't do it justice. We, again, we talk about this and we often talk about this notion of giving people back their own money. Again, sometimes when we're inventing these messy, these-- I will take messy back. Sometimes when we're inventing these credit systems, especially for the property tax credit, we have to remember that we're taking people's sales and income taxes and giving them back to property tax credit via the income tax rebate or via direct payments to the county treasurer. That's not necessarily always giving people their own money back, and that's an extra complicated flair when we routinely say property taxes are the state's number one issue, which is the tax the state itself does not collect. I know that's a repeatable point and it's something we've covered for many years, but that's the kind of-- one of the ongoing struggles with all this. So we have worked on taxes. I've worked on taxes. All of us have worked on taxes over this--

**ARCH:** Time, Senator.

**M. HANSEN:** Thank you, Mr. President.

**ARCH:** Thank you, Senator. Before we continue, Senator Brandt would like to recognize, welcome 75 fourth-grade students from Crete Intermediate School in Crete, Nebraska. They're seated in the north balcony. Students, if you would rise and be welcomed by your Nebraska Legislature. Senator Lathrop, you're recognized. This is your third opportunity.

**LATHROP:** Thank you, Mr. President and colleagues. I-- after I got done speaking the last time, I thought about Senator DeBoer's words. I might have been down in my office during the prayer, I missed it. It's always advisable for me to recognize that as strongly as I feel about something, I also got to be mindful of my tone. I also want to, I also

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want to say something else. And that is, I'm speaking about this issue, and I feel like I've been maybe a little more broad in my remarks than I should have been or intended to be. There are a lot of people on this floor that have told me they support LB920 and I appreciate that. I appreciate that very much. For those of you who have recognized the issue and recognized LB920 as a solution, I very much appreciate your support and your willingness to stay with me. I'm trying, I'm not trying to be offensive in my remarks. I am, however, trying to make a point. And so, while I was speaking a moment ago, somebody forwarded me a copy of a press thing that the Governor sent out. And it's like time, time to get this taken care of and no more antics or something like that. I'm paraphrasing. And then he-- then he covered a couple of things that we took care of yesterday, right? Like, you don't get 10 possession of a controlled substances and still get a misdemeanor. That was an offer we made yesterday. I think he was out of town or something, or perhaps that was never communicated or whatever. Fentanyl, he talked about fentanyl. That's in the amendment. It's out. It's excluded. I have a number of things that we, Senator McKinney and I and others, were willing to concede to change. We just can't get in the room with somebody that will talk to us about it or that can get to yes. Or that can appreciate that the middle is the middle on some of these proposals and not take the-- take the consensus items because they are more in number. Now, there was a group of people that met and came up with a bunch of consensus items. Let's have assistant probation officers, let's have more problem-solving courts. Let's do gift cards to people on parole, probation. Let's do incentives. Let's do this and let's do that. And who can be against that? Go ahead and get gift cards for people on probation because we know if you give them gift cards and you give them some positive strokes, that's better than trying to, you know, hold the-- the stick over them and offer them a carrot once in a while. OK. But that doesn't move the needle on the population, and it doesn't solve the problem. It's a talking point. It's a talking point because there are more of them than the ones that actually do make a difference, and they ended up in the nonconsensus column. They're the things that I've talked about relative to parole and sentences, a sentence, consecutive sentences and the like. This will be my last opportunity to speak. After this, Mr. Speaker, if you want to go to cloture, I don't have a problem with it. I'm looking for, as the Speaker once said, you're looking for a dance partner. I'm looking for a dance partner, somebody that will sit down and recognize that there is a way forward on the rest of the session. There's a way forward on LB920, and for the life of me, I don't know why we're so resistant to it. It's not like I'm making--

**ARCH:** One minute.

**LATHROP:** --up a problem, trying to create a problem and get you to buy into it. It's obvious and we're going to be spending money on this stuff to the exclusion of whatever you care about in the budget because it's going to eat us alive. And then when the, the people that come behind us don't want to raise the revenue to deal with the cost of all this stuff, then we're going to start cutting education or cutting the things that you care about or the Property Tax Relief Fund. This thing's a ticking time bomb. It's a ticking time bomb, and it's going off and it's going off right in front of us, and we're trying to figure out how do we avoid dealing with it because somebody might call us soft on crime. Makes no sense. Makes no sense. Thank you, Mr. President.

**ARCH:** Thank you, Senator. Senator Linehan, you're recognized. This is your third opportunity.

**LINEHAN:** Thank you, Mr. President. I don't hardly ever do this, but I'm going to call a penalty flag. Senator Lathrop has said several times this morning he hasn't talked to anybody that can get to yes. He spent hours in the room with Senator Suzanne Geist. I don't, I don't know what that means. Suzanne has my complete confidence. I'm pretty sure she has the administration's confidence. I'm, not only she, my understanding, I wasn't in the room was fine. This is not my deal, not my subject matter. Suzanne Geist is on the Judiciary Committee. Suzanne Geist is on the committee. She, too, has worked on this ever since they had the committee meetings on this. It's not only-- and my understanding, what I was told yesterday, Suzanne Geist was in the room with not only Senator Lathrop, but Senator McDonnell and Senator McKinney. Sounds like she held her own. That doesn't mean she can't get to yes, that means she held her own. With that, I'll yield the rest of my time to Senator Slama.

**ARCH:** Senator Slama, 3:37.

**SLAMA:** Thank you, Mr. President, and good morning, colleagues. I rise with Senator Linehan's same thoughts on this discussion and some of the malarkey that's being thrown about, about how no one wants to work with us. No one wants to negotiate. Are you kidding me? Senator Suzanne Geist has been negotiating this for nine months, and we can't even bother to mention that she's on the CJI committee and contributed to this. And when we're saying we're looking for dance partners, that's code for, we are going around the two women who are Republicans on the committee and trying to do backroom deals with the guys because

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those girls, they just don't understand how the issues work. Here's how LB920 works, and here's how the discussions have gone. The two Republican conservative women on the Judiciary Committee agree with 80 percent of LB920. That represents the consensus items that the CJI committee, which Senator Geist, Senator McKinney, and Senator Lathrop have worked on for months. I support those, Senator Geist supports those. She has an amendment on LB920, a white copy amendment, to adopt those. It's that remaining 15 to 20 percent that genuinely compromise the safety of my community and your communities. And that's not talking like, we're going to put it on a mailer. That is putting felons, drug felons, violent felons out of prison earlier under the guise of, well, we'll lower our prison population, maybe. I am just honestly beside myself that the same senator who gets up and bemoans like the sanctity of the institution and how you can't personally attack senators, is not only personally attacking senators by belittling them and saying that they're only capable of thought when a text gets on their phone, but also throwing the only women who are subject matter experts in this area under the bus by kicking them out of negotiations. I'm glad Senator Linehan called it out. Senator Geist is not here to stand up for herself today, and this is not a new trend in the Nebraska Legislature, but it definitely deserves to be called out when it happens and it is happening on LB920. But I can assure you, if you're sitting at home or watching on the floor, yes, negotiations on LB920 are absolutely going on behind the scenes. I'm just honestly a little bit beyond words right now that we can--

**ARCH:** One minute.

**SLAMA:** --thank you, Mr. President-- lower ourselves to personal attacks and exclude women from negotiations that are subject matter experts under the guise of, well, they don't know what they're talking about. So thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President.

**ARCH:** This is your third opportunity as well.

**M. CAVANAUGH:** Thank you, Mr. President. I will yield my time to Senator Lathrop.

**ARCH:** Senator Lathrop, 4:50.

**LATHROP:** Thank you, Mr. President, and thank you, Senator Cavanaugh. I have to respond to that. I'm going to try to be measured in my response. That was taking this circumstance and twisting it and trying to turn it into me making a personal attack is completely, completely off the mark. I resent it. When you say those things, you have no idea what you're talking about. No idea. You weren't in the room yesterday. You have no idea what I got for a response or what that looked like. And there's nobody trying to go around any women in this place. That is nonsense. It is nonsense. The irony is you would try to make it look like I'm personally attacking somebody by attacking me, but that's what we've come to expect. And that's what this turns into when we get to a serious issue, but you guys can't get a text message from the corner office to go ahead and solve a problem and vote for a bill. We get this kind of crap. You guys at the end of the day can do what you want. I'll sit in the room with anybody that can get to yes. It is not productive for me to sit in a room with people that can't get to yes. And I'm not going to betray my conversations in the room yesterday. I'm not going to talk about what they look like, where they went, the struggles that Senator McKinney and I experienced trying to be involved and to persuade and to get movement. And I have not insulted Senator Geist. I have on many occasions said I appreciate her on the committee. She shows up. She's there most of the time, which I appreciate. She asks good questions, and I know she cares about this issue. We have a difference in the point of view. I better stop there. Thank you.

**ARCH:** Thank you, Senator. Senator Walz, you are recognized.

**WALZ:** Thank you, Mr. President. Senator Lathrop talked briefly about the difference between someone serving a longer sentence and being-- being released into society without any checks and someone being released early and being on parole and having to wear the ankle bracelet so everybody knew where he was or she was. The drug testing that goes on, the training, the employment, the mental health opportunities that they have to abide by for the remainder of their sentence and I think you gave the example of five years. I'm, I'm not going to talk to you as a senator right now. I'm going to talk to you as a citizen and I'm going to talk to you as a parent and a grandparent. I would, my comfort level as a citizen knowing that somebody being released from prison and moving next door to me, my comfort level would be much better if I knew that that person has had checks, that that person was being watched, that that person was being trained, that that person was being prepared and helped back into society. I understand that the consensus side as I had a brief conversation with Senator Slama and we talked about our comfort

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levels, and I understand that some of the consensus items do involve training and mental health services and resources. But there's a big difference, I would imagine, of all of that stuff happening in prison as opposed to when you're released and expected to just remember to do them. Being released into, you know, with the friends and, and the people that you were with prior to going to prison, I would imagine that there's a big difference. So as a citizen, my comfort level is really I feel better knowing that somebody would be on parole three years, five years down the road, and that they were being helped back into society. And actually, you know, again, I don't want to talk about this as a, as a senator, I'd rather talk about this as a citizen. But when we think about this politically, the mailers that go out should be turned upside down and knowing that someone is released even early but is being watched and on parole should be the mailer that says we're tough on crime as opposed to soft on crime. The other thing I just briefly wanted to talk about, I just wanted to put this on the record was LB825, and the fact that that bill was passed unanimously, not unanimously, but the majority of people passed that bill, LB-- advanced. Sorry, advanced. Thank you, Senator DeBoer. That was a bill that we all cared about. It was a bill that the majority of Nebraskans cared about and I just wanted it on the record. Like Senator Morfeld said that, that that was a bill that we could all get around and, and advance. Thank you.

**ARCH:** Thank you, Senator. Mr. Clerk, you have a motion on the desk?

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

**ARCH:** It is the ruling of the Chair that there has been full and fair debate afforded to LB1011e. Senator Stinner, for what purpose do you rise?

**STINNER:** I'd like a roll call in reverse order, please.

**ARCH:** Members, we're on Final Reading, so we would ask you to please check in. All members are present. Mr. Clerk, call the roll.

**CLERK:** Senator Stinner, reverse order? Thank you. Senator Wishart voting yes. Senator Williams voting yes. Senator Wayne. Senator Walz voting yes. Senator Vargas voting yes. Senator Stinner voting yes. Senator Slama not voting. Senator Sanders voting yes. Senator Pansing Brooks voting yes. Senator Pahls. Senator Murman not voting. Senator Moser voting yes. Senator Morfeld voting yes. Senator McKinney voting yes. Senator McDonnell voting yes. Senator McCollister voting yes.

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Senator Lowe not voting. Senator Linehan not voting. Senator Lindstrom voting yes. Senator Lathrop voting yes. Senator Kolterman voting yes. Senator Jacobson voting yes. Senator Hunt voting yes. Senator Hughes voting yes. Senator Hilkemann voting yes. Senator Hilgers voting yes. Senator Matt Hansen voting yes. Senator Ben Hansen not voting. Senator Halloran not voting. Senator Gragert not voting. Senator Geist. Senator Friesen voting no. Senator Flood voting yes. Senator Erdman voting yes. Senator Dorn voting yes. Senator DeBoer voting yes. Senator Day voting yes. Senator Clements voting yes. Senator Matt Cavanaugh, Machaela Cavanaugh, excuse me, voting yes. Senator John Cavanaugh voting yes. Senator Briese voting no. Senator Brewer voting yes. Senator Brandt voting yes. Senator Bostelman voting yes. Senator Bostar voting yes. Senator Blood voting yes. Senator Arch voting yes. Senator Albrecht voting no. Senator Aguilar voting yes. 36 ayes, 3 nays on the motion to invoke cloture, Mr. President.

**ARCH:** The motion to invoke cloture is adopted. Mr. Clerk.

**CLERK:** Pending is Senator Cavanaugh's bracket motion, Mr. President.

**ARCH:** The question is the adoption of the bracket motion 189. All those in favor vote aye; opposed, nay. Has everyone voted? Mr. Clerk.

**CLERK:** 1 aye, 43 nays, Mr. President, on the motion to bracket the bill.

**ARCH:** The motion is not adopted. Next item, dispensing with the reading. All those in favor vote aye; opposed, nay. Mr. Clerk.

**CLERK:** 34 ayes, 6 nays to dispense with the at-large reading.

**ARCH:** Dispensing with the reading is adopted. Mr. Clerk.

**CLERK:** [Read title of LB1011].

**ARCH:** Members, the vote is the adoption-- the advancement of LB1011e. All provisions of law relative to procedure have been complied with. The question is, shall LB1011e be adopted with the emergency clause? All those in favor vote aye; opposed, nay. Mr. Clerk, please record.

**CLERK:** Voting aye: Senators Aguilar, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Gragert, Ben Hansen, Hilgers, Hilkemann, Hughes, Hunt, Jacobson, Kolterman, Lathrop, Lindstrom, McCollister, McDonnell, McKinney, Morfeld, Moser, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Williams, and Wishart. Voting no: Senators Albrecht,

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Briese, Friesen and Halloran. Not voting: Senators Matt Hansen, Linehan, Lowe, Murman, Geist, Pahls, and Wayne. 38 ayes, 4 nays, 4 present and not voting, 3 excused and not voting, Mr. President.

**ARCH:** LB1011e passes. Mr. Clerk.

**CLERK:** Mr. President, before we proceed, I have some items. Hearing notice from the General Affairs Committee. Enrollment and Review reports LB1083 to Select File. I also have a series of study resolutions: LR399, Senator Lathrop; Brandt, LR400; Friesen, LR401; McCollister, LR402; McKinney, LR403 and LR404; Stinner, LR405, LR406; Arch, LR407; McKinney, LR408; Arch, LR409, LR410 and LR411; DeBoer, LR412; Senator Dorn, LR413; McDonnell, LR414. Mr. President, Final Reading with respect to LB1013. I do have motions. I do have a priority motion, however. Senator Cavanaugh would move to bracket the bill until March 30 of 2022.

**ARCH:** Senator Cavanaugh, you're welcome to open on your bracket motion.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I appreciate everyone voting against my last bracket motion, except for Senator Friesen. But I do appreciate Senator Friesen voting for something of mine, so thank you. I would encourage you all to vote against this bracket motion as well. Just trying to preserve the integrity of our budget bills because they have to pass today and they cannot be moved to Select for amendments, otherwise we will not be in compliance with our own rules. So that's what the bracket motion is about. And I have mislaid my copy of LB1013, so I will probably be getting back in the queue and talking about it a little bit further down the road. So for now, how much time do I have, Mr. President?

**ARCH:** 9:06.

**M. CAVANAUGH:** OK. I'd like to yield that to Senator Lathrop if he would like it.

**ARCH:** Senator Lathrop, nine minutes.

**LATHROP:** Thank you. And Senator Cavanaugh, thank you. I want to talk about the-- sort of the-- where Senator McKinney and I went yesterday as we were trying to work on LB920 to get some movement on LB920 and maybe tell you, you've heard about the consensus items. So Senator Geist just filed an amendment to LB920. That amendment actually doesn't even include all of the consensus items, but it has, it has a number of them in there that are the kinds of things that I've

described, giving gift cards to people on probation, those kind of things that-- that don't affect our population projections. But let me talk to you a little bit about what-- what we are willing and what we have, what we offered yesterday. And we find ourselves bidding against ourselves in this process just so that you know what that looked like because we filed an amendment that was responsive to some concerns that we heard when LB920 was introduced. So law enforcement came in and said, this fentanyl is a whole different breed of cat. That, that fentanyl can't be included in your bill. You have to carve it out because fentanyl is a very, very, very dangerous substance, is very dangerous in its pure form, very dangerous. And that piece was taken out even, even as we developed the committee amendment. So what we have are two provisions that relate to parole eligibility. One is a bill that you passed two years ago. That was LB1004 that provides a two years before your mandatory disch-- discharge date if your sentence is five years or longer. The other piece of that parole eligibility, by the way, at the risk of repeating myself, hopefully this is sinking in. Preventing jam outs was a consensus item. Everyone there agreed that preventing jam outs is important for all the reasons that I've described. So we, the committee amendment said essentially that if you're going to get an indeterminate sentence, that the lower number of the indeterminate sentence needs to be half of a larger number. So if you're going to get a 10-year sentence, it needs to be 5 to 10. If you're going to get a 20-year sentence, that needs to be 10 to 20 or 15 to 30. I think you get the idea. Yesterday, we said we'll make as a concession two things about that indeterminate sentence. We'll make it 60 percent of the high number. So you would get a 6- to 10-year sentence or a 9- to 15-year sentence. The lower number, remember, is your parole eligibility date and the higher number is your mandatory discharge date. We agreed to move that, or we offered to move it to 60 and-- and, colleagues, cap the window at 10 years so it can never be, or the law won't require that it be any bigger than that, that parole eligibility window, any bigger than 10 years. And with good time what that means is, you have an opportunity for parole five years before your mandatory discharge date. Why is that important? If you're following along, that's because now we're going to follow that person for the balance of their sentence until their mandatory discharge date. Following people is important, having them accountable to a parole officer is important. This would have the effect of increasing the amount of time people are under supervision coming out of the Department of Corrections. Everybody agrees that's a good thing, which makes why people aren't clamoring to get on board with this, puzzling. That's been addressed already this morning, I'm not going to go back there. I made this, I made this example and it

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came to me from Josh Henningsen, my legal counsel. But I'm going to make this point again since we have people up in the balcony. If you have someone who is going to leave the Department of Corrections and move next door to you, would you feel more comfortable if that person spent a-- one more year in prison before they became your next-door neighbor, or would you feel more comfortable if they became your next-door neighbor a year sooner and were accountable to a parole officer for the first year they were your next-door neighbor? That's the point of this. We're talking about having people supervised longer, ankle bracelet, reporting to the parole officer, maintaining employment, staying out of trouble, taking drug tests, those things for a longer period of time. And we know just as a matter of criminal science that that's way more effective than just having somebody get out and be accountable to no one. That's why it's a consensus item. So we made that offer. We made that concession or offered to make that concession. We're happy to make that or put that into an amendment. One of the things we did was to do what Oklahoma did and some other states, and that's to make a small possession of a controlled substance a Class I misdemeanor rather than a Class IV felony. Why? Because the amount that we're talking about is less than a half a gram. So it's clearly the-- at the level of a personal use and not a dealer. A half a gram, that's about the size of your finger, little fingernail if you have never seen a controlled substance. If you're like me and you've never seen a controlled substance, that's the quantity we're talking about. Why is that a Class IV felony carries two years in prison? Class I misdemeanor carries a year in the county jail. Right? When we put a felony on somebody for this kind of an offense, it makes them, hard for them to find employment. It makes it hard for them to find a place to live. It follows them around for the rest of their life. And what are we trying to solve? We're trying typically to solve someone's addiction by punishing them and thinking that if we give them time, the more time we give them, the more they're going to get the message and quit using drugs. The reality is, it's a health issue. And so what Senator McKinney and I did yesterday was say, let's do this. Let's make it a Class I misdemeanor for the first four times you get caught and a felony for the fifth time. Why did we do that? Because the other day, Senator Geist made this point, and she's right. At some point you need a felony to get these people into drug court, to get them to go into substance abuse, in-patient treatment. It's not going to happen on the first or the second time. They're simply going to say, I don't have a problem. I can stop this whenever I want. Right? So we modified that proposal from the, from the amendment that was put out by the Judiciary Committee--

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**ARCH:** One minute.

**LATHROP:** --in the form of an offer. One of the other issues we had was the habitual criminal statute. Right now, if you have three felonies, on your third felony at the discretion of the county attorney, they can file the habitual criminal statute. And what that means is, if you get convicted of three felonies, you will then have a mandatory minimum of 10 years. There's no good time, there's no parole, you are going to do 10 years. This has been a bill in front of Judiciary Committee-- I think Senator Cavanaugh has brought it; I think Senator Wayne's brought it in the past-- to say those first two convictions need to be a violent offense or a sex offense. But if you have somebody that gets caught with residue in a crack pipe and you get him on one felony and they go away, and then you catch him with some drugs the next time and they go away and get a second felony, you could literally be sending someone to prison--

**ARCH:** Time, Senator.

**LATHROP:** --for a felony shoplifting. Thank you.

**ARCH:** Thank you, Senator. Senator Hughes, you're recognized for an announcement.

**HUGHES:** Thank you, Mr. President. Just wanted to remind all of my colleagues at 12 noon today is the deadline for all interim studies to be introduced or given up front. So if you've got any laying on your desk that you have not turned in, now's the time to do it. Thank you, Mr. President.

**ARCH:** Thank you, Senator Hughes. Debate is now open. Senator Matt Hansen, you're recognized.

**M. HANSEN:** Thank you, Mr. President. I'll yield my time to Senator Lathrop.

**ARCH:** Senator Lathrop, 4:50.

**LATHROP:** Well, thank you, Mr. President, and thank you, Senator Hansen. I appreciate that opportunity. When we come back this afternoon, I don't know that this thing has to go two hours. I'll talk to the, the Speaker about shortening it. I do want to make this point and I don't know if the Speaker is on the floor, but I would like to see LB920 come up before we take the tax bill up for the third time. I think it's only fair that LB920 have its day on the floor before we take the tax bill up for the third time. I don't know what the

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Speaker's intentions are, but I want to be clear about my ask so that we don't go, golly, I didn't know you wanted it up before the tax bill comes up for the third time. Let me go on and further explain that habitual criminal. So right now, any three felonies will work to get someone in their third conviction a mandatory minimum of 10 years. And they can be like, you walk into Apple computer and I'm not encouraging anybody to do this nor saying it's not OK, that it's not bad to do this, but if you walk into Apple and steal one of these laptops, you're going to get hit with a felony, felony number one. If you have a small quantity, even residue in a crack pipe, felony number two. The third thing will get you a mandatory minimum. So for those citizens that are here and listening, we spend \$49,000 a year per inmate to house these guys. And the question that we're dealing with on the floor today is, is that money better spent on rehabilitation, or do we really want to make a-- a half a million dollar investment by throwing somebody with three relatively minor felonies into the Department of Corrections on a mandatory minimum of 10 years? It is about public safety, and it is about where we're going to invest those dollars. When you think about the time that people spend at the department, understand that if you take their budget and divide it by the 5,500 people that are there, you get to \$49,000 per year per inmate. This is a fiscal issue. It-- it is a budget issue, and that's why we're talking about it right now. The other, the other proposal that was in the-- in the amendment that came out of the Judiciary Committee dealt with consecutive sentences. Consecutive sentences are where you put them end to end to end to end, right? So if you get convicted of three things, instead of having them served at the same time and you stay as long as the longest one would require, you-- they call it "boxcaring" in the courthouse, apparently. If you boxcar those and put them end to end to end, now somebody's spending three much, three times as much time for what may well be just one dumb thing that was done. Yesterday, we said, let's change those criteria. It requires a finding by the court. We, we made an offer yesterday, Senator McKinney and I did to say, let's have that consideration be, if it's a separate transaction or occurrence, then that's, that's reason enough to give a consecutive sentence, or-- and, and a separate occurrence would include resisting arrest. So if you're-- you steal that laptop, and you're out in the parking lot and now the law enforcement is trying to apprehend you and you want to fight with them, that is--

**ARCH:** One minute.

**LATHROP:** --that's good enough reason for a consecutive sentence. Why is this important? Because our Department of Corrections is filling up with a bunch of people who are convicted of the lowest level of felony

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and are doing consecutive sentences. So Senator Moser asked me this question. So if we have fewer people coming in, how come the place is getting overcrowded again using the warehouse? We have fewer, our crime rate is going down, our incarceration rate is going down, but we're still not having people come out of the Department of Corrections as fast as they're going in. So they are stacking up. We call it the stacking effect. They are stacking up in the Department of Corrections. And this bill is intend-- this bill is and, and our work is intended to address that stacking effect. In other words, do these people need to be here? Is there a better investment of the taxpayers' dollar? Does it make more sense to have somebody get care and treatment than to spend--

**ARCH:** Time, Senator.

**LATHROP:** --four years instead of three? Thank you.

**ARCH:** Thank you, Senator. Senator Friesen, you're recognized.

**FRIESEN:** Thank you, Mr. President. Since Senator Lathrop was talking about the LB920 bill, I'll engage in some questions if he'd yield to a few.

**ARCH:** Senator Lathrop, will you yield?

**LATHROP:** Senator Curt Friesen, I'd be happy to, hopefully.

**FRIESEN:** Thank you. So when I talk to my county attorneys and I'm not saying if I'm for or against LB920, but when I talk to my county prosecutors, they say there's no one in jail that has just created three felonies even or just, they have a long rap sheet. They've been in front of the judge a dozen times. They're tired of seeing them there. They-- they won't take drug treatment. They won't do this. They won't cooperate. Finally, they send them to prison. Is that the case? Is that what we're seeing in prison or are we seeing people with just small amounts of residue in their pipes, some marijuana?

**LATHROP:** OK, well, thank you for that question. I got two things in response. One is, I was out in Scottsbluff giving a talk to a group of people out there about five months ago. And a defense lawyer, one of the public defenders out there came to me and said, I have a client right now who has two prior felonies. And right now they are using the habitual criminal statute on residue. So somebody, cops pulled somebody over, they see a pipe in there and they scrape it out. There's no, no drugs in the car, but they scrape it out enough to test it and establish that it's a controlled substance. That guy is headed

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to prison for 10 years. I would invite you to read an article of the Lincoln Journal Star. When we talk about the habitual criminal statute, the Lincoln Journal Star did a story about two months ago, and I put it on the Judiciary Committee website. So if you go to that website, you'll be able to catch up with it. The disparity in the manner in which the mandatory-- pardon me, the habitual criminal statute is used from one side of the state to the next is the problem. If we used Douglas County as an example, probably not being abused, maybe it's being used as leverage, but it's not being abused like it is in some other jurisdictions. And that's data that's in CJI's findings, so.

**FRIESEN:** Is that, is that due to the county prosecutor or--

**LATHROP:** Yes, it is a completely discretionary call by the county attorney. I don't know which county attorney you're talking about, and I'm not sure I know any of them in your district, but some of them use it way more often, and some of them use it far less than others. But the disparity is pretty significant and putting some constraint that just says the third felony can be whatever the third felony is, but the first two need to be a violent felony or some kind of a sex offense.

**FRIESEN:** OK. I mean that, so yeah, I just talked to a couple of county attorneys, it's not widespread. But again, it goes back to, I mean, from what I'm always hearing is that it's not these just little things, but they add up to so much that this, they're saying this person isn't learning. They're not-- they've been given chance after chance to correct themselves, and they refuse to do so. What, what do you do then besides send them to prison?

**LATHROP:** Well, the person that doesn't get it should probably be in prison, if they're not drug addicts. Like the idea behind problem-solving courts is we take somebody who is a high-need, high-risk person and give them focused attention and-- and put them through drug court. That's an alternative.

**FRIESEN:** I think the drug courts have done a good job of that, but they're not available everywhere, the way I take it.

**ARCH:** One minute.

**FRIESEN:** But again, it goes back to if a person is given these chances, and what I've been told is that the only time that they'll

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actually get treatment is you get them in prison and they have to go. But it turns out they don't have to, they can just refuse--

**LATHROP:** They don't have to.

**FRIESEN:** --treatment and--

**LATHROP:** They don't have to. You can't make somebody go through it. You can't make them take the cure either, right? If you know somebody who's had a substance abuse problem of any kind, they kind of have to be ready for the cure. And they call it the cure. One of the issues for when you talk about putting somebody, I think the-- the data shows that putting somebody in prison doesn't make them more likely to not use when they get out. Many of these people have access to drugs. The department, despite their best efforts and I'm not being critical of the department in this respect, the, the contraband and the substance, particularly K2, that gets into the prisons. If you got a problem, you can find drugs--

**ARCH:** Time, Senator.

**LATHROP:** --to use while you're in there.

**ARCH:** Thank you, Senators Friesen and Lathrop. Senator Pansing Brooks, you're recognized.

**PANSING BROOKS:** Thank you, Mr. President. So I am again standing to talk about the fact that we need more sentencing reform to make it safer in our-- in our-- in our communities. And we also need more programming. I don't know how many times you all need to hear me say that, so I'm going to move on and talk about the fact that on the last day of the Legislature, as you all know, the seniors get to talk about their positive experiences in the Legislature, and we are not given all the time in the world. So I want to talk, continue my talks about the value and the friendship that I've made with so many of you, each of you here as my legislative colleagues. So I've gone through this alphabetically and I'm looking to see who is here right now that I can talk about. Senator Erdman, he's gone? Where is everybody? It's Final Read, I thought I'd be safe here. OK. Oh, OK. Senator Erdman, I'm going to be talking about you back there in the corner. So Senator Erdman has a wonderful sense of humor. You always know where Senator Erdman is coming from. He's basically an open book. He's been very consistent about voting against every, every call of the house and so he is a very consistent, consistent man. He has great pride in his community and actually he's a bit of a smarty pants. In fact, he

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brought his big boy pants one, one time his first year and lent them out to people. So, Senator Erdman, I've enjoyed your sense of humor. I've enjoyed your per-- persistent efforts on taxation and it has been an honor to serve the people of Nebraska with you, Senator Erdman. Senator Gragert. There's Senator Gragert. Senator Gragert is a very humble man. He is, he's thoughtful and he's a hero to our country and our state. He has made huge differences on healthy soils. I've been grateful to get to work and support some of his efforts in that area. He's extremely knowledgeable in that area and I'm sorry he's not coming back next year. But, Senator Gragert, it has been an honor to serve the people of Nebraska with you. Senator Halloran. Senator Halloran has a really wonderful sense of humor. He served on the Judiciary initially when he came into the body, and I got to know him better then. If you aren't careful, Senator Halloran, people will realize you have a big heart and he, he moved off, I think, because people thought he was listening too much and voting on things that would help people. Senator Halloran is a wonderful guy and he has a darling wife, Ann, and it has truly been an honor to serve the people of Nebraska with you, Senator Halloran. Is Senator Hansen, Ben Hansen? Senator Ben Hansen is a thoughtful and knowledgeable on many of the healthcare issues. He has been willing to work with all people, no matter what. He's willing to talk and listen to various ideas, and he has done a really good job of being willing to--

**ARCH:** One minute.

**PANSING BROOKS:** Thank you. He's been a really good-- done a really good job of trying to listen and work with others. I was fortunate to get to work with him on our current bill this year on cytomegalovirus, which is a-- an issue that happens to newborn babies, and I really appreciate that work together. He also has an amazing ability to keep things calm, as has happened in a couple of his more controversial issues in some of the committee hearings. So I appreciate Senator Ben Hansen, and it has been an honor to serve the people of Nebraska with you, Senator Hansen. Thank you, Mr. President.

**ARCH:** Thank you, Senator. Before we continue, Senator Brandt would like to recognize the second 75 members of the fourth-grade class, Crete Intermediate School in Crete, Nebraska, seated in the north balcony. Students, please rise and be welcomed by your Nebraska Legislature. Senator Linehan, you are recognized.

**LINEHAN:** Thank you, Mr. President. So this is a cash transfer bill, LB1013, and I like a lot of things in this bill, lots of them: the water projects, the military base development and support, trail

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development. I'm a little, I think, maybe we could do the trail for less than \$8.3 million, but whatever. It's, I love trails. I've said that before. I'm \$50 million for Rural Projects Fund-- I'm reading from the bill here-- which part of that is workforce housing. Well, there's \$30 million for workforce housing. There is \$20 million for the Intern Cash Fund, another one where I thought maybe we didn't need \$20 million, but I understand supporting the program; \$20 million to middle-income housing workforce, \$80 million for fund jobs and Economic Development Initiative, \$20 million for site and building development. It's in, it's actually most of this is in your book the appropriators handed out on page 3. These are transfer more-- transformational projects. That's what we're trying to do here. Big, big things. And I'm excited that we have the opportunity to do big things not only because we have the ARPA funding, but because we have a tremendous amount of money in our Cash Reserve. But I can't support spending. I think if you total it up from the cash funds and the ARPA, and you add back in lapse funding that I figured out this morning, because the lapse funding is actually new spending. It's 1.75, well I'll just read it out, \$1,750,000,000 in spending. And remember, this isn't a body that some years we can't bring up an A bill, so I don't know how we can, how we can possibly do the spending and not do tax cuts. And just remember what the tax cut package is that failed by one vote, not failed, didn't have enough votes to pass. It had plenty of votes to pass. It failed by one vote in cloture. Not, not enough votes. We have enough votes to pass it. We have enough votes to pass the budget. But if we keep moving down this and it's the 33, and that's where we got to get to get an agreement, that's-- that's not the way Legislatures work. I've been in legislative, whether it's in D.C., in the Senate or studied it all my life or here in the Legislature, the way this is supposed to work is everybody wins. That's where we got LB1107 and it was just like this. Long, drawn out, behind the door closed meetings, fights on the floor. You only win when everybody wins. And for this to pass and everybody to get what they want in this bill, we have to have tax cuts. This is not going to work if we think we're going to spend \$1.75 billion and we don't have tax cuts. Not going to work. We all know that. And the tax cuts, the tax cuts that failed on Friday, Social Security tax cuts, I think, were first round. And Senator Morfeld talked, spoke to this, this morning, 44 votes. Now, some people don't like corporate, but you know what? Some people love it. So again, there are things in here. I wouldn't spend \$8.3 million on trails, I'd spend maybe \$4 million and then see how far they got. And then maybe come back next year and give them another four, because I know that area really well. I'm having a

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very hard time figuring out why it would cost \$8 million. But move on. If we get a tax package because there's nothing in these--

**HILGERS:** One minute.

**LINEHAN:** --Appropriation bills that I have found, and I've read them all, that go to my district, not-- not a-- not a penny. But I have people in my district who don't want to pay taxes on Social Security, that know they can move to Colorado and many other places, Arizona, Florida, not pay any taxes. They know they live in Elkhorn, they love Elkhorn just like I do, but they're kind of sick and tired of paying somewhere between \$6,000 and \$15,000 in property taxes for their house. And yes, they pay income taxes, a lot of them, and many of them work for corporations that also pay income taxes. So my district, my constituents care about the tax package, and we're going to have to figure out a way if we're going to move this forward and move it all forward, we're going to have to figure out a way to do the tax package. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Linehan. Senator McDonnell, you're recognized.

**McDONNELL:** Thank you, Mr. President. I know everyone's getting ready to go to-- to lunch. I just wanted to say something about yesterday. The reason that we were, we were meeting with Senator Geist and Senator Lathrop, Senator McKinney was I asked them if we could sit down and not that because I'm a subject matter expert on prison reform, and I know how much hours, how much time they put in, the passion they have for it, but I wanted to find out if there was a way to a compromise. And I could say that this. Throughout those approximately nine hours yesterday, off and on, they were professional. All three of them, they were polite and they were passionate. Just because you don't agree doesn't mean that you're wrong, and there's possibly another path to agree on. And the idea that we as a body cannot give up on prison reform, and I know by this morning how many people have come to discuss different ideas with me, people are brainstorming. And that's, that's what we need. But the idea that this morning before I even-- one of my first phone calls this morning was from Senator Lathrop, and he wanted to discuss another idea and how we were going forward this, this morning. And, but also Senator Geist, who's not with us here today because she's not feeling very well. You know what she's doing, where she's supposed to be resting, she's working on LB920. She's at home right now. I've had three conversations with her on the phone. She's trying to find how can we enhance the things we do agree upon instead of continuing to

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fight over the things we disagree upon. It is about prison reform. It is about doing the right thing for the state of Nebraska. So everyone that's been involved, again, I want to thank Senator McKinney and Senator Lathrop, Senator Geist, for their work and hopefully again this afternoon, we're going to get some new ideas and continue to have this discussion in a positive way and help move our state forward. Thank you, Mr. President.

**HILGERS:** Thank you, Senator McDonnell. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB1012e and LB1011e, as well as the following LRs: LR341, LR342, LR343, LR344, and LR345. Mr. Clerk for items.

**CLERK:** Mr. President, a few study resolutions: LR415, Senator Jacobson; Lindstrom, LR416; Ben Hansen, LR417; Bostar, LR418; Bostelman, LR419; Ben Hansen, LR420; Bostar, LR421; Wayne, LR422; John Cavanaugh, LR423 and LR424; Senator Lathrop, LR425. Mr. President, Senator DeBoer would move to recess the body until 1:00 p.m.

**HILGERS:** Colleagues, you've heard the motion. All those in favor say aye. Opposed say nay. We are in recess.

[RECESS]

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

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

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

**CLERK:** I do. The two bills read on Final Reading this morning, were presented to the Governor at 12:15 (re LB1012, LB1011). And E&R reports LB1014 to Final Reading as correctly engrossed. That's all that I have.

**HUGHES:** Thank you, Mr. Clerk. Colleagues, I would remind you that we are on Final Reading, if you would be close to your seat starting out, please. We will proceed to the first item on the afternoon's agenda, Mr. Clerk.

**CLERK:** Mr. President, pending LB1013 on Final Reading. Senator Cavanaugh, Machaela Cavanaugh has moved to bracket the bill until March 30.

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**HUGHES:** Debate now continuing on Senator Cavanaugh's bracket motion. Senator Briese, you are recognized. I do not see Senator Briese. Next on the list, Senator McCollister, you're recognized.

**McCOLLISTER:** Thank you, Mr. President. Good afternoon, colleagues. Interesting debate this morning, and I'm grateful for all of those who participated. I was interested in Senator Linehan's analysis of what constitutes a good decision, and she mentioned, it's when everybody wins, everybody wins. I might want to modify that somewhat and say it's when nobody feels that they really won too big or lost too big. The Teamsters represented our workers in our plant at the time we ran our company, and I ran it for 35 years-- represented by the Teamsters Union. And when the final negotiation came for a labor package, if one side or the other felt extremely victorious, it probably wasn't a good solution. Well, as we finish up the session here next few days, what will constitute a good decision for us? And I believe it includes the budget bills, the tax bills, and also LB920. That's going to make me feel good about how we finish this session. I just attended a RISE luncheon, and we talked about LB920. And LB920 minimizes barriers to successful reentry, increases support to create and expand problem-solving courts, PSCs, in each judicial district. Four or five years ago, I offered a bill to expand problem-solving courts, particularly for a-- a Vet court. And it's worked out great, so I'm glad that was a consensus solution by the group that had been negotiating this. Invest in transitional housing, creates funding for reward-- rewarding good behavior, addresses gaps in behavioral health shortages by expanding telehealth access and providing financial incentives to aspiring-- aspiring behavioral health professionals. Here's what I really like: strengthens parole process. Streamlines the parole process for eligible individuals and modifies factors considered in parole. Decisions to have those most clearly tied to public safety to ensure appropriate individuals are released. Eliminates flat sentencing structure in order to support post-release supervision and improve trans-- transition. Why is that? Well, we've been talking about jamming out, and that's just not good policy. We need to have the probation process occur, and when people jam out, that doesn't occur. Creates relaxed-- rel---release opportunities for people 70 and over who have been-- who have served 10 years, excluding certain violent and sex offenses. This really makes sense to me. We've been talking about geriatric release, and somebody at age 70 is a much different person than somebody age 20-- much less prone to commit crimes. So I, I think giatric-- geriatric release is a, is a good thing for us to consider. Reserves the use of sentencing enhancements by creating a 10-year look-back period for low-level theft

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enhancement, and restricting the use of habitual criminal enhancement for certain prior violent/sex offenses. Exempts drug offenses from mandatory minimum sentencing and establishes weight-based threshold for misdemeanor possession of substances other than marijuana. Limits the use of discretionary consens-- consecutive sentences. These are common-sense solutions.

**HUGHES:** One minute.

**McCOLLISTER:** Absolutely common sense. As I've mentioned on the mike before, 35-some states have been down this road, and have seen the advantages of criminal justice reform. Public safety is maintained and perhaps enhanced when you look at the jamming out process. So, my friends, I would hope that we can take care of this bill, go to LB920, and conclude this session in the, in the proper way, and in a, in a way that we all can say it was a good session. Thank you, Mr. President.

**HUGHES:** Thank you, Senator McCollister. Senator Matt Hansen, you're recognized.

**M. HANSEN:** Thank you, Mr. President. And good afternoon now, colleagues. I think-- I appreciate some of the discussion, or kind of notion on what is a good compromise in terms of the body. This came to my mind just when Senator McCollister referenced it. But I did want to say that, you know, kind of, as of yet, and of the pieces we've been talking about, there's-- there's not anything to get me to vote for it. My very first floor speech on the budget, I expressed some concerns and said I would have to be convinced to vote for the budget. Didn't get there, haven't voted for the first two bills today, and don't plan on voting for this one. The tax bill has several things that I have spoken out strongly against, and even though I like some components of the tax bill and would vote for some components, like Social Security on its own, certainly not going to do that when burdened with something else. And more importantly, I know those bills like Social Security, would move on their own if they weren't being held up by the other tax bills in the package. And you can point fingers and say that the fierce debate in opposition on the corporate income tax necessitated that. I-- I will disagree, and we could have very much passed Senator Lindstrom's bill on to Final Reading on Friday and voted for it this week. And I bring up all that to say, you know, there's kind of some notion of like, you know, you got, you know, you won, you've gotten some things, you know, there's compromise, you know. I don't know. Don't-- don't, you know, don't keep asking for the final thing. You know, perfect is the enemy of

good kind of ideas being thrown around here. And I ask you, kind of from my perspective of I don't-- I don't-- at the moment, there's been nothing that's been provided to me in order-- in this grand compromise that hasn't even come to fruition yet, let alone the individual components, let alone the budget. And that's the part that I'm struggling with a little bit. I've told some people where I'm at and what I would need to do on certain bills, like the tax bill, to feel comfortable-- not even necessarily supporting it, but removing, you know, my opposition to it, or at least my attempts to-- to-- to talk on it and debate it. And that's, you know, even a different threshold for me from feeling like it ended up being a good bill. I feel like in those instances, I've just stopped it from being as bad of a bill as it started out. And there's a certain point where like, you know, my policy ask is like stable fiscal policy. Winning on that issue isn't like a-- like, yay, congratulations, go rally-- you know, the-- the constituents go-- it's-- it's something we should have, in my mind, as a body been focused on to begin with. I know people disagree with that and know people who already feel that the tax plan is in that shape. But you know, some of the things that have been proposed, like maybe we put some guide rails on it. Yes, I've brought some [INAUDIBLE] that can incorporate some guide rails to make sure we're not exacerbating, say, like a bad year, by having some sort of trigger tax cut in a year where we don't already struggle with revenue. I don't-- I think that's a good idea. I think that's a good concept. That's like, not a win for me. That's just like, something we probably should have been considering the whole time. You know, an actual win for me would be restructuring the tax code to some of the middle and lower brackets. An actual win for me would be something like that, that as I understand, is pretty much a nonstarter. We have to be confined to that top bracket and we have to, so far, include all of the corporate tax cuts. And so I bring up all these things to say, you know, whenever somebody-- be mindful when people talk about kind of the spirit of compromise, or there's been a compromise so force and go forward. You know, like please, by all means, like, say what you, say what you mean, say what you want. And explain, what is that compromise you think we've achieved or compromise you've got? I think there's some people who think that just not killing the budget is a compromise. And if that's their perspective, that's their perspective. I can't disagree with that. That's not a compromise to me because it's, again, not a document I'm excited to vote for. That's not something you've given to me. Nor should I think holding the budget hostage for reasons outside the budget be kind of considered a, you know, an act of collegiality or-- or grace when you stop holding the budget hostage. See, we have all of these different layers and

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different components. And, you know, at the very beginning of the session--

**HUGHES:** One minute.

**M. HANSEN:** Thank you, Mr. President. At the very beginning of the session, I had some opposition to some of the tax bills when I was talking about education finance. I got some pushback of like, well, we're not talking about education finance, we're talking about this tax bill right now. And I was kind of saying, yeah, but we have to talk the bigger financial picture because taxes, school finance, the budget, they're all tied together. And now we have people who don't want to move the budget forward because we didn't change taxes. Which like, I, I agree, they are tied together in the sense that our ways and means are-- our revenue and spending are tied together. So I'm just putting all these things on the record just to say, you know, we're going to come up with something. Maybe some of us are going to vote for it, maybe some not. I'm optimistic. I hope we can get to something. But you know, when you say, like, we already have a compromise, we already have a deal, we already have something-- that's not something I've been privy to or not something I've been excited to vote for. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Hansen. Senator Wayne, you're recognized. I don't see Senator Wayne. Senator Friesen, you are recognized.

**FRIESEN:** Thank you, Mr. President. I'm going to spend a little bit of time talking about the budget again. The bill we're going to pass, LB1013, I'm sure it'll just move right on forward. But I want people to know, I guess, what we're doing here and how many dollars we are moving out of our Cash Reserve into new spending. And I think if I add these all up, it came to like \$381 million. And so when we-- down the road, I hope when everybody talks about our future sustainability, we remember how much we're spending today. We're going to transfer \$53,500,000 from the Cash Reserve to the Perkins County Canal Project. Lake McConaughy, the Knox County, the basically, Lewis and Clark Lake and the Platte River and its tributaries-- there's going to be a-- that's \$200 million roughly, and I think that probably includes some money for the lake. University of Nebraska, the agriculture innovation facility, that's the USDA research service center that the USDA is talking about putting in. This would be our match. There's \$25 million going to get transferred into that. Nebraska Rural Projects Fund-- there's a \$50 million cash transfer into there, and that's-- I think that would be for like North Platte and maybe Grand Island. I'm sure Omaha has a plan in place. I'm not sure who else does. The YRTC, the--

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the Youth Treatment and Rehabilitation Treatment Center in Kearney is going to get \$15,580,000 for adding on and doing some remodeling. There's going to be a trail which is LB813, \$8.3 million to finish a-- a trail. This will go to Game and Parks. Rural Workforce Housing, \$30 million cash transfer to that. Surface Water Irrigation-- this is for out west for some of the-- the surface water irrigation canals need some updating, and there's a \$50 million transfer to that. We're talking about an InternNE Cash Fund of \$20 million; U.S. Strategic Command Facility-- this is a little bit of the, I think, the remodeling there. This is a \$20 million for-- transfer for the Site and Building Development Fund. The Military Base Development Fund is another one, a \$30 million transfer. And I believe that is to fix up-- there's some projects on the base. This is the one that does the track, the field stadium improvements, walking trails, landscape enhancements. Then we're going to do another \$10 million transfer, the Middle Housing Income Fund. This one is more for the urban areas, I believe. So these are just a few of the transfers that we're doing again. And-- and when we, down the road, when we're talking about sustainability of where we're at today, this type of spending is not sustainable year in and year out. This is because we had extra revenue. And when you give us extra revenue, we find a way to spend it. And that's what I think we should have been talking more about-- the spending here. This isn't even talking about the prison yet and what that could possibly cost.

**HUGHES:** One minute.

**FRIESEN:** And should we have the discussion on whether or not there needs to be a replacement prison, just talking outside of any judicial reform or sentencing reform, is the prison in need of replacement? We really haven't spoken much about that at all, whether or not the facility just needs to be plain replaced because it's obsolete and aging. But we do need to talk about that sentencing reform so that we make sure that this prison facility is the right size. So these are all of the discussions that, kind of, have been taking place, hopefully on the side and some of it on the floor. So now if you understand a little bit more about how our process works and where your money is going to be sent. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Friesen. Senator Dorn, you are recognized.

**DORN:** Thank-- thank you, Mr. President. Just listening to Senator Friesen there again, there was a lot of things I could have talked about, but Senator Friesen and Senator Lathrop had a conversation this

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morning on basically, I call it the county attorneys and that such type of thing. And would Senator Lathrop yield to a question?

**HUGHES:** Senator Lathrop, will you yield?

**LATHROP:** I would be happy to.

**DORN:** If I remember right, and you-- you have to maybe interpret this, I think you made some comment along the line that, generally speaking, the county attorneys out there are different ones will interpret maybe sentencings different or charges different or-- we don't across the state-- I, I guess in other words, the question I have is, we make a law or we make laws or pass laws up here, and we think that this is going to happen and this is going to happen. The county attorneys yet at some times are, I call it, interpreting them or sentencing them at different levels.

**LATHROP:** So thank you for the question; thanks for being engaged in the topic. First of all, county attorneys are the chief law enforcement officer in the county. They are the ones that make the charging decisions and what plea agreements can be reached. And they're also the ones that try the cases, the criminal cases if they go to trial. And I have nothing but the highest respect for county attorneys and what they do, and their role in keeping us all safe in our communities. I want to say that at the front end. That having been said, county attorneys are necessarily granted a great deal of discretion, so they-- they reside in the executive branch. That means that when somebody does something criminal, oftentimes there might be five things that are felonies in, in the course of one dumb thing that somebody does. What they charge them with, how they charge them, and what they ultimately offer them in exchange for a plea of guilty to one or two or what kind of a deal they reach is up to them. Once the conviction takes place-- and sometimes, of course, they go to trial. Somebody won't accept a plea offer and the county attorney tries the case. The person ends up convicted. Then the county attorney can stand at sentencing and say, I think you need to hammer this guy. Or if it's a plea agreement, he can say, or she can say, we have an agreement, they're going to plead to this one. I'm going to recommend a light sentence of some kind. So they have that, that kind of authority and range. And then it goes to the judge and the-- the sentence imposed has to be-- fit within the statute. Sometimes it's a mandatory minimum like for a gun-- gun offense. A lot of times there's a lot of discretion, and that discretion gets exercised by the judge. What we see in the CJI data is that discretion is exercised differently in different counties. So Douglas County, 40 percent of the criminal

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activity in the-- in the people incarcerated come from Douglas County. They're used to lots of big, heavy duty type, type of crime. Get to a smaller community and something that might get diversion in Omaha and Douglas County, might be a big deal and on the front page of the paper in Beatrice. So they may exercise their discretion differently. And it's that variance in how that discretion is exercised by county attorneys and by judges that's a lot of what we-- what-- what are being addressed in the bill.

**DORN:** Thank you. And I guess somewhat what I-- because I guess it-- to me, it's a little bit confusing. I haven't been involved in, I call it the court systems and all of that. But you know, I heard here sometime on the floor or whatever, that somebody commented that an individual out in maybe Scottsbluff or Scotts Bluff County--

**HUGHES:** One minute.

**DORN:** --there isn't enough options available to them, and maybe that's the only option is to sentence them to maybe a year in jail or something.

**LATHROP:** Well, that's a, that's an important piece of this, and I'm glad you brought it up because in the eastern side of the state, we have way more mental health professionals, way more substance abuse opportunities. When you get out towards the western part of the state or, you know, from I'll just-- I'm picking a-- west of Lincoln, and the further west you get, the more sparse the opportunities are for a mental health professional, for the substance abuse. And so some of those services, we see it with kids that are-- that end up at the YRTC's. Sometimes that's the best option for somebody out west because they don't have the mental health professionals or the substance abuse treatment stuff in the communities to send them to in a diversion, rather than some level of incarceration.

**DORN:** Well, thank you, Senator Lathrop, and I'll just make one comment. It's something like we deal with I call it the school funding issue and--

**HUGHES:** Time.

**DORN:** --a lot of other things.

**HUGHES:** Time, Senator.

**DORN:** We are so diverse across the state, and we're trying to fit this all into one puzzle. Thank you.

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**HUGHES:** Time, Senator. Thank you, Senator Dorn and Lathrop. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, again, I would encourage you not to vote for my motion to bracket, but I did want to talk about some of these various bills that we've been talking about as we discuss the budget. Last Friday, there was LB825 on Select File, and it had an amendment that had several other bills amended into it. And I've heard some consternation, I guess I would say, over the fact that that did not move forward. And I know it's easy to have sound bites saying, X, Y and Z didn't vote for this. LB825 had a senator priority and had 42 votes on General File. LB723 property tax relief, had a senator priority and had 36 votes on General File. LB936 had a priority and failed cloture. LB936, LB723, LB825 were all put together, so you took two things that passed through debate and one thing that didn't. That was your choice. I didn't vote against Social Security, I didn't vote against tax-- property tax relief. I did not vote for undercutting the stability and sovereigns of the state. The income tax bill, as it is now, is not responsible cuts. There is plenty in the budget that I would happily cut, but that doesn't make long-term cuts responsible. There are plenty of things in the budget that I do not agree with, and I think I've talked about them for hours on end already. Most of them were things that Senator Friesen mentioned just a few minutes ago. But I'm voting against the tax cuts because I view them as irresponsible. Whether it's popular or not, I have an obligation to the state and the future of the state to make responsible decisions, not politically expedient decisions. So I hope to see Social Security back and I hope to see the property tax bill back because I support those. But we can't just pretend like we can't-- that we can starve the beast and everything will be OK. It won't. We cut income taxes over the long term, and what happens is that our state begins to have a huge decline in our ability to operate. And that might be the goal of a lot of people in this building, in this room. But as long as we are collecting taxes, I view our responsibility as to use those taxes to provide services to the people of Nebraska, not to just perpetually fight over giving them money back. That's the function of government. And as long as we are collecting taxes and providing services, I view it as our responsibility, and it is actually in our law. It is in our state statute that the Governor shall draw down all federal funds owed to us. So--

**HUGHES:** One minute.

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**M. CAVANAUGH:** Thank you. So even though we, we passed that bill, and some of you wouldn't give us enough votes for the E clause, even though we passed that rental assistance bill, we don't actually have to pass it. It's already law. The Governor's supposed to be doing it. The Governor is breaking the law already. But-- I just-- I don't have anything nice to say, so I'll say nothing at all. Thank you.

**HUGHES:** Thank you, Senator Cavanaugh. Senator Gragert, you are recognized.

**GRAGERT:** Thank you, Mr. President. Well, I've, I've sat here for quite a few hours listening to prison reform and the overcrowding of our prisons, and I'm sure there's many reasons. But I was wondering if Senator Lathrop would yield to a couple of questions.

**HUGHES:** Senator Lathrop, will you yield?

**LATHROP:** I would be happy to.

**GRAGERT:** Senator Lathrop, recently I read an article on-- on the probation board, and I'd just like to confirm for myself and, and maybe put on record, some of the things that I have read, which caught my interest. First of all, I guess my first question would be, how many members are on the, on the board?

**LATHROP:** So that-- that board is actually parole and not probation. Sometimes they get confused because they both follow people that have gotten in trouble. I've made the same mistake many times, Senator. It's the Parole Board. The Parole Board has five members, and they're all appointed by the Governor.

**GRAGERT:** OK. Thank you, and thank you for correcting me or getting me on the right page here. Do you know what percentage of the time in the last year there, there hasn't been a full board present for the parole hearing?

**LATHROP:** I'm trying to remember from that article. I know it was-- it seems like it was well more than half.

**GRAGERT:** OK. Thank you. Yeah, I was just-- I was thinking maybe it was-- it was closer to like, approximately 30-- 37 percent of the time.

**LATHROP:** That sounds right. That sounds like what, what I read in the same article, Senator. I--

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**GRAGERT:** OK. And then I guess another thing I'd like to confirm is, for myself, is that, does it make a difference when there, you know, that there are individuals that don't get paroled or don't even get a, get a hearing because there weren't enough, there weren't enough Parole Board members present that day?

**LATHROP:** Yes, that's a big deal for two reasons. So if you have-- if you have two people there, then they can't conduct the hearing because you'll never get to three. So they defer you and they put you off. If you have three, that means you have to have everybody that showed up that day approve your parole. If you have four, you can only lose one person. And, and or two-- if you lose-- you can only lose one person. If you lose two, you're denied parole. So every time they don't have a full complement, someone needs to get a number greater than three-fifths. And here's why that's important if I can-- if, if you don't mind me explaining this. It's important for two reasons. One, if someone is parole eligible and a-- and a suitable person, then we should get them on parole because we can follow them sooner and for a longer period of time. But there's also a perspective from the inmates' perspective. Many times-- and one of the things we do in the bill, and I'll explain on my time, is change-- improve the standards. But they have a-- a set of standards or things that guide the Parole Board-- there's about 13 in number right now. And it becomes, from the inmates' perspective, it feels very arbitrary. You have some subjective things in there that, that allow them to just say no and then point to a subjective thing. We didn't think you were ready or something like that. And then when, when you do that, it-- it takes away your incentive or your will to try to get parole because it feels like an arbitrary process. If you show up and there's only two members there and you're thinking, I did all that work, I kept my nose clean, I did everything you asked me to, and I show up for a hearing where I should be granted parole, and you only have two members. Or you have three and one of them says no because they customarily say no.

**HUGHES:** One minute.

**LATHROP:** So having a parole process that appears fair to the inmate, fair to the-- fair to the victims and to the people in the state, but-- but also fair to the inmate is very important, and one of the things that we try to work on in this bill that I'll talk about on my time.

**GRAGERT:** OK, thank you. I guess in it, this is a full-time job where these individuals are being paid anywhere from \$84,000-92,000 a year?

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**LATHROP:** That's true. It is a full-time job. Since you asked me that question, or told me it was coming, I do have a calendar of their activities. And it is a full-time, five days a week position. Sometimes they have to do hearings at the Work Ethic Camp. I'm not sure if they do those by video conferencing or in-person, but they have them at all of the different facilities around the state.

**GRAGERT:** Thank you.

**HUGHES:** Thank you, Senator Gragert and Senator Lathrop. Colleagues, Senator Arch would like to introduce 36 fourth-grade students from La Vista West Elementary. They are seated in the north balcony, if they would please rise to be welcomed by your Nebraska Legislature. Thank you for coming. Returning to debate, Senator Patty Pansing Brooks. Senator Pansing Brooks seems to be absent. Senator Lathrop, you're recognized.

**LATHROP:** Thank you, Mr. President. I'm going to take off on the questions of Senator Gragert and share with you-- we've talked a lot about the importance of getting more people out on parole versus jamming out. The bill has two other aspects of parole that I think are important, and also on topic with what Senator Gragert asked. We do two things in this, and this came out of the working group that I was actually on. One is that we developed something called the streamline parole. And streamline parole is intended to incentivize people to get parole or to take that avenue of release. It's also intended to encourage good behavior. It's encoura-- it's intended to encourage completion of your programming. So if you have a review hearing, and you're two years out from your parole eligibility date and you qualify-- so there's some things that don't qualify-- but if you're a qualified candidate for parole, then you can enter into a contract with the Parole Board. And the contract basically says, you, Mr. Inmate, will be released on your parole eligibility date provided you have all your programming done, number one, and two, that you have no Class I misconducts. Why is that important? It's important in two respects. One, from the inmates' perspective, it makes them have confidence in a parole process-- that sounds like a fair thing. I've entered into a contract with the Parole Board that if I do these things, I keep my nose clean, I am out on a date certain. That, by the way, helps plan for what comes next, right? You can start lining up your housing, and it's not, if I get out can I stay at your place? You start lining up the things. They're generally going to be the lower class of offenses, and it gives some predictability. And-- and from the Parole Board's perspective, colleagues, when you have streamlined parole, it allows the Parole Board to focus on the high-needs,

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high-risk individuals. And for the low-need, low-risk inmate, it allows an avenue that basically takes this off of the Parole Board's plate. And they now-- when you look at the calendar of things that they have to do, they now have more time to deal with the more complex case. They have more time to spend with people who come before them and explain their, you know, their rationale, what they need to do to get paroled, and it's all-around better. The-- in addition to the streamlined parole, and that's a consensus item and it is a difference maker-- besides that, we've refined the list of considerations and taken out, for the most part, the subjective ones. So if you're an inmate, and there is a very subjective "we don't think you've learned your lesson" kind of a thing, then you're thinking, well, how fair is that? What kind of a shake am I going to get? It's all going to be up to what kind of day they're having at the Parole Board. Having a-- having refined the considerations for the Parole Board as they consider a candidate for parole to those things that are objective for the most part-- completing your programming and the like, having a, having a plan-- that makes the process seem fairer to the inmate and makes them more inclined and more likely to participate in the parole process, to do their programming, and to choose that avenue of departure from the Department of Corrections. And again, anything we can do to encourage people to be on parole versus jamming out--

**HUGHES:** One minute.

**LATHROP:** --is going to be beneficial. So those are two things that are in the bill, in the amendment, that don't get a lot of conversation, because mostly we've talked about how soon somebody can get parole and how long they're going to be followed on parole. This is a piece that came-- frankly, both of these things came to us from the working group I was in that included the Chairperson of the Parole Board, Ros Cotton. She, I'll represent, was on board with both of these streamlined parole and refining the parole considerations. And so, another reason to support LB920. I'm happy to take questions. Senator Gragert, thanks for being engaged on the topic. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Lathrop. Senator Linehan, you're recognized.

**LINEHAN:** Thank you, Mr. President. So I think this probably would have been a better subject to talk on in the last bill, but since it's all Appropriations, I'm going to even those cash transfers. We've had a lot-- I will give the Appropriations Committee and Chairman Stinner a great deal of credit on rates and provider rates, but there's a

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history here that I think it's good for us to understand on provider rates. So in the year that we all talk about, '18-19, first year I was here, my class-- second-- first year-- Chairman Stinner was Chairman of the Appropriations, we were flat. So there was no increase for provider rates except for the child welfare rates. They went up 2 percent. Then the next year, '19-20, money got better. So we went back-- behavioral regions were the only people that were held flat. For the most part, everybody got 2 percent increase, except for nursing facility rates. They went up 6.7 percent. And DDD, home and community-based service rates went up 4 percent. Then in the next year, again, '20-21, for the most part, everybody got 2 percent, except for nursing homes got 4.3 percent increase and DDD services got a 2.6 percent increase. Then in '21-22, again, 2 percent across the board, except for nursing homes got 3.5 percent. And this year we know, in the provider rates, in the mainline budget, it's 17 percent, plus another 15 percent in the ARPA bill. And also, I'm not sure if it's in-- I'm not sure where all the money comes from. A child welfare rates, 15 percent increase; behavioral health regions, finally, 15 percent; hospital rates get a 5 percent bump; practitioners, 15 percent; nursing facilities-- on this chart, Senator Stinner can comment on this, it says 20 percent. So-- but I just want to-- it was been a lot that we've not increased nursing home rates, and I'm not saying we shouldn't, I understand we've got some of them closing. Well, I want to talk to one of those, too. So on average, nursing home rates increases have been considerably more than the rest of our provider rates. And also, I think two years ago there was great concern because they were-- I don't remember now whether there's 13 or 14 nursing homes closed. And Health and Human Services did a great job of moving people around, so they weren't homeless. They found homes. But then, like maybe six to seven months later, stories broke. They were corrupt. They were stealing money. That's why they went broke. So I think we just-- as we go forward here with the budget, be very careful what-- what's reality and what we hear because we have not been cutting nursing home rates. The only-- even-- the only year we held them flat was the year we held everybody flat, 2018-2019. And other than that years, their rates were increased considerably more, double or three times more, than other providers. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Linehan. Senator Matt Hansen, and this is your third opportunity.

**M. HANSEN:** Thank you, Mr. President. Good afternoon again, colleagues. Just to get to, and I've stayed a little bit out of it today, just to get to and reaffirm the point that I think Senator Lathrop was

touching upon and Senator Gragert asked about is, in my experience, having served on the Judiciary Committee, having worked on a lot of these issues related to court procedure and court practice-- when you hear something like, you know, the, the Parole Board not attending work on days they're being paid to work, and that clogging up the system, and you want to ask yourself, you know, are some of our problems in corrections? Are some of our problems in criminal justice as straightforward enough as people just not doing their full day's work, not showing up to meetings? The answer is unfortunately yes. I mean, there's-- there's lots of things where some of our backlog in county jails is due to kind of staffing and renovations at other facilities that the people in the county jail are, by law, supposed to be at, but they can't be. And I mean, we're seeing this in all aspects of where people could be or should be or by law could apply or should be elsewhere on a different program or a different thing. And the actual barriers, like the actual barriers to them getting to the final position, them getting to what by law they are supposed to serve or are allowed to get is a very human, very bureaucratic kind of failing of our part. It's-- it's lack of space. It's lack of programming. It's lack of just people attending meetings. It's lack of time in front of the courtroom. It's these things that pile up. And I just want to really reaffirm that point, that when I heard that, saw that article, read that article I was-- it did not miss-- I was disappointed to see that, but it wasn't necessarily a surprise in the sense that, of course, something like that could be happening in our system. The-- the-- the other thing I want to talk about-- and this is going to be my last time on the budget, I believe, certainly last time on this motion-- is kind of this notion of these federal funds and who has the authority to do what we are doing with them in terms of the ARPA budget, in terms of the provisions in this and other bills related to it. I would like to remind everybody that the Legislature is the branch that creates the budget. That is our constitutional duty. Yes, the Governor is proposed and that he gets to propose the initial budget and he gets to line-item veto the budget and things like that, but fundamentally, the budgetary authority of the state is ours. The power of the purse is ours. And more specifically, that the Governor's authority to take or to spend federal funds comes from us as a Legislature, which is a unique position and-- and [INAUDIBLE] kind of reaffirms our role. We have several statutes on the books kind of directing the Governor to take and use federal funds on a variety of different circumstances. Some are specific, some are broad, but they all stem back to this legislative authority. It's a-- it's a kind of extending grant of our authority to another branch to draw down and use these federal funds. What are fundamentally a legislative role,

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but recognizing that we're a part-time Legislature, we only meet 90 and 60 days in any given year. We have to have something operating in the interim. It's very appropriate for us as a Legislature to make decisions on the use of federal funds and probably should be the default going forward. And it's something we should be mindful of, especially when we see future instances in which maybe federal funds are coming to the state announced at a time when we're in interim or don't currently have a budget pending. So I just wanted to lay all those things out. This is-- this is the budgetary authority of the state being fiscal, the spending of the state is inherently kind of a legislative power. Much like you see in Congress,--

**HUGHES:** One minute.

**M. HANSEN:** --the budget and this authority derives from us as the legislative process. And to the extent the Governor is involved is to the extent that we have, either by our language in our budget or our existing statutes, granted the Governor and the Governor's Office that authority to do that discretion in our absence. Because of course, we don't necessarily manage the day-to-day operations. We don't necessarily have the same staff to run the government day to day. That's, of course, an executive function. But in terms of the policy decisions for federal funding, that is inherently a legislative task. I think we need to be mindful of how much we've deferred and how much deference we've shown to the Governor over time. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Hansen. Senator Friesen, you're recognized, and this is your third opportunity.

**FRIESEN:** Thank you, Mr. President. Would Senator Lathrop yield to some questions?

**HUGHES:** Senator Lathrop, will you yield?

**LATHROP:** I'd be happy to.

**FRIESEN:** So in the past, we've talked a lot about mental health issues and-- and how that impacts prison population. Do you have-- in any of the studies, were there any estimates that if we had a-- a healthy mental health program to where we had facilities to take people, what percentage of the prison population do you think wouldn't be there if we had a robust mental health treatment program?

**LATHROP:** I don't know of a study that will answer that question because it sort of depends on what the investment in the-- in the

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mental health facilities looks like. If you-- if you had all the mental health facility beds full of people who had serious mental illness, then it would necessarily affect the prison population. The one statistic I can give you is one-third of the people in prison are on psychotropic medication. OK. That means they're taking drugs for their mental or nervous disorder, and it's a pretty significant number. You know, it's more of a-- it's more of a how-- how do those people end up there? They-- they are-- many of them are homeless. You know, they show up at a convenience store. The convenience store calls the law enforcement to get them out of there, and then they take a swing at a cop or something like that. Now they're-- now they're in trouble for something that's felonious conduct.

**FRIESEN:** Well, that's what we-- when we were looking at nursing homes with a large number of mental health patients, clients-- on that open campus, that's one thing that I think we all noticed, that a percentage of them should have been under better supervision, as far as taking their meds, not being able to wander off campus. So I think that's, again, it's-- it probably is hard to say actual numbers. But again, I'm sure there would be a marked decrease in the prison population if we implemented a little bit better mental health because we've-- me and you have talked about this previously. And it-- it is a big issue, whether it's treatment for drugs or whether it's just mental health issues to make sure they're taking their meds.

**LATHROP:** It's very much both. And a nod to Senator Geist. She and I have talked about this. Both of us think that it is a very important piece to being compassionate, doing the right thing, having a good system. What that investment looks like is a really hard thing to quantify. It's sort of beyond my expertise to understand or my understanding to understand, if you will. I don't know how much more we need, but I know-- you and I have talked about safe keepers. So if you run a county jail out in the western part of the state, you don't have a place to take somebody in a mental health crisis. And that's a-- that's a huge issue. It's a huge law enforcement issue as well.

**FRIESEN:** I think there was a bill that did create some bed space in hospitals, but I don't know where that's at. But as far as you know, is there any other, you know-- with all of this ARPA money and everything floating around, what is the possibility of building something that would-- somewhere to do something that helps address this issue?

**LATHROP:** Yeah. And you know, I-- I would say that the mental health piece came to the-- not, not that substance abuse and mental health

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treatment aren't always on sort of the menu over at Judiciary Committee, but it certainly got there with Senator Hansen's bill and the hearing we had on having people have their competency restored. That was one of the last bills that we actually heard in the committee, and it was startling, startling how short we are on capacity, and it starts with the state's--

**HUGHES:** One minute.

**LATHROP:** --capacity at the Regional Center. When you don't have enough people there, some of the people that should be at the Regional Center are now at Bryan-LGH taking up a bed, and the people that ought to be at Bryan-LGH now, either don't get a bed or they're in some kind of a community program that isn't really what they need. And so it starts with the state having enough capacity in the Regional Center, and then sort of looking at the continuum of needs and care, and say, the state, the hospitals, community-based care, and we're, we're really-- we're really deficient at beginning at the state--

**FRIESEN:** We're obviously short of beds.

**LATHROP:** We certainly are.

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

**HUGHES:** Thank you, Senator Friesen and Senator Lathrop. Senator Jacobson, you're recognized.

**JACOBSON:** Thank you, Mr. President. I'd like to maybe get back to some of the particulars in-- in the bill that we're talking about now, LB1013, the Cash Fund transfers. And I'd like to just speak again about a topic I've continued to talk about. There are three items in this that I really have a lot of interest in. One of them would be the Perkins County Canal Fund. The other would be the rural projects, which would help fund a rail park in North Platte. And I'd also tell you, I'd like to talk a little bit about rural workforce housing. I've been on the mike a number of times, and you can probably figure out that I've got kind of a theme here. And my theme has been that as we move further west in the state, we're losing population. My district used to include Lincoln County, and now it includes McPherson, Hooker, Thomas, Logan, and most of Perkins County, along with Lincoln County. The reason for that is that we've lost population. We sit on the interstate in North Platte, but we've lo-- and through-- and on Highway 83, that goes from Canada to New Mexico, but yet we've lost population. Part of that lost population has been because UP has made

some changes in how they handle rail service through the largest rail classification in the, in the world, at least it used to have that status. And so they had significant layoffs. Those are very high-quality jobs that we lost. And I can tell you, I want to do everything I can to preserve the remaining jobs and try to rebuild those jobs there in North Platte, because we have people that move-- come from a significant area throughout my district to work at the rail yard, at Bailey Yard. I would also tell you that we're looking at Sustainable Beef building a packing plant, which is part of the ARPA funding. And if they can get that built, they'll create 875 jobs. That will be a significant economic impact in North Platte, not just because of the jobs that will be created, but because the economic benefit. Because there's about 25 feeders in western Nebraska, real western Nebraska, that would include the Panhandle, who would be delivering cattle to that feedyard, and they'd be processing 1,500 head a year, a day, through that processing facility and we'd have outbound product leaving there. We also have the Walmart food distribution center there that brings trucks in and out every day to serve stores in about a 10-state area from North Platte. But yet we've lost population. And when we lose population, where does it go? Well, as the school system tracks it, some of it's out of state, and I think many of those were rail jobs that were lost. And a lot of it moved to Lincoln and Omaha. So we're at a point right now where we're not an equalized school district. We do get TEEOSA money, and we get TEEOSA money because we have resources that are lower and we don't have the stu-- and-- and we-- we're still looking for student population. We've got schools that we've actually closed because we didn't have the student population. And I come down here to Lincoln and we're building schools, you go to Omaha, you're building schools so that you can take the students that left North Platte and the western part of the state and moved to the eastern end of the state. That doesn't make sense. We need to take jobs and housing where we have the people, we have the capacity of the infrastructure of schools and other support. And one way to do that is to make investments in our future by investing in that rail park that will create new quality jobs, by investing in the Perkins County Canal, which will help preserve our precious water and not allow Colorado to take that water and overappropriate it on upstream, and we lose that water forever.

**WILLIAMS:** One minute.

**JACOBSON:** I'd also-- thank you, Mr. President. And I'd also tell you that when we look at rural workforce housing, I spoke about this before. If we're expecting houses to be built on their own, it's not going to happen. And those people are going to leave the state, or

they're going to go elsewhere to find housing and higher paying jobs. This all works together. We can't do one without the other. So again, as we think about these-- these investments, and these aren't expenditures, these are investments in the future. I would urge you to continue to move this bill forward. Let's get this done. Let's do what's right for the people of the state of Nebraska. Thank you, Mr. President. I'll yield the rest of my time.

**WILLIAMS:** Thank you, Senator Jacobson. Senator Machaela Cavanaugh, you are recognized. This is your final opportunity, but you will have an opportunity to close.

**M. CAVANAUGH:** Thank you, Mr. President. OK. So I was talking about some of the bills we had previously had some consternation about-- that's kind of a funny word, but I believe I'm using it correctly. I'm sure somebody in, on social media will correct me if I'm not. I just-- for me, it comes down to math, simple math. We have X amount of dollars. If we spend this much, then we have this much left. If we spend this much, we have this much left, or spend. If we cut this much, we have this much left. So we have a prison overcrowding issue. We have overincarceration. We need sentencing reform of some sort. I think everyone agrees that, it's-- maybe what it looks like is not agreed upon, but we need sentencing reform. Our correctional system is costing us so much money every year. So these things all do tie together because the investments that we make in fixing our correctional system and the investments that we make in behavioral and mental health prior to people entering into the justice system are going to yield enormous dividends. There's lots of states that have already done this. Texas is one of the more famous models of this. When they invested in behavioral health and community-based programming, they ended up saving so much more money, and then that's sustainable. That's a tax cut. Once we do this sentencing reform and we see how much money we can save by doing smarter policies and more humane policies, well then, we're going to start to save money. And not only are we going to start to save money, we're going to start to increase our revenues because those people who we've been paying for to live incarcerated are now going to be working, productive members of society who pay taxes. So more people will be paying into the system. More people will be in the workforce because instead of incarcerating them, we've given them the services that they need so that they can be stabilized and be a productive member of the workforce. It's all intertwined, and it's very simple. It is not a complicated thing to understand. Now what the sentencing reform looks like, that might be complicated; but it's very simple to understand that we pay a lot of money, we spend a lot of money on our

correctional system. And we could spend money on something else that wouldn't just be a black hole. It would yield dividends. It would yield a smaller population, less costs, more revenue. And then we could have a conversation, a responsible conversation about tax cuts. But-- and maybe I'm wrong about this, but it-- from my vantage point, it appears that nobody wants to be focusing on a strategic vision for this state. We just have to do this right now. We have manufactured crisis. We have to spend this money. We have to cut this money. We don't. We could literally leave right now--

**WILLIAMS:** One minute.

**M. CAVANAUGH:** --and the state of Nebraska would be the same. I am not-- I don't think that would be a great thing to do, but it would be the same. Nothing would be different tomorrow from it is today if we had a sine die motion. So it's a manufactured crisis. It's something that we should be addressing over time systemically, with a lot of thought and conversation that isn't political stump speeches, which I'm hearing a lot of. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Cavanaugh. Senator Lathrop, you are recognized.

**LATHROP:** OK. Thank you, Mr. President and colleagues. Good afternoon once again. Senator Friesen brought up a question about the-- the current Nebraska State Penitentiary. I had a conversation with Ben Hansen about that earlier today, Senator Ben Hansen, pardon me, about the current Nebraska State Penitentiary. And you might have heard it described as something that was built in the 1800s. The dirt may be from the 1800s, but there's not much that's there from the 1800s, but there-- but it's old. It is-- it is old. The Governor has concluded it needs to be replaced, that it needs to be mothballed, knocked down, whatever. You should know that we had a study done, which is what the Director of Corrections and the Governor have relied on, in suggesting that it needs to be replaced. It was done by Alvine Engineering. Alvine Engineering may sound familiar to you. They're the people doing the HVAC work here in the Capitol. They're a very well-respected engineering firm in Omaha, and they went through the Penitentiary and-- thanks-- they went to the Penitentiary and wrote this report. You can all read it. It's a-- it's fascinating, fascinating for a couple of reasons. One is that when the ACLU was saying the place was terrible, we were saying it was just fine. And now we have a report that says it's terrible. The-- there are literally-- there's literally a housing unit that when they have a backed-up toilet, it's in the kitchen. OK. That's an example of some of the problems. They have

photographs in this report. A lot of things in this report that show deterioration, lack of maintenance, things that don't work, things that don't work well, a lot of things that need to be fixed and replaced. And they go through each building on the campus at the Penitentiary, and they describe the problems with each one of those buildings. And oftentimes the recommendations, after they go through a description-- if you look at the pictures, you'll be concerned about the place. But as you go through and look at their recommendations, many of them are "tear down and replace," like most of them. Some of them are "tear down and turn into green-- green space." But at the end of the day, the Alvine Engineering Report, which was intended-- their assignment was, tell us what it would take to make that place like new. OK? That means they've got a-- a tunnel that takes the sewage out that needs to be fixed and the infrastructure for the water and the infrastructure for the electricity and all those things would have to be replaced. The cost, the cost to replace the Pen-- and it's a challenge because now you've got to start moving people around from one housing unit. Where are you going to put them while you build that housing unit from scratch? But it's \$220 million; \$220 million will get you a new Penitentiary. Now in here, they said, we're going to add some more money. That's part of the \$220 million. We're going to add some more money in here because of the challenges of trying to do this in a facility that is currently being operated as a facility at the Department of Corrections. So that's already sort of baked into the cake when it comes to the \$220 million. But if you read the report, I think you will conclude, as the Governor has, that the Penitentiary--

**WILLIAMS:** One minute.

**LATHROP:** --actually needs to be replaced. You know, can it last a few more years? Perhaps, but-- but do we need a new prison? We do. And what we need, to go back to the theme, what we need really is dependent upon how many people do we intend to incarcerate, or how many more do we intend to incarcerate over the next 20 years? And that really is where LB920 comes in-- setting a course for our population, what that population should look like. How fast should it grow? How many people? And I would-- I would offer this. If you are engaged in this topic, the right question is, how many beds do we think is the right number? You can look at this as I have, which is flattening the trajectory. But if that's not your approach, tell me how many beds you think is the right number. Then we can-- we can tailor the reforms so that we have met whatever--

**WILLIAMS:** Time, Senator.

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**LATHROP:** --standard you have for the number of beds you think we need. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Lathrop. Senator Hunt, you are recognized.

**HUNT:** Thank you, Mr. President. Colleagues, I wanted to share some thoughts about the conversation we're having around criminal justice reform and mental health. Mental health is very important. When I was a Girl Scout, I did one of my big projects to earn one of the awards-- like when you're a Boy Scout, you get an Eagle and when you're a Girl Scout, you get a Gold Award. And I did a project on mental health in high schools. And it's funny to me what to think about it now as I talk, because I can kind of draw a direct line from the, the interest I had in mental health in high school and then the work I went on to do for men's health in college, and then comprehensive sex education, and public health later on as an adult. But I've always been very interested in the health of students, and I know that's a concern shared by many people here in the body. I appreciated Senator Jen Day's priority bill this year to make sure that we have resources in our schools for kids' mental health, and I've consistently supported efforts in this body to increase access to prescription medication, and healthcare, and anything people need to be healthy, basically. And that certainly goes for inmates, too, for incarcerated people. But I want to be careful that we don't talk about mental health as a coded way to just talk about crime. Because what you're kind of saying when, you know, we fall into this trap of saying that to solve our overcrowding problem and to reduce recidivism in Nebraska, and to make sure that we're supporting people so they aren't turning to crime, we need to invest in mental healthcare. To me, that's kind of a copout because it's also kind of like saying, well, you would only commit a crime if you are crazy. Only insane people commit crimes, and we know that's not true. Mental health and low mental health or whatever is not the only reason that people commit crimes in Nebraska or anywhere. So to say that focusing on mental healthcare is the only solution or the most important solution that we propose in criminal justice reform, it's-- it's a code for doing nothing and it's a pretty lazy solution, honestly. Mental healthcare is very important, but what's also important is economic care. Over lunch, like Senator McCollister mentioned, I went to a lunch put on by RISE, which is an organization that works with incarcerated people to help support them so that when they get out of-- of being incarcerated, they can get better jobs, start businesses, things like that. And of course, I'll also asterisk that and say, we know that there are many incarcerated people who are entrepreneurs. And so, you know, we don't have to go into prisons and

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teach these people how to run businesses. A lot of them are very experienced in that area. But the number one thing that incarcerated people I speak to, whether it's in the prison, when I go visit prisons, or whether it's outside like this lunch today, is economic opportunity. It's not mental healthcare. You know, I don't hear a lot of people who are formerly incarcerated or currently incarcerated saying, boy, I think that I would have an easier time not committing crimes if I could just get the Prozac I need or if I could just get the Wellbutrin I need or if I could just get the counseling I need. That's part of the solution, but we also have to make sure that when they get out, they have things like access to jobs. One-- one formerly incarcerated woman we spoke to said that, you know, she's a-- she has committed a felony and she's got that on her record and she applied for 200 jobs. She only got interviewed for eight jobs and she didn't get any of them.

**WILLIAMS:** One minute.

**HUNT:** And so these are the kinds of economic barriers that stand for people, and those are much more impactful than mental health barriers, because we already have a pretty big consensus among lawmakers and decision makers that mental health is important. And I think that we're doing some reasonable things to invest in that. But things like food assistance, when you guys stand between someone who had a drug crime, maybe decades ago, and saying you cannot get food assistance for the rest of your life-- colleagues, that's an economic barrier that doesn't even make sense for public safety. There are many, many policies like that that we need to look at to make sure that formerly incarcerated people have economic opportunities, and not just say they need mental healthcare because they must be insane to have committed a crime. That's reductionist, and it doesn't actually have anything to do with the problem. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Hunt. Senator Wayne, you are recognized.

**WAYNE:** Thank, thank you, Mr. President. Colleagues, I've stayed out of this conversation for quite a bit. It's kind of interesting. Will Senator Friesen yield to a question?

**WILLIAMS:** Senator Briese, would you yield? Excuse me, Senator Friesen, would you yield?

**FRIESEN:** Yes, I would.

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**WAYNE:** Senator Friesen, do you think \$1,500 30 years ago can buy you the same am-- do you think \$1,500 30 years ago is worth the same as \$1,500 today?

**FRIESEN:** Absolutely not.

**WAYNE:** Thank you, Senator Friesen. See, colleagues-- a \$1,500 theft 30 years ago is, is a felony. Today, a \$1,500 theft is a Class IV felony. You can do two years in prison if you're 19 years old for stealing somebody's phone. Think about that. When you look at criminal justice reform, you have pre-entry, which I would argue LB1024 does; then you have entry, that's after you're arrested; then you have sentencing, and then you have postsentence. For me, you have to deal with all of them if you want true criminal justice reform. Where I struggle the most with LB920 criminal justice reform, any bill you want to name, is the Class IV felony. We're one of the few states in the country to have a Class IV felony. Now what's interesting about that is most of your prison population is doing anywhere from 18 months to 30 months. And it's typically involving a Class IV felony because a Class IV felony is actually probation presumption with up to two years. So what that means is, in our body, we've said you can have a felony and never go to jail. You could be on probation for 90 days up to five years, but never step foot in jail and have a felony. And the worst part about that is, if you commit three Class IV felonies and never put a day in jail-- that means every time you are on probation, you can get a habitual attached to that and spend 10 years in jail. How does that make any sense? So until we deal with the pre, which I think this body is, from what I'm hearing, is willing to do something with LB1024 to give us a chance to show you that that's one part of criminal justice reform. But the reality is, in my opinion, we can't change the Parole Board, and if we really want to change sentencing, we will go to determinate sentencing, which 14 other states have done to limit their inactive parole board, parole boards, which is basically kind of the federal system. It's a-- it's a point guided system. And it holds judges and the legislature more accountable than anybody else. Or you have to figure out how to change your charges. It doesn't make sense that a Class IV felony is \$1,500. Because to me, it won't matter, because if you ask any criminal defense attorney, a judge knows how far they want to sentence somebody. So if you lower the top number and change the bottom number, if a judge wants somebody to do 14 years, they are going to calculate in their head 14 years. The reality is, at least in Omaha, we got more prosecutors than we ever had on the bench, so there's tougher sentences. So sentencing is not really going to change, in my opinion. In my opinion, sentencing won't change. You got to figure out how to do more treatment, more drug courts, alternative

courts, which part of this is CJI conversation. But the reality is we got to look hard at our charges. And I understand there are some non-negotiables-- sexual assault of minors, I get that will probably never pass this body. But in what sense does a Class IV felony, where you have the presumption of probation--

**WILLIAMS:** One minute.

**WAYNE:** --for \$1,500? Think of a 19-year-old kid who gets in an argument with somebody because they posted something on social media, and take their phone. Now they're charged with a felony. Some kid in college gets mad because somebody did something on a-- on a-- on YouTube and took their computer to try to erase it-- they are charged with a felony, and may never serve a day in jail, but they are locked in a felony. That's the conversation I would like to have. It's charges on the front end. So if we're going to talk about criminal justice reform, let's have that conversation, but let's broaden it up. Let's add some pilot programs, and let's make some really true differences in what we're trying to do. So I'm standing up saying, I've done it. I actually practice in it. I was there this morning practicing in it. It's more than just LB920. So if you're fearing of LB920, it's actually bigger than that. LB920 is just what I would deem a small step.

**WILLIAMS:** Time, Senator.

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

**WILLIAMS:** Thank you, Senator Wayne. Senator John Cavanaugh, you are recognized.

**J. CAVANAUGH:** Thank you, Mr. President. I appreciate everything Senator Wayne just said, and I would certainly-- could yield him more time if he had more to say on that. But I just couldn't agree more with basically everything he just said there-- that this requires a systematic-- systematic approach, and we need to address it from every aspect of our criminal justice system, and that the changes proposed in LB920 are small, modest changes that address some of the kind of top-line issues facing our prison crowding, but it doesn't address, necessarily, the flow of people, why people are committing crimes. Right, and Senator Wayne talked about that. And it does get people into problem solving courts more, which addresses people coming into the criminal justice system. It does help people get some more treatment. It does create more opportunity for parole, which is supervision after a term of incarceration, which is the time in which

people get treatment outside of prisons, which is where people are supervised when they return to our communities, where they're living next door to you or me or anybody else and are still subject to the supervision of the parole officers-- subject to drug testing, subject to check-ins and things like that. So it's a step-down approach. And so LB920 is not a panacea, and nobody is arguing that it is. But what it is, is a step in the right direction. It is data driven, evidence-based approach to addressing some of the concerns, some of the issues we have in our criminal justice system, and taking a step in the right direction to stop incarcerating people, as many people, for as long as we have been. It does-- it doesn't address those parts that Senator Wayne just talked about, the Class IV's. It doesn't change any actual penalties. It doesn't say-- well, it-- it does create a new misdemeanor offense level for possession of a very small amount of controlled substance, so it does change that one. But when it comes to, say, the reduced jamming out, which is the minimum sentence-- 50 percent of the maximum sentence, and 70 percent of the maximum sentence for sex crimes. What that means is that on a Class IIA felony, which is a zero to 20, the maximum penalty range is 10 to 20. A judge can already grant that sentence now. It doesn't change that. Judges can give 10 to 20s. Judges can give 10 to 12s. And that-- a judge could very well still give a 10 to 12. A judge could still, it could give a 5 to 10 or 5 to 7 on those offenses, which is very common on IIAs. So it doesn't actually-- it just changes if a judge was going to give somebody a 19 to 20, which meant, would mean that they would have almost no parole eligibility, which means they would have no community-based supervision. They'd have no step-down in custody. They would have no mandatory services while they are in community, in the community, and they would be moving directly from custody. They would be jamming out into the community without a step down, without supervision. And so that is a very modest change. It is a very logical change, and it is one that is evidence-based that will help alleviate some of the problems we're having with overcrowding in our system. And it will alleviate some of the problems we're having with recidivism, which is repeat offenses after completing a sentence, because it addresses some of the reasons, some of them, not all of them, some of the reasons people are likely to reoffend. And so that is one of the things that is in LB920, and some people have had some heartache about that specific percentage number. And Senator Lathrop, in the negotiations that have been ongoing and continue to be ongoing, has agreed to change that number to a 60 percent and I think it was 85 percent number.

**WILLIAMS:** One minute.

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**J. CAVANAUGH:** Thank you, Mr. President. And so the negotiations are ongoing. I think that there's-- there's more room for compromise between everybody who wants to solve this problem. But the thing we can all agree about is that there is, there are strong evidence for the proposals that are integrated into LB920. They will help us make progress on our prison overcrowding. They will help people who are currently incarcerated or people who are going into incarceration in the future have better outcomes. They will decrease crime. They will make our communities safer. It will help us achieve the goals. It is not the end. It is the beginning. It is the thing that we can do now, the first step to start alleviating these problems and making Nebraska a better, safer state, and we can save money in the long term. And so that's why this is such an important piece of legislation and we have the opportunity to do it now. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Cavanaugh. Senator Walz, you are recognized.

**WALZ:** Thank you, Mr. President. You know, the more I sit and the more I listen to this conversation, the more I think this is just not logical. It's just not logical. I am not comfortable with incarcerated people coming back into society without any type of protection, without any type of control or education or support, without any mental health resources or counseling-- I'm not comfortable. I do not, I do not want to be held responsible for allowing people to jam out of prison with no plan. I don't want to be responsible for somebody jamming out of prison without any protection, without any type of control or mental health or counseling supports. That does not make sense to me. We have the opportunity to ensure today, to ensure that people who are released have to be accountable. They're just not being released and going back to doing whatever they were doing, they have to be accountable. They have to be accountable for where they go. They have to be accountable for what they do. Not allowing that to happen does not make sense to me. Senator McKinney, would you answer a question, please? Would you yield to a question?

**WILLIAMS:** Senator McKinney, for a question?

**McKINNEY:** Yes.

**WALZ:** Senator McKinney, I know that you've had a lot of experiences, and you've had a lot of conversations with people who have jammed out of prison and have even asked for help knowing that they weren't ready and then going back into society. Can you talk a little bit about those conversations?

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**McKINNEY:** Yes. In the past, our state has released individuals-- jammed out from pretty much solitary or-- yeah, solitary or restricted housing, onto the streets. And the results of that haven't been the greatest, which is why there is attempts to try to do something to alleviate the amount of individuals jamming out of prison, so we can ensure that those that do need the mental health, the substance abuse, and other care and just basic needs as a human are met so we can ensure that we're giving those who are returning back to society the tools to be successful instead of allowing them to just jam out. And we're aware that they need care and they don't get the care and they reoffend and come back and then it's just another cost to the state. And that's why I say, when you think-- talk about being fiscally responsible, you really should think about criminal justice and criminal justice reform, because there's things that we could do that will lessen the financial burden on the state and the amount of money that we appropriate to the Department of Corrections every year.

**WALZ:** Thank you, Senator McKinney.

**McKINNEY:** No problem.

**WALZ:** Again, this body is responsible. And again, I don't think it makes any logical sense to just allow somebody to jam out of prison without any type of counseling, any type of control, any type of protection for the rest of society. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Walz and Senator McKinney. Senator Lathrop, you are recognized and this is your third opportunity.

**LATHROP:** Thank you, Mr. President. Colleagues, I think I'm the last person to speak before we go to cloture, and I want to be clear about the board. I'm going to ask you to vote no on the Senator Machaela Cavanaugh bracket. And, well, yes on cloture, no on the Cavanaugh bracket, and yes on LB1013. A little bit of an opportunity for a closing argument on LB920-- can it have gone further? Yes. Are there other things that we might have done? There certainly are. A lot of people got engaged in the CJI process, and these are the options that they came up with. I could have put in here other things, eliminate Class IVs, or get rid of mandatory minimums for gun crimes. There's a lot of things that could have been done, but what I wanted to bring to you and for your consideration is the work and the conclusions of the people that worked on this for nine months, including Senator McKinney and many others who put a great deal of time into this process. I recognize, even if you read the World-Herald article on mandatory minimums for gun violence, there-- there are other contributing

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circumstances. We have chosen these as a group, or the group chose these and offered up these options for our consideration. That's why I brought them to you and why I did not get outside of the scope of the CJI process is so that you understand what we are talking about. Our conclusions derived from an examination of the data that CJI developed and that this working group combed through and took presentations on. At the end of the day-- at the end of the day, as I do, I will end where I started. The problem is illustrated by this first handout I gave you. Our population is growing at 2.5 percent, about 200 people a year. It will be at 7,327 by 2030. By the time we open a new prison and close the Pen, we will be 1,300 beds short of operational capacity. And I-- there's only one offer on the table. There's only one solution that's been presented for our consideration, and I appreciate that some of you have begun to engage in the dialogue on the policy found in this bill. Maybe some of you have listened to so much of this that you just want it to stop and you're already convinced. I see Colonel Brewer shaking his head, yes. He wants it over. Believe me, I want to-- I want to be able to stop talking about it. I think it's time for this bill to have its day. Let's, let's have, when it appears, a real debate about the policy. Tell me what your concerns are, because one of the challenges is I don't have a chance to respond to your concerns if you don't share them. I don't have an opportunity to find the middle ground, which I've spent a good deal of my legislative years trying to accomplish. And with that, colleagues, I want to thank you again for your patience and your indulgence. I think that there is a way forward for all of us on the things that we care about for the rest of this session. And I think we ought to contemplate that this afternoon as we move forward. I am open to any ideas, any concerns, questions, or suggestions. And with that, Mr. President, thank you.

**WILLIAMS:** Thank you, Senator Lathrop. Mr. Clerk, you have a motion on the desk.

**CLERK:** Senator Stinner would move to invoke cloture on LB1013 pursuant to Rule 7, Section 10.

**WILLIAMS:** It is the ruling of the Chair that there has been fair and full debate afforded to LB1013e. Senator Stinner, for what purpose do you rise?

**STINNER:** I am requesting a roll call in reverse order, please.

**WILLIAMS:** Thank you, Senator Stinner. I would remind the members that we are on Final Reading. Would you please return to your seats and

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check in? Senator Flood, Senator Wayne, would you please check in? Senator Ben Hansen. All members are present. Members, the first vote is on the motion to invoke cloture. There has been a request for a roll call vote in reverse order. Mr. Clerk.

**CLERK:** Senator Wishart voting yes; Senator Williams voting yes; Senator Wayne voting yes; Senator Walz voting yes; Senator Vargas voting yes; Senator Stinner voting yes; Senator Slama not voting; Senator Sanders voting yes; Senator Pansing Brooks voting yes; Senator Pahls; Senator Murman not voting; Senator Moser not voting; Senator Morfeld voting yes; Senator McKinney voting yes; Senator McDonnell voting yes; Senator McCollister voting yes; Senator Lowe not voting; Senator Linehan not voting; Senator Lindstrom voting yes; Senator Lathrop voting yes; Senator Kolterman voting yes; Senator Jacobson voting yes; Senator Hunt voting yes; Senator Hughes not voting; Senator Hilkemann voting yes; Senator Hilgers voting yes; Senator Matt Hansen voting yes; Senator Ben Hansen not voting; Senator Halloran not voting; Senator Gragert voting yes; Senator Geist; Senator Friesen voting no; Senator Flood voting yes; Senator Erdman voting yes; Senator Dorn voting yes; Senator DeBoer voting yes; Senator Day voting yes; Senator Clements voting yes; Senator Matt Cavanaugh-- why am I doing that? [LAUGHTER]; Senator Machaela Cavanaugh-- my apologies, Senator. Senator John Cavanaugh voting yes; Senator Brieese voting no; Senator Brewer voting yes; Senator Brandt voting yes; Senator Bostelman not voting; Senator Bostar voting yes; Senator Blood voting yes; Senator Arch; Senator Albrecht voting no; Senator Aguilar voting yes. 34 ayes, 3 nays, Mr. President, on the motion to invoke cloture.

**WILLIAMS:** The motion to invoke cloture is adopted. Members, the next vote is on the bracket motion. All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 1 aye, 43 nays, Mr. President, to bracket the bill.

**WILLIAMS:** The bracket motion fails. All provisions of law relative to procedure have been complied with. Mr. Clerk, please read the bill.

**CLERK:** [Read LB1013 on Final Reading]

**WILLIAMS:** Thank you, Mr. Clerk. All provisions of law relative to the procedure have been complied with. The question is, shall LB1013e pass? This will require 33 votes. All those in favor vote aye; those opposed vote nay. Have all voted that wish to vote? Record, Mr. Clerk.

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**CLERK:** Voting aye: Senators Aguilar, Blood, Bostar, Bostelman, Brandt, John Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Gragert, Hilgers, Hilkemann, Hughes, Hunt, Jacobson, Kolterman, Lathrop, Lindstrom, McCollister, McDonnell, McKinney, Morfeld, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senators Albrecht, Brewer, Briese, Friesen. Not voting: Senators Machaela Cavanaugh, Halloran, Ben Hansen, Matt Hansen, Linehan, Lowe, Moser, Murman, Arch, Geist, and Pahls. Senator Slama changing from yes to no. 33 ayes; 5 nays; 3-- 8 present and not voting; 3 excused and not voting, Mr. President.

**WILLIAMS:** LB1013e passes. Mr. Clerk for items.

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

**WILLIAMS:** We'll now move to Select File. LB1084, Mr. Clerk.

**CLERK:** Mr. President, Senator McKinney, LB1084. I have no amendments to the bill, Senator.

**WILLIAMS:** Senator McKinney for a motion.

**McKINNEY:** Mr. President, I move to advance LB1084 to E&R for engrossing.

**WILLIAMS:** Members, you've heard the motion to advance LB1084. All those in favor vote, or excuse me, all those in favor say aye. Those opposed say nay. LB1084 is advanced. LB1083.

**CLERK:** LB1083, Senator. Again, I have no amendments to the bill.

**WILLIAMS:** Senator McKinney for a motion.

**McKINNEY:** Mr. President, I move to advance LB1083 to E&R for engrossing.

**WILLIAMS:** Members, you've heard the motion to advance LB1083. All those in favor say aye. Those opposed say nay. LB1083 is advanced. Moving on to Select File senator priority bills, LB1023.

**CLERK:** LB1023, Senator-- excuse me, the Enrollment and Review amendments have been adopted. Pending, Senator Hilgers' AM2300.

**WILLIAMS:** Speaker Hilgers, you are recognized to open on your amendment.

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**HILGERS:** Thank you, Mr. President. I think when we were on Select File last, we actually-- I did open on this previously, so I'll just remind everyone. This, this is a white-copy amendment that made one-- a primary change or a couple other cleanup changes, but one primary change was simply to address Senator John Cavanaugh's concern, as well as Senator DeBoer and, and others, as well as members of the public concern about ensuring that if a lake ever is built after phase one, that it is open to the-- completely open to the public and is not just cordoned off for private use. That's really what AM2300 does and I'd ask for your green vote when the time comes on that amendment. Thank you.

**WILLIAMS:** Thank you, Speaker Hilgers. Debate is now open on AM2300. Seeing no one in the queues, Mr. Clerk for additional amendments.

**CLERK:** Mr. President, I now have amendments to the amendment, the first, Senator Cavanaugh, Machaela Cavanaugh, and Senator, you had offered this also, AM2496.

**M. CAVANAUGH:** Yes. There was one that I was replacing. OK.

**CLERK:** I've got two others--

**M. CAVANAUGH:** Two--

**CLERK:** --which one do you want?

**M. CAVANAUGH:** AM2496. So this, I believe-- I'm sorry, I apologize. I got to pull this up. AM2496. OK, so AM2496 is my bill or my-- my bill-- my amendment that says-- it's basically a conflict of interest of-- to AM23 [SIC], so neither the Director of Natural Resources or any employee-- I think this is-- I think the next one is the updated. I apologize, Mr. Clerk. AM2496-- AM24-- no, this is it. I'm sorry. I'm-- this is what happens when you introduce too many things at once. Sorry. OK, so AM24-- I'm, I'm trying to see if LB2573-- or AM2573 is an amend-- complements this one or not. So is there-- Mr. President, is there anybody in the queue?

**WILLIAMS:** Yes, there's people in the queue.

**M. CAVANAUGH:** OK, so what I'm going to do is quickly figure out which amendment is supposed to be here while people are in the queue and then I will come back or pull this if necessary. So I'll yield the remainder of my time to the Chair at this moment.

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**WILLIAMS:** Thank you, Senator Cavanaugh. Speaker Hilgers, you are recognized.

**HILGERS:** Thank you, Mr. President. Good afternoon, colleagues. I do have these amendments up and so I will talk through both AM2496 as well as AM2573. Senator Machaela Cavanaugh came to me, I think, last week, walked me through the amendments, what she's trying to accomplish. I appreciate her doing that. There's another one I think that she has filed that we can talk about. So there are two on the board that relate to this similar issue, which is conflict of interest. The first one, which is actually up right now, which is AM2496, is one that I support. I think this is a friendly amendment. I think this makes the bill better. And this is-- essentially says if you're a member of the-- if you are the Director of Natural Resources or any employee of that department, or if you're in Game and Parks, you can't have any financial interest in a lake if it's ultimately constructed. I think that's sound policy. It's a good addition to the bill. There are some conflict of interest provisions in LB1023 as well as AM2300 and so I support that. The other one is AM2573. It's not on the board right now. It goes to a similar issue, which is conflict of interest, but the-- I do have problems with-- it's pretty broad. I've spoken to some individuals in the administration just in terms of how you would actually administer this. It goes to any state employee. It, it goes for ten years, any of their family members, which not just immediate family members like spouse, but children and grandchildren, spouses of children and grandchildren. And so just from-- on its-- on a practical perspective or being able to implement that, I-- I do have more concerns with AM2573. So to the extent that that comes up, at least in its current form, I would oppose that, but-- although I understand what Senator Cavanaugh is, is trying to accomplish there. But AM2496 on the board right now, I would support. So I'm happy to answer any questions or discuss in more depth, but I would urge you to vote green on this amendment. Thank you, Mr. President.

**WILLIAMS:** Thank you, Speaker Hilgers. Senator Hunt, you are recognized. Senator Hunt has left the floor. We will pass over her. Senator Machaela Cavanaugh, you are recognized.

**M. CAVANAUGH:** Thank you, Mr. President. Thank you, Speaker Hilgers, for explaining my amendments. I think this makes us even from my first year where I had to, on the fly, explain one of yours, but it was legal and I think I said just a bunch of Latin words. So now we're even three-- four years later. Yes, my first amendment, LB2496 [SIC], it does-- it's a conflict of interest. It's much more streamlined. I did have other intentions with AM2573 and when we get to that, I will

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likely just-- I'll pull it because I understand what-- what the Speaker is saying about it complicates execution. So basically, the intention is that those of us that are involved in these projects are not going to make money off of these projects. And so the family part is that, you know, we all have family members and so it's-- we're not doing this on behalf of a close family member. So that's pretty much it. I encourage you to vote green on AM2496.

**WILLIAMS:** Thank you, Senator Cavanaugh. Seeing no one in the queue, Senator Cavanaugh waives closing on AM2496. Members, the question is the adoption of AM2496. All those in favor vote aye; those opposed vote nay. There's been a request to place the house under call. All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 17 ayes, 8 nays to place the house under call.

**WILLIAMS:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. The house is under call. Un-- all-- all unexcused senators please return and record your presence. All unexcused members are now present. Members, the question is the adoption of AM2496. We already started the vote, so we'll do call-in votes.

**CLERK:** Senator Flood voting yes. Senator John Cavanaugh voting yes. Senator Hunt voting yes. Senator Brandt voting yes. Senator Pansing Brooks voting yes. Senator DeBoer voting yes. Senator Linehan voting yes. Senator Williams voting yes. Senator McCollister voting yes. Senator Dorn voting yes. Senator Walz voting yes. Senator Slama voting yes.

**WILLIAMS:** Record, Mr. Clerk.

**CLERK:** 25 ayes, 2 nays on the amendment.

**WILLIAMS:** Thank you, Mr. Clerk. Raise the call. Returning to debate--

**CLERK:** I have--

**WILLIAMS:** --Mr. Clerk, you have an amendment.

**CLERK:** I do. Senator Cavanaugh, I now have AM2546.

**WILLIAMS:** Senator Cavanaugh, you are recognized to open on your amendment.

**M. CAVANAUGH:** Thank you, Mr. President. I apologize for not getting the house under call before the vote started. I will try to be faster next time. This is the correct amendment. Thank you, Mr. Clerk. So AM2546 strikes some of the sections from AM2300. So this bill does a lot of different things for water in the state, and it is not my intention to disrupt most of those projects. There is one project that I don't believe is a good use of our funds at this time, and that is the lake between Omaha and Lincoln. So my amendment strikes the language for that lake from the bill. And so on page 2, it strikes lines 19 through 31, so that means it's striking, "After considerable study, the Statewide Tourism-- OK, I'll just STAR WARS-- "identified potential opportunities within the floodway near the Platte River that could be used to build a combined reservoir of approximately three thousand six hundred surface acres, or greater, in or near a county, having a population of at least one hundred thousand but not more than three hundred thousand inhabitants. Such a reservoir could be built without a dam of a Platte River channel and without negatively impacting any existing municipalities, their surrounding communities, or any economic development already occurring in such areas;" So it strikes that part. And then on page-- oh no, sorry, it goes on. And then, "it is in the public interest to construct a lake at or near this location. Such a lake would provide flood control by providing additional off-channel storage during flood events and public recreational opportunities that would benefit generations of Nebraskans, similar to the recreational opportunities provided by Lake McConaughy, Lewis and Clark Lake and Eugene Mahoney State Park;" so it strikes all of that through line 7. OK. And then it goes all the way through line 7 and line 8 strike-- OK-- "In addition to the primary purposes of providing flood control and public recreational opportunities that will benefit the public, building a lake will provide the collateral benefit of economic development opportunities;" Strike 12 and insert 9. I think that's just a renumbering thing. Line 13 through 10, that's renumbering. OK. So that's pretty much it. It just strikes parts 9 and 10 of subsection-- I apologize-- Section 1-- or Section 2, sorry, so striking subsections 9 and 10 of Section 2. And that would effectively strike the lake between Omaha and Lincoln. So there's a couple of reasons that I disagree with-- with this use of funds. First of all, nobody really seems to feel very confident about the ability for this lake to exist in perpetuity without a massive investment of funds over its entire existence. It's going to constantly have to be dredged, all of the different things. Another reason I don't like this lake is because the people there don't like this lake, and they don't want it. And we will ultimately have to use eminent domain to build it. We can try as hard as we, we might, but

there are going to be people who have told us over and over again that they will not give up their land, their property, their farms, their businesses, etcetera, so we will have to use eminent domain eventually to build this lake. Last part, and this is where I think the people who represent are-- like Lake McConaughy and Lewis and Clark-- this is the part where I think you should really care, because that's where we go from Omaha. Like, if you build a lake closer to us, that's where we're going to go. But if you don't, then we're going to go to your lakes. And so I'm not sure why you would want this, because it's going to drive down tourism from your areas from the eastern part of the state. So that's pretty much it. I know that this is a project that a lot of people have worked on for a long time. I'm not going to filibuster it. I'm not going to talk anymore unless people want me to answer questions, and I will yield the remainder of my time to the Chair.

**HUGHES:** Thank you, Senator Cavanaugh. Senator Hilgers, you're recognized.

**HILGERS:** Thank you, Mr. President. Good afternoon again, colleagues. This is another one of the amendments Senator Machaela Cavanaugh approached me and told me. And to be very fair, she said, I'm, I'm going after "Lake Mike" and you probably won't like it, this will probably be hostile, and I do appreciate that she introduced it and that we can have the conversation about it. I do oppose it. At the end of the day, I do think-- just to address a couple of her concerns-- and I think reasonable minds here can disagree. I know there are a number of people who do disagree. I do think this particular bill has a lot of support, but to at least address two of the concerns; one, one is in terms of eminent domain, we've talked about this process is one in which we are looking for-- we are looking for arm's-length transactions with individuals so that it can be a win-win-win. The idea, the goal, the purpose, the intent is to not have to use eminent domain. And if-- if we are going down that road, it's something that I don't support, but also this is meant to be a winning solution for the state of Nebraska. And so a lot of the landowners that we've heard from are not with-- that-- not within even the proposed lake site that we're at least looking at. Certainly, there's no final site that's been identified and I know Senator McDonnell in particular has had a number of meetings with landowners and we're going to continue to have those conversations. And secondly, in terms of the state investment with the proposal, what we're looking at-- and we'll have more clarity after this phase one if we're-- if all systems are go. There's a lot of work yet to be had-- is that we're looking at well over 90 percent of this would come through other sources than state dollars. And so

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for an opportunity for small investment to be able to-- of state dollars to be able to recover a significant amount of money-- not recover, excuse me, but to entice private investment that could be well over \$1 billion and generate multiple billions of dollars of economic activity, I think is something that would be-- is worth exploring and going down. We think we've got a pretty good plan to go for the various phases in order to accomplish it. And so I think big picture, it's a-- it's a big idea, it's a big vision and if we hit it, it's going to be a home run, in my opinion. So I would ask you to oppose or vote red on AM2546. Thank you, Mr. President.

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

**WAYNE:** Good afternoon, Mr. President. I rise in support of AM25-- AM2546. Not really sure what's all going on with the-- the lake and everything. I just feel like we're spending a lot of money on the lake and we should look at it a little more carefully. With that, I'll yield the rest of my time to Senator Cavanaugh, Machaela Cavanaugh.

**HUGHES:** Senator Machaela Cavanaugh, 4:30.

**M. CAVANAUGH:** Thank you, Senator Wayne. I did say I wasn't going to speak unless people had questions so. So what's going on is that I have not agreed with the development of "Lake Mike" between Omaha and Lincoln in Ashland, nor do the people who reside there agree with it. And I-- I have concerns about its feasibility, I have concerns about eminent domain, and I have concerns about driving tourism away from other water attractions in our state. So those are my three main reasons. It's a lot of money. It's \$20 million now, but it ultimately is going to cost a significant more amount of money. And I would much rather see that \$20 million go towards our current water recreational systems or tax cuts, whatever. I just think there's other uses for \$20 million than exploring building "Lake Mike." And I'm wondering what Mike stands for because is it like the missile intervention-- oh, I'm sorry. I, I was just informed. It stands for Mike Flood. I'll yield the remainder of my time to the Chair. Thank you.

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

**B. HANSEN:** Thank you, Mr. President. I am against AM2546 and even though I do have some similar concerns that Senator Cavanaugh has about eminent domain, I do trust-- I totally trust Senator Mike Flood and all the other Mikes to take care of that and make sure that we do this responsibly and fiscally responsibly as well. And Senator Wayne,

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I think he might be against the bill, mainly because it's not named "Lake Justin Wayne." And so I think it's something we can work on as an amendment down the road and I'll be with you on that. So with that, I'll yield the rest of my time back to the Chair. Thank you.

**HUGHES:** Thank you, Senator Hansen. Seeing no one else in the queue, Senator Cavanaugh, you're welcome to close on AM2546.

**M. CAVANAUGH:** Thank you, Mr. President. I'm actually going to do a call of the house while I'm closing so that-- so call the house, please.

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

**CLERK:** 20 ayes, 9 nays to place the house under call.

**HUGHES:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized person please leave the floor. The house is under call.

**M. CAVANAUGH:** May I continue?

**HUGHES:** Yes.

**M. CAVANAUGH:** Thank you. Colleagues, I-- thank you for the call of the house. I requested that because I'm closing on amendment and I want you to understand what the amendment is and it also needs 25 votes to be adopted. So this amendment would take "Lake Mike Flood" out of the flood plain. It would take the lake between Omaha and Ashland out of this package. And as I've stated previously, my reasons for that are that I don't believe-- and I also would like to note that the-- the Speaker, I think, insinuated that I have a sensible mind. So thank you, Speaker Hilgers. But I-- it takes the-- it-- it-- the feasibility of doing the lake, the opposition from the residents, and the eminent domain concern and then the concern about driving tourism away from our other water recreational sites right now. And I feel like we could find a different use for the \$20 million that we're putting up front now versus-- and in addition to the over \$1 billion, nobody really knows, that we're going to have to do down the road. So with that, I hope you'll vote green. If you don't, we can just move on with "Lake Mike Flood." Thank you.

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**HUGHES:** Senator Morfeld, Senator Vargas, the house is under call. Senator Cavanaugh, we're waiting on Senator Vargas. Do you wish to wait or proceed? We can proceed. Colleagues, the question before us is the adoption of AM24-- AM2546. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 6 ayes, 25 nays on the amendment.

**HUGHES:** The amendment does not pass. Mr. Clerk, I raise the call.

**CLERK:** Senator Cavanaugh, AM2573.

**M. CAVANAUGH:** I will withdraw that. Thank you.

**CLERK:** We're back to Senator Hilgers' AM2300, Mr. President.

**HUGHES:** Seeing no one in the queue, Senator Hilgers, you're welcome to close on AM2300.

**HILGERS:** Thank you, Mr. President. Just briefly, this is a reminder this puts an additional provision to ensure that the lake is ever built, it remains a-- completely a public asset and resource with open access to the public and the people in the state. Please vote green. Thank you, Mr. President.

**HUGHES:** Thank you, Speaker Hilgers. Colleagues, the question before us is the adoption of AM2300. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 32 ayes, 2 nays on adoption of Senator Hilgers' amendment.

**HUGHES:** Debate is now open on 23-- LB1023. Senator Moser, you're recognized.

**MOSER:** I'd like to ask Speaker Hilgers a few questions about the lake, please.

**HUGHES:** Speaker Hilgers, will you yield?

**HILGERS:** Sure.

**MOSER:** So we had a little discussion here in between the confusion over the amendments and the certainty of this lake is not guaranteed. I mean, there's no guarantee the lake will be built, is that correct?

**HILGERS:** Absolute-- yes, that's correct.

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**MOSER:** OK and what are the limitations as to cost so far?

**HILGERS:** Well, there are a number of limitations that could-- that any one of which would mean the lake wouldn't be built. Is that what you're asking, Senator Moser?

**MOSER:** Yes.

**HILGERS:** I'm-- I'm happy to list a few. So for one, there's a hydrology study that's going to be conducted. That was in the budget bill that passed earlier today. If that comes back with, say, a negative impact on Lincoln's water supply or the surrounding area water supply, that would be a reason. There's going to be an environmental study. If that doesn't come back the right way, that would be a reason. If we can't acquire the land through transactions, that would be a reason. If there couldn't be private investment or additional dollars to be able to-- to pay for the creation of a lake, that would be another reason. There probably are some others as well.

**MOSER:** Now, what-- what percentage of public dollars versus private dollars are you talking about there?

**HILGERS:** Well, as we project right now, Senator Moser, the public dollars with what we project the cost would be overall would be probably less than 5 percent. I think certainly less than 10 percent.

**MOSER:** Five or 10 percent of the cost would be public dollars?

**HILGERS:** Less, less than, less than five-- almost certainly less than 10 percent and likely less than 5 percent.

**MOSER:** So what-- and what does it actually say in the bill?

**HILGERS:** Well, it doesn't directly address that, Senator Moser. The way you would do that math is you would say the state is-- in the budget bill we passed earlier today has put \$20 million into the studies. Beyond that, the implication is all the rest will come from private funding sources. There are some money that are-- is set aside that the Appropriation-- a Appropriations Committee or an Appropriations Committee in, in the future could pull back. They're not appropriated dollars. So if it's a \$1.5 billion project, as an example, and the state just puts in the \$20 million that was appropriated earlier today, that would be far less than 5 percent.

**MOSER:** OK, thank you. Well, I didn't vote for the amendment that would have effectively killed this because I think it's worth giving a

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chance at life, but I have some serious reservations about whether all of these conditions will work out so that the thing can move forward. But I've been wrong before and it's a big project and if it is successful, I wouldn't want to be the one that-- that kills it, so. I, I wish it the best of luck. Thank you.

**HUGHES:** Thank you, Senator Moser. Senator Hunt, you're recognized.

**HUNT:** Thank you, Mr. President. Colleagues, I remain in opposition to the creation of the lake. I think that it's a vanity product-- project for some people and I think it's people trying to build a legacy through a lake. And I think that the benefits to the state we're going to find out are not as great as we're thinking today in 2022. I also think this is a blatant handout to developers and investors. It's taking funding that we have in this state that we could use for tax relief, as Senator Machaela Cavanaugh said-- that would be fine with me-- or for any number of the other initiatives and projects that we've shared that can improve the quality of life for working Nebraskans, but can also invest in the businesses and entrepreneurs and small business owners that we already have here in Nebraska instead of kind of pursuing this vanity project. I'm-- I'm disappointed by how short the queue is. I think that this is just a big proposal for the vanity of a few men, to be honest with you. And I also wanted to rise and talk about just briefly my vote on LB1013 just now. I intended to vote no and I voted yes and that was a mistake. The bill passed with 33 votes and it needed 33 votes for the E clause. I think that if I had changed my vote as I intended to, probably someone else would have changed theirs to a yes and it would have moved with the E clause anyway, but I'm mad at myself this afternoon and shaking my head at myself. It's the first time I've done this where you mean to vote one way and you do the wrong thing, but, you know, it's not-- not the worst thing that can happen, but I wanted that to be on the record. I wanted to share that with the Nebraskans who are watching. Hate the lake idea and I would like us to see invest-- to see Nebraska invest more in the recreation opportunities that we have instead of trying to invent the wheel all the time. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. President. I echo the sentiments of Senator Hunt. I oppose this bill. I-- the biggest part of it that I really didn't like was the lake between Omaha and-- and Lincoln. I didn't think that it was a good use of state resources. I still do not think that it's a good use of state resources. And I-- if, if it--

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that had passed, I would have voted for LB1023, but I won't vote for LB1023 with that attached. I meant what I said. I don't know why anybody outside the Omaha/Lincoln area would support building a lake between Omaha and Lincoln because I am not going to drive my kids extra hours to a lake if I have one 30 minutes from my house. They're-- I love my children, but not in a car. They-- they-- they're not-- they don't do well on road trips. So for families like mine, this is-- this is where we'll go, which-- I mean, I-- I think is kind of sad because a lot of these recreational spots across our state are what get people out of Omaha and Lincoln and really experiencing Nebraska. And so doing things that would take away from that instead of investing in that, to me, seems shortsighted. You know, I-- I guarantee it will be a stop on the passport, so we will not only be having people from Omaha and Lincoln now going to that lake instead of other lakes, but we'll have people from across the state coming to that lake instead of other lakes. So I just think it's too bad. And this is a huge project. This is a huge amount of money. And to Senator Hunt's point again, nobody seems to be interested in talking about it. There's a lot of hand-wringing over the budget. There's a lot of hand-wringing over tax cuts, but apparently when it comes to recreational water that we don't even know for sure we can do, everybody is just "chillaxed." So it's things like this that-- like, we can spend \$20 million to see about building a lake, but again, we can't get enough people for an E cause for rental assistance for \$120 million that actually doesn't cost us anything. Bananas. That's like a banana split with ice cream and all kinds of pistachios and peanuts on top. I constantly have people asking me to explain some of the things that happen in this body and I can't. Like, how on earth is it OK to not do rental assistance money that is owed to us? We're basically giving our federal tax dollars to places like California, which is where the money that we don't take is going to be redistributed to California and New York, probably, maybe Boston, I don't know, large areas. And so we're paying that and several people in here voted against us getting that money, voted for a federal tax giveaway to other states on our dime, and then you're voting for a lake to be built between Omaha and Lincoln that will detract from tourism in other parts of the state. Just bananas. I-- whenever people ask me to explain these things--

**HUGHES:** One minute.

**M. CAVANAUGH:** --like I-- if you can explain them to me, that would be great because I have no idea what the logic is here. I-- it-- it doesn't track for me, so. Yeah, well, I hope you all enjoy your lake. I did not name it "Lake Mike Flood," by the way. I was just told it

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was "Lake Mike Flood." I realize that it's a --different Mikes that this is for. And I did not mean to slight anyone who has the name of Michael, which I believe is-- has something to do with the word of God. Anyways, I will yield the remainder of my time to the Chair.

**HUGHES:** Thank you, Senator Cavanaugh. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. President. I've listened to this discussion on the-- on the lake. It is a-- it is a bold idea. It is something I think that has a slight chance of happening, if at all, but I was wondering if Senator Hilgers would yield to a couple of questions.

**HUGHES:** Senator Hilgers, will you yield?

**ERDMAN:** Mr. Speaker--

**HILGERS:** Absolutely.

**ERDMAN:** Mr. Speaker, first question: We've already passed the appropriations for this project to begin. What happens if we don't pass this, LB1023? What happens to the money?

**HILGERS:** Well, the money still goes to the department and they have language that would-- it's not as if that would be a repealed appropriations. They have the money. They would still go down to the lake. The real thing on the LB1023-- so the studies, for example, Senator Erdman, would still occur, the work on the hydrology study would still occur. The real thing with LB1023, without passing it, is you don't have some of the safeguards and the conflict of interest, as an example, the amendment that Senator Cavanaugh just adopted on the bill. You wouldn't have the public-private partnership piece. You wouldn't have the piece that ensures that it's a state asset, that it's open to the public, those types of things, but the money is appropriated for those purposes. So in the absence of something to repeal or turn back or say a line-item veto, I think that would still become law and that-- those dollars would be appropriated and spent.

**ERDMAN:** OK, so the lake may still happen even if this doesn't pass?

**HILGERS:** I believe so, yes.

**ERDMAN:** OK. Second question-- and I know this is one that's a little more difficult to answer-- in your opinion, do you think you can build this lake without using eminent domain?

**HILGERS:** Yes, absolutely.

**ERDMAN:** All right. So if I'm a landowner in that area and I have owned property, my family has owned property for 100 years or more, it has sentimental value to me, no amount of money in the world is going to change that. How do you buy that person's land?

**HILGERS:** How do I-- excuse me, what-- how do I what, Senator Erdman?

**ERDMAN:** How do you buy that person's land if money is not an option?

**HILGERS:** Well, you can't buy someone's land if they won't sell it to you.

**ERDMAN:** So you have to use eminent domain.

**HILGERS:** No, you just don't have a lake at all. As I-- one of the other limiting factors that I was-- that I was-- I had a laundry list with Senator Moser, well, another one is if you can't acquire the land. So if you can't acquire the land, that's another way that you can't have a lake. The intent, the purpose, what we have put in the statute is to go and do this through an arms, arm's-length transaction.

**ERDMAN:** OK, I understand all that, but in this hypothetical situation, we got a person that owns a half a section of land right in the middle of where the lake is going to be. They're not going to sell you the land, you're not going to use eminent domain, the lake stops because that one family won't sell you the land?

**HILGERS:** Was that a question, Senator Erdman?

**ERDMAN:** That's a question.

**HILGERS:** Sorry, I'm sorry, I'm not hearing you--

**ERDMAN:** Yeah.

**HILGERS:** --very well back here.

**ERDMAN:** I said you have one family that owns a half a section of land right in the middle of where the lake is going to be. They're not interested in selling for any amount of money. You're going to tell me that you're going to stop the construction of that lake for that one parcel of land that you can't buy?

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**HILGERS:** Well, that's a hypothetical that I'm not sure will apply in this case, Senator Erdman, because where we have looked, it's actually far fewer landowners that have lots of land. And the, the scenario that you're describing is not one that I think would apply here.

**ERDMAN:** Have you ever had someone trying to condemn your land?

**HILGERS:** No, I-- but I've heard many stories of individuals, including at the public hearing that we had on this particular bill, where they have had that and it's heartwrenching.

**ERDMAN:** I have had that. They tried that with my land. That is not a position I ever want to be in again. It's difficult.

**HILGERS:** And I can understand why, Senator Erdman.

**ERDMAN:** Yeah, it's difficult. I wasn't interested in selling. They were interested in buying and the railroad tried to take it, but in a rare case, we beat the railroad. I only know of one case that ever did that and it was us. That was a very troublesome time. So I'm just telling you, being on the side of somebody who had-- had an attempt made--

**HUGHES:** One minute.

**ERDMAN:** --to condemn their land, it is not a position that I ever want to be in again or put anybody else in. So I-- I don't know that you'll accomplish this without eminent domain. Thank you.

**HUGHES:** Thank you, Senator Erdman and Speaker Hilgers. Colleagues, Senator McKinney would like to introduce 36 volunteers with RISE out of Omaha. They are seated in the north balcony. If they would please stand to be recognized by your Nebraska Legislature? Thank you for coming today. Seeing no one else in the queue, Senator Hilgers, you're welcome to close. Senator, Senator McKinney for a motion.

**McKINNEY:** Mr. President, I move to advance LB1023 to E&R for engrossing.

**HUGHES:** There's been a request for a machine vote. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 29 ayes, 4 nays on the advancement of the bill.

**HUGHES:** LB1023 advances. Next item.

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**CLERK:** Mr. President, LB1015. No E&Rs. Senator Stinner had pending AM2245, but I have a note he wishes to withdraw. Thank you, Senator. Senator Cavanaugh, consequently, your AM2577 is withdrawn because that was an amendment to Senator Stinner's. I now have your AM2494, but I have a similar note to withdraw.

**M. CAVANAUGH:** Yes, well, I didn't realize that Senator Stinner was withdrawing his because that was the amendment I-- AM2577-- can I refile that amendment?

**CLERK:** Which, which one? I'm sorry.

**M. CAVANAUGH:** AM2577.

**CLERK:** Yeah, it's not-- it's drafted to the Stinner amendment, but it-- as I look at it, it might work. I just don't know how it's drafted. That's my concern.

**M. CAVANAUGH:** OK, so colleagues, let's stick with AM2494 for now. So AM2494 is the original draft of my conflict of interest amendment. And the-- the other amendment was just a little bit more explicit about extended to the executive branch and all state employees and any member of the Legislature. So that was my intention with the second amendment, but I realize now that I'm going to have to do a little shuffling. So for now, I'm going to leave this amendment and I see that there are people in the queue and I will come up and talk with the Clerks. Thank you.

**HUGHES:** Thank you, Senator Cavanaugh. Debate is now open on AM2494. Senator Matt Hansen, you're recognized.

**M. HANSEN:** Thank you, Mr. President and sorry, colleagues, I was just walking back to the back of the room to check how far up I was in the queue. Colleagues, I believe I didn't vote on this Perkins County Canal Act at the beginning of General File. And one of the things that I had was kind of just concerns about the overall project and not necessarily in a support or opposed way, in just I don't believe I fully understood the project. And I don't know if there's kind of the full answers out there, so I'm going to play a couple of things out. Full acknowledgment, I also punched in because I knew-- I saw what was going on with the amendments. I wanted to make sure we had time to confirm and get the correct amendments. But again, I was not voting on the General File. And one of the things that I keep coming back to and I believe I had somebody pass it on in General File was to me, as I understand it, there's this canal and we are building a canal. And it

seems that we're building a canal from one part of the river back into the same river slightly downstream. And I understand that per the terms of the compact, that that's the only place we can build the canal. But to me, just overall both, both logistics as well as that is, like, you know, the working legal theory in order to be able to draw down this water or ones that I would simply just want more clarity on, including that if we are actually talking about moving dirt, actually talking about potentially exercising eminent domain or other things we're going to have to do to build this canal like at bare minimum kind of a rough map other than south of that town in Colorado heading into Nebraska would be of better help for me because it does really appear to me that we're running the-- or discussing or talking about the opportunities to basically just take a canal from the South Platte River back into the South Platte River. And I wonder about the success, the effectiveness, and all of the other means and ways connected to that in terms of that. And I understand the logic, and I, I do believe I followed this pretty well on General File in the sense that-- in the sense that if that's truly the one place the compact allows us to build and we have to build in order to trigger the compact, at least that's the interpretation from the Attorney General's Office and others. I understand that. But in terms of actually fulfilling the compact or in actually building it, I guess to me, it's a little bit of a Catch-22 situation or something of that of, you know, in order to invoke our rights to a river, we're going to dig a canal from the river back into the same river. And that's where it's-- it's the-- it's the sure we can exercise our rights because of that, but we're also tying up a considerable amount of assets for what is functionally moving water from the same point A to point B and spending a considerable amount of time and effort constructing a vehicle to deliver water from point A to point B and a [INAUDIBLE] the water already seems to have been trending. That's just kind of some of my overall wonders and questions about the importance of this canal and the effectiveness of it. At the minimum, like I said, kind of a base map of where the canal is going to start and where the canal is going to end. And I understand we're the Legislature, we're the appropriators, we don't necessarily, you know, hire the contractors and work with the engineers and all that. But as I've seen it, the one map I've seen just kind of had a dotted line that tapered off somewhere in Nebraska and wasn't all that specific. So that was what I was looking at. Those are some of the questions that for me to even just feel comfortable with this concept, I wanted to make sure we have some more direction and some more answers on.

**HUGHES:** One minute.

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**M. HANSEN:** So with that, Mr. President, I'll yield the balance of my time to the Chair. Thank you.

**HUGHES:** Thank you, Senator Hansen. Senator Blood, you're recognized.

**BLOOD:** Thank you, Mr. President. I'm not sure I stand in favor of the amendment, and I still have questions on the underlying bill, and I hope Senator Hilgers is listening and on his next opportunity have a chance to answer my questions. During the last debate, I had some questions about our communication with Colorado, and I was told directly that it's not a negotiation, which I can respect that we want to protect our water here in Nebraska. Water is important, especially to the more arid areas of Nebraska. But I am concerned the more I read about this and the questions that I am concerned about isn't that we're allowing qualified organizations in Nebraska to move forward with this as much as why we're moving forward with this when we don't have some of the preliminary information in front of us before we pull the trigger? So one of the things I found in my research that concerned me was the Platte River Recovery Program. It pertains to endangered species, and it's a compact between Colorado, Nebraska, and Wyoming. Based on the kind of map that we received and the information that we were told on the floor last time, I am concerned about how that will affect that joint compact and then what window of time are we talking about? I'm having a hard time hearing myself. It's loud back here. There's going to be all kinds of permitting that's required. Federal, state and local permits and many of the permits that are going to pertain to something like this can take up to 20 years to get from the federal government. So we're in this rush. We got to get this water before they do. But if the permit takes 20 years, what's going to happen in 20 years? And I'm not really seeing that language, that feasibility language, that is forward thinking in the bill and, and I find that concerning. And then again, based on what we were told last time, it's my understanding that the compact allows the South Platte upstream of District 69, which is in Colorado, and that anything else is-- only allows the Morgan, Washington County line area. That's the dividing line. Anything north of that belongs to Colorado, and we can't access that. And based on that map, I think that's what we're trying to do. So one of the things I did and I did this when we first found out about the bill is I started reaching out to people in Colorado government and really there's been very little communication. Again, Senator Hilgers made it clear that it's not a negotiation. And again, I respect that. But, you know, it's kind of like when you have the noisy neighbor, do you call the police or do you ask that noisy neighbor to keep the music down? I-- I don't know that we're being good neighbors. If this is so important to us, why

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are we not taking all these considerations in hand and writing really good policy and working with the state of Colorado? Because I haven't seen them refuse to do anything, they've said in, in our last debate that it was they were being good neighbors and they were following the rules. But they've got all these things that they're working on behind the scenes, and you need to be worried and you need to be scared, which tends to be a lot of what debate is about on this floor is to scare people into, to protecting the bill and to moving the bill forward. And, you know, I don't-- I don't need speeches on how important water is and our aquifers in Nebraska. I know how important it is. What my concern is, is that we're diving in and we have all these circumstances and we're going to spend all this money because if we're asking people to research stuff and to find this information, it's going to take staff time. It's going to take money. But will we still benefit in 20 years if that's how long it takes us to get our federal permits? So I just-- I'm hoping to hear some information. You know, it would be nice if instead of the map, we had seen maybe a study on--

**HUGHES:** One minute.

**BLOOD:** --both the firm yield that pertains to this, the, the wet water, what does the-- the river actually provide now and what will it provide in the long term if we do a project like this? And I know a lot of this is going to happen when we get the research. But if we're making big decisions like this, I really wish we could have been provided some just basic research as to permitting and the other compacts that we belong to and how that's going to affect Nebraska. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Blood. Senator Hilgers, you're recognized.

**HILGERS:** Thank you, Mr. President. Good afternoon, colleagues. First, I-- I rise in support, I believe, of AM2494. That is Senator Machaela Cavanaugh's amendment to LB1015, which I believe and I'm just double-checking, I believe mirrors, I don't know if it's identical, but it mirrors the amendment that we adopted on LB1023. In other words, it is the conflict of interest for the employees and the director of the Department of Natural Resources. So I think that's a good bill. It helps and it makes the bill stronger. So I'm going to make sure, I'm going to take a close read here in a second, but on my quick glance, it looks like it's-- it's similar. And so I would support that. That is a friendly amendment, AM2494. As to-- well, let me take a step back. So if everyone recalls the last time we had this debate, there was still discussion about what we wanted, whether the

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Appropriations Committee and then this body would actually appropriate any money for to build a canal. Subsequent to that, we actually have, and we sent this to the Governor today, we have appropriated in the-- the budget bill a little over \$50 million to do the first piece of this, first three years of design, permitting, land options, construction-- or not in the construction yet, but the first three years of that particular process. And if you take a step back, if you remember what happened with what, what the situation is, and I think Senator Blood raised a number of good questions and I appreciate the dialogue here, Senator Blood, is under the compact we have a legal right during the irrigation season, so April 15 to October 1. And no one is suggesting, Senator Blood, that Colorado is going underneath that legal limit. Outside of the nonirrigated season between October 1 and then April 15 of the subsequent year, we-- we either-- it's-- it's either/or. Either we have zero right to zero water during that season or we have a right to 520 cubic feet-- or I'm sorry, 500 cubic feet per second, over four times what we currently have in the irrigated season, so long as we build this canal and reservoir system. So that's kind of the key. And so the question is not if at this moment today Colorado is-- is eating into that 500 cubic feet per second. The question is whether we would have a legal entitlement to that water and the answer to that today is no. Building the canal and reservoir system under the compact, the answer to that question in a few years from now would be yes. And I think that's critical because having that legal framework in place allows us to be good neighbors with Colorado because at least we have legal rights now that we can enforce. And I do know, Senator Blood, I think last time I spoke when we had this debate before we talked about the communication, and I think to the extent that I spoke about it, I do know we talked about the Governor-- Governor Ricketts speaking to the governor of Colorado. I wasn't really aware of those conversations. I will say from my understanding, my conversations with the department, they actually have a good working relationship with the-- their-- their-- their peers in the state of Colorado, at least so far. And so I think they-- they have good dialogue. They have good communication, at least from my understanding. At the end of the day, I have every confidence that they would be able to work together. But if you don't have the legal entitlement, then you have-- you have no right to assert. And so if Colorado goes and takes all of the water in the nonirrigated season, then they are entitled to it. There's nothing Nebraskans can do. And so I think building the canal will help ensure under that compact that we have the right to-- that we can assert those rights going forward. And I think LB1015 just matches up with what the Governor-- I'm sorry what this body just did by sending to the Governor the appropriations

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for the initial phase of this particular project. So I would ask you to vote for AM2494. I'm looking to see if any subsequent amendments have been filed. We can have conversation on those as well. Happy to answer any questions, discuss this in further depth. But ultimately, I hope this continues on to Final Reading and gets-- gets passed into law so that we can protect the water rights of Nebraskans. Thank you, Mr. President.

**HUGHES:** Thank you, Speaker Hilgers. Senator Jacobson, you're recognized.

**JACOBSON:** Thank you, Mr. President. Speaker Hilgers has stolen some of my thunder on this, but I do want to clear up a couple of misconceptions here. I know Senator Matt Hansen raised some questions about the fact that we're moving water from one point in the river around to another point in the river. And what's the point? Well, the point is, is that there are going to be reservoirs built on that loop that's going to allow us to retain that water and have it available through the summer months through down the-- down the river. So there's a reason for that being built the way it's being built. There are reservoirs included in that process. I think we also need to remember that the original ask was \$500 million to do the whole project, and that's been scaled back to \$53.5 million. It includes the feasibility study and options on land, but no purchase of land. And so we are moving forward on trying to get that feasibility done. We talk about have there been negotiations? There have been negotiations and we're past that point now. The compact was entered into with specific guidelines. And we know, as Speaker Hilgers just indicated, what we can agree upon is we have zero right to those flows in the-- in the nonirrigation season, that 500 cubic feet per second, if we don't build the canal. We know we give up that right. We also know that Colorado was overappropriating the-- the South Platte River. We know that they want the water. They're going to continue to expand their housing in the-- in the metro areas, and they're going to continue to overappropriate. So if we continue to drag our feet and do nothing, then we're going to lose that water forever. And shame on us when future generations are going to look back at this Legislature and say you had the funding available, you had the funding to go ahead and do the research and figure out where we-- whether we can feasibly move forward with this and then move forward with it. But instead, we just passed and said, no, we don't want to do it. Talk to the people in my county and my district in Lincoln County who became part of the NRD, the four NRDs that built-- put N-CORPE together. OK, they went out and invested about \$120 million buying land and doing a-- a piping system to be able to deliver water down on the Republican River so that we

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could honor our commitments to Kansas. But I guess we're going to let Colorado just get away with nothing. I can tell you those in my district are concerned they're paying \$10 an acre to be able to pay for that bond issue. But I would tell you that this is a situation where we have an opportunity to act now. We have the funding available now. As we move into the future years, I think the Governor's been very prudent when you start thinking about we're looking at one-time spends with a lot of these excess dollars and we're looking at investments into the future without trying to obligate future Legislatures to a budget allocation out of the General Fund. And that's something I'm very concerned about. So again, I'm just going to restate, now-- the time is now. If we don't do it now, we're going to probably pass on that water forever. I think that'd be a huge mistake. I'm going to yield my time back to the Chair. Thank you.

**HUGHES:** Thank you, Senator Jacobson. Senator Clements, you're recognized.

**CLEMENTS:** Thank you, Mr. President. I also support AM2494 and the bill, LB1015. I did speak with the director of Natural Resources and asked about the-- the comment of the water coming out of the river and then going back into the river actually as Senator Jacobson mentioned will be the-- the point is to have a reservoir to capture that water. And he told me it was 175,000 acre-feet that we'll be able to capture. And I was talking to Senator Erdman, he said we probably could use actually two-thirds of that. You can't drain it quite to the bottom. But if you were able to use 120,000 usable acre-feet of water, that if you divide by 640 acres in a mile, that's 187 square miles to be able to irrigate with 12 inches of water. And so that is 120,000 acres of-- of irrigated land and the danger is whether we end up changing irrigated land to dryland and definitely don't want to do that. The feasibility study is \$22.5 million and that's definitely the first thing that needs to be done is to see if this is feasible and they-- we-- there are engineering experts that can do that. And that's the first step. Then as Senator Jacobson mentioned there's money for options on land that's \$31 million. That's where the \$53.5 million came in the budget book in the budget that we just passed. So I think it's important for us to be able to have at least 120,000 acre-feet of water to irrigate western Nebraska. And I support the amendment and the bill. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Clements. Senator Machaela Cavanaugh, you're recognized.

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**M. CAVANAUGH:** Thank you, Mr. President, colleagues. So Senator-- sorry, Speaker Hilgers had mentioned about the amendment and it is very similar to the previous amendment, just basically mirrors the previous one that was adopted on the JEDI STAR WARS project. So-- but I am-- I have-- my office is working with Drafters right now to get a new version of the other amendment drafted. However, I do believe that they aren't conflicting, so we could vote on this amendment and then go to the other amendment. So-- so for that, I will take a little bit of time so that the Drafters have the opportunity to get the other amendment redrafted for this bill. So I've talked about the Perkins Canal previously and it's-- it's kind of like we cut it up and sprinkled across all the bills because it's in all the budget bills, might even be-- there might be an ARPA piece to it, if I'm-- might be mistaken, that's something I'll have to figure out. Chairman Stinner, would you yield to a question? Sorry.

**HUGHES:** Senator Stinner, will you yield?

**STINNER:** Yes, I will.

**M. CAVANAUGH:** I didn't give you a heads up. I apologize. Is there any part of the Perkins Canal in the ARPA package?

**STINNER:** No, there is not.

**M. CAVANAUGH:** OK, so it's just in the general cash?

**STINNER:** Yes.

**M. CAVANAUGH:** OK, thank you. There we go, I don't have to go figure that out after my time on the queue. So-- but originally, when these bills were introduced, they were intended to use ARPA funds and they didn't qualify for ARPA funds. So they're using cash funds, which I wouldn't have agreed for them to be using ARPA funds anyways or cash funds, because these are enormous expenditure and I understand the concerns about water. But I-- I also question what are we doing for conservation? What practices are we currently utilizing to do more conservation in our-- in our agricultural communities? I know that's something that Senator Gragert has worked on, and I believe Senator Cavanaugh has also worked on and possibly even Senator Bostar. And so I know that we have more than one option available to us. That doesn't mean that we shouldn't be looking at all the options, but this is a very dramatic step to take our cash dollars and build a canal in another state. And I get the whole we have to build it to have the rights. I understand the history of the compact. I ride back and forth

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from Lincoln every day with Senator John Cavanaugh and he can be very tedious in his conversation about eminent domain and rights in other states. So I feel painfully aware of all of those little facts. But I-- I still think that we're not quite at that stage of needing-- of this being a necessity. If we haven't been spending the amount of time that we should be into conservation practices, then why are we asking the people of Nebraska to spend all of this money to build a canal in another state? And maybe I'm wrong. Maybe there have been great strides put towards--

**HUGHES:** One minute.

**M. CAVANAUGH:** --conservation practices here in Nebraska, but I haven't heard anything to that vein. And to me, it feels like fixing a problem that we created by not practicing conservation. So I would hope that that's not the case. I would hope that we are practicing conservation and even with practicing conservation, we just don't have enough water. And at the same time, we're building a lake in the middle of the state. So kind of seems, you know, to us nonwater biologists-- I don't know what a water person is. It seems kind of odd. Oh, hydrologist, thank you-- water hydrologist, a hydrologist. I don't know the ins and outs of this, but it does seem odd to build a lake in--

**HUGHES:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**HUGHES:** Thank you, Senator Machaela Cavanaugh. Senator McCollister, you're recognized.

**McCOLLISTER:** Thank you, Mr. President. Good afternoon, colleagues. When I was at the Platte Institute, we did a study on water in Nebraska and the NRD systems and concluded that NRD systems do an absolutely great job compared with states like Kansas, Oklahoma, and Texas where the Ogallala Aquifer is nearly dried up, but our water management in this state is good. And I understand the need to protect our water sources, particularly the Platte. But is this Perkins Project-- Perkins Canal Project-- I've always had a few questions about that, and I was wondering if Senator Hilgers would yield to a few questions.

**WILLIAMS:** Speaker Hilgers, would you yield?

**HILGERS:** Absolutely.

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**McCOLLISTER:** Questions, Senator Hilgers, wondering if we're putting the cart before the horse? Isn't it likely that the legal issue should be resolved before we spend \$53 million out of a rainy day fund to do the work and find out that we have no legal standing or some other issue?

**HILGERS:** It's a really-- it's a great question, Senator McCollister. Thank you for asking it. Let me answer that at least two ways. Number one, I actually don't-- I-- I do reject or don't agree with the premise that there is a legal issue. The compact is clear. The compact is clear. If we build the canal and reservoir, then we have the right to the water. So I'm not-- I don't think it necessarily follows that we'll have a legal issue. But having said that, I would say if we don't build it, then we essentially have conceded the issue to Colorado. We will lose. In other words, if we think we have a right under this compact and we don't file it, we're essentially saying, Colorado, you-- you win before even having our day in court. So I think I-- I think the only way to have our rights adjudicated to the extent there would be a lawsuit would be filing the-- by creating the canal.

**McCOLLISTER:** What blows my mind, Senator Hilgers, is that we have the right of eminent domain in Colorado. Can you explain that legal principle?

**HILGERS:** Well, it blew-- it blew my mind, to use your phrase, as well when I read it. I was pretty surprised. I don't think you-- I'm not an expert in this particular area. I would-- I would be surprised if there are many other instances where multistate compacts have such-- have given another state the authority for eminent domain. But under the compact, to your point Senator McCollister, it provides Nebraska the right to have eminent domain to be able to acquire land in Colorado, which is pretty unique in my-- in my estimation.

**McCOLLISTER:** Thank you. That \$53 million has a three-year time horizon. Is that correct?

**HILGERS:** That's my understanding. Correct.

**McCOLLISTER:** Thank you, Senator Hilgers. I yield the balance of my time to the Chair.

**WILLIAMS:** Thank you, Senator McCollister and Speaker Hilgers. Senator Hunt, you're recognized.

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**HUNT:** Thank you, Mr. President. I stand in opposition to this canal project and to the lake project, and I stand in support of using the dollars we have right now in Nebraska for tangible things to help people immediately recover from the financial emergencies that they are still facing, not for experimental legal ideas of building a canal with another state's water. Not for, you know, selfish legacy projects of inventing a lake out of nowhere that nobody asked for. These things are frustrating to me when we have worked so hard to make Nebraska take up emergency rental assistance, for example. Millions and millions and millions of dollars that would be no cost to Nebraskans that the Governor refuses to apply for when we are going to spend millions of dollars instead on things like a canal and a lake. It feels like an episode of Parks and Recreation or an article from The Onion when, you know, the house is on fire, and whether you think that's because of property taxes or poverty or whatever the fire is to you, the fire is real to Nebraskans and it's actually many, many, many different things. And then we see the house on fire and we see the senator sitting inside the house going, ah, we should make a canal. Oh, yeah, let's build a-- a lake by digging a big hole and filling it with water from the canal or whatever. Like, it's-- defies reason. It really defies reason. There are also a lot of Nebraskans who have reached out to me in opposition to the canal and to the lake, and I was contacted by several of my friends who are lawmakers in Colorado over this whole session since January saying, you know, what is up with you guys? What are you talking about with this canal? What-- what is it you're trying to do? And this just as Senator Blood was talking about, it betrays the lack of communication that there has been between our two states. And as a representative of my state, it's appropriate for representatives and senators from Colorado to come and speak with me who know me and try to interface between our states as lawmakers and state officials and to have them say, we have no idea what you guys are trying to do. That says it all right there. We aren't being good neighbors. We aren't doing anything that people need to have done. And I have some other thoughts I'd like to share, but I will yield the balance of my time to Senator Blood.

**WILLIAMS:** Senator Blood, you're yielded 2:00.

**BLOOD:** Thank you, Mr. President, and I'm next in the queue. Correct? Right?

**WILLIAMS:** Yes, you are. I'll tell you when.

**BLOOD:** Your page shook his head yes. Friends, I stand in support of Senator Cavanaugh's amendment and I'm hesitantly in support of LB1015,

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and I just want to make sure we get some things on record. And unlike what happened to my bill, this isn't a pretend filibuster. This is actually something I'm concerned about. So I reached out to Colorado government. I mean, I physically reached out to Colorado government. I didn't look it up on the Internet, didn't shoot them emails, I picked up the phone. And so what I know is that their state engineer hasn't been notified. What I know is that there's been very little communication between directors and what communication there has been, there's been very little detail that has been shared. And quite frankly, it sounds like from my conversations that they see it as a political grab, which it kind of is. And you know, God bless us for being--

**WILLIAMS:** One minute.

**BLOOD:** --being really fast and trying to figure out how we can implement this and get this done with the money that we had in front of us this year. But the concerns that I have are some of the things that have already been said on the mike. Senator Jacobson, I-- I respect you standing up for this bill and-- and good on you, but what negotiations? Who's been negotiating? We're not negotiating. Is it in-house? And then continue to overappropriate what? Colorado, we've made that clear on the floor that nobody's overappropriating the water right now. They've been very fair and followed the compact. And by the way, if you look at the compact, there's no expiration on that compact. Are we trying to get out of the compact by building this canal or what are the circumstances? These are questions that if I'm going to spend \$50 million for a three-year design, I want to see a feasibility assessment. And I got a little excited when Senator Clements used that word and had some data--

**WILLIAMS:** Time, Senator. But you are next in the queue, you may continue.

**BLOOD:** --but unfortunately he misspoke because I was really hoping to see this information on a feasibility assessment. And quite frankly, you wouldn't start a business without a feasibility assessment plan. I'm not sure why we want to spend \$50 million on a three-year design when we don't know any of this information. They've talked about how Colorado is getting ready to hoard our water. And they've talked about projects that have not been implemented, but Colorado's been working on projects to-- to protect their water for a very long time. If you look back to 2020, the Upper South Platte watershed project, which is meant to protect their forests from fires, they worked with the Department of Interior on that. A lot of the compacts that are going

to be pertaining to this area involve the Department of Interior. How are we going to fight them in court? So, you know, Senator Hilgers, I am not going to be filibustering your bill today, but I want to make sure that we get really good information. So in 20 years when we find out we can't get permitted and we spend all this money and unfortunately we don't have any more water than what we started with, we just have an angry neighbor, I want to make sure that it was put on record that somebody brought it to everyone's attention that we may have things we have to be concerned about. And by pulling the trigger and moving so fast, we may not like the consequences, much like how they tried the other projects for the lakes in past years and past administrations. So I love big ideas. I love protecting Nebraska's water. I definitely love protecting ag. But I have grave concerns, and I really hope even after this moves through, because it's going to move through, that we get some answers about the Platte River recovery program and how we're going to be defying that; about the line of where we really had the right to divert water from. And because we have not done a CSF flow report, are we even going to be able to truly get that water? Because what I'm hearing is we're looking at the whole picture and not the-- the allowed picture. And, you know, I'm not an engineer and I don't pretend to be, but I have a brain and I have eyes and I can read. And I'm really kind of surprised that we didn't have more senators that stood up in favor of this bill, like Senator Flood, for example, who created the fear of what Colorado was going to do with our water. But we never really heard about the research that caused them to believe that, except for some reports that they said that they were looking at doing. I wanted to hear more information about the compacts we're already in. I want to hear more information about the-- the legal hurdles that we're going to have to face, and we are going to face those hurdles. And I-- and I know that we don't have a crystal ball and we can't predict the future. But boy, after talking to Colorado, and by the way, they were very friendly about how they talked about us, so I don't want you to think that anybody got thrown under the bus. They were really good neighbors and always called me back and always gave me good information. And quite frankly, they seem to be as puzzled as I am. And so I just hope as we move forward and we leave this for other Legislatures to be concerned about and state staff to be concerned about and whoever's in the executive branch to be concerned about that we are being good stewards. And maybe there's information that I don't know. Maybe you've been working behind the scenes where you're doing all of this information, getting all of this data. And if so, that's fantastic. And I wish you would have shared that with us. And if not, buyer beware. Data drives success. Fear--

**WILLIAMS:** One minute.

**BLOOD:** --fear does not drive success. Fear makes us spend money in ways that may not be responsible and gives us regrets at a later date. And we can go through history here in Nebraska and look at the budget and find a lot of examples of where we panicked and spent money and were not successful. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Blood. Senator Hughes, you're recognized.

**HUGHES:** Thank you, Mr. President. I have certainly enjoyed the conversation today. You can tell who have been members of the Natural Resources Committee and those who have not, who have had the opportunity to study water in the state of Nebraska and how building reservoirs and canals and providing surface water irrigation has enhanced the state. It has enhanced river flows. If you look-- or if you are a student of history, you will find that our rivers ran dry in the summertimes, they flooded in the spring and they ran dry in the summer. That does not happen today because we have reservoir systems that we can retine that water. That's part of what this South Platte Canal is going to do. We will build a canal to supply a reservoir or two or three, whatever the study calls for, and we will be able to retine that water for the benefit of wildlife for-- to keep us in the Platte River Recovery Program and also to benefit the state of Nebraska by potentially having 100,000, 120,000, 150,000 additional acres of irrigated land, which the value of that land out west is three, four, five times what nonirrigated land is. So that certainly helps the tax base. The value of that, that that land will produce as irrigated versus dryland is probably five to ten times greater. That is economic activity in the state of Nebraska generating income. The-- the sale of inputs, that is a huge, huge deal. Senator Blood, you have questioned how we got to this point. The state of Nebraska has invested almost \$1 million in studying this issue over the last three years. I believe the Appropriations Committee has given \$300,000 a year. That study is how we got to this point. That study has indicated to the state of Nebraska that this is what we need to do in order to protect the water that we are already using. This is water that we have built in infrastructure to take advantage of already. If you look at Gerald Gentleman Station, that was built with the idea that the water coming out of the South Platte would provide cooling for that. A little farther downstream, we have Central Public Power and Irrigation District that irrigates tens of thousands, if not hundreds of thousands of acres. And we have hydroelectric plants that are built on the predication that we will have this water going forward. If we do not build this canal and reservoir system, we will not have that water

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to be able to use for the infrastructure that the state has already built based on access to that water. It's pretty interesting. I've done a couple of interviews with magazines or news articles out of Colorado, and they are concerned, they are throwing everything but the kitchen sink at the state of Nebraska to try and prevent that. What does that tell you? They're concerned. They kind of got caught with their hand in the cookie jar with all of these plans to divert this water and utilize it, pump it back to the Front Range for human consumption. And if they accomplish that, we will never get it. Senator Blood said it could take 20 years. So what? We've got to start sometime. As I mentioned when this bill was up the last time,--

**WILLIAMS:** One minute.

**HUGHES:** --I'm reading the book about Lake McConaughy. It took at least a decade from the conception before they got really going on that. And that is a huge project. That is not anything compared to what we're trying to build now. We need to begin this process. And allocating-- passing this bill, we've got the money allocated. We need to continue that process. And if at some point when this process-- if we hit a roadblock or it's not feasible, then at least we know. But it's very clear to me that we absolutely need to try and capture this 150,000 to 175,000 acre-feet annually every year. The auxiliary benefits to this beyond potential surface water irrigation are innumerable.

**WILLIAMS:** Time, Senator.

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

**WILLIAMS:** Thank you, Senator Hughes. Senator-- Speaker Hilgers, you're recognized.

**HILGERS:** Thank you, Mr. President. Good afternoon again, colleagues. Just to reiterate, I am in support of AM2494. I just want to respond or maybe elaborate on a couple of the issues that Senator Blood raised, which I think actually are very important and worth putting on the record and discussing. So one is the discussion of negotiating with Colorado. And that's actually something that came up at the hearing a little bit. It's certainly something that I've heard off the mike outside from the public. And the reality is, is I think it's a little bit of a misunderstanding of where we are I think legally. We are not doing this, and I've heard this in maybe a more pejorative sense, well, this is a bluff. We're trying to do this so we can get Colorado to the table. The reality is we have what we need. We have what we need in a compact. Colorado already agreed to give us the

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water rights in the nonirrigated season that we would ultimately get if we built the canal. Now if there's something else that we're trying to-- to acquire, it would be the first I had heard of it. What we're trying to do is just enforce the rights under the contract. So in-- in other words, what is it that we would-- we would try to get Colorado to come to the table to do? We already have the right in the contract. And actually, I think if-- if we were trying to get something, it's actually not a very good strategy overall because the idea of getting another compact through our Legislature, Colorado's legislature and through Congress, I think that the odds of that are very small. But I do think it's worth discussing because this-- this point has come up a lot. Is this a bluff? Is this a negotiation? The answer is no, because we negotiated almost 100 years ago for the right that we have in the contract. Now all we're trying to do is actually go enforce those rights. And so I-- I just wanted to maybe underline that a little bit for part of the record. I was going to yield my time to Senator Blood if she wants it, but otherwise, would you like it? I will yield my time to Senator Blood. Thank you, Mr. President.

**WILLIAMS:** Senator Blood, you're yielded 3:10.

**BLOOD:** Thank you, Mr. President. I think he just did that to get rid of me from over there, but thank you anyway for yielding me the time. Friends, I do support the underlying amendment and potentially the underlying bill because I know how important water is to Nebraskans. And I do disagree with some of what Senator Hughes had to say because I did read that report and it did show us that we have the need for the water, but not necessarily in the way he described. But I can respect his interpretation because everybody in this room can read something and we can all see something different in those words. So with that said, I'm not sure why we join compacts if we aren't going to be good stewards. That's the bottom line. And yes, we have an urgent need to protect our water. And yes, ag drives this community-- this state, ag drives our economy, and so we have to do everything in our power to protect ag. I will never say anything but those two sentences. But how we do it, to say that it may take 20 years for permitting, what's the big deal, as Senator Hughes just said? Well, it's going to be a big deal if it putters out between now and then and then we would have spent \$50 million, \$100 million depending on how long this goes along of taxpayer dollars. And people that come after us can shrug their shoulders and go, it wasn't our fault, that happened in 2022. So I just-- I have the fear that we are twisting this in a way that is obviously and clearly beneficial to us and explaining it to taxpayers, and I can respect that because there's a lot of people that are really good on the floor about when they do

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that. And they're very skilled at that. But for me, I look at science, I look at data. I look at the true feasibility of something and I see red flags and I have grave concerns.

**WILLIAMS:** One minute.

**BLOOD:** And if we don't want to be a good neighbor to Colorado, if we don't want to work this out, so it's a mutually agreed upon project, that's fine. But gosh, I hope we don't ever need anything from them in the future because I'm guessing this is going to stick in their craw for a while. And maybe that's OK. Regardless, I'm always going to stand and protect our farmers, protect ag, protect our water. I'm just not sure that my gut is OK with how we're doing it this time around. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Blood and Speaker Hilgers. Senator Albrecht, you're recognized.

**ALBRECHT:** Thank you, President. I rise in support of AM2494 and with LB1015. I spent four of my six years on Natural Resources. We talked a lot about water, we talked a lot about wind, and we talked a lot about electricity. And I'm here to say that we need to get this project underway. There's an article from the Colorado Sun that talks about, and I was just up there this weekend, I went to visit my brother up in Colorado Springs, Pikes Peak hardly has any snow at the top of it. Generally, it's fully covered for many, many months, even in the summer. I'm here to tell you that driving in and seeing the number of homes that are surrounding Colorado Springs, I haven't been up to Colorado in some time. But in this article, it talks about, and my brother and I discussed this over the weekend. He said that-- in this article it actually says exactly what he told me. He said the population centers continue to boom along I-25. Urban water usage is hitting an all-time high. These concerns are amplified over 80 percent of the state's water flows west of the Continental Divide, while 90 percent of the state's population and the top 10 agricultural counties all sit to the east. And I'm telling you it's as much of a dust bowl out there as it is here. This means that every two dozen tunnels and ditches seek to move more than 50,000 acres-- acre-feet from the west to the east, often leading western residents to harbor a sense of thievery by the eastern regions, especially given that they already don't have enough. Adding fuel to the fire, 53 percent of Colorado's largest cities are said to have water restrictions, with a mere one-third of those 15 cities elevated locations around the Rocky Mountain foothills. In this light, it's easy to see how the West Slope might feel like the Front Range is rubbing salt into an already gaping

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wound. I just realized that, you know, if we don't do what we need to do now, and it's not for us to go knocking on Colorado's door and talk about it. I wish Senator Flood-- Blood, excuse me, Blood would have talked to us before she goes to the neighboring folks. You're not there to negotiate. Just like on a city council, it's not for one city council person to go negotiate deals with somebody else. Just knowing what we need in the state of Nebraska and the money that we've spent in Kansas, I mean millions, \$5 million, \$7 million, something like that, we had a very large lawsuit because Nebraska wasn't giving Kansas enough water. Well, if this compact is there, it's for us to act on and we need to do what we need to do for the state of Nebraska. When I drove that I-25 and I went to Brush, I was able to see the major body of water that they have right next to that river. So they use that for recreation. But is it truly for recreation or is it for the same reason that we need to do this is to have a large body of water holding that for Nebraskans? And I'll tell you, when it comes to livestock and being one of the largest cattle states in the country, we need to be taking care of our people and know what we need to do to have a very good supply of water for us. That west side of the Continental Divide is all going down to Arizona, and I guarantee you they're getting a little nervous because they're going to have to shut them off so they can take care of their own in Colorado. This is a major water issue that we need to be working together to figure out how we can stop--

**WILLIAMS:** One minute.

**ALBRECHT:** --the process and-- and work-- we'll be working together, but we have to do what we have to do on our side of the-- of the-- the-- the-- whatever the-- the states' borders. So we need to act on what we need to do in Nebraska to take care of not only our farmers but the people that need to drink water on that side of our state. Thank you.

**WILLIAMS:** Thank you, Senator Albrecht. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. President, and good afternoon. Interesting discussion here about the canal. I want to just-- I want to change gears a little bit and go a little different direction. When this canal is constructed, when it is completed, I've had some people ask about what about the maintenance of the canal? How do you maintain it and take care of it and make sure it's secure? And what will happen on the canal system is those people who are users of the water will have an O&M charge, operation and management charge, to deliver the water

to their farms and they will charge them so much an acre to do that, and they will then be the ones who pay for the operation and management of the system. That is very similar to what we do in western Nebraska with the irrigation districts that we have there. There are 30-some irrigation districts, a little over 30 in the state and 29 of them happen to be in Senator Stinner and my districts out in the west. And so we understand what O&M charges are. We understand how these surface irrigation canals work. And so as we begin to build this canal and then we get it to the reservoir, and if you've studied water or looked at it in any way, shape or form, the most efficient place to store water is underground. And how you get that water underground is you make a pool or a lake, and it will then soak into the aquifer and then it goes back and recharges your system. Where I live, I have several canals that go north of my house a mile and one that goes just right past the south part of our property. And when they put those-- they put the water in those canals in early spring, it's a recharge for underground water system or underground aquifer. And so that water is then stored underground and then it gets back to the river slowly. And that is the best and most efficient way to store water. So that is, that's the purpose of building a canal to a reservoir in the state of Nebraska so that we can store water there that will eventually work its way into the aquifer, and it will continue to flow downhill which is the east. And so that's what will happen when we get the canal constructed. It is my understanding that they're going to build the canal and they're going to line the canal with a, a cement liner so that it will not soak into the ground before it gets to the reservoir. And that is a very important part of the process to conserve the water that we're supposed to get from Colorado. So I appreciate the opportunity for us to get started on this. And if you don't believe water is important to Colorado, we have in our real estate company sold several parcels and ranches in Nebraska to people who have sold their water rights in Nebraska for as much as \$15,000 an acre just for the water. And so Colorado is very interested in water for the urban constituents. And so if they're willing to pay \$15,000 for your water per acre, they're very much interested in taking our water before we get it. So I think it's important that we move forward with this project to make sure that we're doing everything we can to secure the water that we're supposed to get. Thank you.

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

**BLOOD:** Thank you, Mr. President. I actually was not planning on speaking until Senator Albrecht stood up, and I just want to make sure I get something on the record. I do stand in support of the amendment

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and the underlying bill. I want to make it clear that when I reach out to other entities for information, it is for information, not to negotiate with another state. At no time were any deals made. At no time was I playing one state against the other. The issue was that I was not able to get the information that I needed to make good decisions on this side of the border. I heard one version and one version only. And just like when you're a school teacher and there's two kids that get in a fight, you want to hear both sides of the story. And so I did it as a matter of good policy. And if I had to do it over again, I'd do it again. Because I think that often as policymakers, we tend to take the information that is given to us for granted and never take it beyond our desks. We don't research it unless it's something we're sincerely against. When we're for it, we tend to take everybody's word that it's OK, and I'm just not willing to do that. That is not the type of policymaker that I am. And if you are also that type of, type of policy, I respect you for that as well. But to intimate that there is any kind of bizarre negotiating going on is quite insulting. And that is sincerely the only reason I stood up for a third time. With that again, I do stand in support of Senator Cavanaugh's amendment and also in support of the underlying bill. And with that, I would yield any time that I have left to Senator Hilgers.

**WILLIAMS:** Speaker Hilgers, you are yielded 3:25.

**HILGERS:** Thank you, Senator Blood. I guess turnabout is fair play on that one. Give me-- give me-- get rid of me over there. No, I appreciate that. Just to update everyone, I've had a separate-- I'm having an off-the-mike conversation with Senator Machaela Cavanaugh. There's a separate amendment that's coming that broadens the scope of this conflict of interest provision. And so as a reminder, I support AM2494. I'm working with an amendment to that amendment with Senator Cavanaugh. I actually think that we have a-- we have a path forward to getting something that does expand this, but also make sure that it's something that can be implemented in a way that's not too unwieldy and gets to what I think Senator Machaela Cavanaugh's concerns are, which I agree with and am-- and am happy to support, so we're working on that language. If-- once this amendment is voted on, hopefully it's adopted, we'll get to the next amendment and hopefully soon we'll have a floor amendment to that one. With that, I-- unless there are any other questions, I probably won't get on the mike on this amendment and I would appreciate your support on this particular amendment. Thank you, Mr. President.

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**WILLIAMS:** Thank you, Speaker Hilgers and Senator Blood. Senator Machaela Cavanaugh, you're recognized. This is your last opportunity. You will have a close.

**M. CAVANAUGH:** Thank you, Mr. President. People are, of course, welcome to get in the queue if you like. The Drafters are working on the amendment that Speaker Hilgers just mentioned. So if you would like to talk a little bit more, please do. Otherwise, we will go to a vote on this amendment and then I probably will have to talk on the underlying bill for a while until my other amendment comes down. So just be warned, if you don't want to hear me talk, feel free to jump in and say whatever you would like to about this canal. So I actually will take some time to walk through the amendments. So-- well, I only have-- so the amendment-- why I have an amendment up with Bill Drafters is because my original amendment was attached to Senator Stinner's amendment. Senator Stinner pulled his amendment, which in effect pulled my amendment. So I had to have my amendment redrafted for this. And my amendment, what it does is expands the-- basically the conflict of interest of financial benefit-- benefici-- benefic-- thank you, beneficiary to include the executive branch and the Legislature. And so there-- but in my amendment we discovered, Speaker Hilgers and I, that there were a few issues in-- in it. And so we've cleaned up that language and it's taking the state employees out because the employees are covered under the current amendment. And it also is taking out the thousand people that sit on every commission and board in the state. So good things. Thank you for catching that, Speaker Hilgers. And then it also originally said that you can't benefit for up to ten years after you leave office. We're changing that to two years. So if you are in office now, you cannot benefit if you are out of office after this session is over from these projects for the next two years. So the purpose is I just-- I really think transparency in government is really important. And I-- just looking over to see if anybody is holding any amendments. No. OK. So-- so that's kind of the underlying reason why I did this and this is a huge project just like the last one. And I just want to make sure that if we are undertaking these massive projects with tax dollars that we are not abusing the trust of the people of Nebraska. And so I very much appreciate the Speaker's willingness to work with me on this. I think that this will strengthen the bill and the confidence of the people of Nebraska. I don't think I'll close on this. We'll just do a call of the house and we can do a machine vote when everybody's here, but. Thank you.

**WILLIAMS:** Thank you, Senator Cavanaugh. There has been a request to place the house under call. The question is, shall the house go under

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call? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 18 ayes, 2 nays to place the house under call.

**WILLIAMS:** Members, the house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Cavanaugh, do you want to close on your bill?

**M. CAVANAUGH:** Yes. Yes, I do.

**WILLIAMS:** Senator Cavanaugh, you're recognized to close on your amendment, AM2494.

**M. CAVANAUGH:** Thank you. I apparently messed up my own timing on my amendments, so I have five minutes? Yes. OK, great. All right, so well, I guess there were some people that maybe missed what's going on, so I will recap. AM2494 is my amendment to the canal projects that requires no conflict of interest or financial benefici-- benefit from the director of the Natural Resources and employees of the Department of Natural Resources and their immediate family. So that's what the first amendment does. The second amendment then expands that to include members of the Legislature and the executive branch for two years after holding office. So the first amendment that I introduced that extended it to the executive branch was attached to Senator Stinner's amendment. Senator Stinner pulled his amendment when we started on this bill, which pulled my amendment, and so then we were having it redrafted. And Speaker Hilgers and I discussed the forthcoming amendment and found that there were some problems with it. So we have further edits happening on that amendment. But when it is done, what it will do is it will remove all the commissions and boards, that wasn't really intentional, it's supposed to be elected officials of the executive branch, not people who are appointed to all the different boards and commissions we have. So up to two years after elected officials from the executive branch and members of the Legislature are in office and their family, they cannot financially benefit from this project. That's what the next amendment is that is coming. Taking some time telling you all this now so that I won't have to tell you all this again later. So, OK, that's what we're doing. I hope you will vote green on AM2494 and then please be patient with me as I talk on LB1015 and wait for the next amendment to come down. Thank you.

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**WILLIAMS:** Thank you, Senator Cavanaugh. Members, the house is under call. Please check in if you have not checked in. Senator Morfeld, the house is under call, please return to the Chamber. Senator Cavanaugh, Senator Morfeld is not available right now. Would you-- OK. Members, we will be going ahead. The question is the advance-- or the adoption of AM2494. All those in favor vote aye; those opposed vote nay. Have all voted that wish? Record, Mr. Clerk.

**CLERK:** 44 ayes, 0 nays on the amendment.

**WILLIAMS:** AM2494 is adopted. Mr. Clerk, do you have any items? Raise the call, please.

**CLERK:** Just one item. A new A bill, LB596A by Senator Albrecht. It appropriates funds to implement LB596.

**WILLIAMS:** Thank you, Mr. Clerk.

**CLERK:** Senator Cavanaugh, are you going to withdraw AM2577 then?

**M. CAVANAUGH:** Yes, I am. Thank you.

**WILLIAMS:** Withdrawn. Returning to debate. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Yay. OK. I hope you all are as excited as I am that I'm still talking. Again, if anyone wants to talk about the canal, it would be greatly appreciated or anything at this point. I am trying to ensure that we are maintaining the trust and integrity that the people of Nebraska should expect from us as elected officials. And so we're waiting on an amendment that would extend the conflict of interest and not benefiting from these projects to the executive branch and members of the Legislature up to two years after being in office. So that's where we're at, and I appreciate everyone's patience with me as we are doing this because I do think it's important. And I-- I don't want to misspeak about any of the technicalities around the canal. I know that it's something that everyone feels very strongly about and I don't necessarily agree, but I understand where people are coming from on this. And if we are going to expend this much money, I just truly believe that we should have some serious safeguards in place. The fiscal note-- and-- oh, that's from the last one. I don't think I have-- for those at home, my desk has a lot of paper on it right now. OK, so the fiscal note is \$50 million. So yeah, if we're going to spend \$50 million on this project, then want to make sure that it's being done correctly. It says: The Governor's budget recommendation includes \$400 million in Cash Reserve and \$100 million in ARPA funds

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for the Perkins County Canal Project is likely to cost that-- it is that-- likely that costs for the completion of the project will exceed this amount. Wow. So it will exceed \$500 million. LB1015 makes no reference to funding source, the Department of Natural Resources recommends using ARPA funds for this biennium. However, little is known of the project parameters such-- as such, eligibility for ARPA is indeterminate by our office. Which is why I believe they decided to go ahead and use cash fund instead of ARPA funds. So the \$50 million, the bill establishes multiple specific authorities of the department pursuant to development, land acquisition, construction, and operation of the Perkins County Canal. Initial appropriations and transfers totaling \$500 million were included in the Governor's mid-biennium budget adjustments. LB1013 creates the Perkins Canal-- County Canal Project Fund and transfers \$400 million to the department from the Cash Reserve Fund for these purposes. An appropriation of \$100 million ARPA federal funds within the biennium will be split over the two years. ARPA funding has a time limit and will be expended first and consis-- and consistent with eligible uses. However, I know that that later changed when they realized that ARPA funds couldn't be used, and so I believe that \$100 million is now coming out of the cash fund over two years. I, of course, as always, stand for correction. I'm not 100 percent certain that that's accurate, but that's my understanding. So any agency fiscal impact in the review--

**WILLIAMS:** One minute.

**M. CAVANAUGH:** --thank you-- in the review years are expenditures for personnel costs, contracting-- contracted engineering, design services, permitting, land acquisition, and other activities associated with the project. Engineering staff will manage and oversee design and permitting activities during early phases of the project and transition into roles that support the construction and future operations of the project. OK, I'll stop there on that. So again, colleagues, just taking time for this amendment. Once the amendment is down here, I am going to file it and I will not probably explain it for the 10th or 11th time. Just let us vote on it and move on with our evening. I know there are other things on the agenda that we all would like to get to. I see there are a couple of people in the queue, so I'm going to sit down for a few minutes. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Cavanaugh. Senator Hunt, you're recognized.

**HUNT:** Thank you, Mr. President. I support the amendment that Senator Cavanaugh is waiting to have drafted to send down, so I'm happy to

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share some more thoughts that I have about the lake and the canal. And it's-- it's never difficult for me to talk about the needs that Nebraska-- Nebraskans have and the things that they're asking us to spend money on, whether that's property tax relief or incentives for businesses, especially small businesses, especially in rural Nebraska, or incentives for healthcare providers and healthcare workers, especially nurses, to come to Nebraska. I listen to NPR every morning on my drive into Lincoln, and this morning there was a story on Nebraska Public Media about how during the COVID surge that we had between December and February last year, they had several patients who just died, who didn't have to die if they were able to receive the urgent care that they needed because they were unable to transfer these patients to another hospital because every hospital was full and there was some availability for space in two places. One was the NICU, which they couldn't send COVID patients to the NICU because those little babies in there are, of course, immunocompromised and you can't have COVID patients in that wing and the cancer treatment wings of these hospitals. And so even though we did have a little bit of capacity left apparently, we were unable to transfer patients because we didn't have the staff to help them. And because of that, lives were lost that otherwise could have been saved. So we need to talk about incentives for healthcare workers in Nebraska, as well as incentives for teachers in Nebraska. I had lunch a few months ago with some different people in administration at Omaha Public Schools, and they did not mince words about the urgency to get more teachers in Nebraska. One of the officials was kind of laughing, you know, the way you kind of laugh to keep from crying. Like, there's nothing else to do, saying the Legislature doesn't understand that five or ten years from now, or maybe sooner, there are going to be kids who don't have a teacher. I have heard the plea from rural schools for equalization aid to make sure that all of the children in Nebraska have a classroom, let alone a classroom that meets their needs that has the services that the state of Nebraska has promised to them. But what I feel like we haven't talked about enough is just the fact that we don't even know if we're going to have teachers here to serve them. Many states have passed incentives to get nurses and healthcare workers and teachers to their state, either by just giving them straight up cash. There's-- there's states that have said if you move to our state, we'll give you \$2,000 to move here and-- and set up shop and either provide education or provide healthcare in our state. There's also states that have provided incentives like student loan forgiveness if you move to the state and become a professional there. I would like to see Nebraska doing more forward-thinking things like that. Proponents of the canal under LB1015 and of the lake have branded these projects

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as transformative and once in a generation and an investment for all Nebraskans. But it's--

**WILLIAMS:** One minute.

**HUNT:** --amazing that we're willing to make this kind of visionary, sizable, huge investment in our future in the form of a canal and in a lake. Every other state in the country, you see them doing things like applying for emergency rental assistance from the federal government that comes at no cost to the people in our state. In fact, we're probably losing money from taxpayers in this state because we're taking all of your federal tax money that Nebraskans have already paid and saying everyone else in the 49 other states can use our money to help subsidize their rent to help pay, you know, to go directly to landlords to help people who are struggling with rental assistance. So there are other states in this country that are just as conservative as we are, but they are approaching the solutions to getting over this pandemic and using these ARPA funds in a much more effective way because they're solving the problems that we actually have. It's shortage of teachers, shortage of healthcare workers, a crisis with being able to pay rent.

**WILLIAMS:** Time, Senator.

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

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

**HILGERS:** Thank you, Mr. President. Good evening again, colleagues. Just as a reminder, Senator Cavanaugh-- Machaela Cavanaugh has an amendment that I think originally was AM2577. We-- we made a couple of modifications I'll talk about in a second, but just to let you know what's coming. I think that bill is still being revised-- or that amendment is still being revised with Drafters. It's coming down soon I hope. There-- there aren't that many changes. So the amendment we just adopted to LB1015 is intended to put in some conflict of interest restrictions on the Department of Natural Resources. That's the department that is tasked and has the obligation and the authority to actually do the work on the canal. And essentially, that amendment says anyone in the department, director and others, cannot be on the other side of a contract or otherwise financially benefit directly or indirectly from the canal project. Makes all the sense in the world. I don't think anyone would disagree with that concept. This amendment that is coming down is a modification of AM2577, which was filed previously to Senator Stinner's amendment, which was withdrawn. And

this-- and this is a similar concept, but it was broader. So the first-- the first amendment was-- was a conflict of interest just to the Department of Natural Resources. This was-- this was originally drafted, it was a little broader, and it includes the members of the Legislature. Again, makes all the sense in the world. Also, it includes members of the executive branch and it includes other individuals. But I think those are the primary-- oh, and state employees. In-- in the discussion I had with Senator Cavanaugh-- or actually there is one other. So to those individuals, they can't have a conflict of interest and they can't be involved for ten years after the time they leave office or are no longer a state employee or no longer a member of the Legislature. That sort of-- that sort of going forward restriction also does make some sense having a kind of a cooling off period. You don't want people to be able to walk out the door and then profit a day after they are no longer a state employee. The objections I raised and that I discussed with Senator Cavanaugh really just go in the implementation of this in a couple of different respects. One is the-- the scope of the individual. The set of individuals, I think, was-- was probably too broad to-- to be able to practically implement. And so state employees are thousands of state employees. In addition, if you look at the-- the language in line 9 included any official in the executive branch, which I agree with, but-- but it pointed to a subsection or a section of statute that includes all the boards and commissions, which there are a couple hundred of those and each one of those member-- boards and commissions have multiple members, so you're looking at maybe a thousand individuals on top of the state employees. And then if you're taking that set of people and then looking ten years in advance or ten years in the future, that could be pretty unwieldy just to be able to implement. And so what I discussed with Senator Cavanaugh and what we're doing on this amendment would be to make just a couple of changes. One is to get-- get at what I think is the core concern. One of the core concerns that she's articulated and I agree with, which is to say anyone who's in elected office. Frankly, anyone who's elected at any level of government, whether it's a city council person or a member of the Board of Education or NRD on the eastern side of the state. No one should be in a position I think of-- of profiting off this type of an arrangement, although even in those instances, they're not a decision maker. Nevertheless, the change we're making is to eliminate the reference to this section of state of statute, which brings in all the boards and commissions, many of which might not ever have any-- most of which, if not nearly all of which would have-- if-- if not all of which would-- would have no role in this particular project. So we're going to limit that to just elected officials. So in

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the executive branch or the Governor, Lieutenant Governor, the Auditor, etcetera, can't go and-- and benefit financially from this project. I think that makes a lot of sense. We're also going to take out the state employee provision. That doesn't exclude state employees from the conflict of interest because the amendment we previously put on included the department that is tasked and has the responsibility of building the canals. So the Department of Natural Resources and all the employees within that department already have a conflict of interest provision. So I think we're covered on the main concern. And then the last change is just to limit that window a little bit from ten years to two years. So again, there--

**WILLIAMS:** One minute.

**HILGERS:** --thank you, Mr. President-- there is a-- a two-year cooling off period which seems like a reasonable accommodation and a-- and a reasonable restriction to place on those individuals, and so those are the primary changes. We were-- we were making it on a handwritten amendment and I think it'll come down soon from Bill Drafters. But when that does come down, I would urge your support of that particular amendment because I think these-- these are good principles to put in place. We certainly want to make sure that individuals working in government aren't putting themselves in a position where they can profit from the decisions they make with taxpayer dollars. So I-- I don't know if I'll get in the queue again. If there are any questions about LB1015 or this particular amendment or any other aspect of the canal, I'm happy to discuss it. In the meantime, hopefully the amendment will come down soon. Thank you, Mr. President.

**WILLIAMS:** Thank you, Speaker Hilgers. Senator Pansing Brooks, you're recognized.

**PANSING BROOKS:** Thank you, Mr. President. We're taking a-- I guess we're waiting for some amendments, so it seems like a good time to talk about the happy things that have happened in this Legislature. So I am-- as-- just for-- for the Nebraskans listening in on the last day we get to talk about our positive experiences. And since I want to say something positive about each of my colleagues here, you're also grateful that I am not doing this during that last day because think of that, how long that would take. So there's definitely not enough time to talk about the positive things and the friendships here. So on I go. Let's see who is in this room that's left. Is-- is Matt Hansen here? Matt, there you are, Matt. OK, good. So Matt, I-- one thing about Senator Hansen is that he is-- he-- I think he knows the rules better than anyone. And Senator Hansen has been amazing through all

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eight years. If there was some issue or something we needed to determine or how to-- how to understand a rule, I think he and-- and Senator Chambers were pretty much right neck in neck in understanding those rules and helping us out through all of that. He is a quiet, powerful leader and a really good mentor. I think he's done a really good job helping the new senators to-- to-- to fit in, to understand what the protocol is, and to figure out the next steps. He is very caring about those in need and those in vulnerable populations, including issues regarding housing and a multitude of other things. He has a fabulous wife, Jane. And Senator Hansen, it has truly been an honor to serve the people of Nebraska with you. Thank you. Speaker Hilgers, since we're going in alphabetical order. Speaker Hilgers, you have the toughest job of anyone that I know. And you have always come in here with a smile, even though you are stressed to the max at times and, gosh, you're a mirror image of yourself having lost so much weight during this time. But you look great. And I-- I-- I feel that you are willing to talk to and try to work with everybody and you've put the institution above the party politics. And I really appreciate that. And I think that you have really worked hard to listen to people, and I don't always get my way on things that I really care about, which is at times aggravating. But you know that and that's why you've got the-- you're wearing the-- the big shoulders and the big shoes. But I think that you're really good on policy and-- and figuring out, you know, what-- what the next steps are and what we should do. So thank you for being Speaker, and it has been an honor to serve the people of Nebraska with you, Speaker Hilgers, thank you. Robert Hilkemann-- Senator Hilkemann. Senator Hilkemann, who's often called Senator, Senator Hikelmann. But most of us are getting your name down right. I remember the first year, you did try to remind us that you are Senator Robert Hilkemann, not Senator Bobby or Bob or-- but we got that down straight, but we're still working on Hilkemann versus Hikelmann. Anyway, Senator Hilkemann is a man of faith--

**WILLIAMS:** One minute.

**PANSING BROOKS:** --and substance. He cares at all times, and probably anguishes about votes more than any person in the Legislature at times. And that's because of his strong beliefs. He's thoughtful and votes according to his conscience and not according to the clan. And I really appreciate it. He is-- he's a-- a lifetime friend, and his wife, Julie, is a special, wonderful woman. And Senator Hilkemann, again, I cannot thank you enough, and it has been an honor to serve the people of Nebraska with you. Thank you, Senator Hilkemann. Thank you, Mr. President.

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

**HUNT:** Thank you, Mr. President. I am in my fourth year and I am running for reelection. But of course, there's never any guarantee that we come back here. But one thing I'll say about Senator Pansing Brooks is that she really means all that. She is one of the nicest women, not just in this body, that you could really ever meet. And when she says that she cares about you, you know that that's right. When I say that, sometimes I'm-- I'm just trying to get something from you or I'm just being nice or something. But like Senator Pansing Brooks is a true believer, and she truly has love for everybody. And when she says these things, you know it's true. So I've really enjoyed in the last several days hearing you share, you know, positive things that you see in every member of the Legislature that we work with here. Senator, I'm gesturing over here, Senator Sara Howard, when she was here, she was an important mentor to me, and she always told me that her mom, who was a senator, told her that the key to getting through the times in the Legislature where you feel like you want to rip your hair out and you're angry at everybody and you feel like nothing's getting done is, she says you have to think something nice about every person. And she was a person who put that in practice and so is Senator Pansing Brooks. So thank you for that. It's something all of us would do better to remember. Speaking about the Perkins Canal Project and LB1015, it's often been said that one of the reasons this type of project is necessary for Nebraska is because the population on the eastern side of Colorado is increasing so much. Colleagues, I want to explore with you some of the reasons it could be that the population in eastern Colorado is expanding. Could it have something to do with the legalization of cannabis for recreational or for adult use, we say, or for medicinal use? I don't think I've got a friend who hasn't headed over to Colorado at some point to engage in some tourism. And I have too, of course, because it's 2022 and we know that cannabis is not dangerous. This is another one of those things in this body that I feel like, you know, the world is a-- is a glorious book. The world is a vibrant and colorful story with many chapters and-- and many interesting arcs and characters that we should get to take in and absorb and learn from and just devour. But in Nebraska, we just keep reading chapter one over and over and over again. And we aren't seeing any of the hundreds of other chapters that could be opened up to us because we are so stuck in this regressive political ideology, but also just institutionally something that wasn't always true for Nebraska that we hear from people who have been in the Legislature before is that this Legislature is not the same as it used

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to be. People are not as independent minded. As Senator Lathrop was saying earlier, so many of you were just waiting for the text. Or you come up here with the paper, 72 point font, which no shade, if that's what you need to read it, that's OK, but you're here holding it up, reading it, and it's a paper that somebody handed to you out in the lobby that contains all the viewpoints and opinions you're supposed to have. And maybe you really hold those opinions. But I think that we do have a problem in this institution of a lack of independent thought. And there are some people left here who stand for that, and they are becoming increasingly frustrated and--

**HUGHES:** One minute.

**HUNT:** --increasingly disenchanted with the culture in this institution because you don't really get rewarded for those-- that independent thought. There's no incentive to share that. If you share that you're going to have, you know, the Governor, the billionaire Governor, run a candidate against you for your reelection or send out a mailer saying that you hate puppies and kill babies or something like that. And that's so insulting to the voters because it's really speaking down to them and not taking them for the level of intelligence that they really have. All of this is being dumbed down for what, for the power of a few people, for our \$800 million in corporate tax cuts? You guys could have had those tax cuts for working Nebraskans, but you had to put this amendment in for the corporations and you lost it. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Hunt. Senator Matt Hansen, you're recognized.

**M. HANSEN:** Thank you, Mr. President, and good evening, colleagues. I believe we are moments away from the amendment we've been waiting for being introduced. I could maybe get a thumbs up from the Clerk when that's all ready, I'll cut my remarks short. Let me just start by thanking Senator Pansing Brooks for her kind remarks about me and her kind remarks about all of our colleagues she's been doing over the last few days. I do agree with Senator Hunt that when Senator Pansing Brooks gives you a compliment it is sincere. I think it's very nice and very touching for Senator Pansing Brooks to do that and to make sure that we all have an opportunity. And I believe we might have an amendment ready, Mr. President. So with that, I'll conclude my remarks.

**HUGHES:** Thank you, Senator Hansen. Mr. Clerk.

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**ASSISTANT CLERK:** Mr. President, Senator Machaela Cavanaugh would offer AM2647.

**HUGHES:** Senator Machaela Cavanaugh, you're welcome to open on your amendment, AM2647.

**M. CAVANAUGH:** Thank you. I actually-- I'm going to ask for a call of the house so that we can, everybody can come here and then we can just vote. So I'd like a call of the house, please.

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

**ASSISTANT CLERK:** 27 ayes, 7 nays to go under call, Mr. President.

**HUGHES:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Cavanaugh, you're welcome to open on AM2647.

**M. CAVANAUGH:** Thank you, Mr. President. I hope nobody gets in the queue. I did the house under call because as soon as everybody's here, we can vote on the amendment unless somebody wants to talk more, but please don't feel that inclined. So again, this is the amendment that extends the conflict of interest to include the executive branch and members of the Legislature up to two years after you are in service. And I am going to just end there and I would suggest not going too far because hopefully we'll vote on the amendment and the bill together. Thanks.

**HUGHES:** Senator Wayne, Senator Slama, Senator Lathrop, and Senator Vargas, the house is under call. All members are present. Colleagues, the question-- Senator Cavanaugh, you want to close? Senator Cavanaugh waives closing. Colleagues, the question before us is the adoption of AM2647. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**ASSISTANT CLERK:** 44 ayes, 0 nays on the adoption of the amendment, Mr. President.

**HUGHES:** AM2647 is adopted. Mr. Clerk.

**ASSISTANT CLERK:** Nothing further on the bill, Mr. President.

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**HUGHES:** Senator McKinney for a motion.

**McKINNEY:** Mr. President, I move to advance LB1015 to E&R for engrossing.

**HUGHES:** Colleagues, you've all heard the motion. All those in favor say aye. Opposed, nay. LB1015 advances. I raise the call. Items for the record.

**ASSISTANT CLERK:** Thank you, Mr. President. Your Committee on Enrollment and Review reports LR263CA to Select File; LB852 to Select File with amendments; LB1016 to Select File with amendments; LB902 to Select File with amendments; LB902A to Select File; LB1069 to Select File with amendments; and LB853 with amendments; LB741A to Select File as well as LB752 [SIC--LB752A] and LB1024A. That's all I have at this time.

**HUGHES:** Thank you, Mr. Clerk. Returning to the agenda, we will now begin on LB876.

**ASSISTANT CLERK:** LB876 introduced by Senator Briese. It's a bill for an act relating to gaming; change provisions relating to licenses issued by the State Racing and Gaming Commission; change provisions relating to the Nebraska Racetrack Gaming Act; rename a fund; change penalties; change provisions relating to a gaming tax; change provisions relating to documents which may be withheld from the public; to harmonize provisions; repeal the original section. The bill was introduced on January 7 of this year, referred to the General Affairs Committee, reported to General File with committee amendments attached.

**HUGHES:** Senator Briese, you're welcome to open on LB876.

**BRIESE:** Thank you, Mr. President and good afternoon, colleagues. I rise today to introduce LB876, which was originally introduced to regulate the introduction of new racetrack casinos in Nebraska. Voters in November of 2020 approved the placement of casinos in licensed racetrack enclosures. This bill represents the ongoing effort of the body to implement the will of the voters in a responsible manner, consistent with the will of the voters. After the hearing and much consultation, the committee developed AM2188, which I will present next. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Briese. As the Clerk stated, there are amendments from the General Affairs Committee. Senator Briese, as Chair of that committee, you're recognized to open on the amendments.

**BRIESE:** Thank you, Mr. President. AM2188 replaces the green copy. This amendment combines LB-- essentially combines LB876 and LB877 and is now the General Affairs Committee priority bill. I introduce these bills to make some necessary updates to the Racing Commission statutes and to further refine the new race-- Nebraska Racetrack Gaming Act and give more guidance to the commission. AM2188 is the result of a great deal of work done by the committee and my staff, in particular, legal counsel Laurie Holman, to create a package that we feel will strengthen the horse racing industry across the state and also help to properly regulate a newly emerging casino industry. So what does AM2188 do? It does a variety of things. And I will go through piece by piece on various parts of it. It increases the length of racing-- racetrack licenses from one to five years in Section 5. It increases the one-time licensing fee for casino licenses from \$1 million as provided for by the ballot proposal to \$5 million. And this is more consistent with licensing fees in other states. It keeps the license term at 20 years as provided for in the ballot language, but makes it subject to an annual review with the commission and a \$50,000 annual review fee. The bill requires tracks to hold a minimum number of race days and races annually. To allow the industry to adjust, the amendment phases in these requirements over a period of years. This should allow horse breeders and trainers to increase the number of horses in the state that are ready for the increased race schedule. But this provision really is an effort to bring the horse racing industry along, and bolstering the horse racing industry was one of the stated goals of the ballot initiative. The amendment creates a self-exclusion program so that anyone who wants to add themselves to the self-exclusion list can do so to help them stop gambling. This self-exclusion list will be used to prohibit persons from going into casinos, and the casino operators are responsible for ensuring that they are not permitted inside the casino. In LB561 last year, we required the commission to set up a procedure for self-exclusion, but they've asked us to do it legislatively, so that's why it's here. There currently are six existing licensed racetracks. Pending final approval of rules and regulations, they will be eligible to apply for gaming licenses. However, several other entities or individuals have expressed interest in obtaining racing and gaming licenses. The bill contains requirements that must be fulfilled for the commission to be able to issue licenses for new racetracks and casinos in Nebraska. It requires a commission to conduct a statewide-- statewide horse racing market analysis, a statewide casino gaming market analysis, and a statewide socioeconomic impact study of the markets as they currently exist across the state as of the time of the study. The studies must be completed as soon as practicable, but no later than January 1,

2025. Licenses for new racetracks or casinos are not to be issued before the completion of these studies. We're requiring the commission to use the data presented to them in the studies to determine how many new racetracks should be built, if any, and where they should be built across the state so as not to oversaturate or destroy the market that currently exists where our six original racetracks are located. And note that the amendment would prohibit existing license holders from moving to a new location in a different county until after the market analysis described above is completed. The amendment does not impact movement within the same county. And note that applicants for gaming licenses would be required to provide the commission with a market assessment that addresses the feasibility and sustainability of the proposed operation, an analysis of the impact on the infrastructure, zoning regulations, the licensee's experience, evidence of how the facility would improve the community, and anything else required by the commission. We have included some changes to the amounts that the commission can assess as penalties for violations of the law or regulations for racetrack operators, along with other administrative updates to help the commission in its collection of taxes and reporting requirements for the racetracks. We've strengthened the language regarding conflicts of interest for commissioners and employees of the commission and have made it grounds for removal of the commission by the Governor for certain violations. The amendment changes the initiative language for one of the newly-- new appointed commissioner spots changing the language from being a member of the organization representing the majority of licensed owners and trainers of horses at racetracks in Nebraska to simply a person who has experience in the Nebraska horse racing industry. The amendment will require the commission to meet at least eight times per year. It would also increase the tax paid by the licensees, the racetracks to the commission to be increased over two years from the current sixty-four one hundredths of one percent to two percent of the gross sum wagered by the parimutuel method at the licensed racetrack enclosure during the previous calendar year. This was at the request of the commission to address funding issues and note that these are fees paid by the licensees essentially to fund oversight of themselves. The language strikes a statutory section prohibiting horse racing on Sunday, as this is outdated and no longer necessary. We have increased the penalty for some violations of law or regulations by industry participants or casino operators to a Class IV felony instead of a Class I misdemeanor. We worked with the ACLU on these sections to make sure we were not penalizing regular citizens with a felony, only industry participants who we-- who are licensed and we feel are held to a higher standard. Finally, we have included language that will

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require a casino to shut down if a licensed racetrack does not hold the required number of races and must remain closed until the commission determines the deficiency has been corrected. So the ability to conduct gaming operations by these establishments really will be tied to the racing. And again, that reflects the committee's intent to move the racing industry forward as well. And finally, I believe it's Section 25 that exempts various things relative to security standards and other items from the open records statute. And, colleagues, a lot of work went into this by the committee. It wasn't easy, and nobody even in the committee is completely happy. But I think we kicked it out on a 7-0 vote, might have had one abstaining or possibly one no vote. I'd have to look back on that. But this really is what I would consider common ground on this issue, and I'm confident that there could be a lot of different opinions on, well, it ought to be pulled this way, ought to be pulled that way. But this is really where the committee landed after a lot of discussion and a lot of work on this. And I think where we landed is a reasonable place to be with this, and I would urge your support of AM2188 and LB876. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Briese. Mr. Clerk, there's an amendment to the committee amendment.

**ASSISTANT CLERK:** Yes, Mr. President, Senator Briese would offer AM2191.

**HUGHES:** Senator Briese, you're welcome to open on AM2191. Oh, it is withdrawn. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, Senator Geist offered AM2282 to the committee amendments. Senator Geist is excused today.

**HUGHES:** We'll pass it over. So debate is now open on AM2188. Senator Blood, you're recognized.

**BLOOD:** Thank you, Mr. President. I do stand in favor of the amendment. I think it makes the bill so much better and will support the underlying bill. But with that, I spoke with Senator Briese on the mike before I brought this forward. Senator Briese, will you yield to a question?

**HUGHES:** Senator Briese, will you yield?

**BRIESE:** Yes.

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**BLOOD:** Senator Briese, did you and I talk before I brought this up on the mike?

**BRIESE:** Yes, we did.

**BLOOD:** Thank you. I just want to clarify that. So I'm looking at page 7 and we're starting with line 19 and 20 and the sentence reads, "which is located in the counties of Adams, Dakota, Douglas, Hall, Lancaster, and Platte" in reference to racetracks and licensees. And my concern when I discussed it with you is that it is creating a closed class and that the sentence still means the same without naming the counties and asked if you would be open to an amendment on Select. And it was my understanding that you agreed to that. Is that true?

**BRIESE:** Yes. If we are confident that it needs correcting, yes, I would be more than open to that. Yes.

**BLOOD:** All right. Thank you, Senator Briese. And I would yield any of my time, Mr. President, to Senator Briese.

**HUGHES:** Senator Briese, 3:48.

**BRIESE:** Thank you for that, Senator Flood [SIC], but I waive that.

**HUGHES:** Senator Arch, you're recognized.

**ARCH:** Thank you, Mr. President. I rise in support of LB876 and the underlying amendment. I serve on this committee and-- and this was quite a challenge. And I want to thank Senator Briese for your leadership in this. But quite a challenge because what we're doing here is we're creating a new industry in Nebraska, but there are existing players. The horse tracks that exist right now are-- is the reality of what we're trying to deal with. And that certainly added complexity. Had we had a blank piece of paper and we could start-- we could start where-- at where there was nothing in existence, you know, we may have a different process. But that's not-- that's not where Nebraska is, and that's certainly not the initiative, the ballot initiative that-- that passed. So with that, we wrestled with several alternatives, and it seems as though when we came up with an idea, we would solve a problem and create a problem in the same-- at the same time. And so we backed up from that. And I'm just talking a little bit about the process. So Senator Briese would bring us, with Laurie, would bring us bullet points and we would talk about key concepts before we got too deep into the words themselves and-- and started to parse all the words. But just talking about what-- what-- what do we need to accomplish in this? And that was-- that was very profitable

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over multiple meetings. And at the end, I think, and I speak for myself here, but I think my conclusion was we really were not in a position to decide, but rather to set up a process to decide. And that's not kicking the can down the road. But these are weighty issues that require a lot of information, a lot of data that we, as a committee, did not-- did not possess nor have the background to make the decision. So at the end, what we attempted to do with AM2188 was to set up a process and it involved some studies. It involves application, it involves-- it involves some decision-making after the information has been gathered. So I think that we landed at a good place in the-- at the end and I-- I support-- I support this bill and the underlying amendment. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Arch. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. President, and good afternoon. Senator Briese, I was wondering if you would yield to a question?

**HUGHES:** Senator Briese, will you yield?

**BRIESE:** Yes.

**ERDMAN:** Senator Briese, can you explain-- you, you in your opening mentioned the commission that's going to look into to do the study to see how many casinos or racetracks we have? Can you explain that commission for me?

**BRIESE:** Well, likely they will contract with an outside agency that would look at several factors, and those factors are listed in the bill. I was looking for those right now to see if I could find my sheet on them and I could briefly describe those things.

**ERDMAN:** Well, if you don't find it, you can show me off the mike.

**BRIESE:** Sure.

**ERDMAN:** So the other-- the other thing that I have, the other question I have is, and I know this is kind of subjective, but in your opinion, we can't have a racetrack every 50 miles. Would you agree with that?

**BRIESE:** Yes, I would certainly agree with that.

**ERDMAN:** If-- if-- if my memory serves me correct, I read somewhere that I think California has like six, I think something like that. It's not, it's not very many. Are you familiar with California?

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**BRIESE:** Yes. And I-- and I have heard that also that they have six racetracks and this will really force our racing industry to ramp up. And it will, we think it will be good for the industry, good for agriculture in Nebraska, and good for Nebraska to ramp the racing industry up in the way that this would require.

**ERDMAN:** OK, so California has just a few more people than we have?

**BRIESE:** Yes.

**ERDMAN:** So-- so my opinion is there won't be-- I-- I don't think there'll be five or six of these. I just-- I would hope this commission looks at that and says, you know, this is what is appropriate, and we don't put in too many because I think if we put in too many we'll have several fail and that's not what we need to have done here. So I appreciate you bringing this amendment. I appreciate the study. I think it's important that we understand and ask people who understand how this is to work other than-- than those of us maybe that are in the Legislature that haven't been familiar with racing and those kind of things. So I appreciate your work, appreciate you bringing this, and I'll be supportive of AM2188 and amendment and the bill.

**HUGHES:** Thank you, Senator Erdman and Senator Briese. Senator Moser, you're recognized.

**MOSER:** Thank you, Mr. President. I was wondering if Senator Briese would respond to a few questions?

**HUGHES:** Senator Briese, will you yield?

**BRIESE:** Yes.

**MOSER:** So in following this, as it has evolved, there were at times comments about limiting the number of racetracks and casinos in Nebraska. Does this bill limit the number of casinos or racetracks in Nebraska?

**BRIESE:** I think it will have the effect of limiting the number. There were other alternatives we discussed. You know, I-- I initially introduced this with a minimum mileage limitation and things of that sort and beyond, but we didn't land there. We landed here and I think it will have the effect of limiting the number of casinos in Nebraska.

**MOSER:** But the final decision on whether there's another casino or horse track added is the Racing Commission?

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**BRIESE:** At-- at this point, it would be pursuant to the parameters that we have discussed, but that certainly is an issue that this body can revisit year after year.

**MOSER:** Well, I think as Senator Erdman suggested that there would be a limit to how many casinos or racetracks that Nebraska could support. And I think we want the ones that we have to be successful. We don't want to start 8 or 10 or 12 casinos and then have half of them close and then you'll have all kinds of buildings to repurpose and all kinds of expenses. Also, what's the rule on a track moving within the county? Say they right now have a track and a-- and a facility, but they want to expand their footprint a little bit so they have to move somewhere else in the county. Is that permissible?

**BRIESE:** Yes, under the language here, this language doesn't impact that move. I assume the commission might have to approve that move, but we-- we don't impair the ability to do that with this amendment.

**MOSER:** Well, the-- the reason I ask is not completely altruistic. Platte County has an existing facility and it's in a lesser desirable location so they're wanting to move it a few miles away. And they-- they just want to be assured that with all the money they're investing that this isn't going to disqualify them from having a new track and the new casino. So the Platte County racetrack-- County Agricultural Park has historically been pretty successful and-- and we're just trying to make sure that they're able to continue to compete. Thank you.

**HUGHES:** Thank you, Senator Moser and Senator Briese. Senator Dorn, you're recognized.

**DORN:** Thank you, Mr. President. And thank you for the conversation here, Senator Moser. And Senator Erdman asked many of the questions I was going to-- I had interest in and-- and Senator Briese answered those. But I do have another question or two if Senator Briese would yield.

**HUGHES:** Senator Briese, will you yield?

**BRIESE:** Yes.

**DORN:** Is there-- you basically, Senator Arch said you set up this process whereby they have to go through and then the-- if I understood you right, the Racing Commission will make the decision on if there will be more tracks or not. Is that an open-ended thing or is there a timeline or in other words do-- are you-- are you hoping to have a

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decision in two years and then they don't look at it again or are we-- is it ongoing?

**BRIESE:** Yeah, it would be ongoing. These studies would be required every five years. The initial study needs to be completed by January 1 of 2025 and with no new licensees prior to the completion of that initial study.

**DORN:** OK. And then you, you commented a little bit about that it would be up to future bodies of the Legislature if they-- and I guess just clarification on that. We won't be deciding on if there's another track, but we will have the opportunity at any time to look at this process or this-- this thing you have in place that we can decide if we would like to change it.

**BRIESE:** Yes, that would be a fair, true statement, I believe. Yep.

**DORN:** OK.

**BRIESE:** Yes, it'll be up to the commission. But-- but again, we can revisit the parameters if we don't like the way things are progressing.

**DORN:** Thank you very much. I appreciate the time and the effort that you guys did put into this. I know there was a lot of discussion we had last year in setting up the initial part of this process, and I definitely believe that as you went through this there were a lot of things trying to get the right pieces in place to have something that, as we go forward, will be successful in this state. Because if this isn't successful or we have one or two that turn out to not be in the right location or whatever, I think that will be a big disappointment. And it not only that will not look good for this-- this part of this industry that we're trying to have as a viable economic future here in the state of Nebraska. Thank you, guys.

**HUGHES:** Thank you, Senator Dorn and Senator Briese. Senator Stinner, you're recognized.

**STINNER:** Thank you, Mr. President. Members of the Legislature, I'm very concerned about the idea of a study and then limiting the number of tracks. And if Senator Briese would yield, he may be able to enlighten me a little bit.

**HUGHES:** Senator Briese, will you yield?

**BRIESE:** Yes.

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**STINNER:** How many racetracks do we have right now that will qualify?

**BRIESE:** Six tracks.

**STINNER:** And where are they located?

**BRIESE:** Sioux City, Omaha, Lincoln, Grand Island, Columbus, and Hastings.

**STINNER:** And you're familiar with the geography of the state of Nebraska?

**BRIESE:** Yes.

**STINNER:** And how far is Grand Island from North Platte?

**BRIESE:** It's around 150 miles, I believe.

**STINNER:** No, it actually is 177 less 312 plus 10. I don't know what that math comes to, but it's-- it's a ways. How many-- how many hour drive would you suggest from Gering, Nebraska, is it to Grand Island? I could tell you five hours.

**BRIESE:** OK.

**STINNER:** OK. My point is, is that through all of this process, you've, you've absolutely excluded half the state. And actually through this limitation, if you say, OK, we're going to limit it to five tracks, that means Gering and Scottsbluff are shut out. So is North Platte. And the reason I indicate that is the Chickasaw Tribe actually has done studies and has done a feasibility study, and they are one of the biggest casino operators and racetrack operators, and they picked Gering as their number one place to locate a track. And now you're telling me based on the vote that we can't do anything, at least for three years and we may be completely shut out. The second place that they'd like to locate, of course, is North Platte. We're well out away from this whole racing scene that you have on that side. In fact, we'll even go with quarter horse racing as opposed to thoroughbred. So let-- let me ask you this. What's the application process and what's the timeline relative to that application process?

**BRIESE:** It's my understanding that the application, the form is very lengthy. It-- it replicates application forms in other jurisdictions, other states. I don't know the timeline for getting an application returned, but I will say that the studies have to be completed by January 1 of 2025 or as soon as practicable. So these studies could be

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completed much sooner than that. If we're concerned about the length of time it might take for these studies, folks could reach out to the commission and try to hurry things along. I-- I don't know if it'll take till January 1 of 2025 or not. I-- I really don't. But that would be the longest that the studies--

**STINNER:** Wouldn't criteria be a feasibility study that would demonstrate the viability and-- and the potential success and who is backing it and the financial capabilities of who is backing it? Wouldn't that be a criteria?

**BRIESE:** I would certainly think that the commission would take that into consideration. And I think at the end of the day, following the completion-- completion of the studies, I would think that a location like you're talking about would be-- have a very favorable opportunity to have a casino.

**STINNER:** Yeah, this is--

**BRIESE:** It would seem to me.

**STINNER:** --yeah, this is 100 to 200 jobs for western Nebraska that we need really bad as property tax relief. It's economic development. And all of a sudden I've got to-- I've got to wait for a study for three years in order to get even started on it. And you have admitted that the application process is fairly detailed, so it might be 6 months to 12 months before we could get an application and maybe 5 years before I put a shovel in the ground. You know, I'm not very happy with this whole process, but that's beside the point. The other side of it is, is this is economic development for the state-- for the state-- western part of this state, the west-- what did--

**HUGHES:** One minute.

**STINNER:** --Mike Jacobson called that the central western, which is North Platte and certainly the Panhandle. If it's as good as what the Chickahaw-- Chickasaw Tribe told us that this would be, it's a big deal for us. So, you know, I don't know why we can't just draw a line and I've-- I've actually got a-- a-- a bill here or amendment at the 100th meridian, the 100th meridian goes right through Cozad. And it's an almost 100 miles from Grand Island so it meets all of those requirements. And why couldn't we be excluded from that so that we could actually do at least two casinos and start our economic development early? That's not necessarily a question, but a statement.

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But anyhow, Senator Briese, thank you for your efforts in this. I know it's been a trying--

**HUGHES:** Time, Senator.

**STINNER:** --process. Thank you.

**HUGHES:** Thank you, Senator Stinner and Senator Briese. Senator Aguilar, you're recognized.

**AGUILAR:** Thank you, Mr. President. I rise in total support of this effort. And I want to congratulate and thank Senator Briese and his committee for all the hard work they've done. I'd be remiss if I didn't point out that besides all the regulations and-- and the problems you have to go through that Senator Briese shared with us there's also something that plays into this, and that's the fact that Nebraska has a terrible shortage of the infrastructure that goes along with a track. We lack veterinarians, jockeys, exercise riders, grooms, farriers, and racing officials. Not to mention the fact that state law says if you're going to have a racetrack, one race a day has to be comprised of Nebraska-bred horses. We have an immense shortage of Nebraska-bred horses. So right now, I think the first thing if people want something out west, they better start putting some infrastructure together first so that you can support that track. The last thing we want to do is build a track and have it fail. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Aguilar. Seeing no one else in the queue, Senator Briese to close on AM2188.

**BRIESE:** I-- I appreciate the great discussion. And again, this is where the-- the committee landed. And there was a member of the committee that talked about western Nebraska and suggested that we need to be thinking about maybe something different out there. But I think the committee decided that, well, Sarpy County also has some unique circumstances relative to their population. Norfolk, other locations might have their own set of unique circumstances that they would want to argue for an exception to this, and we felt we didn't want to make exceptions to where we landed here. We want to ensure a-- a viable, healthy industry, one that moves along at a pace that ensures that viability and sustainability. And again, I-- I appreciate the conversation. I'd urge your support of AM2188. Thank you, Mr. President.

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**HUGHES:** Thank you, Senator Briese. Members, the question before us is the adoption of AM2188. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**ASSISTANT CLERK:** 30 ayes, 0 nays on the adoption of committee amendments.

**HUGHES:** AM2188 is adopted. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, Senator Briese, AM2189.

**HUGHES:** Senator Briese, you're welcome to open on AM-- oh, AM2189 is withdrawn.

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

**HUGHES:** OK. Colleagues, the question before us is the advancement to E&R Initial of LB-- oh, I apologize, Senator Briese, you get to close. Senator Briese waives closing. Colleagues, the question before us is the advancement of LB876 to E&R Initial. All those in favor vote aye; all those opposed vote nay.

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

**ASSISTANT CLERK:** 34 ayes, 0 nays on the motion to advance the bill.

**HILGERS:** LB876 is advanced. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB1013e.

**ARCH:** Next item, Mr. Clerk.

**ASSISTANT CLERK:** LB686 offered by Senator Hughes. It's a bill for an act relating to the Legislature; it amends Section 50-401.01, Reissue Revised Statutes of Nebraska; change the composition of the Exec Board of the Legislative Council; repeal the original sections. This bill was introduced on January 5, referred to the Executive Board. The Board placed the bill on General File with no committee amendments.

**ARCH:** Senator Hughes, you're welcome to open.

**HUGHES:** Thank you, Mr. President. Good evening, colleagues. The membership of the Executive Board is set in statute. The members include a Chairman, a Vice Chairperson, the Speaker, and the Chairperson of the Appropriations Committee. The Board's membership is also made up of six at-large members, two from the three legislative

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caucuses. LB686 modifies the caucus breakdown to reflect the changes that occurred during redistricting this last year. The bill takes the simplest route by moving District 36 from the 3rd District into the 2nd District, which is where District 36 was moved from and to during redistricting. Depending on what happens with this bill, a Rules change will be drafted to mirror the same change for the three Committee on Committees caucuses. As you can anticipate, it is important to make the change now so the Legislature can proceed with its reorganization in January of 2023. Colleagues, when the Clerk brought this issue to my attention, I said, Mr. Clerk, draft the bill and make it as simple as possible, and that's what he did. I did not look at this until we heard the-- the bill in Executive Board. So I want to make that very clear. I-- my fingerprints are not on this at all. I asked the Clerk to draw it. This is what they came back with. This is what the Board agreed on and this is the bill that we have. I would appreciate your green vote and I'd be happy to try and answer any questions. Thank you, Mr. President.

**ARCH:** Thank you, Senator. Debate is now open on LB686. Senator Matt Hansen, you're recognized.

**M. HANSEN:** Thank you, Mr. President. Good afternoon, colleagues. Colleagues, I hope we can have some discussion on LB686 and I hope we can find an agreeable way to move forward. First, as background, obviously our tradition has been to split the congressional districts, split the congressional districts in terms of our Exec Board, such that that approximately one third, one third, one third resides in each congressional district in terms of electing our Committee on Committees members and Exec Board members. I know that's more for the public. With this proposal, as I understand it, the green copy of LB686 would move just one district, what is currently now Senator Williams' district, LD36, from there-- from the 3rd Congressional District to the 2nd Congressional District, which would in function switch that from being the 3rd Congressional District, having 17 to the 2nd Congressional District being the one that has 17 because a third, a third, a third doesn't quite work out with 49. We need to do 16, 16, 17. One of the weird things in this, though, that I would like to point out and address is that not everyone still fits in those congressional districts. Most pointedly, as I'm looking at a map, LD14, which is currently by Senator Arch, will stay in the sec-- what we call the 2nd Congressional District Caucus, despite the entirety of that Congress-- Legislative District being in the 1st Congressional District now. There are some similar other things where we struggle where, for example, Senator Bostelman's LD23 is split in half. Senator Kolterman's LD24 is split in half. Senator Ben Hansen's LD16 is split

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in half and some others that we can look at but-- look at and decide where-- if it's right. But for me, the fact that LD14 is now representing a caucus that is entirely not within it is-- is a question and hopefully something that we could easily just switch out and move around. I know there's been some discussions and some amendments to talk about things. I hope there's an opportunity to discuss that moving forward. I will say at this point, I would like to just resolve that in some way. This is one of those. I'm happy to have a discussion tonight. I'm happy to work on it between General and Select. But for me, I just really struggle with saying that these congressional district caucuses are going to represent us and pick us, and then to have somebody have a legislative district, regardless of who serves in it, you know, in the future, have a legislative district that doesn't sit within the Congressional District caucus it's supposed to represent. And again, that is LD14 has been, as I see it, has been flipped entirely from the 2nd Congressional District to the 1st Congressional District when we changed where that line ran through Sarpy County and moved Saunders County into the 2nd Congressional District. Conversely, the Saunders County is now in the 2nd Congressional District, but that senator is in the 1st Congressional District Caucus, which is lots of pieces to move around. And I understand there's probably not going to always be a fair spot to do. I know in the past, for example, Senator Roy Baker lived in Lancaster County but was part of the 3rd CD caucus because the balance of his district was in the 3rd Congressional District with Gage County. I know some of those oddities can happen, especially when we can't line these lines up perfect. But in my mind, we should start with at least having all the congressional districts not contain any legislative districts they don't contain any part of. So that's where I'm starting from. I'd be excited to listen to debate. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. Would Senator Matt Hansen yield to a question?

**ARCH:** Senator Hansen, will you yield?

**M. HANSEN:** Yes.

**M. CAVANAUGH:** Thank you. OK. I was trying to follow what you said about the different districts moving in and out of congressional districts, but I-- I kind of lost the thread. So I see 14, but you mentioned another one.

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**M. HANSEN:** Yeah, so 14 is-- I guess, what's your-- can you say your question?

**M. CAVANAUGH:** OK, sorry. So I caught-- you said that congress-- LD14 moved from the 2nd CD to the 1st CD.

**M. HANSEN:** Um-hum.

**M. CAVANAUGH:** But I thought you also said there was another LD that moved from one CD to another.

**M. HANSEN:** So it depends, I suppose, are we talking about on the map or are we talking in the bill? So LD14--

**M. CAVANAUGH:** I mean, on the map. Sorry.

**M. HANSEN:** Yeah, that's-- that's the main one in addition to obviously LD36, which moved from, you know, the Gothenburg area to Sarpy County.

**M. CAVANAUGH:** Um-hum.

**M. HANSEN:** That's accounted for in the bill, but the LD14 move isn't.

**M. CAVANAUGH:** OK, and LD36 is now in CD2?

**M. HANSEN:** Yeah, that's-- that's the kind of new Sarpy. I believe it's like the Springfield and kind of western Sarpy County area.

**M. CAVANAUGH:** OK. Yeah. All right. Sorry, the maps that I have are not super easy to read. Thank you, Senator Hansen.

**M. HANSEN:** Of course.

**M. CAVANAUGH:** Senator Hughes, would you like some time? I'll yield my time to Senator Hughes.

**ARCH:** Senator Hughes, 3:25.

**HUGHES:** Thank you, Senator Cavanaugh. I do appreciate that. I did remember something that I forgot to include in my opening. Colleagues, if you look at the Rules on how the Legislature draws their caucuses, they've got nothing to do with congressional districts. That's been kind of a broad guide in the past. But the Rules say we must draw three caucuses. We have two with 16, one with 17. But it's got nothing in our Rules or statute says they have to adhere to congressional districts. That's why I said I asked Patrick, the Clerk of the Legislature, to draw the easiest map possible so there was no concern.

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If you look at past maps, there have been legislative districts that have straddled, legislate-- or congressional districts. So this is nothing new. The congressional districts have no bearing on where we put our lines. We put our lines with our district-- legislative districts. We just need to draw three sets of those for our Committee on Committees assignments and purposes. Thank you, Senator Cavanaugh. Thank you, Mr. President.

**ARCH:** Thank you, Senator. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. Colleagues, I'm going to be present not voting on this one. On Select File, there will be some issues if we don't get it fixed. And what I mean by that is Senator Arch is no longer in CD2. Senator Bostelman has most of his population in CD2, so maybe there. But if we're just picking random people who aren't in CD2, I mean, I'll take Erdman over-- over Arch if we're going to-- I can rank them and we'll-- we'll start picking people if they don't even have to be in there. I mean, Senator Hansen, that'll be great. It's a shorter drive than Senator-- Senator Erdman. But I do think there needs to be some logic behind these maps. And part of the reason why I think it's important is because they set up all of our committees and our committee structure. And I think without some type of-- and-- and I understand this is the easiest to do. And in a short session, we-- we had to make sure going into next year our caucuses were-- were correct. But we do have enough time with ten days left that it's either Senator Bostelman or really Senator Bostelman is the only one who kind of makes sense in this instance. But if we're going to just randomly pick, then I think CD2 should get to vote who we want on the island. I think that's only fair. And-- and I know the best time I can pick on Arch is when he can't respond when he's in the Chair. But I do think I have out of the 16, 16 who would vote Arch off the island. Thank you, Senator. Thank you. I yield the time rest back to the Chair.

**ARCH:** Thank you so much, Senator. Senator Vargas, you're recognized.

**VARGAS:** Voting people off the island now. OK. So I'm just going to reiterate this point. I'm on the Executive Board. I get to serve with my fine colleagues. We just fundamentally disagreed on this. Here's the principles that I brought because I tried to bring the amendment to change this or an amendment to change it. And it's very simple. Even though there's nothing that is at least written on exactly what the makeup should be, I think we all understand the intent behind having our caucuses and electing our own leaders and electing our own representatives and creating the committee structures that it's people

that have constituents within that congressional district. The argument that was made to us in the Executive Board was we've had some arguments in the past when we've had a senator that is in both caucuses, which I get. In this instance, we have a senator that no longer has constituents in the 2nd District Caucus and not being in the 2nd District Caucus, but then voting and being a member of the 2nd District Caucus when they have no constituents or connections to the district caucus anymore didn't make any logical sense. That's why you see many people voting against it in committee or some people voting against the committee was because of that logic. It wasn't anything nefarious. It's just, yeah, look, Bostelman is one example. It could-- it could and probably should be Bostelman because some of his district is within the caucus. And that would make sense. It's more for the integrity of the process. Because as many of you know, at the end of the day, we do have our own conversations even within caucuses, especially at the beginning of new election years about our interests. And that's the time that we're getting to talk about certain things. We also get to talk about our own, like I said, leadership and our own members and the committee structure. These are-- these are important. It's not trivial. I-- I hope we can make a change somewhere here if it's between General and Select or with an amendment that we currently have. But this isn't a trivial thing, and if we make it trivial, then in the future we set the precedent that it doesn't really matter who's in the caucus or who isn't. As long as you have 16, 16 and 17, it's distributed somehow and that's all that matters. You and I know very well if you have a constituency in a congressional district and then you're in a caucus where you no longer have interests, you don't have constituencies there, doesn't smell right. And that's the issue. Look, Bostelman does have people in there if we just vote somebody on the island. But this doesn't make-- it doesn't make sort of policy or pragmatic sense to go in this way. And that was what we brought in committee. And that's why we had the vote the way it is. I think it's really simple. And I hope we can work it out. We still have days. This is not a controversial thing, quite honestly. It's just quite simply, Senator Arch does not represent districts in this congressional district anymore or people and why would he still be in our 2nd District Caucus?

**ARCH:** Thank you, Senator. Senator Hilgers, you're recognized.

**HILGERS:** Thank you, Mr. President. Good evening, colleagues. I rise in support of LB686 and I want to talk a little bit about the logic for what we-- what we did and then also address some of the counterarguments for that I've heard on the floor as well in committee, which I understand the logic of many of them, but I don't

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think in this case, certainly not enough for me to vote no on this. So the logic is very simple. We moved one district during redistricting. You may remember we were here in September. We moved one district, Senator Williams' district, from out west in western Nebraska to western Sarpy County. That area is within the 2nd Congressional Caucus, 2nd Congressional District. Excuse me. That really wasn't the thing that was-- that really carried the most weight with me. This was a discussion with the Clerk's Office. They recommend just moving the one to the-- to the eastern side of the state. It seemed like it made a lot of sense to move it into the Second District because that is the fastest growing district, they had the most population. That's the area that has-- if-- if you're going to have 16 or 17, it seems natural with all the population growth shift going to the east for them to have 17. But it struck me, and I think it struck a majority of the members of the committee, that just moving one from one caucus to the other was the cleanest way to do it. The simplest, cleanest way to do it. Now there's multiple counterarguments to this. One of which is, well, this isn't within the actual boundary lines in the 2nd-- of the actual 2nd District Cau-- well, the district Senator Williams is, but others aren't. So Senator Arch, as an example, might be an example. And I don't think as Senator Hughes pointed out, we have not drawn our committees-- I'm sorry, we've not put our-- we talk about them in the context of 1st and 2nd and 3rd. And I think we think in our mind that means that they follow the map, the lines of the map for each congressional district, and that actually just isn't the case. We-- we list them out in the Rule Book. This caucus has these particular districts, this other caucus has these districts, etcetera. It isn't as if we follow the exact lines. Now generally speaking, they do, but not always. In fact, my first year on the Rules Committee, we talked about moving one senator from one district to another. And that was shot down because-- even though that senator's district was in actually the 1st Congressional District, it was shot down because we don't directly follow congressional lines. So that's, that is number one. Secondly, I would say there's a lot of reason from a logistics perspective to not have to go down this road of saying, well, every time we have a district change, congressional district change, we need to redo all the maps. Sometimes that's a very clean change. You might only move one district or-- or the like, but sometimes in the case of this last year, maybe it's a more significant change. Should Senator Bostelman be in the 2nd District Caucus? Senator Bostelman, in the six years I've served with him, has been in the 1st District Caucus. As a member of the 1st District Caucus, he has had a seat before he was Chair on the Natural Resources Committee. He was on that committee. He was on the Transportation Committee as a member of the 1st District

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Caucus. He's worked with and voted for members of the Committee on Committees and the Executive Board as a member of the 1st District Caucus. Now if you-- if Senator Bostelman, I'm using him, he's in front of me, he's in the 1st District, in his, his-- the area, the land mass of his district got moved in the 2nd District. So he's a good example. If Senator Bostelman was being term limited, it wouldn't be an issue because we'd have a brand new senator who would be building fresh ground-up relationships with whatever caucus we're moving that senator into. So what's being suggested if we want to do a total congressional change to-- to match the-- match the lines, what was suggested in committee is we had three different senators we had to move. We had to move Senator Williams' district, then we had to move Senator Hansen out, then we had to move Senator Arch. And all of a sudden you are disrupting relationships, you're disrupting the connectivity between various caucuses and the people who put them on their district, put them on their committees, their representation on the Exec Board, etcetera. And I certainly could envision a scenario where we have decided that we want to have everything done by district lines. If that was the case, that might be something--

**ARCH:** One minute.

**HILGERS:** --we would have considered-- thank you, Mr. President-- that may be something we would have considered during redistricting. Maybe we put that in our redistricting guidelines. We want to make sure there's cohesion amongst the senators who are on the-- among-- in the 1st District Caucus or the 2nd District Caucus. And-- but that's not what we've done historically. That's not what we've done. Typically, we just move one-- the senator-- the district that was moved lately from west to east. And that's what, that is what we have done. And so I think-- I understand the arguments. There's some facial appeal to some of those arguments, but I think at the end of the day, LB686 is a clean, simple solution to what we did in redistricting that is based on historical precedent and is least disruptive of the members' relationships who are coming back in those various caucuses. Thank you, Mr. President.

**ARCH:** Thank you, Mr. Speaker. Senator Matt Hansen, you're recognized.

**M. HANSEN:** Thank you, Mr. President. And-- and I guess my-- my rebuttal to all this would be kind of if we don't base it on the congressional districts, what do we base it on? Because we're obviously not making, like, an Omaha metropolitan area caucus. Because if that's the case, 3 and 45 which are the two districts in Bellevue would be-- wouldn't be in the 1st Congressional District with us in

Lincoln. If we were going to make, like, an Omaha metropolitan district caucus and ignore congressional district boundaries altogether, we would be moving 3 and 45 into that and we'd be probably kicking out 39 and maybe 36 because those are more outside of the Omaha area to get to the right number. I-- I wouldn't support that. I don't think we should go that route. But like that would-- if you're saying the goal is to just kind of keep areas of the state together, why are we doing that? You know, why is LD1 in the 3rd Congressional District with the rest of Nebraska in the Panhandle if-- when we've made an eastern Nebraska district? No, I think that it's very clear that we've pretty traditionally had these districts based on a congressional district. That's what we call them, and that's what we talk about them, that's how we act about them. And that's-- I know in the Rules, we don't literally say it, but, like, we clearly list these districts based on this. And to say the only thing we did in redistricting was to move 36 from the Gothenburg area to Sarpy County ignores the other thing that we did because you can't-- when you're looking at comparing legislative districts, congressional districts, you can't just look at the move of the legislative district. You have to move-- look at the move of a congressional district. And so in addition to moving one legislative district, picking up the district and moving it, we also moved CD2 considerably farther west than it has ever been. CD2 now encompasses, rather than being centered in Omaha and just a little bit of Sarpy County, now includes all of Saunders County and moves considerably farther west than it ever has. And there's more of Sarpy County in CD1 than there ever has been, including more of the population centers of around Papillion and La Vista, in addition to Bellevue, which we've had last two cycles. I'm-- like-- like I said, I wanted to talk about this, kind of raise my concern. I think it's bad precedent that we don't stay along the lines of congressional districts. There are all sorts of things that actually I don't like about this map and I'm willing to put by the side. But if you look at it, you know, for example, Senator Bostelman's, most of his population is in a different congressional district than his caucus. Senator Ben Hansen, I believe, most of his population is going to be in a different congressional district. Senator Kolterman's district is split about 50-50, and I suppose you could flip a coin in that one. You're seeing the issues in Lancaster County where much of Lancaster County, much of the city of Lincoln on the south side of Lincoln isn't going to be represented by senators that caucus with the rest of the other Lincoln senators. And that's where I'm saying I have some struggles with why we're doing this. So I initially got up and said, hey, 14 doesn't fit in this congressional district anymore. Let's fix it. If we're saying we're going to just go

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based on, like, geographic areas and we're not going to care about congressional districts, why on earth are we splitting Lancaster County the way we are? Like, that's maybe something we should be looking at then, too, because we're saying, no, just like kind of the boundaries of people whose districts are near each other matter more specifically than congressional districts. Then there's no way that all of south Lincoln should be having senators who live in other counties and caucus with the, kind of the rest of Nebraska in the largest territory if we're not calling it the CD3 Caucus, the Greater Nebraska Caucus. If that's the argument we want to make is that these are actually balanced on those, like we can, but that's, that's a new thing for me. I wasn't-- when I got up and said, I think LD14 should be in the congressional district that it wholly is contained in, I wasn't expecting the rebuttal that these are no longer tied to congressional districts, and please ignore the fact that we refer to them as congressional district caucuses for at least the eight years I've been here, if not longer. So I think we're going to have some time to talk about this. I really didn't intend for this to be--

**ARCH:** One minute.

**M. HANSEN:** --much of a deal. I'm happy-- I've sketched out some trades and some amendments. I think one of the easiest ones is you can kind of do a round robin kind of around the Lincoln area to make everything balance out and you get to decide which congressional district you want to have the 17 gives you some flexibility. There's some things to move, because again, we have several congressional districts or legislative districts that are split. So you kind of have some fair choices of, for example, you know, Senator Kolterman, Seward is in one congressional district, York is in the other. Well, which one does that district go with? But then there's some that plainly just don't fit in their congressional district. Like, LD14 just doesn't fit in its congressional district anymore. And if we're going to say we're going to-- we're going to ignore this and say we can't do it based on congressional districts, then we should have no way should we be splitting up Lincoln the way we do. So with that, Mr. President, I think I'm about out of time. Thank you.

**ARCH:** Thank you, Senator. Mr. Clerk for a motion.

**ASSISTANT CLERK:** Mr. President, Senator Machaela Cavanaugh would move to bracket the bill until March 30.

**ARCH:** Senator Cavanaugh, you're welcome to open on your motion.

**M. CAVANAUGH:** Thank you, Mr. President, colleagues. So it seems like everything that we talked about yesterday, all the meetings don't seem to be happening anymore. And so I thought, well, let's talk about redistricting then. Since people aren't meeting anymore, let's talk about redistricting. And one of my favorite resources is the Legislature's website where our reports are. So you can go to [nebraskalegislature.org](http://nebraskalegislature.org) and on the left-hand side, there's a whole bunch of tabs. I'll just tell the pages this. They're-- they're actually here to learn, so-- OK, so on the left-hand side, there's a whole bunch of, like, little categories; one is reports. If you click on reports, there is-- like, it is a treasure trove. So I was just sitting here thinking about how horrible redistricting was and how I never want to relive it again, but here we are. And then I found out that there's a redistricting newsletter, but it's only from 2010. So a history of redistricting. Let's dig in, friends. This is Volume 1, number 5, 2010, Redistricting 2011: the History of Legislative Redistricting in Nebraska from the Legislative Research Office. Compared to many other states, Nebraska has enjoyed a rather controversy-free history when it comes to legislative redistricting. Even then, in two out of the past five decades, the state has come up against judicial sanctions for enacting plans the courts have deemed to be constitutionally infirm, which I did not know was a term. So if any of you were going to law school, constitutionally infirm. OK, a brief examination of the record follows. OK, we're starting in 1934. This is exciting. Voters approve an amendment to the Nebraska Constitution, submitted to them via the initiative process, authorizing the establishment of a unicameral legislature. Legislative terms are two years in length. The Legislature is authorized to redraw district boundaries from time to time-- it's a quote-- from time to time, but not more often than every 10 years. Can you imagine if we, just from time to time, were like, hey, friends, you know what we should do? Let's just redraw our maps. That was so much fun. Don't you want to do it again? In 1934, apparently we could have done that. So-- OK, but not more often than every ten years, utilizing population figures from the most recent federal decennial census. District boundaries are to follow county lines, except that a county can be divided into two or more districts when it contains population sufficient to entitle it to two or more members of the Legislature. When a county is divided, the districts are to be as nearly equal in population as may be and composed of continuous and compact territories. I just realized I'm the next one in the queue so I'm going to-- that way, you don't have to hear me for 15 minutes straight, although I'm sure y'all are going to be enthralled. OK, so then we get to 1935. We're moving-- we're just trucking right along.

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We were in 1934 and now we're in 1935. Legislation enacted setting up a 43-district legislative plan to take effect in 1937. The 43 districts were rather equitably arranged on the basis of the population census of 1930, according to an article from the February 1950 issue of the National Municipal Review. 1937: the unicameral legislature meets for the first time. Yay. 1961-- wow, we took a-- we're almost, like, jumping 30 years ahead. OK, 1961: as the years passed, almost 30 of them, eastward population shifts within the state result in growing population inequality among legislative districts created in 1935. By-- by 1960, the most populous district had a population of 100,000 and the smallest was reported to be 18,000, according to the article in the Spring 1978 edition of the Nebraska State Historical Society's journal, Nebraska History. One-hundred thousand. That's big for now 50-- however many years later-- 60, 60 years later. In response to this population disparity and recognizing the need to redraw district boundaries, the 1961 Legislature adopts two proposals relating to redistricting. Both are constitutional amendments to be submitted to the voters at the 1962 general election. One establishes four-year terms for senators, with one-half of the members-- membership to be cleared every two years. The other adds language loosening the county-line requirement. It provides that county lines should be followed whenever practical during redistricting, but the other-- but that other established lines may be used at the discretion of the Legislature. Most importantly for those representing areas which were losing residents to the more populous eastern end of the state, one of the proposed constitutional amendments provides that in such redistricting, primary emphasis shall be placed on population and not less than 20 percent nor more than 30 percent weight shall be given to an area. The intent, according to previous-- the previous article-- previously cited article from the Spring 1978 edition of Nebraska History, was to permit up to 30 percent population disparity among districts. Wow, that's kind of a lot. 1962, just trucking along again, The U.S. Supreme Court rules in Baker v. Carr, 369 U.S. 186 in 1962, that legislative redistricting cases, though political in nature, are subject to-- to judicial review and that plaintiffs may mount a challenge to redistricting plans based on provisions of the U.S. Constitution. In November, Nebraska voters approve both constitutional amendments adopted by the Legislature in 1961. So that is when we went from two years to four-year terms. And when we went to having the-- all of-- and this-- I did not-- it took me a little-- it took me a second to realize that every senator that has an even number district are all up for election at the same time and odd number at the same time. So that's when that happened, apparently. OK and 1963: during the 1963 Session, the Legislature

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enacts its first redistricting plan since 1935, using a formula that enables senators to give 20 percent weight to area in establishing of legislative district boundaries. The bill also increases the number of legislative districts from 43 to 49. 1963, that's when we went up to 49. We don't have many slots left up there, so we got to be careful. The plan establishes legislative districts with populations ranging from a high of 35,757 in District 35, Hall County, which I believe is now District 30. Isn't Senator Dorn Hall County? No, he's Gage County-- well, I'll figure out who's Hall County, somebody I sit on a committee with because I think I hear them say it a lot-- OK, to a low of 21,703 in District 43, which is Sheridan, Cherry, and Brown Counties. I'm-- based on-- I know where Cherry County is so I'm thinking that that might be Senator Brewer's district or else Senator Johnson's [SIC]. In August 1963, a lawsuit is filed challenging the constitutionality of the new plan based on the consideration given to area in establishing legislative districts. See League of Nebraska Municipalities v. Marsh, 1964 below. 1964-- well, we didn't have to wait long for that-- the following June, the U.S. Supreme Court hands down the ruling in Reynolds v. Sims,--

**ARCH:** One minute.

**M. CAVANAUGH:** --377 U.S. 533, 1964, the case popularly known as the one person, one vote case. Yay, love that. One person, one vote is important. The main effect of this ruling is to establish that the Fourteenth Amendment to the U.S. Constitution requires the populations of legislative districts be as equal as practical. I will probably pause there. So you're going to have to hang on to your hats for the-- next is the Nebraska-- League of Nebraska Municipalities v. March-- Marsh, 1964, but this is, like, a cliffhanger for you all. So with that, I will yield my-- the remainder of my time. Thank you.

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

**HILGERS:** Thank you, Mr. President. Good evening again, colleagues. I wanted to go back to our Rules because I think it's important to think about how this is structured and to understand what is and what is not part of the organizing principle of our caucuses. And the reason that's important is because we always talk about these First District, Second District, Third District and I'm not sure how long we've been doing that. Maybe we've been doing that as long as we've had Executive Board members separated amongst these different groups of senators or as long as we've had the Committee on Committees also separated amongst those groups of senators. There may be a time-- and if we go back-- maybe I'll ask the Assistant Clerk at some point in the interim

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to help me with some research on this, but the truth is, colleagues, our Rules don't say anything about 1st or 2nd or 3rd District Caucus. And I'll just refer you to page 1. If we talk about some of the-- how these are-- how these are listed out and the way that the Rules talk about it-- I won't, I won't read the entire provision, but I'll just give you an example. The Legislature-- this is actually-- well, "the Legislature elects two from Legislative Districts 2, 3, 15, 16, 19, 21 through 29, 45, and 46." That is the sum total of the definition and scope around what we call our First District Caucus. So nowhere in here does the-- does our Rule Book and nowhere in the statute for the-- for the Executive Board does it say that what we're trying to accomplish is putting senators within the boundary, the geographical boundaries of the congressional districts in which their districts are located. That's not in the Rules. We talk about that shorthand and I think then we-- sort of the logic kind of follows, but not necessarily, but it follows-- people think, OK, well, I'm in the First Congressional District so where is the First Congressional District? Well, I know what that is. It's-- it's up-- you know, it includes Lincoln and Lancaster County and all these other areas and it's got Madison County. Therefore, if I'm in District 19, Senator Flood, well, I've got to be in the First Caucus. By the way, it does-- nowhere does it say First Congressional, by the way. But there's a lot of other factors that could be at play, all of which-- none of which are-- are foreclosed by our Rules or the Executive Board and I mentioned a couple of them. One is just continuity. So think about the relationships that you develop within your district, your individual caucus, and whether it's the members that you, you vote on for Committee on Committees or Exec Board, those are the people you work with your entire tenure. So for my entire six years in the Legislature, Senator Morfeld has been on the Committee on Committees and when-- it's not just an abstract consideration because those are the individuals, in the Committee on Committees context, who help put you on the committees. They know your skill set. They know what you're looking to accomplish. They know what committees you're trying to be on. And if they have some continuity, those are the people you work with to try to get on committees over the-- over the course of your time here in the Legislature. So those folks, they've got specific knowledge and they help work with you to help get you on your committees. Now, if you are like Senator Williams and you are termed out and then you move your district from, say, the Third District to the First District, that-- there's-- there's nothing lost in that exchange. There's nothing lost in that exchange. But if you are Senator Arch and you are in the Second District and you've been working with your Committee on Committees members and now you're in

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the First District, you do lose something. You do lose something significant. When it comes to the Exec Board, I know when-- I've heard this more times than I can count in various conversations, either in committee hearings or off the mike or even on the floor, where we talk very explicitly that the Exec Board members for each of these different caucuses are your representatives. Now obviously the whole board represents the entire Legislature, but oftentimes we say, hey, you've got individuals who represent your caucus. They really do represent you. That's your relationship. Those are the people you know. Those are the people you're working with. Of course, we have relationships with other members on the caucus, but that--

**ARCH:** One minute.

**HILGERS:** --thank you, Mr. President-- but that is-- that is actually something that's real and significant. And so if you're moving people around you could-- we could do that. We certainly could do a different methodology and we could say, let's just do it all by geographic boundaries. Now, we'd have to, when it comes to the Rules, we'd have to probably want to change the Rules to reflect that and we probably would want to because we'd want to make it explicit that that's the organizing methodology that we're-- that we are choosing. But in doing so, yes, you do gain something, but I think there are other things that you lose. And I think whether you agree or disagree or think it's-- this is the wrong approach, I can understand that. I can respect that. I think there's a very strong, rational basis for this and it's one that has historical precedent and one that creates-- at least ensures the most continuity going into next year for senators and their relationships with others. Thank you, Mr. President.

**ARCH:** Thank you, Mr. Speaker. Senator Lathrop, you are recognized.

**LATHROP:** Thank you, Mr. President. I kind of feel compelled to speak on this. I may have been the only one around-- well, I suppose Senator Flood was and maybe Aguilar the last time we did redistricting. And part of me wants to go into how we're breaking all kinds of norms around here now, but let me tell you what the norm was because we were here-- I was here ten years ago when we did this. And when we did redistricting, Senator Crawford ended up in the First and we looked at the geography of the congressional district and said at the time, well, Senator Crawford is now in the First so she moved to that caucus. Historically, the norm, we've always done it this way. The congressional districts is not just a term. Historically, people who have observed the norms have set the caucuses according to the congressional districts. If you wanted my friend, Senator Arch, who I

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like-- none of this is personal, of course, Mr. President-- but if you wanted Senator Arch there, you could have drawn the congressional districts differently so-- and had that in mind if you didn't. I suspect you did, but the reality is historically and the norm of this-- the norms of this body have been to place people in their congressional districts. So to suggest that there's historical precedence for leaving someone in our-- in the Second Congressional District who is--no part of their district is in there and the Second Congressional District has one more member than the others just doesn't make sense. I mean, if you're just going to change the norm, which has happened a lot around here and how we do business, that's one thing and you can say that and then that's the way it'll be. And this will probably, just like a lot of things, just come down to the number of votes and-- and whoever's paying attention. But this is not the-- this is not the way it's been done historically. And there's a reason we call them the congressional, the First Congressional Caucus and the Second and the Third Congressional Caucus, because that's how we've organized this place for a long time. I know when we-- when we had to move Senator Crawford ten years ago, that was because that was the norm and that's how it was done. So I offer that as some insight into the historical practice of this body and why I believe LB686, until it's amended, should fail. Thank you.

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

**WAYNE:** Thank you, Mr. Speaker-- or Mr. President. I am a-- I just don't know how much time I can take talking on this issue because I just can't figure out the logic behind it. I stared at the map over and over and there's just not really a connection for-- for 14, or Senator Arch's district to be in CD 2. When I look at the rest of the map, they all have a logical connection. And I-- and I understand Speaker Hilgers spoke about relationships, but there isn't a relationship in District 36 that's coming into CD 2. That's going to be a brand new person. And in fact, a quarter of the body turns over every two years so there isn't a relationship anywhere. You-- you kind of just start whatever caucus you're in. And so I just-- I'm-- I'm trying in my head to figure out why CD 1 shouldn't have 17 and what's the drawbacks. I already drew out different committee assignments and played with the numbers. It just, I-- it doesn't make sense to me. And so there isn't a logical connection of just keeping a district that is not even touching, not even-- like, there isn't a piece in it in CD 2 there. If we're just randomly adding one, then we can add anyone. I mean, it make-- and honestly, it makes more sense if we did an Omaha and Lincoln congressional district or we did-- I mean, for that matter, we can draw legislative districts by watershed. I mean, they

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got more in common than-- than what we're doing right now. I just-- the logic behind this I'm really, really struggling with. And I don't think this is a big ask, and the fact that people are pushing back on it tells me there's something else underlining this move. By moving Senator Arch to CD 1, that actually aligns because Senator Sanders and who is that I'm thinking? Senator Blood and then Senator Arch, because I was just going through redistricting in my head, are all part of the same congressional district. It seems like they would have more in common than north and south Omaha. So there's just not a lot of-- and I understand we want to make things simple and sometimes it's just simpler, but simpler isn't always better. I just spent all day going through LB1024 and taking some simple language out to make sure it actually is supposed to do what it's supposed to do and is best for everyone, like how to put Lancaster County and Lincoln into LB1024. That-- that-- it would have been simpler just to keep them out, but something about doing the right thing we should be trying to do. So when I'm looking up the handy-dandy map that Senator Halloran always passes out, it just, it-- I'm struggling and I can't say it no other way. So I guess I'll start talking about something else if I'm going to take more time because this just doesn't make sense. I can't figure out what else to say about it. I think I'll yield my time back to the Chair.

**ARCH:** Thank you, Senator. Mr. Clerk for an announcement.

**ASSISTANT CLERK:** Mr. President, a message from the Governor. Dear Mr. President, members of the Legislature: I'm returning LB1073 without my signature and with my objections. LB1073 purports to force me, in my official capacity, to apply for \$120,000,000 of federal funds from a second round of optional federal funding for the Emergency Rental Assistance Program, ERAP. The bill also requires me to disburse all funds received. I am fundamentally opposed to seeking additional federal ERAP funds. As Nebraskans, we value resourcefulness and self-reliance. We also care for our neighbors. We recognize that extraordinary times such as a natural disaster or a global pandemic warrant extra assistance. During the height of the coronavirus pandemic, Nebraskans stepped up to help those in need. At the federal and state level, we did the same. The state has received and is distributing an unprecedented amount of federal funding, over \$24 billion, to help Nebraskans weather the storm over these past two years. At a certain point, however, we must acknowledge that the storm has passed and we need to get back to the Nebraska way. The ERAP is no longer about addressing the impacts of coronavirus. Instead, taking three more years of federal funding to make rental payments or create a government subsidy that will make people reliant on the government

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for years to come. We must guard against big government socialism where people are incentivized not to work but are instead encouraged to rely on government handouts well after an emergency is over. We cannot justify asking for federal relief when Nebraska has the lowest unemployment rate in the nation and we are no longer in a state of emergency. The state still has \$30 million of unused ERAP funds. That means that after more than a year, we have only expended about 40 percent of the program's dollars. The remainder is more than enough to meet the legitimate needs for assistance through the end of the year. It has been alleged the dollars remain in the current program because the application process is somehow arduous. That is flatly untrue. The ERAP application is no more burdensome to complete than applications which individuals file for food stamps or Medicare benefits or applications of small business owners, farmers, ranchers, and childcare centers were required to complete the federal assistance from multiple CARES Act grant programs which the state has administered for the last two years. Like the ERAP program, these programs all require an applicant to demonstrate their identity, their location, and that they experienced the financial loss due to COVID-19. These steps are prudent to prevent fraud and to protect the integrity of taxpayer funds. Finally, some believe we should take the money simply because it's available. However, there's no such thing as free money. The second round of ERAP dollars is a perfect example of the kind of blind spending from the federal government that has ushered in record inflation. And if we continue to pile on our national debt, our kids and grandkids will be the ones footing the bill. In Nebraska, that's not who we are. For these reasons, I respectfully urge you to sustain my veto of LB1073. Sincerely, Pete Ricketts, Governor. In addition, Mr. President, some items for the record: Senator Lathrop, an amendment to LB1241A to be printed; Senator Pansing Brooks to LB984. That's all I have.

**ARCH:** We will continue with debate. Senator Vargas, you are recognized.

**VARGAS:** Sorry, I'm still processing everything that you just said. Just a moment because the hard part that I have with that is we're trying to be as pragmatic as possible. Part of the rationale for not at least accepting and applying for the \$120 million that does not make any logical sense to me in terms of utilizing these funds for good when we're doing the same thing with federal ARPA dollars. We're going to have to process that. OK. The congressional districts, there are two substantial-- substantial changes here and this is just a reminder everybody: we drafted these maps. This was part of the negotiation. This should be an easy thing. Many people have said-- and

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Senator Wayne just said it, I'm not-- I'm not entirely sure why this isn't a simple fix that we can make. I mean, there is one substantial change that does happen. The Third District has 17 senators and we moved a legislative district over in the congressional-- Second Congressional District and you would think we could just keep the 16 and then we would lose Arch, not because we don't love and appreciate Senator Arch, but Senator Arch's constituents are no longer in the Second Congressional District. But we decided to still keep him in the Second Congressional District even though he has no representation in the district anymore, which does also fundamentally change-- now we're going from 17 in the Third, 16 in the First, and 16 in the Second to making it 16 in the Third, 16 in the First, and 17 senators in the Second. I don't understand the rationale. And again, I brought this up in committee. I tried to make an amendment change, largely because I didn't think it was going to be a big deal because there are guiding principles with how we draft this as it is. We're not-- we're not trying to deviate away from the congressional districts as drawn. That's why this is drafted the way it is. But when you clearly look at the metro area map-- and if you don't have it, it is, it-- it's going around. You can come-- come talk to me and share it. It is fundamentally clear that Legislative District 14 is not within this. So I'm not really sure how we move forward here. I would urge people to vote no because there is a principle here. It's not in our Rules. It's the principle of whether or not we actually-- we made new redistricting maps and we should have legislative districts that represent those interests because there are consequences to who-- who is in our caucus and I'm not following why this wouldn't be an easy change. Thank you.

**ARCH:** Thank you, Senator. Senator John Cavanaugh, you are recognized.

**J. CAVANAUGH:** Thank you, Mr. President. I would join Senator Vargas' comments that this is not personal against Senator Arch. We all love Senator Arch, the Chair at the moment, but so I rise in I guess opposition to LB686. I've been listening to the debate. I-- I didn't see this one coming down the pipe before we were debating it and people were talking about it. And I was-- I was over there. I looked at the map that Senator Vargas just referenced and it is pretty clear that the new congressional district map we drew draws out LD 14. And I heard Speaker Hilgers talk about that the caucuses are not necessarily congressional districts, that we call them by the same numbers that we call the congressional districts, and that they're more about community fidelity and those sorts of things, being near each other. But of course, there are dis-- there are legislative districts directly to the east of LD 14 that I believe are in the First

Congressional District or the First Caucus, if you will, as Senator Matt Hansen pointed out, that are just as close to the Omaha area and those districts and just as close to LD 14. And so if we're going to a system, it needs to be rational, needs to be logical, it needs to have a justification for how it's set up. And I understand that the Speaker is saying that the organizational structure is not by congressional district. It's just coincidental that it is congressional district aligned, but it does seem that historically, congressional district is a logical way in which to sort of fit these things together. And because we have the three caucuses and in all-- all things, we try to have each congressional-- or legislative district be proportional by-- by population, which was-- I think we settled on about 40,000 people during the redistricting. And then the congressional districts were all-- as close to equal population as possible, which we got within a few people, maybe even one person, as they were drawn. And you all remember that debate. That was a long couple of weeks in September where we worked out all of this to get these maps. But we did have the proposed map, actually, that I think Senator Wayne had drawn and Senator Wayne's office had worked on, did include what is now the territory of where LD 14 is in the Second Congressional District. But it became imperative for this body to draw different maps that didn't include that portion in the Second Congressional District, but did include Saunders County, which had never been a part of the Second Congressional District before. And so we contorted the districts in-- in a way to exclude this fundamental-- this natural community from the congressional district, but now we're contorting in a-- in a way to make sure that this-- this legislative district is in the same caucus. And so we are picking and choosing, I guess, which way we go and which communities are important and necessary to be part of each other and close to each other. And mind you that the legislative district that covers part of-- that is part of Saunders County is actually, I think, in the First Congressional District now or the First Caucus, sorry. And so we're-- we are going out of our way to, I guess, divert from a logical, rational structure here. And the problem with that is if we divert from that, the question is what are we basing it on and why are we doing it and what is the justification for this? And so if it is based off of congressional districts--

**ARCH:** One minute.

**J. CAVANAUGH:** --thank you, Mr. President-- I understand the logic. I understand what we're doing. I understand how we get to where we are and I understand how we get to-- with having an odd number that we get to one district, one caucus that has 17 and two that have 16. Does that sound right? That's right. But if we are diverting from any

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rational, logical reason for the structure, I don't understand how we decided which one ended up with 17 and which ones ended up with 16. And that is not how we should-- we should make this decision and that's not how we should organize. Organize-- organization should be organized and so we should have a rationale for that organization. And so I will be against LB686. Thank you, Mr. President.

**ARCH:** Thank you, Senator. Senator Matt Hansen, you are recognized.

**M. HANSEN:** Thank you, Mr. President. Colleagues, diverging from the Exec Board for a moment, no doubt, as you heard, the veto letter has just been read across the desk by the Clerk of my priority bill, Senator Wayne's LB1073. Let me just let everybody know that I've mentioned this before. Enacting this law and accepting this funds still matters without the emergency clause. It still matters with the Governor's opposition. There are some minimum amount of funds that are going to be available to Nebraska for a while; but the longer we wait to accept them, the less we will get. So the Governor's decisive decline is unfortunate and is only going to hurt Nebraskans. And any time the Legislature waits or pushes this issue to-- down the line or in the future, it's only going to mean less rental assistance for Nebraska when we ultimately get it. And I want to be clear that I think we will ultimately get this rental assistance in Nebraska one way or another. There are enough options and enough avenues that we are going to keep working on it. It is-- I have talked with Senator Wayne and I do know we are planning on doing a veto override. Make no mistake, that is coming. Because the emergency clause is no longer attached, though, it didn't necessarily have to happen tonight or didn't have to happen tomorrow. So we are working with Speaker Hilgers on a time that we can get that scheduled and will be on the agenda. I do want to say-- so that's all the background. I do want to say and just let me refute several of the assertions and several of the things in Senat-- Governor Ricketts' veto letter to me are simply incorrect or are a pretty severe twisting of the facts. I would hope that the Governor makes his policy decisions based on the actual understanding of the program that his administration administers; but ultimately, it doesn't look like that is the case. And additionally, I find the discussion of the Governor's ARPA bill and how generous we are that the Governor let us design his ARPA bill at the same time, he's saying we don't need extra funds from the federal government. And it's unfortunate that he is unilaterally denying Nebraskans this ability to have this-- these funds. It is fully on his decision to just simply reject the funds out of hand, not even take them conditionally, not even take them and put good-- good or new or whatever metrics or rules or regulations on them, just reject them out of hand and force us as a

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Legislature to kind of scrap and figure out at the eleventh hour how to try and get them from the federal government. Colleagues, ultimately the power of the purse is a fundamentally legislative priority. The spending priorities of the state are ours as a Legislature. That is one of the key powers of our branch. That is why the budget comes through us. That is why the appropriations matter so much. And to have a Governor be able to just unilaterally deny the acceptance of federal funds, I think is inappropriate. And I think we should work hard to make sure that we have an opportunity to get this done and get these accepted in Nebraska. Every day we're going to wait, we risk losing more and more of that \$120 million. I think we've already lost some just by not having the e-clause. And I hope we don't lose any more than necessary, but we will do the veto override and I'm confident we will get the emergency rental assistance funds to Nebraska one way or another. Thank you, Mr. President.

**ARCH:** Thank you, Senator. Senator Hunt, you are recognized.

**HUNT:** Thank you, Mr. President. I'm-- I think that whatever the strategy was on LB686 might be backfiring because I don't think anybody was very suspicious about it until we started asking questions. And the voracity of the defensiveness of the defense and well, this is why we need it and I love Senator Hilgers, we get along great, but he has a little bit of a tell, I think, when he goes into-- I do a little impression of him, actually and I don't know if I can do it right now. He'll really tend to stand on the mike and then he'll speak with a lot of authority, colleagues. And that authority is something that's certainly earned over time because, of course, he is an attorney and he is, you know, he's been to very nice colleges and he's a very smart guy as well as a friendly guy. And a friendly guy who is also a smart guy does tend to have good opinions and that sometimes commands a lot of authority from the body and from people watching, possibly. So when you look at the Rule Book and you see on page 8 and you see the type of things that it says there, what it really matters and what it comes down to, colleagues, is that the norms are not always the rules and it's just something like that. And it's kind of like, I'm listening and I love you, but it's like, dude, I don't know what you're talking about. I don't know if you're even saying anything. And I think that with that happening on LB686, it's got my antenna up and I'm kind of going, what is this really about? What is really going on here? Next time you do that, Senator Hilgers, I'm going to point it out to you because it is a little bit of a tell and maybe it's nothing. I-- I, you know, am certainly open to being wrong, but the defensiveness on why we really need this bill this way and why we can't be open to an amendment, it's a little suspicious to

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me, colleagues. As for Governor Ricketts' veto of LB1073 for the emergency rental assistance, listen again to this final paragraph that he wrote. Listen with an open mind. He says, "Finally, some believe we should take the money simply because it's available. However, there's no such thing as 'free money.' The second round of ERAP dollars is a perfect example of the kind of blind spending from the federal government that has ushered in record inflation. And if we continue to pile on to our national debt, our kids and grandkids will be the ones footing the bill. In Nebraska, that's not who we are." Colleagues, with the emergency rental assistance, we're not talking about free money. We're talking about money you literally already paid to the government. It's a service that you have literally paid for and the government has come back to Nebraska-- the federal government has come back to Nebraska and said, oh, here is your receipt for your rental assistance and here is your piping-hot rental assistance that you paid for. And the Governor is saying, no, we cannot accept it. I'm sending it back to the kitchen because there's no such thing as a free lunch. There's no free money. Nebraskans, colleagues, we already paid for this. Why are we sending back lunch that we already paid for? What's going to end up happening is we will just in effect, be paying for rental assistance for other states. If we don't take advantage of benefits, you know, offered to us by the federal government, which come to us through acts of Congress, through acts of--

**ARCH:** One minute.

**HUNT:** --the executive privilege, of the executive-- you know, of the President, and those things come to us from people who are duly elected just like we are. We elect people to go to the federal government to decide what to do with our federal tax dollars. And they have decided, hey, Nebraska, you already paid us all these tax dollars and we'd like to give some back to you in the form of rental assistance. If we refuse that money, they don't go, oh, we'll just use that to pay down the national debt then so that our grandkids don't have to bear this burden. I hope my grandkids watch this footage in 50 years or something-- hopefully I have grandkids-- and they say, Grandma, I wish that you could have just been able to afford a house and afford your rent. Like, it's really fine with me. I'm cool with the national debt. I don't know any person on Earth who really thinks that that's a big deal and refusing this money doesn't do anything to save the money of our grandchildren. It's just refusing services that we've already paid for.

**ARCH:** Time, Senator.

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**HUNT:** Thank you.

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

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I actually haven't been paying that close of attention to-- to this debate, but I do want to say on behalf of Senator Arch, who cannot talk because he's in the Chair, I would-- unlike Senator Wayne, I don't think you're just tradable. So I just wanted that said for the record. But I also-- as far as this bill goes, I am not entirely sure what's what, what's up and what's down, but it's not about Senator Arch, just make that clear. OK, so I don't want to leave the pages hanging indefinitely. So before I move on to other things, I will finish 1964. OK. I hope you all are ready. So when we left off, we were in 1964 and the U.S. Supreme Court had made a decision. Now, in July of 1964, the U.S. District Court for the District of Nebraska rules in the League of Nebraska Municipalities v. Marsh, 232 F.Supp. 411, 1964, that the portion of the 1962 amendment to the Nebraska Constitution allowing the Legislature to give consideration to area when-- sorry, area is in air quotes. I should do that for transcribers-- area when redistricting is unconstitutional. The court holds that the offending provision violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution and directs the 1965 Legislature to create a new legislative plan using population as a basis, in accordance with Reynolds v. Sims. So there you go: one person, one vote. The thing that is fascinating about this is that was a debate we had during redistricting was one person, one vote or does land matter? And clearly, the Supreme Court decided in 1964, one person, one vote. So-- OK, I-- I'm going to take some time on the next bills to talk about this rental assistance situation because there's a lot to be said on it and the level of disappointment right now in our Governor is bottomless for me. So 1966, in January 1966, the Nebraska Supreme Court unanimously upholds the third legislative plan in Carpenter v. State of Nebraska, 179 Neb. 628, 139 N.W.2d 541. I have no idea what those things mean, but for the record, they probably mean something. The court's decision is based on its holding that the provision of the 1962 amendment to the Nebraska Constitution that permits plans to cross county lines is valid. Yay. In April, the U.S. Court for the District of Nebraska holds the plan constitutional in the context of population deviation. Another win. In League of Nebraska Municipalities v. March-- Marsh, 1966, the court rules that population deviations in the plan are justifiable and do not violate the Equal Protection Clause of the U.S. Constitution. 1961 [SIC]: The Legislature passes LB954, a redistricting plan based on population--

**ARCH:** One minute.

**M. CAVANAUGH:** --thank you-- population figures from the 1970 Census. There is no constitutional challenge to the bill. Great. Jump ahead ten years. 1981: The Legislature passes LB406, a redistricting plan based on population figures from the 1980 Census. There is no constitutional challenge to the bill. Just like to note that the Senators Cavanaugh, that was the first time we were both counted in the census, 1981, OK, 1991: during the next redistricting session, the Legislature passes LB614. I think I'm about out of time. I just want to note that I'm up to 1991 and I'm pretty sure that none of the pages were alive yet. So with that, I'll yield my remainder.

**ARCH:** Thank you, Senator. Senator John Cavanaugh, you are recognized.

**J. CAVANAUGH:** Thank you, Mr. President. So I again rise in opposition to LB868 [SIC LB686], but I have had the opportunity to look at the letter that was read across from the Governor stating why he opted to again refuse federal funds, which at this point I think is-- we're one of two states that has refused this money to help Nebraskans stay housed. And there are a couple of things that jumped out at me in this letter. One of them, of course, is that the storm has passed, which I think is an interesting thing to say, considering that there's still ongoing waves, as they say, of the coronavirus. We just happen to be in another point where it seems to have gone down. But there is-- there's still individuals who are suffering from lost income and health issues and other problems associated with that have come as a result of the coronavirus pandemic. And the Governor says it's been alleged that the dollars remain in the current program because the application process was arduous. He says this is flatly untrue. I would like to see the evidence that this was not an arduous process because, as the Governor goes on to say, the ERAP application is no more burdensome to complete than the application which individuals file for food stamps or Medicaid benefits. As I've said before on the floor, I have a bill this year that would require DHHS to help individuals make sure that individuals leaving our Department of Corrections sign up for Medicaid. And one of the reasons for that bill, as was came out in the testimony at the hearing, is that DHHS denies a whole lot of Medicaid applications because people don't fill out the form properly. So when somebody doesn't get help to fill out the form, they get denied a benefit that they are entitled to, which helps them-- gets them medical care in that case, gets them in a-- in a better position, allows them to go to work, allows them to be productive, so all the things that we want and it's money from the federal government that we-- we as a state and Nebraska are entitled

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to if we facilitate people actually filling out this form. So what we had with the ERAP dollars, emergency rental assistance dollars, in-- in the state of Nebraska outside of Douglas and Lancaster County, because Douglas County, at least in my experience and I know Lancaster as well, but I-- I personally have volunteered at the eviction court in Douglas County and I have helped people-- facilitated people getting matched up with MACCH, which is the administrator of the application, and they walk people through it and help them, made sure they got a timeline, they got the dollar amounts exact, they figured it all out. They sat down with people. This was over Zoom, but they actually went through it with people. It was-- it was a process that they had to get and substantiate their income, their need, and-- and their rent and their utilities. And if you've talked to anybody who came to testify about this bill or came down to talk about this bill from places like Grand Island, from places like Hastings, from places like Norfolk, people who came down and said that they, the individual nonprofits, were working to facilitate people getting signed up for-- for benefits and when they-- they were able to help people get signed up, but there were more people that needed help and they didn't have the ability to do that because the state had paid I think it was something like \$8 million to a contractor who didn't really process that many applications, didn't go out and make sure that people got signed up. And so the-- the fact that the process-- to say the process was not-- not arduous is probably flatly untrue, but to--

**WILLIAMS:** One minute.

**J. CAVANAUGH:** But even if it were not arduous, it was opaque and unavailable so that people couldn't get access to it. So there are people in Nebraska who could use this-- this aid. There are people in Nebraska who are still asking for this aid. There are service providers in Nebraska who are-- have come down here repeatedly to talk to us all to say they have people they serve who need this aid. So there is a need. It is ongoing. It continues and there is money available from the federal government that can be sent-- spent in the state of Nebraska to keep Nebraskans in their homes outside of Douglas and Lancaster County, in Greater Nebraska, in Kearney, in Grand Island, those places. People can-- will stay in their homes if we were to take this money. And so the Governor turning it down because he wants to make a political statement about not being big-government socialism is wrong, shortsighted, and hurtful to Nebraskans. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Cavanaugh. Mr. Clerk for items.

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**CLERK:** Mr. President, a bill read earlier this afternoon [LB1013e] was presented to the Governor at 6:20. I also have a motion. Senator Wayne would move that LB1073 become law notwithstanding the objections of the Governor. That motion will be laid over. That's all that I have, Mr. President.

**WILLIAMS:** Thank you, Mr. Clerk. Members, we will move to the seven o'clock items on the agenda. We move to LB750A on General File.

**CLERK:** Engrossed-- or LB750A, a bill by Senator Friesen, appropriates funds to implement the provisions of LB750.

**WILLIAMS:** Senator Friesen, you're recognized to open on LB750A.

**FRIESEN:** Thank you, Mr. President. LB750A is the appropriations bill for LB750, which was TNT's committee priority bill, which included a number of transportation-related bills. LB1259 directs the Department of Motor Vehicles to open an additional operator's license service center to serve Lancaster County. DMV has estimated the cost of establishing and operating to be \$793,000 in fiscal year '23 and \$850,000 in fiscal year '24. DAS Building Division will be the leaseholder for the new service center. The DMV will be in essence, be a sublessee. DAS will have increased the revolving fund expenditures associated with the lease. The estimated costs are between \$375,000 and \$409,000 in fiscal year '23 and \$690,000 and \$750,000 in fiscal year '24. And, Mr. President, I would ask you for the advancement of LB750A.

**WILLIAMS:** Thank you, Senator Friesen. Mr. Clerk for an amendment.

**CLERK:** Senator Cavanaugh would move to bracket the bill until March 30 of this year.

**WILLIAMS:** Senator-- Senator Cavanaugh, you are recognized to open on your bracket motion.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I was just looking up because I haven't read the book, but maybe somebody will want to give it to me after this because there was this movie, "How to Lose Friends and Alienate People." You all are probably, like, is that what she's trying to do tonight? It's not. I hope that's not what happens, but I am going to take time on every bill that's remaining on the agenda. So we have until 11:59, we have-- we have five hours-- well, less than five hours, four hours and 54 minutes before we have to adjourn. And I think there are five A bills-- one, two, three, four, five-- there's five A bills. OK, so we have five hours and five A

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bills so everybody knows where we're at. That is where we are at. OK, now Senator Friesen's A bill, like other times that I have put bracket motions up on bills, I will pull my bracket motion before we have to vote on it or if we do vote on it, please vote it down. It's not intended to-- to hurt Senator Friesen's bracket-- or A bill. But also, you know, I normally would like to-- I would prefer to do an actual amendment, but the cleanest type of amendment to do on the floor is a bracket motion because it's less arduous, I believe-- maybe they'll correct me-- for the Clerk's Office. So I usually just do a bracket motion because I want to make it easier on the staff. OK, so the Governor's letter. I'm going to start by reading the Governor's letter. OK. So I am returning-- and in all fairness, I will probably add my own colorful commentary as I read this letter so might not all be his words. I am returning LB1073 without my signature and with my objections. LB1073 purports to force me, in my official capacity, to apply for \$120 million of federal funds. OK, I'm going to stop there just right away. So to force me. So apparently, when the Legislature passes a law that requires action on behalf of the administration, it is the Legislature's intent to force the Legis-- the administration to do something. OK. So from a second round of optional federal funding-- yes, it is-- you're trying-- he's-- fact: it is optional. We are not required to take it-- funding for the Emergency Rental Assistance Program or ERAP. The bill also requires me to distribute all funds received. I am fundamentally opposed-- fundamentally is an emphatic statement of basic truth-- opposed to seeking additional federal ERAP funds. I'm probably pronouncing that part wrong. OK, as Nebraskans, we value resourcefulness and self-reliance. We also care for our neighbors. We recognize that extraordinary times such as natural disaster or global pandemic warrant extra assistance. That first part, we value resourcefulness and self-reliance, I don't feel like a lot of the things we've passed so far in this Legislature reflect that as a value, resourcefulness and self-reliance. Then why, why would we do our shovel-ready projects? Why would we invest money in rural Nebraska? Why would we invest money in infrastructure in towns? We-- we should just be-- everybody pulling yourselves up by the bootstraps. Why would we need to do anything for flooded parts of our state? They can be resourceful. They can sandbag. They can rely on themselves. They shouldn't rely on the government to help when there's a flood. Oh, wait, those aren't poor people of color. Got it. We rely-- we value resourcefulness and self-reliance for people-- poor people of color. If you are a white poor person or if you were just a white person, we want to give you money. We want to give you tax incentives. We want to give you tax cuts. We want to give you a new lake. We want to give you a new canal. We want to do whatever it is you want. But if

you are a person of color who is poor, we want you to be resourceful and self-reliant and then we want to incarcerate you and then we want to make it impossible for you ever to get out of the system. And then if you get out of the system, we want to make sure that you cannot get a job or a house or access to food, but we want you to be resourceful and self-reliant. OK, moving on to the next sentence. During the height of the coronavirus pandemic, Nebraskans stepped up to help those in need. At the federal and state level, we did the same. The state has received and is distributing an unprecedented amount of federal funding-- well, yeah, it's a global pandemic and the federal government gave us an unprecedented amount of money-- to storm-- weather the storm over these past two years. It's not over. Just because you're rich and comfortable does not mean that it's over, does not mean that we have recovered. At a certain point, however, we must acknowledge that the storm has passed. It has not passed. The storm has not passed. We still are in the midst of a global pandemic. We still are waiting with bated breath for another wave of a new strain of the virus. It is not over. It might seem like it's over because, you know, we're relaxed about wearing masks and things like that, but it is not, is not over. OK, the ERAP is no longer about addressing the importance-- impacts of the coronavirus. OK, I have to, I have to stop there, like, firmly stop there. Why are we doing the ARPA bill at all? I hope the Governor vetoes the ARPA bill because clearly the Governor believes that we have passed the need for it. You can't have it both ways, folks. You can't punish poor people of color for being poor and people of color and then get your fun little projects from all that ARPA federal money. You don't get it both ways. Well, in Nebraska, you do because it's not for everyone, but you shouldn't. And if you do, you shouldn't do it without at least acknowledging that that is what you are doing. OK. So virus is over, we don't need the federal funds for people who are housing insecure, but we do need the federal funds for pet projects in the Legislature. This, like, makes so much sense. Nebraska nice, am I right? We want you to be homeless. Well, not really. Then we'll just put you in jail and then you can live there forever. OK. Instead, taking three more years of federal funding to make rental payments will create a government subsidy that will make people reliant on the government for years to come. Isn't that what our business tax incentives do? Aren't our corporations reliant upon us giving them tax breaks in order for them to operate in the green?

**WILLIAMS:** One minute.

**M. CAVANAUGH:** Thank you. The level of hypocrisy in just the first three paragraphs of this letter are-- like, I don't know if anybody remembers the Garbage Pail Kids. Yeah. So I feel like-- inside, like,

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a Garbage Pail Kid right now where I'm, like, a cartoon, just vomiting because this is so atrocious and offensive and manipulative and just deceitful to the people of Nebraska. The Governor is gaslighting us. He's constantly gaslighting us, but this is the epitome of gaslighting. We don't need this, but we need \$800 million in tax cuts and we need \$1 billion in ARPA funds for other things, but we don't need this.

**WILLIAMS:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**WILLIAMS:** Thank you, Senator Cavanaugh. Mr. Clerk for items and announcements.

**CLERK:** Mr. President, the Revenue Committee will have an Executive Session underneath the south balcony immediately and I also have an amendment to be printed to LB927 by Senator McKinney. Thank you.

**WILLIAMS:** Thank you, Mr. Clerk. Returning to debate. Senator Machaela Cavanaugh, you are recognized.

**M. CAVANAUGH:** Thank you, Mr. President. So after this, do I have one more time and my close?

**WILLIAMS:** That's correct.

**M. CAVANAUGH:** OK, great. OK, I think I left off with the Governor is gaslighting us. He has been for eight years, but he's, like, really stepping it up. The pandemic is over. That's why we don't need rental assistance, but we need all the federal money for the pandemic because there's a pandemic. So we've got to build a lake. We got to build a canal. We got to do shovel-ready projects and redo trails and I don't know what else is in all of these things. There's a lot. We have to do all of those things, but the pandemic is over so we can't do rental assistance. We don't want people to become reliant on having a place to live. That's what the prison is for. It is-- I do actually wonder sometimes-- the inconsistency in statements that are made here and then the votes, I do wonder how individual senators reconcile that with themselves because it's hard for me. It's hard for me to hear various senators make impassioned pleas about something and then when it's something that they-- they just ideologically don't agree with, just cast it aside like those people don't matter. I am constantly hearing about the plight of the farmer in Nebraska and how I should care about it. And I do. I do care about the plight of the farmer in Nebraska. I care about the plight of everyone in Nebraska, but the

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problem is when you only care about your personage, your people, your community, then you lose all empathy. And today is the National Day of Empathy. You lose all empathy for the most vulnerable people, which of course does include people of color, but it also includes women. It also includes single moms. It includes children. It includes disabled children. It includes the elderly. It includes disabled adults. It includes veterans. Somewhere along the way, some sheep have lost their shepherd. I am my own shepherd. I lead my own way. I don't follow somebody else. I view the world as a beautiful mosaic of opportunities and options. You have like-- I love to color and you have, like, a-- my husband, for my birthday, got me this coloring book that I do with my kids and it's, like, a bunch of-- they look like stained glass window things and so you color all these different colors. And I love creating with my kids something unique. Because even though it's in a book that other people have that exact same design, our design is unique to us and we make choices. This Legislature is a mosaic and we make choices, but it feels like the choices that are made when I want to color something, something--

**WILLIAMS:** One minute.

**M. CAVANAUGH:** --a bright color, something lively, a fuchsia, magenta, a turquoise, that I'm told no, I can only use black, a black crayon or a red crayon-- red's better-- a red crayon. I can only use a red crayon. I cannot use any other color. Other senators have every color that they want. But no, if you care about children, if you care about vulnerable populations, if you care about the disabled and the elderly, you only get to use a red crayon. No other crayon. So the world is then colored in your tapestry and no one else's. Am I next in the queue?

**WILLIAMS:** Yes, you are and your time is up so you may start your next time in the queue. You have five minutes, Senator Machaela.

**M. CAVANAUGH:** Thank you. Senator Machaela, I like it. I mean, I also would take Senator Matt. That's OK too. And I should-- Senator John Cavanaugh has a little saying. He says, oh, there's a Cavanaugh for everyone. There is a Matt Cavanaugh and that "Lake Mike," I do have a brother Mike. So there is a Cavanaugh literally for everyone. OK, so back to the Governor's letter. We must guard against big government socialism where people are incentivized not to work, but are instead encouraged to rely on government handouts. Oh, I am sorry, but when the Clerk read this, I did not hear everything and I'm just reading it, like, as I go. I didn't-- I didn't-- we must guard against big government socialism where people are incentivized not to work, but

are instead encouraged to rely on government handouts. This is just-- I don't even-- I don't think malarkey is strong enough. This is-- why do we have the ImagiNE Act? Why do we have tax incentives? This is bananas. The same Governor that pushed and pushed and pushed for these tax incentives, sweeping tax incentives, is the same Governor who's saying government socialism where people aren't incentivized to work. Do you know how hard it is to be poor? It's really, really hard. I don't mean like it's hard to become poor. It's hard being poor. It is actually arduous to be poor. And I was sitting in committee one day in Transportation and one of my colleagues was asking questions about a specific type of license. And I-- I don't remember exactly, but they were going back and forth with the DMV talking about like, well, you have to do this and then you have to travel here and then you have to do this and that just seems very inconvenient. And I was like, try filing for SNAP or Medicaid or childcare subsidy or rental assistance. You think getting a license is inconvenient? The bureaucracy is too much? You don't know anything about bureaucracy if you think that that is the height of inconvenience. It's because we don't treat the individuals that need those services as people. We treat them as a judgment, as something that we should have authority over-- moral authority over. We incentivize their employers to pay them less and then we have to help out. We're basically-- when we do these things, when we're doing rental assistance and when we're doing SNAP and when we're doing childcare subsidies, when we're doing all of these things, what we are doing is subsidizing the employer because the employer should be paying better; good wages, good livable wages. If we had that, then we wouldn't have all these problems, but we don't have that. But we do have government handouts. We do have government socialism. It's just for businesses, not for people.

**WILLIAMS:** One minute.

**M. CAVANAUGH:** Thank you. It's just-- I got it. Yeah, I feel the same way, though I-- I do have coffee. OK, so we must guard against-- guard against-- like, what, are we going to war?-- big government socialism. Agreed, let's get rid of these incentive programs, please, where we incentivize-- incentivize not to work. No one is incentivized not to work. It's really, really hard to be poor, really hard, and our unemployment application process is banana, banana, bananas. I encourage people to go on to the website and just try to figure out how to file for unemployment. It will take you hours. OK, encourage-- rely on government handouts. It's not a handout if it's your money. We pay federal income taxes and now we are giving--

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**WILLIAMS:** Time, Senator. Thank you, Senator Machaela Cavanaugh. Senator Cavanaugh, there is no one left in the queue. You are recognized to close on your bracket motion.

**M. CAVANAUGH:** Thank you, Mr. President. OK. Well, before-- I am going to pull this motion-- and I have another motion ready to go because I don't think I've taken an hour on this so I will just continue on. I think I-- ten minutes plus 15 minutes, that's 25 minutes, so. All right. OK, so I'm going to probably take, like, 55 minutes on each of the bills because I don't have more than two bracket motions for each bill and I'm not going to do more than two bracket motions, so. OK. So please give me a heads up when I'm close. OK, the state has nearly \$30 million of unused ERAP funds. This means that after more than a year, we have only expended about 40 percent of the program's dollars. The remainder is more than enough to meet the legitimate needs-- the legitimate needs?-- for assistance through the end of the year. The legitimate needs. OK. So on Saturday, I came to Lincoln for something, an event. And when I was driving home back to Omaha, I got off the interstate and-- at Pacific Street in Omaha. And as I was exiting the interstate, there was a gentleman with a sign asking for help. Not an uncommon thing, but off to the side was his family, his two sons, 4 and 14, and his wife. They're refugees. I pulled off. Well, actually had to drive around a lot-- Senator Lathrop probably knows that area well. There's-- because his office is over there. There's nowhere to park nearby. I had heels on, too, and I was walking through the mud, but so I went over and I tried to talk to them. They didn't speak English. I didn't speak their language. We tried Google Translate. They needed money for a place to stay. Is that a legitimate need? It was cold out. That little guy was four years old, just a few months older than my Barrett. That feels legitimate to me, but I don't know, maybe it's not to the Governor. They weren't white so maybe it's not legitimate. I don't know. We should be doing more and we can do more and this is baloney Skittles. I said it: it's baloney Skittles. Not getting all this money for these outlandish, ridiculous, political rhetoric, grandstanding reasons literally breaks my heart. I was making calls for the rest of the day on Saturday to help that family. Two college students stopped too. Well, one-- I guess, one college student and her friend. Two young black teenagers stopped to help.

**WILLIAMS:** One minute.

**M. CAVANAUGH:** And they were so sweet and kind and we were all trying to communicate together. And when I assured her that I was going to make sure that everything was taken care of with this family, only then was she, like, OK, I think we're going to go. But no one else

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stopped. It's like these people are invisible and they're not or they shouldn't be. You want me to care about the things that you care about? I care about people and I can't seem to get you all to care about people. I don't even think you can begin to imagine how much that hurts my heart every single day. How much time do I have left?

**WILLIAMS:** Five seconds.

**M. CAVANAUGH:** I will withdraw my motion.

**WILLIAMS:** Motion is withdrawn. Mr. Clerk.

**CLERK:** Senator Cavanaugh would move to bracket the bill until April 20, 2022.

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

**M. CAVANAUGH:** Thank you, Mr. President. I think-- oh, this is the last day of session that this bracket motion is for. And also, I kind of think the date is funny, especially a little shout-out to Senator Wishart on the date. For those at home, I have bracketed this to 4/20, 2022. OK. I haven't even finished this letter, like, I'm still on the first page. It's so terrible. I think I'm going to have nightmares about this. OK, so legitimate need for assistance through the end of the year. I would love, Governor Ricketts, if anybody in your office is watching, I would love a definition on your end as to what is a legitimate need because there are people who are losing their homes. There are people who don't have homes. I don't know why you haven't spent \$30 million. That's not some sort of badge of honor. You should be ashamed of that; \$30 million, you got people in this state that are hurting. Instead of giving them a handout or a hand-up, we put a foot on them and hold them down. Back to the Governor's letter. It has been alleged that dollars remain in the current program because the application process is somehow arduous. That is flatly untrue. The ERAP application is no more burdensome to complete than applications, which individuals file for food stamps and-- I swear I didn't read this before. OK, so yeah, it is arduous. I just think-- I just went through how arduous it is to be poor and file for those other things so, yes, it is arduous. If it is on the level of food stamps and Medicaid benefits, it is arduous. You can come in front of HHS and hear how arduous it is. If you think I am upset and emotional now, phew, hearing about families and dealing with Medicaid. Maybe I should pull some of those transcripts and send them over to the Governor so he has a better understanding of how arduous those programs are for

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people. It's a full-time job for a lot of people. Being poor is a full-time job. Being the working poor is three full-time jobs. It's been alleged. Well, Governor, since you have now given us the floor for what the application process is like, this is no longer an allegation. If the process is the-- is similar to the process for SNAP and Medicaid, then it is no longer an allegation. It is arduous and I feel like it is probably unduly so because we didn't have to make it arduous. That was the beauty of it. OK, so the application is no more burdensome-- oh, forgot I was on a new motion-- OK, no more burdensome to complete than applications which individuals file for food stamps or Medicaid benefits nor applications to small business owners, farmers, ranchers, and childcare center owners were required to complete to receive federal assistance from multiple CARES Act grant programs which the state administered in the past two years. Any farmers here apply for CARES Act? Anybody? Show of hands? No? Nobody in the body? No, none of the farmers needed CARES Act? Guess we won't know how arduous that was then. Wonder if it was underutilized. Did we give it back? Nobody used it and we didn't-- I mean, we-- we got farmers in here, y'all. We got farmers in the Legislature and I hear on the regular how hard it is to be a farmer, but apparently they all weathered COVID just fine because nobody's raising their hand that they needed CARES Act money, which also means we don't have firsthand knowledge as to whether or not it was an arduous process. I mean, I'm happy the farmers didn't need CARES Act money because I don't want you to be in financial ruin. I myself benefited enormously from the childcare-- the child reimbursement for my kids, enormously. It was really a lifeline and the pause on student loans has been really life altering for me and my husband. It's helped us get ahead on some bills, stay afloat a little bit easier. I did give up a salary to do this job and a 401k and health insurance. Those were the days. OK, so like the ERAP program, these programs all require an applicant, applicant to demonstrate their identity-- oh, there's the rub. There's the rub-- their location, their-- well, they might not have a home-- and that they experienced financial loss due to COVID-19. How do you show that? How do you show financial loss due to COVID-19? These steps are prudent to prevent fraud and to protect the integrity of taxpayer funds. So when we had the Imagine Act-- and I'm not going to ask anybody on the mike today, but I probably will tomorrow so just-- this is fair warning. When we passed the Imagine Act, did we require people to jump through hoops that had nothing to do with the incentive itself or did we just say, here you go? Prudent to prevent fraud and protect the integrity of the taxpayers. This also reminds me-- it reminds me of a time when the Auditor found that we had what-- how much money was that? Twenty million? Eighteen million?-- found \$18 million that was,

like, mishandled by the administration or, like, lost. So I'm glad that the Governor has seen the error of his administration's ways and now wants to be prudent to prevent fraud. Finally, some believe we should take the money simply because it's available. However, there's no such thing as free money. Oh, geez. It's not free money. I think Senator Hunt spoke to this earlier. It's our money. We are taxpayers to the federal government, just like everybody else in the country. It's our money and now we're giving it to California. Kudos, Governor. Way to go. Way to give Nebraska's money to California. That's fantastic. I think everyone's going to appreciate that. The second round of the ERAP dollars is a perfect example of the kind of blind spending from the federal government that has ushered in record inflation. If you have an ARPA project in the ARPA bill, you should be very concerned that the Governor is going to veto the ARPA bill and send all the money back--

**WILLIAMS:** One minute.

**M. CAVANAUGH:** --because that's what I read here. That's a government handout. We are ushering in record inflation. If we continue to pile on to our national debt, our kids and grandkids will be the ones footing the bill. So-- and I appreciate that I think it-- Senator Halloran, who has the national debt clock, is that correct? Yes, OK. And I appreciate that and I appreciate knowing what the national debt is, but like all things, it's not as simple and straightforward as that. Yes, we keep changing the debt ceiling and it is kind of like we're just printing money. But Nebraska, Nebraska had such record revenue at the same time that people like my family were getting those childcare payments, child payments and getting that pause on student loans because we actually could breathe and take our kids to get a zoo membership.

**WILLIAMS:** Time, Senator Cavanaugh, but you are next in the queue. You may continue.

**M. CAVANAUGH:** Thank you. Is-- which-- is this my first time? Second?

**WILLIAMS:** This is your first.

**M. CAVANAUGH:** Thank you, Mr. President. OK, so I have this time, one more time, and then a close so that's 15 minutes from now when we will go to a vote on LB750A for those-- if anybody is listening. OK, so this-- this letter from the Governor, it's one that I probably will put in my scrapbook next to the vetoes that he's done of my bills vetoing hair discrimination, vetoing making marriage license

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applications gender neutral. At least he's consistent in his disdain for people who aren't like him. I-- I respect the office of the Governor and I have tried very hard when the Governor is in this Chamber to be respectful because I respect the office of the Governor. But this-- it's not just the veto. We all expected the veto. It's the vitriol with which the veto was done. It's the sending a message to us that low-income black, brown, and tan people don't matter. So yeah, I'm not being super respectful of Governor Pete Ricketts tonight because I don't think he deserves respect for this. I deserve-- I think he-- a spade should be called a spade and this is divisive political rhetoric grandstanding and it's just gross. It's just gross. The letter could have said that he is vetoing this because he doesn't agree with doing rental assistance. Period. It did not have to go into all of this; resourcefulness, self-reliance, guard against big government and socialism and handouts. Big government, didn't we just have a bill on gambling where we, like, basically restricted the free market? I think that's what we did. Like, you can only have casinos within such area here and here? I don't know. I didn't vote for it. I don't get involved in gambling things, but that's what I thought I heard is that if we vote on that gambling bill, then, you know, we can-- we can limit-- we get to limit the number of casinos and where they are, etcetera, etcetera. I think that's what I heard. I-- again, I always stand for correction. I apologize if I've gotten this wrong and I'm sure if I have, somebody will tell me and I will correct myself on the record, but that was my understanding. So isn't that big government? Should we have the Governor come in here and help tell us how to guard against big government? Because I don't feel like, I don't feel like the majority of this body understands that.

**WILLIAMS:** One minute.

**M. CAVANAUGH:** The ARPA funds are big government. The cash funds are big government. Why do we even have taxes at all? Well, we might have consumption tax soon if we ever get to see Senator Erdman's priority bill, which would eliminate all of our other taxes and we just pay consumption taxes and then there's a monthly rebate, which is a fascinating idea that I can't wait for us to talk about. One minute, OK. I have another time, so-- I mean, I think I could read this letter, like, ten more times and still-- and find new things each time that are outrageously despicable, but maybe I'll do it on one of my other rounds on the mike.

**WILLIAMS:** Time, Senator Cavanaugh--

**M. CAVANAUGH:** Thank you.

**WILLIAMS:** --but you are next in the queue. You may continue.

**M. CAVANAUGH:** Thank you, Mr. President. Billion-dollar pandemic recovery bill advances. Hey, folks. Did you not know? The pandemic is over. Governor Ricketts said so. The World-Herald reported on March 29-- oh, goodness. I am-- this is going to be, like, a-- I don't have my readers-- disputes over tax cuts and criminal justice reform simmered in the background Monday as lawmakers gave second-round approval to a plan for using the state's \$1.04 billion of federal pandemic recovery funds. Holy Toledo. Is today only Tuesday? That was just yesterday? Oh, goodness. OK. So LB1014 advanced on a 33-7 vote after senators approved a filibuster-ending cloture motion on a 34-4 vote. The measure allocates money coming to the state through the American Rescue Plan. Earlier Monday, the bill's fate appeared unclear as frustrated backers of a tax cut package sought to tie the measures together. Senator Tom Briese of Albion vowed not to support the pandemic funding bill or to pass the budget bills until he could be assured of enough votes to pass the tax cut proposal. He said there were enough senators willing to torch the pandemic funding bill as debate began on Monday. I would like to correct for the record Senator Briese may not have known this at the time because we just got the letter, the Governor's letter, but Senator Briese, the pandemic is over so that-- that's not pandemic money. That's just plain money, I guess. I'm not really sure. So there's enough senators willing to torch the non-pandemic money because there is no pandemic anymore, according to our Governor. OK, so-- sorry, I lost my place-- votes to pass-- he said there were enough-- oh, I already said that-- but others, including the Speaker of the Legislature, Mike Hilgers of Lincoln, urged those senators to hold their fire. Senator Mike Flood of Norfolk called for colleagues to allow the pandemic-- again, Senator Flood, we're not in a pandemic. No pandemic here. No bueno pandemic-- funding. So we'll just edit it out. Senator Flood of Norfolk called for colleagues to allow the funding bill to advance while waiting to see what comes of talks among various parties. The package of income tax cuts and property tax relief hit an unexpected roadblock Friday. That is the understatement of the century. Well, not the century, but is the understatement of, like, the last five days. The-- the income tax package and the property tax package's unexpected roadblock was man made. Walked in Friday morning and to quote that famous colonel or-- I'm sure somebody is going to correct me this-- from Star Wars, it's a trap. So we-- we show up and when backers fell two votes short of ending a filibuster against the measure. Based on legislative practice, the bill will not return this year. Nope, based on our own practices--

**WILLIAMS:** One minute.

**M. CAVANAUGH:** --the bill will not return this year. It was a gamble and they took it and that's what happened. Senator Lou Ann Linehan of Elkhorn, the Revenue Committee Chairwoman, warned Friday that the state budget bills could be in jeopardy if lawmakers continue to stand in the way of tax cuts. Lawmakers are slated to vote on passing the budget bills Tuesday, which did happen, and I voted for the budget bills because they needed 33 votes. I had voted against them on all the other-- not voted against them. I hadn't voted on them on all the other rounds, but I realized that even though I have significant frustrations with the budget as it was written, the provider rates are too important for my ego to get in the way, so.

**WILLIAMS:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**WILLIAMS:** Senator Cavanaugh, you are recognized to close on your bracket motion.

**M. CAVANAUGH:** Fantastic. Thank you, Mr. President. OK, so on Monday, Senator John Stinner of Gering, the Appropriations Committee Chairman, said he doesn't believe the budget bills are in jeopardy. And the Magic 8 Ball says that he's correct because they passed. He said lawmakers have a chance to leave Nebraska a much better place by passing four critical pieces of legislation. We have four major things to do, he said. Let's get with it. One is the state budget, which boosts support for state employees in critical areas and to providers caring for the state's most vulnerable residents, along with undertaking nearly \$500 million worth of building and infrastructure projects. One of those projects that I am a big supporter of is the \$15 million to the Kearney campus of the YRTC. Another is the ARPA funding bill, which allocates money to some 40 projects and initiatives, among them replacing aging rural ambulances. Hey, rural senators, just a heads up. The pandemic is over. The Governor might veto this-- these rural ambulances because this is pandemic money and we don't need it. We don't need your pandemic money. The pandemic is over. OK. Just be on your guard because the pandemic is over. I lost my place. Oh, that's because I started reading about Creighton University. OK, ambulances, boosting health and human services provider payment rates, repairing wastewater systems in state parks, and funding nonprofit construction projects that were interrupted by the pandemic. But the pandemic is over so they don't need this money because the pandemic is over just like people who are housing insecure

because of the pandemic don't need rental assistance because the pandemic is over. So we probably don't need to be giving that money either for those projects because again, the pandemic is over. Others include developing rural and urban low-income housing, updating a climate change study, building a rural health complex at the University of Nebraska at Kearney, and repairing an irrigation canal that runs from Fort Laramie, Wyoming, and Gering. Amendments adopted Monday squeeze the funding for grants to start or expand childcare centers and-- squeezed in funding, sorry-- and for program providing education and preventative medicine-- medication to people at high risk of getting HIV. Stinner cited the tax package as the third major piece of the legislation. The package would ratchet down the state's top corporate tax rate and individual income tax rates and expand income tax credits offered to property taxpayers. It would also phase out income taxes on Social Security benefits. He said the fourth key proposal is LB920, which would make changes in sentencing and parole to bring down the state's prison population. Stinner said the bill would make Nebraska safer, which-- helping control state spending on Corrections.

**WILLIAMS:** One minute.

**M. CAVANAUGH:** The bill has yet to be debated by the full Legislature. However, we have debated taxes. I don't-- I have, honest to goodness, lost track of how many times we've debated taxes, but we haven't debated LB920 or any version of sentencing reform and we're on day 50 so I hope that happens soon. We can just keep only caring about the things that-- let's just be honest, not caring about the things that Democrats care about, which is people. I care about people and nothing we've done reflects that-- my values. OK, I think I'm almost to the end so I'm going to go ahead-- how much time do I have left?

**WILLIAMS:** Ten seconds.

**M. CAVANAUGH:** OK, I'm going to pull my motion.

**WILLIAMS:** Motion is withdrawn. Returning to debate on LB750A. Senator Wayne, you are recognized.

**WAYNE:** Thank you, Mr. President. So I was listening to Senator Cavanaugh as she read from an article that said that if we-- basically, if you don't have enough votes for cloture, your bill is dead. I just wanted to remind everybody to read the rules because actually, on-- whoever made that statement in the World-Herald article that she was quoting from was actually incorrect. Because if you read

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52 and 53 of your Rule Book, you'll see that it talks about cloture, but it basically says when you get to the end that if cloture fails, you can bring it back. And if you do bring it back, you're correct, Senator DeBoer, you can bring it back multiple times. And if you do bring it back, it has to be a minimum of two-hour debate. Now, looking back through the Journal, that has only happened a couple of times and usually happens during special sessions, but it does happen. If you'll recall during redistricting, we brought a bill back that died on cloture. So I just want people to know that and I just said that and I thought, well, that's not true so I thought I would say that because it's not. But-- but I thought-- and I'll just-- I thought it's interesting that we should always keep reading the bills. And this is why when I get up and say point of order and I challenge the Speaker is that in our rules, we give a lot of power to our Speaker. So here's what would happen theoretically if you brought a bill back after cloture is somebody could file a motion to challenge the Speaker's agenda. And that way, if the body still feels like we need to move forward with 25 votes, you can. That is the balance that we have in this body from Speaker to members of the Legislature being able to control the body. That is completely different than every other state-- well, not every other state-- a couple of our states have similar rules, but most of the states have the speaker is a speaker-driven body where they dictate what even bills get heard at the committee level versus where we hear every bill at the committee level. So I just think it's important that as we finish these last couple of days, we pay attention to the rules, be mindful of the rules, try to follow the rules. But also, you can go back and look at the Journal and see. For example, when Speak-- when it was Speaker Flood, he had very strict rulings on germaneness. Speaker Hadley and Speaker-- who was before Speaker Hilgers? I forgot. I just did a conference with him-- Scheer. Sorry, Scheer, we just met-- like, we were hanging out on Saturday, sorry-- on Sunday. Speaker Scheer had a little looser, not looser as in bad, but they're just a little how you read things. So the body needs to pay attention to every move out here because when you start creating a precedent, it's hard to go back when you can look at the Journal and see where it's at.

**WILLIAMS:** One minute.

**WAYNE:** So I just wanted to say that, break up the monotony, and go ahead and finish this. Have a great day. Have a good night.

**WILLIAMS:** Thank you, Senator Wayne. Seeing no one in the queue, Senator Friesen, you are recognized to close on LB750A.

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**FRIESEN:** Thank you, Mr. President. Just a reminder, this is for the DMV. I ask for your green light on this bill, please. Thank you.

**WILLIAMS:** Thank you, Senator Friesen. Members, the question is the advancement of LB750A to E&R Initial. All those in favor vote aye; those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk.

**CLERK:** 34 ayes, 0 nays on the advancement of the A bill.

**WILLIAMS:** LB750A is advanced. Next item on the agenda.

**CLERK:** Mr. President--

**WILLIAMS:** Going to Select File appropriations, LB698A.

**CLERK:** I have no E&Rs. Senator Cavanaugh would move to bracket the bill.

**WILLIAMS:** Senator Cavanaugh, you are recognized to open on your bracket motion.

**M. CAVANAUGH:** Fantastic. Thank you. Do we normally-- I don't want to obstruct Senator Kolterman from opening. It's Select so he's opened on this previously, is that correct? I think that's correct.

**WILLIAMS:** That's correct.

**M. CAVANAUGH:** OK. Senator Kolterman, if you would like, I can yield you time on it. Otherwise, I'm going to just continue. OK. So I would like to ask Senator Hunt to yield to questions.

**WILLIAMS:** Senator Hunt, would you yield?

**HUNT:** Yes.

**M. CAVANAUGH:** Thank you, Senator Hunt. So I was talking about a lot of things, but one of the things that I mentioned about my own personal circumstance was getting those child payments over those-- that six-month period and--

**HUNT:** During the pandemic?

**M. CAVANAUGH:** During the pandemic. It's over.

**HUNT:** Back then.

**M. CAVANAUGH:** Don't worry. It's over. But during the pandemic, I was getting these, these payment-- these monthly payments and I actually don't remember now if they were addressed to me or to my spouse, but they came to our house and I understand you had a different situation. Would you mind sharing?

**HUNT:** Yeah, we talked about this at the time.

**M. CAVANAUGH:** Yeah.

**HUNT:** During-- back when the pandemic was happening, we texted a lot about-- well, we all did, but about what we were going to do in our districts to help people and, you know, what we personally could do to help each other too. And I was so excited about these child tax credit payments that would be extra because, you know, for me, that would really go a long way. I pretty much live off the money I make in the Legislature and the per diem and I'm a renter. My rent is pretty cheap. I don't have, you know, healthcare or retirement like-- and these are things that I keep thinking, well, I'll put it off, I'll put it off, I'll put it off. And then I get into my mid-thirties and it's like, oh my God, I need to get some of this security for myself. It's getting to be, you know, a little late for me. Anyway, I was excited to get these payments and it turned out that I wasn't eligible because my child's father-- we aren't married, we're divorced-- we were married and we have split custody of our child and so we did 50/50 custody. And that's great and it's really great for me in this job and especially because we're still really close friends. And so we-- we're together all the time and have dinner all the time and stuff like that. But for tax purposes-- and this is a really common thing in divorced families-- for tax purposes, we take turns claiming our child every year.

**M. CAVANAUGH:** Ah.

**HUNT:** So on some years, I claim our kid and on some years, their father claims them. And so the year that the child tax credit applied for was his year to claim the child, not mine. And he has a great job, makes a lot more money than I do, makes a lot more money than I do, and in any case, he didn't qualify for the child tax credit.

**M. CAVANAUGH:** Oh, no.

**HUNT:** And so he didn't get the tax credit and I didn't get the tax credit because it wasn't my year to claim the kid, even though--

**M. CAVANAUGH:** That breaks my heart.

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**HUNT:** --you know, I-- I did qualify for it.

**M. CAVANAUGH:** Are you--

**HUNT:** So I was talking to my tax preparer and, you know, kind of distraught about it. I was like, is there any kind of amendment I can file or any kind of recourse with the federal government or the IRS or anything? And she said no, but you can claim and get the credit next year. And then, of course, we find out that Congress didn't renew the credit and so--

**M. CAVANAUGH:** Oh, gosh.

**HUNT:** --even though I qualified, I'm not going to get it.

**M. CAVANAUGH:** Do-- can you--

**HUNT:** And this is-- one thing I'll interject, this is very common because I did a lot of Googling about this problem and I talked to some other tax preparers about it and this is apparently, like, an extremely common problem. And we know that a lot of single parents-- you know, I'm fine. Don't worry about me-- but a lot of single parents in this country are in poverty and it's more likely to be the mothers. It's more likely to be women who are single parents and who are struggling. And this was a really common experience for a lot of women in Nebraska who didn't get the child tax credit because of this loophole with divorce.

**M. CAVANAUGH:** Oh, gosh. That's, that's awful. Thank you for sharing that.

**HUNT:** Um-hum.

**M. CAVANAUGH:** So is it possible-- I'm asking this more for-- well, for you, but also for any single parents out there that are watching, is it possible to claim it on-- on your taxes this year-- if you claiming your child from last year, can you then get it this time?

**HUNT:** It's not clear to me and I'm not--

**M. CAVANAUGH:** Yeah.

**HUNT:** --I'm not a tax expert, as everybody here knows, all the Nebraskans who are angry about my votes knows, but it's not clear to me and it's-- it's-- you know, I kind of leave it up to my tax preparer.

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**M. CAVANAUGH:** Yeah. OK, well, thank you, Senator Hunt. I appreciate that. I appreciate you sharing that. I-- I do prepare my own taxes. It's something that I learned from my mom who is just one of the greatest ladies in the universe, can't say that enough times. Anybody who's ever met her would agree, but she always-- like, she loves doing taxes and so she would always go and get the book that-- I think they have it at the post office and it's, like, all the forms and regulations. It has all that information and my mom would just go through it and do my parents' taxes and that's how I learned to do my taxes was from my mom. And I had somebody prepare my taxes once, but then I just decided that I would just do it myself because it's expensive and I can figure it out. It takes a lot of time, but I like to learn. So yeah, that is, that's a huge bummer, but the pandemic is over so it's fine. Everybody's fine. It's all copacetic. OK, so I was reading this article and I'm going to go back to it and I have my readers so Hallelujah. OK, how much time do I have left?

**WILLIAMS:** 3:20.

**M. CAVANAUGH:** OK, well, I'm next in the queue so I guess I-- that's fine. OK, let's see here. Where am I at? Forty projects and initiatives, I think I read all that. The nonprofit construction. Others include developing-- sorry, I'm kind of constrained to my lamp and my microphone and my glasses so I'm in a little bit of an awkward position here as I read. OK, others include development-- developing rural and urban low-income housing, updating a climate change study, building a rural health complex at the University of Nebraska-Kearney, and repairing an irrigation canal that runs from Fort Laramie, Wyoming, to Gering. Amendments adopted Monday squeezed in funding for grants to start or expand childcare centers and for program providing education and preventative medicine to people at high risk of getting HIV. Stinner cited the tax package as the third-- oh, OK, I think I did get to that. Well, that's all right. I'll read it again. Stinner cited the tax package as the third major piece of legislation. The package would ratchet down the state's top corporate and individual income tax rates and expand income tax credits offered to property taxpayers. It also would phase out income taxes on Social Security benefits. He said the fourth key proposal is LB920, which would make changes in sentencing and parole to bring down the state's prison population. Stinner said the bill would make Nebraska safer, which-- while helping control state spending on Corrections. And I'm just going to say for the Omaha World-Herald, I-- it says "which" and I think you meant to say "while" helping, just if you want to correct it online. The bill has yet to be debated by--

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**WILLIAMS:** One minute.

**M. CAVANAUGH:** --the full Legislature. However, Senator Steve Lathrop of Omaha, who introduced the bill, spent several hours of budget debating-- debate talking about the issues involved. He spent much of the day Monday negotiating with Senator Suzanne Geist of Lincoln and others who oppose measures that could lead to inmates getting out of prison earlier-- well, earlier than the current almost never, just to be clear. We have people not getting out of prison. I don't even know how many people we have up for-- eligible for parole. Maybe would Senator-- well, I think I'm almost out of time, but when I get my next round of time, would Senator McKinney be prepared to answer that question? OK. How much time do I have left? 20 seconds. OK, Senator McKinney, I'm going to ask you to yield to a question. Senator McKinney--

**WILLIAMS:** Senator McKinney, would you yield?

**M. CAVANAUGH:** Well, actually, I'll ask you to yield in, like, 20 seconds to how many people are eligible for parole on my next turn. OK, can we move to the next one?

**WILLIAMS:** Time, Senator.

**M. CAVANAUGH:** Great.

**WILLIAMS:** Mr. Clerk for items.

**CLERK:** Your Committee on Revenue reports LB873 to General File with amendments. Mr. President, Senator McDonnell would move to adjourn the body until Wednesday at 9:00 a.m.

**WILLIAMS:** Members, you've heard the motion to adjourn until Wednesday morning at 9:00 a.m. All those in favor say aye. Those opposed say nay. We are adjourned.