

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate February 15, 2023

Rough Draft

**KELLY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-ninth day of the One Hundred Eighth Legislature, First Session. Our chaplain today is a guest of Senator Clements. He is Thomas Starkjohn of the Louisville Evangelical Free Church, Louisville, Nebraska. Please rise.

**TOM STARKJOHN:** Would you bow your heads with me in prayer? Heavenly Father, we honor you this morning because you are our Creator. Millennia before we were born, you were already governing the world. Nation upon nation has risen and fallen. Generation after generation has come and gone. And you have governed over them all. You know, when a sparrow falls to the ground, and how many hairs are on our head and, and you know how every event is connected to another and how you guide all toward your great purposes. Your kingdom will come and your will will be done. Father, here in this room are men and women charged with making decisions for the peace, protection and happiness of the people of Nebraska. We appeal to you now to help them in their tasks. Thorny and complex problems confront them. Help them listen to each other and to the people. Give them understanding of what they read. Help them to discern the words they hear and to take what is good and leave what is ill. Show them ways they can work together to accomplish what is pleasing to you and will do good for future generations as well as these present citizens. Lord, we pray for those here who are weary in body and spirit. Please give them your strength. Lord, we pray for those who are discouraged or overwhelmed with difficult problems. Please give them your hope. Lord, we pray for those here who are confident and ambitious. Please give them your guidance. Lord, we pray for those who have personal sorrows. Please give them your comfort. Oh, Lord God, we pray for each heart, hearts that you alone really know that each man and woman here would lean not on their own understanding, but love and follow you through your son, Jesus Christ. It is in His name, we pray. Amen.

**KELLY:** I recognize Senator Wayne for the Pledge of Allegiance.

**WAYNE:** 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.

**KELLY:** Thank you. I call to order the twenty-ninth day of the One Hundred Eighth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

**ASSISTANT CLERK:** No corrections this morning.

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

**ASSISTANT CLERK:** There are, Mr. President. The Executive Board whose Chairperson is Senator Briese to whom has referred LB90, reports the bill back to the Legislature. The recommendation be placed on General File with committee amendments as well as LB552 with committee amendments. I have Notice of Committee Hearing from the Revenue Committee and the General Affairs Committee. That's all I have at this time.

**KELLY:** Thank you, Mr. Clerk. Senators, Senator Vargas would like to recognize Dr. Theresa Hatcher from Omaha, who is serving as the family physician of the day. Please recognize Dr. Hatcher. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR38. Mr. Clerk, first item.

**ASSISTANT CLERK:** Mr. President, the first item this morning is a report from the Agriculture Committee, Committee regarding the appointment of Sherry Vinton as Director of the Department of Agriculture.

**KELLY:** Senator Halloran to open.

**HALLORAN:** Thank you, Mr. President. Good morning, colleagues. The Agriculture Committee report recommends approval of appointment of Sherry Vinton to serve as Director of Agriculture. The Department of Agriculture was created in 1919 to regulate, protect and promote the livestock and crop production industries in Nebraska. Much of the work of the department is in regulatory programs that enforce standards and utilize authorities to guard against the introduction and spread of livestock and plant disease and noxious weeds. Much of the remaining work of the department is as a promotional advocate for Nebraska agriculture in developing marketing opportunities in Nebraska agriculture and, and as an administrator of both state and federal programs that stimulate investment in agriculture expansion in areas as diverse as organic certification and specialty crops. While much of the work of the Department of Agriculture is of direct interest primarily to agricultural producers and processing industries in rural

communities, the department administers a handful of programs that affect industries and protect the interests of consumers beyond production agriculture, the Weights and Measures Program and the Pure Food Act. Sherry Vinton is a familiar figure to the state's agriculture community and brings an accomplished resume to the job of director. She and her family operate a cow/calf operation south of Whitman in Grant and Hooker Counties, a fifth generation ranching operation. She grew up in North Platte, Nebraska, where her father ran a farm-implement manufacturing and dealership business. She met her husband, Chris, while attending the University of Nebraska as an accounting major. Ms. Vinton will serve, has served as in leadership capacities on local, state and national agriculture associations and advisory committees. She was appointed to the Cattlemen's Beef Board in 2012 and represented Congressional District 3 on the Nebraska Environmental Trust Board for 14 years, beginning in 2007. Sherry also served as treasurer and mentor for the Nebraska Grazing Lands Coalition, as a member of the Agriculture Builders of Nebraska, and longtime member of Nebraska Cattlemen. Additionally, she served on the Farm Bureau Board of Directors from 2010 to 2016. Starting in 2019 until just prior to being appointed director, she served as vice president of the Nebraska Farm Bureau. In support of Ms. Vinton's confirmation, the committee heard from a broad swath of agriculture community, either in personal testimony, or letters of support. The committee did not receive any opposition to her appointment. It is apparent she is well-thought-of and enjoys solid support and confidence of the agriculture production marketing sectors of the state. The committee voted 8 to 0 to recommend confirmation of this appointment. I would move adoption of the committee report.

**KELLY:** Thank you, Senator. Senator Dorn announces the following guests are visiting the Legislature and in the north balcony, 18 members of Leadership Beatrice, Beatrice Area Chamber of Commerce. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President/Lieutenant Governor. Good morning, colleagues. I sent an email out this morning to the entire Legislature about our confirmation report. It's becoming very challenging to know who it is we're voting for without people standing up and speaking sometimes for hours about it, because we don't have access to the application materials that the committees receive. So I sent an email out requesting that those materials be sent to the full Legislature in advance of these floor conversations so that we are able to review them and look at them, unlike our bills where there's a

committee statement and a fiscal note and even a transcript available online, we don't have any of that when it comes to the confirmation reports. And so it is a bit difficult. I mean, I'm happy to continue to do my due diligence as much as possible in this area, but it is difficult to make the decisions that we need to be making about these specific confirmation reports. And so that is why I sent out the email this morning. It is still unclear to me as to who this information sits with. One legislative staffer reached out to my office and said that we should look at, and it's on page 14 of our rules section for select committees. Um, subsection e, uh, sorry, trying to find if it said e or d. I apologize, but just kind of doing everything live here this morning. Rule 3, Section 4, 43. OK, so 43. I think that's the Chairperson of Enrollment and Review shall have authority without being required to include the same specifically in his or her reports and recommendation to the Legislature in accordance with accepted usage. Uh, I'm not sure if that was under Enrollment and Review, so unclear. Oh. Section 4e. Sorry, 4e, I was in the wrong area. 4e, 2 and 3. OK. So 4e, 2 and 3, this is under Reference Committee. All nominations made to the Legislature by the Governor requiring confirmation by the Legislature shall be referred to the appropriate standing committee, and the same procedure shall be followed as governs the handling of other matters before standing committees unless the Legislature shall otherwise direct by unanimous vote. The Clerk of the Legislature's Office shall be responsible for the collection of pertinent information on gubernatorial appointments. That information will be distributed to the appropriate standing committee prior to the time of the confirmation hearing. The Clerk's Office shall be the depository, which is in quotes, for background information on the individual, a statement of financial interest, if applicable, and other biographical information that the Committee Chair feels is appropriate for the Committee to have before it, before it during the committee process. So it doesn't actually say about the materials coming to.

**KELLY:** One minute.

**M. CAVANAUGH:** Thank you. The committee, this is 4e, 4, the committees to which the gubernatorial appointee has been referred for confirmation shall conduct confirmation hearings. Uh, that's not pertinent. Well, the point I'm trying to make is that we don't have access to these confirmation reports beyond what's in the Journal, which is just that they're coming to the floor in their name and the vote, and so I'm requesting that committee chairs or or the clerk or whoever is appropriate. Really, it's unclear to me still who is the

appropriate person, but I'm sure we as a body can figure that out, that this information be shared with the full body so that we can have more informed discussion around these gubernatorial appointments. I do want to speak to this actual appointment, so I'm going to get back in the queue. I think that's probably just about my time, Mr. President.

**KELLY:** That's your time, Senator.

**M. CAVANAUGH:** OK.

**KELLY:** Senator Clements announces a guest under the south balcony, Enoch Starkjohn of Louisville, Nebraska, son of Pastor Tom Starkjohn. Please stand to be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I did want to speak about this specific gubernatorial appointment because the Vinton family is close neighbors to my family out in Hooker County on the county road that some of you here, golfers, you know, the Sandhills golf course out in Hooker County that shares the driveway with my aunt and uncle's ranch, the Boyer Ranch, and the Vintons are on that road as well. I've also had the great privilege of working with, I think he is their nephew, not their son, Andrew Vinton, who was the legal counsel for the Transportation and Telecommunications Committee at one point in the last four years. And Mr., Mr. Andrew Vinton now serves as a lobbyist for one of the telecoms here in Nebraska and actually was before our committee yesterday. So I, and I think that Mr. Andrew Vinton's father might be the county prosecutor in North Platte. I could be wrong, but I do think that that might be the case. Anyways, that's all to say that clearly that the Vinton family has deep roots in Nebraska and a long history of public service to the state, and I am grateful for Sherry Vinton be willing to serve in this capacity for our state. And I appreciate Senator Halloran for bringing forward this confirmation. Thank you.

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

**ERDMAN:** Thank you, Mr. President. Good morning. I want to speak on behalf of Sherry Vinton. The last redistricting included Grant County in my district. And Sherry is a resident of Grant County, so it makes her one of my constituents. But I've known Sherry a lot longer than that. I've appreciated her hard work she's done there on the ranch and the involvement that she's had with her community. And I believe the Governor made a good selection by announcing his appointment of her

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and I'm in 100 percent support of what she does and I appreciate the fact that we have somebody from my district to be the director of agriculture. Thank you.

**KELLY:** Thank you, Senator. No one in the queue, Senator Halloran, you're recognized to close. Senator Halloran waives closing. Roll call vote. Question is the adoption of the report offered by the Agriculture Committee. Roll call vote.

**CLERK:** Senator Aguilar voting yes, Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer. Senator Decay. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson. Senator Geist voting yes. Senator Holloran voting yes. Senator Hansen. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart. Vote is 37 ayes, 0 nays, Mr. President, on the adoption of the committee report.

**KELLY:** The report is adopted. Mr. Clerk, next item.

**ASSISTANT CLERK:** Thank you, Mr. President. The next appointments are to the Nebraska Arts Council. There are six them. This is from the General Affairs Committee.

**KELLY:** Senator Lowe, you're recognized to open.

**LOWE:** Thank you, Lieutenant Governor. First of all, we've got the Nebraska Arts Council. The Nebraska Arts Council was created by the Legislature in 1974 and is found in Sections 82-309 through 82-335. The Council is made up of 15 board members, were appointed by the Governor to serve a three-year term. This year we heard two new appointments and four reappointments to the Council. First is Crystal

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Dunning, new appointee from Lincoln. Second is Karen Harris, a new appointee from York, Brenda Davis, a reappointee from Beatrice, and Sharon Hofschire, reappointed from Omaha, has been the Chair of the Arts Council for the past two years. Next we have Mark Laughlin, reappointment from Omaha, and Ann Michelle Dudley, a reappointment from New York or from Norfolk, excuse me. Crystal Dunning was the new appointment, came from UNL for a master's in voice performance, worked at Interlochen Arts Camp in northern Michigan. She was a stage manager at the Lincoln Community Playhouse for a production of Mountaintop, opening Friday, January 27th. She has served on past grant panels for the Arts Council. Appreciates how applicants for the grants through the cancel, Council get feedback on their application so they can improve and become more likely to receive funding. Karen Harris is also a new appointment. She is from York, Nebraska. A UNL graduate, not an artist. She's, she's the audience and supporter of the arts and has been a volunteer supporting different arts. Served on Friends of the Lead and Lead Advisory Board. Feels exposure to the arts is vital, and much of western Nebraska needs more exposure. Brenda Davis, a reappointment, attended Loyola University as a theater major for undergraduate school, attended Yale University School of Drama for Graduate School. She is a resident of Beatrice. She teaches at UNL part-time, works on the set designed for theater productions. Sharon Hofschire is a reappointment. She is the chair of the Arts Council for the past two years, an Omaha restaurant, retired arts historian and educator. Spoke about the creative districts and the funding from the Legislature, economic development and tourism, 30 cities have applied so far and expect to have up to 10 more. The Arts Council hires the executive director, who then hires additional staff, ten in total. Other funding from the National Endowment for the Arts. Mark Laughlin is a reappointment. He is an Omaha resident. Arts Council budget is 3 to 4 million (dollars) per year to grant throughout the state, \$2 million from the state, and \$1 million from federal government. Very robust grant awarding process. Council members take their fiduciary responsibility very seriously. Staff and grant panels review applications. Council approves. The Arts Council has additional fund containing \$12 million from the state that generates earnings, and the arts community has to match this dollar for dollar. Expects the fund to be at \$20 million by 2030. And Michelle Dudley as a reappointment and she spoke to us via the telephone. She grew up in Lincoln and now resides in Norfolk, has also served two terms on the Nebraska Cultural Endowment, Endowment Fund. Thank you, Mr. President.

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**KELLY:** Thank you, Senator Lowe. I recognize Senator Machaela Cavanaugh.

**M. CAVANAUGH:** Thank you.

**KELLY:** For what purpose do you rise?

**M. CAVANAUGH:** Thank you, Mr. President, for a point of order.

**KELLY:** Proceed.

**M. CAVANAUGH:** I would like to divide the question on this nomination report.

**KELLY:** Senator, would you and Senators Lowe approach, please? It is divisible. Mr. Clerk, please announce the first appointment.

**ASSISTANT CLERK:** Mr. President, the first appointment for consideration is Brenda M. Davis.

**KELLY:** Senator Lowe to open, you're recognized.

**LOWE:** Thank you, Lieutenant Governor. As I said, Brenda Davis is a reappointment. She attended Loyola University as a theater major for undergraduate school. She attended Yale University School of Drama for graduate school. She, and she is a resident of Beatrice, Nebraska, and she teaches at UNL part-time. She works as a set designer for theater productions. I would like your green vote on this appointment.

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

**J. CAVANAUGH:** Thank you, Mr. President. Well, I really would echo what Senator Lowe has said about Ms. Davis, as well as what he said about all the appointees in general. I rise in support of Ms. Davis. As I said before, I am attempting to at least speak on every appointment that comes before a committee that I'm on. Ms. Davis was very knowledgeable about arts. She has very passion about these projects and she, if I'm remembering correctly, is, I don't think Senator Lowe pointed this part out, but she has worked at, I think, Doane College and on some projects in parts, I would say, of Senator Brandt's district southwest of Lincoln. And so she has experience with art projects in some of our smaller communities. And I'll kind of try and talk about this on a little bit of everybody, I don't want to talk forever on each person, but one of the reasons I think the Arts Council is important is a lot of the things that Senator Lowe talked



about. But if those who are here last session, remember, we gave some money for community arts districts to the Arts Council to hand out, and they had, I think they said that they thought they'd have maybe a dozen applicants or something along those lines, and they ended up having 30 applicants for these creative districts across the state. The amount of interest and excitement for that program was well-outsize what they expected. I know I have an applicant in my district. I assume that most of us, I guess if there's 30, we don't all have one, but most of us will probably have at least one applicant in our district. And so when it comes to things like the work, the Arts Council, it is important that we, we are paying attention to the folks who are on here and that they are all committed to fairness and making sure that we are investing in these programs. But it is a, an important organization. I know it's easy to pass over. We talk about the arts. We don't think that seriously about it, but these are cultural investments in our communities. I have a list of a bunch of where they make these grants and things, but the one that jumped out at me, they've, in Omaha at least, given money to the BLUEBARN, given money to the Omaha Theater Company, Omaha Performing Arts, Omaha Conservatory of Music, and they've given money to the Metro Community College. So there's a lot of things. You can look through this. I have a list over here, if you want to come take a look at it and see what, where they've given money. Beatrice Community players have received a grant from the Arts Council, so this is important work and as Senator Lowe said, they do take their grant review very seriously. Everybody who came in front of us talked about, at least in some capacity, that process. So I would just encourage your green vote on Miss, uh, I lost it now, who we were talking about. I had her here. Ms. Davis, I think is who we were talking about at this point. But I wasn't, I wasn't prepared to talk about them separately. Here we are, yes. Ms. Davis. So, yeah, I would encourage your green vote on reappointment of Ms. Davis to the Nebraska Arts Council. It's funny that I kind of lost her. She was the one that I questioned as though she was a new appointment, and I didn't realize she was reappointment and I had questioned her two years ago, so I asked her some of the same exact questions. But anyway, again, a yes vote on Ms. Davis. Thank you.

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

**M. CAVANAUGH:** Thank you, Mr. President, colleagues. So I asked to divide the question. I have done this previously on our confirmation reports. I appreciate when committees like to send things out as a, almost a consent for confirmation reports. However, I think that it's

really important that each individual confirmation have their due and have their individual vote on the floor. And so that's why I will ask for a dividing of the question any time we have multiple individuals in one report. When it comes to the Nebraska Arts Council, this is, first of all, an entity that is near and dear to my heart. I have a great deal of love for the arts, and I think that they can be very healing in Nebraska. I also previously worked for an arts organization in Omaha, the Opera Omaha, for several years before I moved on to work for the university. And I appeared in front of the Nebraska Arts Council for their granting process and so I am familiar with their process and I very much appreciate the work that the dedicated individuals that are either being appointed or reappointed to this board do. But it is important for the body to pay attention because this is actually a board that the Governor appoints that we approve that gives out money. So it is a really. Important thing that we are doing right here that might not seem, might just seem like another disappointment that we can go through. But this is, this is a nonelected board that we give the power to give money away. And so I do think it is important for us to pay attention and to make sure that we are selecting the right people for the job. And I am going to support Ms. Davis's reappointment. I think she's done a fine job in this role, and I, I'm sure she will do, continue to do a fine job in the future. But I do hope that everyone is engaging in this. You can go to the Nebraska Arts Council website to look at more of what they do, what they fund, who they fund. But it is, it is a, a board that we give money to distribute tax dollars. And so when we do something like that, I hope that we treat it with the seriousness that it warrants, because, again, it is our job to be good stewards of the taxpayers' dollars. And we are essentially giving that authority to another entity outside of our purview. And so we want to make sure that we are appointing or reappointing the best people for the job. So thank you to Senator Lowe and the General Affairs Committee for moving forward Ms. Davis' nomination.

**KELLY:** Senator Lowe to close. Senator Lowe waives closing. Roll call vote. Question is the adoption of the report offered by the General Affairs Committee referencing Brenda Davis to the Arts Council. All those in favor vote aye; all those, oh, excuse me, roll call.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes.

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Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer. Senator DeKay voting yes. Senator Dorn. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman. Senator Fredrickson. Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart. Vote is 38 ayes, 0 nays, Mr. President.

**KELLY:** Thank you, Mr. Clerk. That report is adopted. Senator Lowe, to open. Mr. Clerk for the announcements. I'm sorry. Excuse me.

**ASSISTANT CLERK:** Thank you, Mr. President. The next appointment is for Crystal Dunning.

**KELLY:** Senator Lowe to open.

**LOWE:** Thank you, Lieutenant Governor. Crystal Dunning is also a new appointment. She came to UNL for her master's in voice performance. Worked at Interlochen Arts Camp in northern Michigan. She is a state, was a stage manager at Lincoln Community Playhouse for the production of Mountaintop, which opened Friday, January 27th. She has served on the past grant panels for the Arts Council. She appreciates how applicants for the grants through the Council will get feedback on their applications so they can improve and become more likely to receive funding. And with that, I ask for your green vote on Ms. Dunning.

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

**J. CAVANAUGH:** Thank you, Mr. President. Thank you, Chairman Lowe. Again, I would agree with everything he said. I was just trying to quickly look at the list to see if the Lincoln Community Playhouse did receive some funds from the Arts Council. But I agree, yeah, Ms. Dunning was great. I think the one theme amongst all of these folks is their passion for the arts. And I would reiterate what Senator Machaela Cavanaugh said about how when we are appointing people to

boards who give out money, we probably really do need to stop and pay attention. I know, again, seems really simple. These are all folks who are passionate about arts. We really do, I think that we're in good hands with all of these folks and they all have this tremendous resumes and backgrounds and things, and so we're lucky to have them. But I think it's just really should slow down, which kind of I'm trying to point out a few of these, how much money we've got that we've been giving out and and where they, where it's going. And so the folks, Beatrice, if I remember right, I only mentioned Community Playhouse. We also had, our Community Players received a basic support grant and a basic recovery grant. So for a total of about 20, or I'm sorry, about \$16,000, right? There's Beatrice business folks up there. There we go. So I, I didn't want to shirk in my responsibility to report to you folks, at least. But anyway, so, yes, Ms. Dunning is great. The other thing I want to point out and I should have pointed it out on the first one, these folks were appointed by Governor Ricketts on October 19, 2022. We had a hearing a couple weeks ago, and we're voting on them now. So I just, listen, I don't know, maybe somebody else can speak to this. It's not specific to these appointments, but the fact that we are voting on folks who are appointed by Governor Ricketts and we're in a new administration. I know we just had the vote on the Director of Department of Agriculture, who I assume was appointed by Governor Pillen. So I don't know, I just want to put that out there for folks. Thank you, Mr. President. Again, I encourage your green vote.

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

**J. CAVANAUGH:** Thank you, Mr. President. Senator John Cavanaugh, you just gave me more questions about this as well, but I, I had some other questions, and I wondered if Senator Lowe would be willing to yield to some questions.

**KELLY:** Senator Lowe, will you yield to a question?

**LOWE:** Yes.

**M. CAVANAUGH:** Thank you, Senator Lowe. I know I started the morning discussing that we don't all have access to the materials of these candidates and so I'm not asking that you disclose the information, but I did wonder, since they are dealing with state dollars, do we require that they fill out conflicts of interest?

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**LOWE:** I don't believe they do.

**M. CAVANAUGH:** OK.

**LOWE:** But I will check and get back to you.

**M. CAVANAUGH:** And do they have to fill out financial statements, that form that we all have to fill out?

**LOWE:** I will get back to you on that also.

**M. CAVANAUGH:** OK. That was my question. Also, a good reminder to everyone, especially freshmen, that you need to fill out your financial statement. I think by March 1st. It's on the Nebraska Account Building disclosure website. But, so don't forget to do that. I remember my freshman year, Senator Kate Bolz reminded me in a very hawkish manner and I very much appreciated it. So again, because they deal with money, those are, those are things that I think it's important for us to know. And I believe that they are subject to Open Meetings Act. But I don't know that for certain, having participated in one of their meetings, but in full disclosure, I think I might have been pregnant at the time or had a newborn, so I'm going to claim sleep deprivation as not remembering the exact details as to whether it was an Open Meeting or not. I remember it being in their office in downtown Omaha and that there was a very intimidating board and they asked a lot of very detailed questions about the budget of the opera at the time. And so, I don't remember if media was allowed there or what the public notices were. So that's something that I probably will have to dig in on my own time. I won't do that today, but, but I think an important thing to know about the Nebraska Arts Council. Again, thank you, thank you, Senator Lowe, for answering my questions. And thank you for bringing forward Ann Michele Dudley. I yield the remainder of my time.

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

**J. CAVANAUGH:** Thank you, Mr. President. And so, Senator Machaela Cavanaugh tried to point out, that there is a C1 form that's filed with this and of course, with Ms. Dunning, one, she's a new appointment to this grant that I'm referring to as previous, so she had nothing to do with it. So I'm not implying that she had anything to do with that. But I would say in the conversations we've had with all of these members, when they do these grants, they do have, I think

they recuse themselves as it pertains to a grant that they have something to do with. So they have that process in place and they also have outside folks kind of grade the projects and, before they move forward with them. So I don't think there's, the fact that all of these folks are almost all of them, I think, are at least in some capacity on a board or involved with some art institute, is not necessarily a problem. Obviously, I have concerns always about people having an interest in these sorts of things, but the Arts Council does seem to have a pretty robust system for recusal and impartiality as it pertains to those. But again, I was just sort of in passing mentioning that the organization received grant funding. Ms. Dunning was not part of that granting. And I'm not implying that at this point, but I just wanted to clarify that. And they do fill out a C1.

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

**M. CAVANAUGH:** Thank you, Mr. President. I would ask if Senator John Cavanaugh would yield to a question.

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

**J. CAVANAUGH:** I'd be happy to.

**M. CAVANAUGH:** Gosh, having you on the mike, there's so many questions I'd like to ask you, but I'll stick to the business at hand. You mentioned in your first remarks about October 2022, and is that when Governor Ricketts put forward the appointments?

**J. CAVANAUGH:** That is on the certificate from the Governor that states that, yes, that on behalf of the state of Nebraska, the Governor does hereby appoint this person October 19, 2022, as this particular appointment.

**M. CAVANAUGH:** OK. That, this does raise, I think, an important question. While we have some of the department heads who are clearly being reappointed by Governor Pillen, these appointments, it is unclear if they are, I would assume, but you know what they say about assuming that Governor Pillen has asked that they also be moved forward. But I think you've brought up a really important point that if these are carried over from the previous administration, are we confirming, making confirmations writ large this whole week of individuals who Governor Pillen has not actually asked us to put forward? And if so, is that appropriate or should we be waiting for a

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letter from Governor Pillen before we move these forward? Not so much a question for you, as so much as a statement, but if you want to speak to it, please do.

**J. CAVANAUGH:** I don't know the answer to that question.

**M. CAVANAUGH:** OK. And the C1 form, thank you for, for getting the name of the form. So, yes, colleagues, the C1 form, it's on the Nebraska Accountability and Disclosure website and it is a form that we all need to fill out and turn in by March 1. Thank you, Mr. President. Thank you, Senator Cavanaugh.

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

**CONRAD:** Thank you, Mr. President, and good morning, colleagues. I really appreciate the information and the dialogue about a lot of these really dedicated and outstanding nominees that are coming before us for gubernatorial appointments and legislative confirmation. It definitely piqued my interest thinking about the historic confirmation of Director Vinton as the first woman to lead the Nebraska Department of Agriculture. It just got me thinking a little bit about what's been a long standing conversation in the Legislature about diversity, equity and inclusion regarding gubernatorial appointments. And I know Senator Wayne has spoken frequently about that topic. I know Senator Matt Hansen, who was here previously, had put forward a few different ideas for how to have a more thoughtful structure, process or conversation with the executive branch about ensuring that we are being really thoughtful in regards to who knows about these kinds of appointments, doing our outreach in engagement with community, and then making sure that as we make these decisions for the appointments that we're thinking about how those different in diversity of perspectives and backgrounds can enhance the work of state government. So I was hoping perhaps Senator Wayne, might, might yield to a question. I know he's always up to his eyeballs with a lot of different work, but I was just hoping to kind of continue that global conversation with him a little bit this morning.

**KELLY:** Senator Wayne, will you yield to a question?

**WAYNE:** Yes.

**CONRAD:** Thank you, Senator Wayne, and I, I, I was wondering if you could perhaps just share a little bit with the body and particularly new members who maybe didn't have the opportunity to, to learn about

some of those considerations in regards to gubernatorial appointees and legislative confirmation. If you had some thoughts about how we can improve our process to ensure that we're really doing all that we can in terms of engagement to build that diverse leadership across the state with these important appointments. Happy to yield you the rest of my time, but would love to hear your ideas in that regard.

**WAYNE:** Thank you. So, colleagues, you heard it no farther today when Senator Erdman stood up and endorsed somebody from his district. And the sense of, I would say pride, and part of it is just a different perspective of having somebody run the Department of Ag from really a rural part of town, a rural part of the state that maybe has a better understanding of what the local farmers and ranchers and those out there actually need. And I think that same type of feeling when it comes to diversity from not just where you're from, but how you live and how you grew up and what, what if it maybe your background is, doesn't matter on all of these appointments. And one of the things that I wish I had time to do is to better figure out as the committee chair who, and other committee who have done appointments and confirmations sitting on committees is, dig into the process of how do we form and actually bring people to the table and how the Governor actually appoints people. Are they reaching out in local, you know, magazines, newspapers, or are they just calling their friends? And the reason why I say calling their friends are important is because I don't think there's an intent to discriminate. I don't think there's an intent to exclude, but when you call people, you typically just grow up with--

**KELLY:** One minute.

**WAYNE:** --or you call people who you typically hang around, you typically hang around the same people who kind of think like you do. It's just a, it's a, it's a natural segregation that happens in middle school, high school, college. You start to hang around people who think like you. You gravitate to the same ideas. But when we're appointing things across the state, you actually have to step back and say, this isn't about people who are, think like me or it isn't just about maybe I need to get somebody who is opposite of me, it's about what does the state need as inclusivity and what does the state need to make sure that we're inclusive on any type of board that we are putting together. And so I just think there has to be a more conscious effort moving forward and from this body instead of just signing off on confirmation reports and more importantly, getting into and putting



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pressure. I mean, if we reject somebody, it makes somebody goes back to the drawing board to figure out how we can do it.

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

**WAYNE:** So what I'm saying here is-- Thank you, Mr. President. --is I'm not saying today is the fight, but maybe next year is my last year where we just literally fight everybody until we understand the process. And again, I have no doubt that we're not being, and that the Governor or the previous Governor was being intentional about excluding people. I just think it goes back to the networks that people have and the networks that people have oftentimes aren't very diverse as a sense of people who are outside of how you think, outside of where you grew up, and outside of really family and friends. And so I think it's very, very important that we start being conscious as a state and as a body about making sure these boards and committees that are being appointed and there are a lot. I was on Government my first year and we had a report where we looked at all the boards and committees and it's over 100 boards and committees in which we appoint. Is at least somewhat reflective, not just economically, not just socially, but reflective of the entire state, not just the people we grew up with. And with that, if Senator Cavanaugh would like the remain of my time, I will yield my time to Senator Machaela Cavanaugh.

**KELLY:** Senator Machaela Cavanaugh, you have 3:40.

**M. CAVANAUGH:** Well, thank you, Senator Wayne. I actually was in the queue, but this is the conversation I'm so excited that we started having because this is a conversation I wanted us to have around these appointments since we started this year. Last year, we had, maybe it was the year before, we had a really robust and I would say a colorful, enthusiastic, energetic, animated conversation around gubernatorial appointments because first of all, we don't know who all is applying for a lot of these positions, and we don't know what vetting is being done around, even attempting to ensure that there is a diversity of background in the appointments. Social, economic, racial, gender identity, equality, we don't know any of that. This is one of the least transparent processes that we have in the Nebraska Legislature and in the state government. This is not a criticism of the administration. This is a criticism of our process. We have not done a good job of creating a transparent, fair and equitable process when it comes to these appointments. You can go online to the Governor's website and you can apply for a gubernatorial appointment, and sometimes you just are applying like you're not actually applying

for a specific thing, which is also problematic. You're putting your name in and checking boxes of areas of interest. We had this on an appointment in, I think it was Transportation last week or the week before where there was an individual who was up for an appointment and they had just checked boxes of areas of interest and they were being appointed to a specific board. And the only reason we knew that is because that comes with their application. And so we're not getting the information of how many people, because we aren't having people apply for specific boards. So that is one thing that I think is problematic that we're not asking them to apply for a specific board, but just to tell us their areas of interest and we will slot them in. We don't know how many people are applying for these things. We don't know how many people, how many women are applying that we're not appointing, how many people of color that were applying that we're not appointing, how many people that just have different business backgrounds that we're not appointing. We have no idea--

**KELLY:** One minute.

**M. CAVANAUGH:** --if the person in front of us is the best person for the job, because we don't know who else is applying for these positions, which makes it really difficult. Now, this, I'm not talking about department heads. This is, which is a whole another bag of bananas we'll say. I'm talking about gubernatorial appointments to various boards across, across the state in various capacities. And we have a lot of gubernatorial appointments for boards. And we are not, we're not really transparent at all in the process. And I think that's another reason that's important to be talking about each and every one of these when they come up in front of us, because this is the most opportunity we have for transparency. And you can ask certain questions in a committee hearing, but you cannot ask a candidate that's in front of you, well, who else applied and didn't get this job over you? They're not going to know the answer to that. And also, that's not really an appropriate press, question to ask a candidate.

**KELLY:** That's your time, Senator, and you're next in the queue and this is your third time.

**M. CAVANAUGH:** Thank you, Mr. President. So all of that is to say that maybe this is something that we as a Legislature can work on to improve the process. I don't know if this is something that the Governor's Office can do on their own, if this is, changes that they can make on their own to make the process more transparent. But I do think it's worth us as a legislative body to dig in on a little bit

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more and see if it is something that the Governor cannot do on their own, what can we do to partner with the Governor's Office to make this process more transparent? And if it is something that the Governor can do on their own without legislative action, can we still have those conversations with the Governor around what this process should look like so that we are meeting the expectations of the public in being transparent in how we are operating our government? This is not a new problem. This is a problem that has existed for a while and it's sort of an evergreen problem that we bring up from time to time. And I hope that we don't drop it this time. I hope that we carry this forward and continue talking about how we can be more purposeful and thoughtful in our appointments, how we can infuse more equity and diversity into our gubernatorial appointments, and how we can put more effort into it. As Senator Wayne said, you just appoint the people that you hang out with and you hang out with the same people as yourself, your church group, your kids school group. It's not, you're not getting a great deal of diversity in, in those environments. And so sometimes we have to push ourselves to do better and to be better and I think this is one of those times. Thank you, Mr. President.

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

**HUNT:** Thank you, Mr. Lieutenant Governor. I have always had questions since I came into this body in 2019, 2019, about how these appointment processes work. And when I first came in and I wonder how much of this as a result of term limits, like I would, I, after I speak on the mike, I think I'm going to talk to some old timers who, who had been in the Legislature for a long time before, who often give me advice about the history of this body. But I wondered traditionally how this appointment process has been done. I always thought it was strange in the beginning that we really run through these appointments quickly. This is the first year that I've been here that anybody has ever slowed down the process, talked about the qualifications of these appointees, because I've always thought it was strange that we didn't get any information about who applied for these appointments, what their qualifications are. We just get one candidate that comes to us, before us in one of our committees, and it's very rare that anybody comes in, in support or opposition to a candidate. So I always figured these were fairly uncontroversial appointments, especially because then we, we run them through and approve them very quickly. In my first years here in the Legislature, when we saw gubernatorial appointments on the agenda, we knew that that would probably, we would move through that really quickly and get on to whatever bill was next. A couple of years ago, there was a little dust up on the floor because

we had an appointee come through the Government and Military and Veterans Affairs Committee for appointment to something. Might have been, I guess I can't even speculate like a fire marshal or, that's not right. But anyway, and just out of curiosity, I Googled the guy, which to me feels like Googling an appointee for a gubernatorial appointment is literally the least you can do. I didn't see his resumé. I didn't see his application. I had no idea who else had applied. Just Googled him and I found pages and pages and pages, Twitter, Facebook, blogs of extremely racist commentary. And I was looking at this literally in the hearing. He's sitting in front of us. I'm on my laptop, as I typically am in the hearing, and I'm like, ah, who is this guy? I Googled his name and up comes all of this incredibly like bald-faced, racist stuff that he has posted and said and shared. And as a new senator, I kind of didn't know what to do because the norm to me had been the Governor appoints these people, so they're probably good. These people were picked from supposedly a big stack of potential applications, so they must be the best of those potential applicants and there must be a vetting process that they've already gone through to get to this point, so by the time they come before us in committee, it's probably a good appointee, right? It's probably someone who's been vetted, who's been examined, who rose to the top as the best applicant for the job. And so let's rubber stamp it and move on to other things. But that experience, you know, I think of myself as a pretty confident legislator, I guess. I feel, I feel comfortable in this job. I feel--

**KELLY:** One minute.

**HUNT:** Thank you, Mr. President. I feel OK raising concerns when I have them, but that was the first moment as a lawmaker where I was sitting in the committee and I kind of froze like I didn't know what to do. I had never heard in a committee hearing, a confirmation hearing, anybody ask questions about that. And frankly, I'm ashamed to say, I'm very ashamed to say that I was afraid to bring it up. I felt rude. And isn't that something, like me being afraid to speak? Anybody being afraid to speak up against this racism and bigotry, which wasn't even, you know, subtle. It was very, very overt because I didn't want to be rude. And, you know, that's something I've really had to overcome in this job. And what I ended up doing is I printed off, you know, some examples of this.

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

**HUNT:** Thank you, Mr. Lieutenant Governor. I just want to finish this thought. I printed off examples of the racist things that I had seen. I shared them with the committee, and then I was accused by the Committee Chair of hiding this information or keeping this information secret that I knew all along or something, or, or I was accused of trying to attack this man who was just trying to be a public servant and just trying to do something good for his community. And then I was attacked because, you know, if we have to scrutinize every single appointee and we have to look at their Facebook and we have to see what they've shared publicly and what kind of views they have espoused, that nobody would ever apply for appointments. And that to me was the most ridiculous assertion but if we don't appoint, you know, racist applicants, that nobody will apply. That's, that's the silliest thing of all. But it was that experience a couple of years ago that made me think, how many people like this man who is not appointed by the way, he did not get appointed. How many people like him, though, have slipped through the cracks because some millennial who has no attention span and has to be on the laptop all day, me, Googled this guy. If I hadn't done that, we never would have probably known or found this out and he could be, you know, making decisions for people in Nebraska right now with, you know, unequal consequences for people of color because he just like directly and openly held these racist views. And that's a problem for public safety. So that's when I started thinking and Senator Conrad mentioned that Matt Hansen, the Senator Matt Hansen, had also thought about this quite a bit. That's when I started thinking that we trust the Governor and we trust the Governor's Office to provide some basic oversight about these appointees. Supposedly, you know, they get a big stack of applications like this and they go through all the applications. Supposedly, since this is politics, he weeds out the people who he has a personal problem with. We all do that. And supposedly after who's left, they can find the best person for the appointment, but we don't know actually anything about the process. We don't know how many people apply. I don't know if one person applied or if 100 people applied for some of these appointments. I don't know the, the background of people's experience. And I do think that we have to place a new and more deliberate focus on having a diverse range of appointees. I don't have any particular problem with this appointee that we're discussing right now. But I do think that we need to put things in place because of this experience I had with this racist appointee, that, that easily could have been appointed and we never would have known, that there needs to be some more oversight. There needs to be more information given to the Legislature. I would like to know how many people apply

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for these positions. Frankly, I would like it to be easier for the public to know and submit their own applications for these positions. I know many of your offices, Senator Brandt talked about this in the past. Many of our offices do share with our constituents when these appointments come open. We try our best in my office to do that. We send emails and make posts and things like that and send a newsletter about openings on boards and anything that--

**KELLY:** One minute.

**HUNT:** Thank you. --anything that there could be a gubernatorial appointment for. And every time we share this, I get a lot of messages from people saying, do you think I could apply for this? I, do you think I would be good enough? You know, they want to know how much political scrutiny comes with the job. Is it like running for office? Do I have to raise money? Do I have to form a candidate committee? Do I get paid? There's so many questions and mystique almost. It's, it's almost an untouchable, you know, lofty thing to do to be an appointee. But it's really something any regular person should do, because let me tell you, regular people do it now. Regular people do it now. And my concern is that the people receiving these appointments are more likely to be friends of the Governor, or.

**KELLY:** That's your time, Senator.

**HUNT:** Thank you.

**KELLY:** Senator Clements announces 30 to 40 guests in the north balcony from the Nebraska Christian Home Educators Association from all across the state. Please stand and be recognized by your Nebraska Legislature. Senator Hunt, you're, you're recognized to speak. This is your third opportunity.

**HUNT:** Thank you, Mr. Lieutenant Governor. My concern is that when we don't get to see the pool of applicants for these appointment positions, it's very easy, you know, under the table to slip by, unnoticed and unseen, by the Legislature and by the second house, the public. What kind of favors are being repaid through these appointments? What are the relationships between the power structures that we are a part of and the people who are brought into it, through these appointments? And this is something I have scrutinized much more thoughtfully as a committee member during these confirmation hearings. Looking at somebody's resume, I more frequently see someone with a resumé that, you know, worked for Senator Fisher, worked for Senator

Fortenberry, worked for, you know, as an intern for a judge, worked as the president of the young Republicans. Like this is, almost the most common type of resume that I'm seeing now and so I have to be curious about how we are strategically using these appointments to funnel people into political power instead of perhaps picking the best person for the job. On a scale of 1 to 10 in like how bothered I am by this, I'm probably like a four. Like this is not a hill I would ever die on. It's just something we should be aware of. It's something we should watch. And given my experience with appointees, really like serious freaks slipping through the cracks and then people obviously getting these appointments as favors when we don't know who else put them, put their name out there for the job. It deserves to have a little more scrutiny. And I don't think that all 49 of us are going to be looking through the stack of resumes for these appointees. I think the most likely scenario is that the morning before a confirmation hearing, we'll get the information and flip through it and go, looks fine. I think 99 percent of the time that's what's going to happen. But I, I think it is a disservice to Nebraskans when we let these things slide by just because it's how it's always done or just because it's easy or because we're tired. This is part of our job. This is part of our work. And we cannot have a fair confirmation hearing or appoint anybody in good faith if we don't have the information about who else supplied what the person's background is and why they deserve that position. If we had that in place and we could all use that on the floor and use that in committees to make these decisions, I think that it would be better for Nebraskans. I think it would be better for our political divisions that we're facing. And I think it would build trust between agencies in the Legislature, between all of us as colleagues of the members of the Legislature, because we would be more confident that the right people are being appointed for these jobs. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Lowe, you're recognized to close. Senator Lowe waives. The question is the adoption of the report offered by the General Affairs Committee referencing Crystal Dunning, Roll call vote, reverse order.

**CLERK:** Senator Wishart. Senator Wayne voting yes. Senator Walz voting yes. Senator von Gillern voting yes. Senator Vargas. Senator Slama voting yes. Senator Sanders voting yes. Senator Riepe voting yes. Senator Raybould. Senator Murman voting yes. Senator Moser. Senator McKinney voting yes. Senator McDonnell voting yes. Senator Lowe voting yes. Senator Lippincott voting yes. Senator Linehan voting yes. Senator Kauth voting yes. Senator Jacobson voting yes. Senator Ibach

voting yes. Senator Hunt voting yes. Senator Hughes voting yes. Senator Holdcroft voting yes. Senator Hardin voting yes. Senator Hansen voting yes. Senator Halloran voting yes. Senator Geist voting yes. Senator Fredrickson. Senator Erdman. Senator Dungan voting yes. Senator Dover voting yes. Senator Dorn voting yes. Senator DeKay. Senator DeBoer. Senator Day. Senator Conrad voting yes. Senator Clements voting yes. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Briese voting yes. Senator Brewer voting yes. Senator Brandt voting yes. Senator Bostelman voting yes. Senator Bostar. Senator Blood voting yes. Senator Ballard voting yes. Senator Armendariz. Senator Arch voting yes. Senator Albrecht voting yes. Senator Aguilar. Vote is 37 ayes, 0 nays, Mr. President.

**KELLY:** Thank you, Mr. Clerk. That report regarding Crystal Dunning is adopted. Mr. Clerk, next item.

**ASSISTANT CLERK:** Mr. President, the next report is Karen Harris to the Nebraska Arts Council.

**KELLY:** Senator Lowe to open.

**LOWE:** Thank you. Lieutenant Governor. Karen Harris is a new appointment to the Nebraska Arts Council for a two-year term. She is from, way out west in York, Nebraska. Those from western Nebraska will get that joke. She is a UNL graduate, not an artist. She's the audience and supporter of the arts and has been a volunteer supporting different arts. She served on Friends of the Lied, and the Lied Advisory Board, feels the exposure to arts is vital and much of western Nebraska needs more exposure. With that, I ask for your green vote on Karen Harris for the Nebraska Arts Council.

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

**J. CAVANAUGH:** Thank you, Mr. President. Thank you, Chairman Lowe. I just again would echo everything Senator Lowe just said. I got the joke about it being from western Nebraska, too, because I consider anything west of 120th Street, Street in Omaha, western Nebraska, but I was trying to be polite. But I, you know, I don't have a lot to add to Ms. Harris. I did appreciate her, her testimony, and I did appreciate, I wouldn't let Senator Lowe said that she is the audience. I remember her saying that and that was, I enjoyed that. And I do think it's important to have not only who work in the arts, but people who enjoy the arts, supporting the arts and promoting the arts. I



wanted to kind of contribute to what Senator Hunt was saying. I appreciate the conversation she was having and the part that Senator Wayne was talking about is trying to get folks from our districts to apply. And I tell you, I mean, I have tried as well. I've sent out the, you know, the list is on and we can probably get it for folks who haven't seen it. But there's a list of everything that's available. That's kind of like the applications are quarterly or I think every six months and I've gone through it and just thought of people I know in my district and reached out to them and said, hey, you should apply to this. And, you know, trying to find folks to apply and I've had a few who have applied to things and it does, I think Senator Wayne's right. It does feel good when somebody from your district comes up on one of these. I mean, I get excited when I see somebody from Omaha. I know you guys are thinking that western Nebraska is not that highly represented, but when something, I guess, well, I sit on Natural Resources, so I guess it maybe isn't a good example. But one of these other folks coming up is from Omaha and not too far, still from western Omaha. I think she's from about 80th Street. But it is, it is nice to see people who come from all of our communities and we should all take that sense of pride when we are, have the opportunity to vote for somebody from our district. And then we encourage, and I would certainly encourage everybody to encourage people and think about these positions for people in your district and people in your community and try and get more applications, because we do have this conversation about whether people are applying and we don't know who applies and doesn't get, get the nomination. And I've tried to ask people, you know, and a lot of these, how did you come to apply for this? What's your interest in this? And not the Arts Council, one in particular, but other boards where people say, well, I was encouraged by my boss because our industry is regulated in this sort of way. And so some of these obviously have requirements, they have folks from certain industries. But it is, this is an important part of this, is getting, making sure we have competition and high quality folks applying for these so that we can keep, we can have some options. But again, I would encourage your green vote and I know Senator Lowe is walking away. So I, I was going to, I'm done, but I appreciate and support your vote on Ms. Harris. Thank you.

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

**JACOBSON:** Thank you, Mr. President. I do want to take a minute to comment on Karen Harris. I do know Karen very well. She's really a solid appointment, will do a great job, has been an avid supporter of

the arts and a donor and really the kind of people that we want to see on the Nebraska Arts Council. My wife, Julie, served nine years on that, on the Nebraska Arts Council and actually served a stint as president of the Nebraska Council, Nebraska Arts Council. And she may be, that is truly getting closer to west, so we're in west central Nebraska. So I, one of my goals here in the Legislature is by the time I'm done, everyone's going to understand where the western Nebraska is at and, and where western Nebraska begins. And that's about North Platte. So with that, I would encourage a green vote on Karen Harris. She'll be a great appointment.

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

**M. CAVANAUGH:** Thank you, Mr. President. Senator Jacobson, you buried the lede. I didn't know your wife was on the Arts Council. That's, that's fantastic. Um, and, uh, York had a very, uh, one of my favorite stops on the Passport Nebraska, which was the, uh, the Marble Museum. I think it's a museum right off of the Interstate, also near the Runza that my children very much enjoyed when you're roaming, were doing the Passport Nebraska. Um, and of course York is also, got that really fun water tower. Uh, I, I'm happy that Ms. Harris is willing to continue serving our state in this capacity. I think that's wonderful to have. I did want to comment on Senator John Cavanaugh said that he considers 100, and anything west of 120th, western Nebraska. And I very much appreciate that because I always thought that he thought that my house, when he picks me up in the morning, was western Nebraska because I'm west of 72nd. So I'm glad to know that you don't feel like you're traveling out west to get me. We do carpool most days to, you know, have more family, brother-sister bonding time because we don't get enough of that in this building and at home on Sunday night dinners. I just wanted to say to Karen Harris, thank you again for your willingness to serve. She does have a lovely profile on the UNL arts study, UNL.EDU talking about her service and she's served on the Friends of the Lied Board of directors from 2002 to 2009. She was the president in (INAUDIBLE). Um. She currently heads the Lieds Legends. She served on the Lied Center for Performing Arts Statewide Advisory Board. She's a member of the UNMC, Chancellor's Board of Counselors, the Aksarben Friends Board, and serves as an Aksarben ambassador. She is past president of the York General Health Care Services Auxiliary and a past member of the York Country Club Board of Directors, has toured numerous fundraisers for York organizations. Clearly, Ms. Harris is a dedicated public servant, and I very much appreciate her willingness to continue to serve the state of Nebraska in this

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capacity and to help promote the arts across our state. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Lowe to close. Senator Lowe waives for closing. Roll call vote requested. The question is the adoption of the report, of the report offered by the General Affairs Committee referencing Karen Harris. Mr. Clerk.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Blood voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer. Senator DeKay. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman. Senator Fredrickson. Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin. Senator Holdcroft voting yes. Senator Hughes. Senator Hunt voting yes. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth. Senator Linehan. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe voting yes. Senator Sanders. Senator Slama voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart. 34 ayes, 0 nays, Mr. President.

**KELLY:** Thank you, Mr. Clerk. That committee report is adopted. Senator McDonnell has a guest under the south balcony. Michael Blue, the United Way of Midlands. please stand and be recognized by the Nebraska Legislature. Mr. Clerk, for items.

**CLERK:** Mr. President, the next report from the General Affairs Committee concerning the gubernatorial appointment of Karen A. Harris to the Nebraska Arts Council.

**KELLY:** Senator Lowe, to open.

**LOWE:** Thank you, Lieutenant Governor. We have already done Karen Harris.

**KELLY:** Mr. Clerk, next item.

**ASSISTANT CLERK:** Mr. President, the next appointment is Sharon Hofschire to the Nebraska Arts Council.

**KELLY:** Senator Lowe to open, you're recognized.

**LOWE:** Thank you, Lieutenant Governor. Sharon Hofschire is a reappointment. She is the Chair of the Arts Council for the past two years. She is an Omaha resident, retired art historian and educator. She spoke about the creative districts and the funding from the Legislature, economic development and tourism. Thirty cities so far have applied for it, and they expect at least ten more. The Arts Council hires the executive, executive director, who then hires additional staff, ten in total. Other funding from the National Arts Endowment and she is a very delightful lady. I ask for your green votes on Ms. Hofschire. Thank you, Lieutenant Governor.

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

**J. CAVANAUGH:** Thank you, Mr. President. I guess I would echo again everything that Senator Lowe just said. Ms. Hofschire is one of those folks from western Nebraska. I think she lives in Senator Fredrickson's district. And so, she was very knowledgeable. She had a lot of great information at the hearing about the creative districts and this is the kind of the part that I think is really people should pay attention to, if not today, at least going forward, is the creative district process. I would say make sure the folks who are in your district who are applying for these creative districts are, you know, this is a great opportunity for them. I know that the Arts Council is working collaboratively with folks to make sure that their, these districts, their applications are in as good a shape as they can be, and that they're going to serve the purpose that they want. And as Senator Lowe just said, they had 30 applicants and more expected and when we passed that bill, I think they were expecting about ten originally. And so what happened was we gave them some money to do this project and a lot of folks got together and started thinking about projects they could do and innovating and collaborating. And this is exactly, it was, it spurred some, you know, projects that we didn't expect. And I don't know this for a fact, we should, could probably look it up and find out or once they apply, but I would just say I was looking at the list when we were talking about the last Ms. Harris coming from York, and I had said to Senator Lowe that there aren't any recipients of grants up to this, or in the last FY 2020 from York. And so hopefully they will, you know, start, maybe they

will spurt into action and they will be getting some funds and promoting projects in York. But again. Ms. Hofschire, she's, she was very knowledgeable, helpful, putting into perspective the previous work of the committee and where they're planning to go in the future. So I would again encourage your green vote on Ms. Hofschire's reappointment. Thank you, Mr. President.

**KELLY:** Senator Machaela Cavanaugh, you're next in the queue.

**M. CAVANAUGH:** I apologize. Thank you. Mr. President, I, we are on Sharon Hofschire, correct? Yes, I think that's correct. Yep, I'm seeing nods from the front. OK. And, I apologize, I missed some of the information on the opening of, of Ms. Hofschire. Gosh, this is one of those times where it'd be really helpful to have people's pronouns because I feel like I'm misgendering people by saying Ms. and, and Sharon Hofschire might go by they, them, or he, he, him, I'm not sure. And so, um, maybe that's something that we should think about in the future is adding our, our pronouns so that we're not misgendering people when we're speaking about them in this public forum. Uh, I think Senator John Cavanaugh was speaking in support of Ms., Ms. Hofschire, or Sharon. I'll just say Sharon Hofschire. And so I have other things that I wanted to talk about as far as gubernatorial appointments go, but I am going to pull up some information on that and so I will wait until my next turn to talk about those and I will yield the remainder of my time back to the Chair. Thank you.

**KELLY:** Thank you, Senator. No one else in the queue. Senator Lowe to close. Senator Lowe waives closing. Roll call, reverse order requested. The question is the adoption of the report offered by the General Affairs Committee regarding Sharon Hofschire. Mr. Clerk.

**CLERK:** Senator Wishart. Senator Wayne voting yes. Senator Walz. Senator von Gillern voting yes. Senator Vargas. Senator Slama voting yes. Senator Sanders voting yes. Senator Riepe voting yes. Senator Raybould. Senator Murman voting yes. Senator Moser voting yes. Senator McKinney voting yes. Senator McDonnell voting yes. Senator Lowe voting yes. Senator Lippincott voting yes. Senator Linehan voting yes. Senator Kauth voting yes. Senator Jacobson voting yes. Senator Ibach voting yes. Senator Hunt voting yes. Senator Hughes. Senator Holdcroft voting yes. Senator Hardin voting yes. Senator Hansen. Senator Halloran voting yes. Senator Geist voting yes. Senator Fredrickson. Senator Erdman. Senator Dungan voting yes. Senator Dover voting yes. Senator Dorn voting yes. Senator DeKay voting yes. Senator DeBoer. Senator Day. Senator Conrad voting yes. Senator Clements voting yes.

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Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Briese. Senator Brewer voting yes. Senator Brandt voting yes. Senator Bostelman voting yes. Senator Bostar voting yes. Senator Blood voting yes. Senator Ballard voting yes. Senator Armendariz. Senator Arch. Senator Albrecht voting yes. Senator Aguilar voting yes. The vote is 36 ayes, 0 nays, Mr. President.

**KELLY:** Thank you, Mr. Clerk. That portion of the report is adopted. Mr. Clerk.

**ASSISTANT CLERK:** Mr. Pres, Mr. President, the next report is from Mark Laughlin of the Nebraska Arts Council.

**KELLY:** Senator Lowe, you're recognized to open.

**LOWE:** Thank you, Lieutenant Governor. And to close out the Nebraska Arts Council, I bring Mark Laughlin, who is a reappointment. He, too, is a Omaha resident. The Arts Council budget is 3 to 4 million (dollars) per year to grant throughout the state, \$2 million from the state, \$1 million from the federal government. Very, there's a very robust grant awarding process. The Council members take their fiduc-- their fiduciary responsibility very seriously. Staff and grant panels review applications. Council approves. Arts Council has additional funding containing \$12 million from the state that generates earnings. The arts community has to match this dollar for dollar and they expect the fund to be at \$20 million by 2030. And with that, I ask for your green light on Mark Laughlin, who is a reappointment.

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

**CONRAD:** Thank you, Mr. President, and good morning, colleagues. I rise in support of this nominee for the Arts Council position, renomination of Mark Laughin for this position on the Arts Council. I saw Mark's name pop up in the Journal and on our agenda, and it definitely was a very welcome thing to read. I had the pleasure and opportunity to work with Mr. Laughlin even before I became a lawyer as a law clerk. When I was working as a law clerk for the Nebraska Appleseed Center in law in the public interest, we were co-counsel on a housing justice case many, many moons ago. And as part of that work and learning experience, I had a chance to watch Mark, we serve as lead counsel on that, that really important housing justice case that then made its way up through, through the courts in Nebraska and has set precedent. And I, from that moment forward, have been fortunate enough to

maintain and stay in relationship with Mr. Laughlin and I think it's quite clear, based on how he conducts himself in his personal and professional affairs, that we'd be hard pressed to find somebody who is more kind or more gracious or more talented or more smart. And I know he has a very high reputation in legal circles in our state, and I know that he and his family are very engaged in community as well. I've been particularly impressed by how he serves as a mentor to young lawyers and law students and those that are aspiring to enter the field and really uphold our, our highest values and traditions as not only strong advocates for our clients, but as really public servants in the truest and best sense of the word to advance the public interest as attorneys. And I've really admired Mark's work and reputation in a host of different spheres and am pleased to be able to offer a word of support in regards to his nomination, renomination today. Thank you, Mr. President.

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

**RIEPE:** Thank you, Mr. President. I, too, want to rise and speak in support of Mark Laughlin, I had the opportunity, the honor to work with Mark. He was the legal counsel when I was at Children's Hospital Medical Center in Omaha. He's an honorable guy. He's a quality guy. And I know that he also served as president of the Omaha Community Playhouse. So he's been very much engaged in community, but most of all, he's an individual of character and I support his nomination. Thank you.

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

**J. CAVANAUGH:** Thank you, Mr. President. I, unfortunately, actually missed Mr. Laughlin's testimony, but so I appreciate Senator Riepe and Senator Conrad's comments about him. But in terms, I actually was thinking about this has been bugging me. I know it's probably not relevant, but I'll say it anyway because I've got a few minutes. When Senator Hunt was talking, it made me think about there's a book called Plunkitt of Tammany Hall, which was a favorite of mine, and it's about Tammany Hall, if you've heard of it, which is a historically famous corrupt political organization in New York City. And it's about this one guy, Plunkitt, who, how he kind of rose to power. And one of the things that they suggest to him to build his political power base is, is acts of patronage, which means you have something to give and you give it to people to build loyalty and support. And so it was, it's generally considered a disfavored function in government that when

you, you know, to the winner goes the spoils sort of thing. And that we've created this whole process of oversight and having these, one of the reasons we have different parties requirements, you know, certain committee can't have more than half of the people can't be of the same party of the Governor is to dissuade this sort of patronage aspects that were prevalent in places like Tammany Hall at that point in time. And so when Senator Hunt was talking about all of the resumes being political operative, that made me think of hearkening back to those disfavored days of the function of government where when you would win, you would point your friends. Another word for that would maybe be cronies, but and then people get to, you know, they build up their political base through that sort of stuff. And so we want to stay away from the Arts Council and all of these boards from becoming that sort of thing. But it's a good read if you want to take a look at it. It's, it's interesting Americana, I guess, but it also is instructive as to, you know, how, maybe how we shouldn't operate. All of these folks are great. Mr. Laughlin, by all accounts, sounds great, and so I join in the recommendation of appointing him to the Arts Council. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you. Well, maybe this is a love fest for Mr. Laughlin. I, too, support this nomination of Mark Laughlin to the Nebraska Arts Council. I remember him clearly as when I came before the Arts Council and I know that he has been a dedicated public servant in this role for a very long time. I also, on a personal note, my, I think it was my first year, remember bringing him and his student debate team a resolution from this Legislature acknowledging their win at Nationals. He was the coach for the Creighton Prep debate team that year. He may still be the coach for the Creighton Prep debate team, but he clearly is somebody who is civic minded and has been engaged in the community in the Omaha area for quite some time. And I appreciate his willingness to continue to serve and I encourage everyone to support Mr. Laughlin's reconfirmation to the Nebraska Arts Council. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Lowe to close. Senator Lowe waives. The question is the adoption of the report from the, offered by the General Affairs Committee regarding the Arts Council nomination, Mark Laughlin. Request for a roll call vote.



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**CLERK:** Senator Aguilar. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Blood voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman. Senator Fredrickson. Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes. Senator Hunt voting yes. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart. Vote is 37 ayes, 0 nays, Mr. President.

**KELLY:** Thank you, Mr. Clerk. That report is adopted. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, the final report from, for the appointees to the Nebraska Arts Council is Ann Dudley.

**KELLY:** Senator Lowe to open.

**LOWE:** Thank you, Lieutenant Governor. Ann Michele Dudley is a reappointment via telephone. The Arts Council was created in the Legislature in 1974. She grew up in Lincoln and now resides in Norfolk. She also served two terms on the Nebraska Cultural Endowment Fund. And with this, I ask for your green light on Ann Michelle Dudley.

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

**J. CAVANAUGH:** Thank you, Mr. President. Thank you, Chairman Lowe. Ms. Dudley, she was on the phone as Senator Lowe pointed out, had a hard time hearing some of the things which is, I know we can do these appointments via phone and it is more efficient. And, but I just generally, it's harder for me and I mean, I don't know, I guess I don't know if I have good hearing or not, but it's hard for me to have a conversation with people when they're on the phone. But I rise in

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support of Ms. Dudley's reappointment to the Arts Council, and I encourage your green light. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. I don't know Ms. Dudley, so I don't have anything to say specifically about her. I will comment that the phone confirmation hearings are challenging. I don't know, I think our building, just the technology isn't there. It always sounds like it's muffled and going through a tunnel all at once. So I appreciate what Senator John Cavanaugh was saying about that. I did want to talk about something pertaining to the conversation a little bit earlier this morning around our, our process and transparency. In 2001, the then Senator Matt Hansen introduced a legislative resolution, LR38 or LR38, LR83, LR 83 in the One Hundred Seventh Legislature about transparency in this process. And there was a hearing on October 20, 2021, about that hearing. And it's something that I, I'm trying to find more information on it. Incidentally when I pulled up the transcript, there was a hearing for my LR right, right before that where we had Mr. Ben Ike from the Levin Institute at the University in Michigan, and he came to testify in support of LR226. He also, I just want to note, because I really appreciate that he did this, came early that morning and provided a CLE for all members of the Legislature, legislative staff, around ethics, which I am not an attorney, but I understand that those are some of the more difficult ones to get a CLE for. And so I appreciate Mr. Ike coming and going through the process with our bar association to qualify for that and to be able to offer that to staff. Which leads me to another point. I would really think that it would be excellent if the Nebraska Legislature provided for all of those continuing education units for our attorneys on staff as part of the cost of doing business, something that I think our Executive Committee should consider because it is something that they need to do to maintain their license to do the work that we ask of them. It, it seems that it would be appropriate for the Legislature to pay for them to do that. And we can even offer many of those courses in-house to our legal counsel and to members of the Clerk's Office. I think that's something that has been sorely lacking as a resource for employees in this building and another recruitment tool that we can use considering that the wages are not as high as they could be elsewhere if we could offer free continuing education credits that are needed to maintain their license, I think that's something that we should consider. That was just a sidebar. So on October 21 of 2001, there was a hearing in front of the Executive Board around the

transparency in this process, and I'm not exactly sure who all currently in the body was in the Executive Board at that time. But I am going to continue looking over this, and I might be asking some questions of a, of current Exec Board members who were on the board at that time to maybe speak to where we're at in the process of what came out of that hearing. So thank you, Mr. President. I yield the remainder my time.

**KELLY:** Thank you, Senator. Senator Lowe to close. Senator Lowe waives closing. The question is the adoption of the report offered by the General Affairs Committee regarding Ann Dudley to the Arts Council. A request for a roll call vote. All those in, Mr. Clerk.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Blood voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan. Senator Erdman voting yes. Senator Fredrickson. Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen. Senator Hardin voting yes. Senator Holdcroft. Senator Hughes. Senator Hunt voting yes. Senator Ibach. Senator Jacobson voting yes. Senator Kauth voting yes, Senator Linehan. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting yes. Senator Wishart. Vote is 33 ayes, 0 nays, Mr. President on the committee report.

**KELLY:** Thank you, Mr. Clerk. The report is adopted. Mr. Clerk, items.

**ASSISTANT CLERK:** Thank you, Mr. President. Your Committee on Transportation reports LB465 to General File. Notice of Committee Hearings from the Judiciary Committee, the Retirement Systems Committee and the Banking, Commerce and Insurance Committee. Amendments to be printed: Senator Riepe to LB572, also to LB282 and LB611; Senator Raybould to LB77. I have a report from the Transportation and Telecommunications Committee on gubernatorial appointments, a priority bill designation from Senator Erdman, who has chosen LB79 as his priority. I have a preliminary report from the

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Appropriations Committee and new resolution, LR40 by Senator John Cavanaugh and others which will congratulate Creighton University Bluejays and the men's soccer team for reaching the 2022 college semifinals. That's all I have at this time, Mr. President.

**KELLY:** Thank you, Mr. Clerk. Next item.

**ASSISTANT CLERK:** Mr. President, moving to the next report from the General Affairs Committee are two appointees to the State Racing and Gaming Commission.

**KELLY:** Senator Machaela Cavanaugh, for what purpose do you rise?

**M. CAVANAUGH:** Point of order.

**KELLY:** State your point of order.

**M. CAVANAUGH:** Thank you. I would like to divide the question.

**KELLY:** The question is divided. Senator Lowe, come forward, please. It's divisible. Mr. Clerk, please read the first report.

**ASSISTANT CLERK:** Mr. President, the first issue this morning on the State Racing and Gaming Commission is Jeffrey Galyen.

**KELLY:** Senator Lowe to open.

**LOWE:** Thank you, Lieutenant Governor. The Nebraska State Racing and Gaming Commission. The Racing and Gaming Commission is a seven-member commission. Prior to 2020, the Racing Commission was created in 1935. The racing statutes are found in Sections 2-1201 and 2-, through 2-1247. After the voter initiative in November of 2020, the Racing Commission was changed to the Racial, Racing and Gaming Commission, and the membership of the board was increased to seven. Gaming statutes are found in Sections 9-1101 through 9-1209. Members of the Commission are appointed by the Governor to serve four-year terms. This year we will hear two reappointments. The first is Jeffrey Galyen, a reappointment. He is an attorney from Norfolk, practices business and transactional law and so he does not go to court. He has served on the commission for 12 years, has been around horse racing most of his life. His father owned racehorses, spends family vacations going to race, horse races around the country. He spends 30 to 40 hours per month preparing for each commission hearing. He had one proponent, and that was Lynne McNally, representing the Nebraska Horsemen's Benevolent Protective Association, or HBPA. Spoke in favor

of Commissioner Galyen. He is exhaustive in his research, she said, in preparation for hearings and has no doubt, he supports horse racing. And for that, I ask you for a green vote on Commissioner Galyen.

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

**J. CAVANAUGH:** Thank you, Mr. President. Well, I rise in support of Mr. Galyen's appointment as well. I would reiterate the things that Senator Lowe said. Mr. Galyen was very knowledgeable, helpful. I think one of the reasons it's important to talk about to focus on the Racing and Gaming Commission is I know folks who don't sit on the General Affairs Committee, maybe this isn't as important issue to you yet, but I think it will be, as you hear from folks in your districts about the opening of casinos across the state, the Racing and Gaming Commission, the General Affairs Committee in this body last year passed some statutory authority for the Gaming, Racing and Gaming Commission. They have since promulgated rules and we've actually had the first casinos open in the state of Nebraska here in Lincoln. And actually, I guess I don't have the number right in front of me, but in the first, something like 14 weeks, I think the Lincoln casino and then with, I think they said four days in the other casino, now, I can't remember if it was Grand Island or Fonner Park had contributed about, I think it was \$2.9 million in taxes. So not ,that's not gambled or whatever. It's, that was dollars that we'd collected in those 14 weeks. The reason the Racing and Gaming Commission is important, obviously, is their oversight authority, but they are going to have the authority to determine if more casinos are added in these places where, that are looking for a casino. And we already know about Sarpy County is looking for another casino or looking to put a casino in, in Bellevue. We have, before they can do that, before anybody can get an apply, even apply for another license, the Racing and Gaming Commission has to complete a study to determine the state of racing and gaming in the state of Nebraska and how any additions will affect the marketplace. And so whatever your interest is, whether you want more casinos, you want fewer casinos, you need to be aware that these are some of the folks who are going to make those decisions. I personally [RECORDER MALFUNCTION who's going to look at the data and make a decision based off of that. I think Mr. Galyen falls in that category. Obviously, one of the criteria for-- aside from property tax relief, the casinos were meant or intended to help promote the, the domestic horse industry. Mr. Galyen, being a horse racing person, I guess-- I don't know how you describe it-- a person who has grew up in the industry and is interested in it-- I think will protect that interest and, and put a

priority on that. But these are four-year appointments. It's really-- these, these people are going to have a lot of authority over these things going into the future. And folks, you want to pay attention, you want to look at these folks, you want to make sure we're getting good people. I would point out Mr. Galyen was appointed by Governor Ricketts, reappointed by Governor Ricketts on October 14, 2022. And we had this hearing, he brings a lot of value to the Racing and Gaming Commission and so I would encourage your green vote on Mr. Galyen, but I would certainly stress that-- pay attention to this commission. Pay attention to the folks who we're appointing to this commission and make sure that your community's interests are at least being considered and heard in these. And I know there are other folks besides-- I think I've heard York is looking at one. I know western Nebraska, greater western Nebraska, west of, I guess, Grand Island is very interested in adding a horse track and casino. And so those-- these are the folks who are making that kind of decision. So pay attention to that, folks. Thank you.

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

**M. CAVANAUGH:** Thank you, Mr. President. I would ask if Senator John Cavanaugh would yield to a question.

**KELLY:** Senator Cavanaugh, will you yield?

**J. CAVANAUGH:** I'd love to.

**M. CAVANAUGH:** Thank you. I-- in fairness to Senator John Cavanaugh, I did not give him a heads up any of the times I've asked him to yield the questions today. So I apologize for that, Senator Cavanaugh, sort of. You waiting for the question?

**J. CAVANAUGH:** I am.

**M. CAVANAUGH:** OK. I don't quite understand the entirety of the purview of this commission. And I know you were, you were speaking about it a little bit, but also it's a little loud in the Chamber this morning. Would you mind giving me another Cliff Notes overview?

**J. CAVANAUGH:** Sure. Well, so the Racing Commission has been around for a long time, as Senator Lowe talked about. And then with the ballot initiative passed in 2020, allowing casino gambling in the state of Nebraska in conjunction with a licensed racing facility, we've created the Racing and Gaming Commission, which added two more individuals to

what was formerly the Racing Commission. So they had oversight authority for rules and regs and things over horse racing. Now they also have it over casino gambling as well. And what that has meant is that they've gone from-- I think they said it was a staff of two to currently a staff of 16, if I remember right, and I didn't bring my notes from the briefing we had from Director Sage with me, but I can probably try and track those down. But so they've added a huge amount of staff to help them with this oversight, but they have to-- basically, they're going to have-- they created the rules and regs for how casinos are going to operate in conjunction with the racetracks. They're going to have to make sure that all the games are up to a standard, you know, these slot machines or whatever they go through, technical processes and then they get-- you, you-- there's a physical process under which I guess they watch them be delivered and installed. They have to do background checks on people who are, you know, working at these institutions and-- but they will also-- and the part I was kind of trying-- that's all very important oversight things. And of course, I'm-- very much think we should pay attention to oversight. But the thing that for folks in this body, I think should at least be aware of and be thinking about and paying attention to is their ability to grant subsequent licenses. So the-- when we pass the, the state of Nebraska-- the voters passed the casino gambling in the state, there were six potential sites that were existing racetracks that could get a casino. Under the, the rules and the law as we passed it, there could be additional-- potential additional sites that could be approved in the future. This is the body that could make that decision. So whether you want more casinos or no more casinos, these are the folks that are going to make that decision. And so if you're in the camp, say Sarpy County and Bellevue, you want this commission to issue a license to this potential site in Bellevue, these are the folks you need to be paying attention to. And I'm not-- I'm just saying that, that these are the ideas we want to be cognizant of, questions we may want to ask people for their just perspective when we're appointing them, whether they're going to be just rubber stamp for new casinos or they're going to be a rubber stamp against new casinos or if they're going to be-- look at these objectively and do their due diligence and make a decision in some sort of objective manner. I just think it's important that people be conscious of that as we're considering who we're putting on this commission.

**M. CAVANAUGH:** Thank you for that. So as a follow up-- and I'm in the queue in case we run out of time to continue this, but what were, what

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were some of the questions that you asked then during this confirmation hearing?

**J. CAVANAUGH:** Oh, well, that's a tough question. I've asked a lot of questions that kind of swirl around this whole area, but.

**M. CAVANAUGH:** What were some, what, what were some of the top-line thing that--

**J. CAVANAUGH:** OK.

**M. CAVANAUGH:** --were-- you felt were important? You voted for these individuals.

**J. CAVANAUGH:** Right. So questions about just the general nature of the industry, you know, what-- and then what is-- I mean these--

**KELLY:** One minute.

**J. CAVANAUGH:** --thank you, Mr. President. What is-- you know, those oversight questions. But as it pertains to this, whether we're going to have more casinos going forward, how long is it going to take to do this study that needs to be done, whether-- what information you need or whether or not we're going to need-- we're going to be able to complete the study in that sort of time. And I honestly don't remember what his answer to that question was. But there is a conversation about extending the deadline for the study from 2025 to a later date and whether the commission thinks they should issue-- or whether they need more time to push it, push it back to make the-- an informed decision. But really, the question, I think, as it pertains to this is whether or not you are going to make the decision objectively and based on that data or whether you, you were just going to be opposed to any--

**KELLY:** That's your time, Senators. Speaker Arch and Senator McDonnell would like to announce 25 students and alumni from the Futures Program at Boys Town High School in the north balcony. Please stand and be recognized. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you. I'd ask if Senator John Cavanaugh would yield to questions again.

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

**J. CAVANAUGH:** I would love to.



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**M. CAVANAUGH:** Thank you. I don't know if you had a thought to finish. I did have another question.

**J. CAVANAUGH:** Well, yes. So the, the question as it pertains-- I mean, Mr. Galyen is-- was very informative about the general state of the industry. But the question fundamentally that-- for me is and that I ask people is just whether or not you're-- how you're going to make this decision about adding-- whether to issue more permits. Because like I said, some people have, I guess, a dog in that fight where they want more casinos and some people don't want more casinos. I personally think that our objective is to create a, a-- our, our I guess our task is to create an objective standard under which to measure whether a casino-- the market can support a casino, whether a community can support a casino and whether that's what we want. And so I just want to know, when I'm asking these questions, if they are going to objectively look at this and make that sort of decision. There are a lot of questions, I think, about just the-- how you determine the horse industry's ability to support these things. And that is, I would admit, beyond me. I don't have the ability to characterize any information about the nature of the horse industry.

**M. CAVANAUGH:** OK. Thank you. Are there any sort of outlines of qualifications provided for, for this appointment-- not, not for this individual, but just generally for the commission?

**J. CAVANAUGH:** For the commission, I do think that there are criteria that include somebody has to be involved in the horse industry. And I don't know if that's the spot that Mr. Galyen necessarily represents. I know he's listed as an at-large. So there's some geographic requirements and then there has to be somebody who is involved in gaming industry, which I believe we appointed last year, was Mr. Fulton, whose connection to the gaming industry was that he worked for the department that oversees the lottery. So there are some specific requirements, but I don't know if Mr. Galyen necessarily represents one of those or if he's just an at-large member.

**M. CAVANAUGH:** OK. And a similar question-- I, I think you have the materials in front of you. So do they-- I'm, again, assuming, but let's just get clarification. Do they fill out the C1 form and do they fill out-- do conflict of interests?

**J. CAVANAUGH:** They do fill out the C1 form, yes.

**M. CAVANAUGH:** But you don't know about conflict of interest.

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**J. CAVANAUGH:** You know, I think the-- most conflicts of interests, I think are-- I would imagine there's an internal conflict process, but I don't know that for certain about the Racing and Gaming Commission.

**M. CAVANAUGH:** OK. Thank you for indulging me and my questions. Thank you, Mr. President. I yield the remainder of my time.

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

**SLAMA:** Thank you, Mr. President. I'm not going to take my full time on the mike, per the usual, but I've had constituents reach out and I feel the need to kind of explain what's going on here today because they're going what on earth is happening right now? Why isn't the Legislature doing anything? And they're frustrated like I am that we have 90 days in session and we're burning through an entire session day of debate on noncontroversial appointments to the Nebraska Arts Council and now the Nebraska Racing and Gaming Commission. So just a little bit of background on what's going on, like, we've burned through this day already. So I know others will get on the mike and gasp and clutch their pearls about the sanctity of the institution and how dare I say anything. But what's going on is that the far left knows they don't have the votes to block the bills that they want to block, whether it's pro-life, Second Amendment, tax cuts, school funding. If you care about rural school funding, they'd like to block that as well. But more so, they want to make sure we're wasting time so we've got a time crunch to where we're barely getting to the bills to keep our government running. And to me it is a colossal waste of taxpayer time and resources. And again, I know others are going to get in the queue and say how disrespectful it is, but we're wasting time here. We're wasting the time of Nebraskans. My constituents are upset about it. That's why I'm standing up and talking about it. But if you care about any bill that's going to be passed this year and you're participating in this, you can be sure I will remember this colossal waste of time when your bill comes up. Thank you, Mr. President.

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

**ERDMAN:** Question.

**KELLY:** The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Request for a roll call vote. Mr. Clerk.

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**CLERK:** Senator Aguilar voting yes. Senator Albrecht. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Blood voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer. Senator Briese. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements. Senator Conrad voting no. Senator DeBoer. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson. Senator Geist not voting. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Moser voting yes. Senator Murman. Senator Raybould voting yes. Senator Riepe. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas. Senator von Gillern voting yes. Senator Walz not voting. Senator Wayne voting no. Senator Wishart. Vote is 27 ayes, 7 nays to cease debate, Mr. President.

**KELLY:** Debate does cease. The question is shall the-- is the adoption of the committee report by the General Affairs Committee. Senator Lowe waives closing. Request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Blood voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer. Senator Briese. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer. Senator DeKay voting yes. Senator Dorn. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson. Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart. Vote is 36 ayes, no nays, Mr. President.

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**KELLY:** Thank you, Mr. Clerk. The report is adopted. Mr. Clerk, next item.

**ASSISTANT CLERK:** Mr. President, the next appointee is Dennis Lee, also to the State Racing Commission.

**KELLY:** Senator Lowe, you're recognized to open.

**LOWE:** Thank you, Lieutenant Governor. My second appointment or actually reappointment to the Nebraska State Racing and Gaming Commission is Dennis Lee. He worked as a-- as legal counsel to the commission from 1983 to 1987. Originally appointed to the commission on October 5, 1988, he has served as chair of the commission since 1991. He feels serving on the commission has been an honor of his life. There was one proponent again. It was Lynne McNally, who was from the Nebraska Horsemen's Benevolent and Protective Association, the HBPA. She spoke highly in favor of Chairman Lee. Lee's father was a sportswriter for the Omaha World-Herald who covered horse racing and Lee grew up doing every job that existed at AK-SAR-BEN Racetrack in Omaha. And with that, I ask for your green vote on Dennis Lee for his reappointment.

**KELLY:** Thank you, Senator Lowe. Senator Moser, you recognized to speak-- Senator Cavanaugh, for what purpose do you raise?

**M. CAVANAUGH:** The queue has not been cleared since the last item. It needs to be cleared between everything. Each item up before us.

**KELLY:** Would you approach, please? Clear the queue. The queue has been cleared. Turning to debate. Senator Machaela Cavanaugh, you are recognized.

**M. CAVANAUGH:** Am I first in the queue? OK. All right. Well, that was not intentional to prohibit anybody who was in the queue from speaking, but we do need to clear the queue between each item on the agenda and I want to make that clear. I wasn't prepared to speak yet on this issue so I will probably just get myself back in the queue because I do want to speak about this. And I appreciate Senator John Cavanaugh for answering my questions on the previous appointment because I don't know enough about this particular commission. So I'll yield the remainder of my time and get back in the queue. Thank you.

**KELLY:** Senator Moser, you're recognized to speak.

**MOSER:** Thank you, Mr. President. Well, how the nomination system is supposed to work is the Governor has the prerogative to nominate those people that he feels share his view on how the state should be run. So when somebody comes up for nomination to the Arts Council or the Racing Commission, he looks over the people who may apply or people that he personally knows and he picks people who he feels share his views on how government should be run. It's one of the prerogatives of being the Governor. OK, then it comes to the Legislature and it comes to a committee and the committee has these people either appear in person or by phone. And I agree that the appearance by phone is pretty sketchy in this building. I think we do need to look at the technology in the building. We, we spend a lot of time trying to make it look like it did in 1934, but we don't necessarily have-- we haven't embraced the latest technology in being able to do our jobs. But anyway, these nominations go to the committee. They appear in person or by phone. The committee members question these people to see what their qualifications are and what their leanings are on certain issues that are important to the committee. And then the committee either approves the nominee or not, but usually they do and then it comes to the floor. And then for us to take a half an hour or thereabouts for all these nominees is not respecting the prerogatives of the Governor, I don't think. I don't think it respects the committee, certainly the committee system. That's why we have committees to winnow out the bad applicants or winnow out the bad bills and then move forward what the committee wants to. That's why we have the committee system, to look at each one of these individually and ask each other questions about what was said in testimony at the hearing or whatever other things we are asking about. To stall and, and burn time is wasteful. There are hundreds of nominees. There could be 300 or 400 nominees. And if you spend a half an hour on each one, you're going to wind up spending the equivalent of 23 legislative days just doing nominations. And we have important business to do here. And the most important thing we can do is look at the bills that-- the business of the people that we need to get done. And if we spend 23 days on nominations, we're burning time that could be otherwise better used. And I do agree with Senator Cavanaugh, who earlier-- Machaela Cavanaugh who earlier complained about not having the bio information on applicants available. I think that should be available to any senator who wants to see those-- all that data. If this was a city council proceeding, all that would be public records. Public records don't necessarily apply in every instance to the Legislature. But I think in this case, she should be able or any senator should be able to see those and look at it ahead of time. And if there is somebody who is objectionable, if there is

someone who has posted things online that we don't like, then bring that up. You know, that's-- I think that's fair game. But just to stall time, just to burn time so we can't get to the substantive bills, I think, is wrong and I think it subverts the committee system. And I think certainly some senators have business yet to get done here. Some of us maybe have nothing to lose. I don't know. I don't know. But I think we're burning bridges here that are going to make it--

**KELLY:** One minute.

**MOSER:** --difficult to get your things across the line when you stall time and push everything back. I'm guessing that's going to come into play and when your bills get scheduled, it's not my decision, but I'd be worried that, that it would. Thank you.

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

**ERDMAN:** Question.

**KELLY:** Senator, I'll rule that out of order. There's been a motion to overrule the Chair. All members can speak once. There's been a request for a call of the house. 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, 11 nays to place the house under call.

**KELLY:** The house is un-- the house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All members are now present. We will turn to the speaking queue on the motion to overrule the Chair. Every member may speak once. No member may yield time. Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you, Mr. President. I actually was in the queue to talk about the pending nomination so I guess I'm switching quickly on the fly here to prepare remarks in regards to the pending motion to overrule the Chair, which I oppose and stand in support of the Chair's appropriate ruling that there was in fact not full and fair debate. I think-- I did a quick look at the queue behind me on the computer screen. I think there were four or five senators in the queue from different jurisdictions, different geographies, different political ideologies. And I actually appreciated and was listening to Senator

Moser's comments just a few moments ago about the process and the intersection with getting more information about the nominees to the Legislature, how open records and public records rules may come into play with this. And, and I thought it was actually a very interesting and constructive comment in regards to some of that dialogue that this body has struggled with for many years, not just this year, about improving the process for gubernatorial nominees and bringing an equity and inclusion lens to the process as well. And I think that's-- you know, there's really nothing new or surprising about this conversation that we find ourselves in today because even a casual observer of the Legislature knows that those issues, those systemic deliberations, considerations have been ongoing for many years in the Legislature. So I, I want to just kind of reset the narrative in that regard. Additionally, I was going to correct the record for my friend, Senator Slama. I understand that she's frustrated or has a different point of view in regards to how things are playing out this session. But let me be clear, colleagues. We've sat here for two weeks of all-day hearings, as designed by the Speaker, with only check-in agendas. There's been literally no bills. There's been literally no bills on the agenda for over two weeks to take action on. And my friend, Senator Slama, and others who were aggrieved by that process never once filed a motion to reset the agenda, as is their prerogative or ability if they want to hasten things in terms of how the agenda is set or scheduled. So that is how we find ourselves, friends, on day 29 with no bills moving forward. That is the decision of this Speaker, which has been supported by the Legislature as a whole. It's really that simple. Go and look at the record. Check those agendas for the last two weeks that were check-in only, all-day hearings and no bills scheduled. That is why we find ourselves in the position we do today in contrast to previous sessions where you have seen more early movement because you had morning debate to advance bills. I'd ask you to overrule the Chair in relation additionally to the comments that I made previously by suppressing debate, by denying particularly new members an opportunity to learn about the process and the nominees is a disservice to the institution, undermines our oversight abilities and actually is counterproductive. If debate were allowed to proceed as it had on many nominees this morning, it actually would be faster and more judicious in terms of our time together to let the debate carry out. People were having debate about the process, about the nominees. And the nominees we're seeking were securing swift and full approval. And now here we have--

**KELLY:** One minute.

**CONRAD:** --a wrench in the works-- thank you, Mr. President-- yet again because of impatience, because of intolerance, because of an inability to embrace debate in the state's only deliberative body. So with that, I stand in support of the Chair's ruling. There was not free and full debate. We had been just a few minutes in. There were many people in the queue and I rise in opposition of the motion to overrule the Chair. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. I too, rise in opposition to overruling the Chair for many of the reasons that Senator Conrad just stated. The agenda has, every day this week, started with gubernatorial appointments. And I believe that it is extremely important for these to be fully vetted, debated and discussed before voted upon. You do not have to agree with me on that, but to say that this isn't our job, then why are we tasked with doing it? The Speaker has ordered the agenda. You can make a motion to reorder the agenda if you don't like that we are talking about gubernatorial appointments, but as long as gubernatorial appointments are on the agenda, I will be speaking to gubernatorial appointments. I am following the agenda. I am doing my job. And it's very frustrating that people in this body can't be bothered to deal with debate. Again, at some point, we're going to have to take up these appointments. Whether we take them up today, yesterday, tomorrow, next week, I'm still going to talk about them. And if you want to continue to call the question when only two people have spoken and you don't even care about the debate and then make motions to overrule the Chair, you're the ones that are taking up time. You're taking up time. And for the 11 people that voted against the call of the house, again, I did a call of the house this time because we were talking about overruling the Chair, the Lieutenant Governor of the Nebraska-- of Nebraska. We are talking about overruling the Lieutenant Governor of Nebraska's decision in this body and I thought, hey, I bet people would want to be here for this. Kind of a big deal and it is a big deal. It is a big deal to overrule the Chair. It is not a small thing. The people have elected Lieutenant Governor Kelly to be the Lieutenant Governor and as such, he is the President of the Legislature. So the people of the state of Nebraska have decided that it is his role to sit up there and preside over us. And when he deems it necessary or appropriate, he will task someone else with presiding over us. So when we overrule-- we make a motion to overrule the Chair and the Chair is the Lieutenant Governor-- sometimes the Chair will be somebody else, but when it is the



Lieutenant Governor, I hope, colleagues, that you take this very seriously. This is not to say that I won't vote someday to overrule the Chair. I probably will and I will take it seriously and it won't be just because I'm being impatient about floor debate. And honestly, we would have been moved on to the next thing on the agenda. I'm certain, yet again, just like yesterday and the day before and before that and before that, if we didn't get impatient with the debate, if we let the process play out, the process would play out. But instead we keep doing these things to cease the voice of the people in this Chamber. I will be voting against overruling the Chair. I appreciate that the Chair is using his judicious judgment in whether or not there has been a fair and full debate. I might not agree with the Chair in the future, but I do believe that our Lieutenant Governor is working very hard to uphold the integrity of this institution by acknowledging when there is a queue of people that have not spoken and literally--

**KELLY:** One minute.

**M. CAVANAUGH:** --only two people have spoken on an issue, that there has not been full and fair debate. There has not been full and fair debate. Whether you want to listen or not, there has not been a full and fair debate. Stop being so impatient and do your jobs. Thank you.

**KELLY:** Thank you, Senator. Senator Blood, you are recognized to speak.

**BLOOD:** Thank you, Mr. President. Fellow Senators, friends all, it's so nice to see you all in your places with sunshiny faces. So I stand opposed to overruling the Chair and that's because this is the first time I've talked today. I was in the queue. I hadn't planned on talking today, but for some reason, Senator Moser continues to inspire me to get up and speak on issues. So thank you, Senator Moser. I thought it was really interesting when we were talking in reference to the bill, which led to the overruling the Chair, when Senator Moser said that this subverts the committee system when we question appointments. But if you look at the definition of what legislative bodies do and the role that they play in gubernatorial appointments, you'll see that it's a joint process. We're not subverting the committee. The committee's job is basically to filter out what they bring to the floor. And so to be really frank, a lot of people, when it came to Mr. Macy, did not know that he was up for reappointment. And after he was voted to be accepted, his appointment accepted, I was bombarded with emails and text messages that people were disappointed that they weren't aware that these people were being reappointed and they would have shown up had they known. And not everybody has the

ability to know what's going on in the Legislature because we got hardworking folks here in Nebraska and they may have not known how to find that, as Senator Machaela Cavanaugh has said on the mike today. So it's really unfortunate we can't do a better job of informing the public what's going on. And I think it's really interesting that those that talk about subverting the committee are also the same ones that continually pull for these-- vote for these pull motions. Like, I'm guessing we've had more pull motions in the six years that I've been here than they probably had in the previous two decades. I don't know, I haven't counted yet, so I don't know that that's a fact. That's just a guess. So it's interesting how-- you know, it's almost like lawyer speak, right? We hear that on the floor all the time. We'll look at an incident and one lawyer on the floor will say, oh, because of this incident, we absolutely, positively cannot make this-- let this move forward. Well, the other one will say, oh, no, we absolutely, positively have to move it forward because as a lawyer, I think it, it interprets in this fashion. So they're really good at doing smoke and mirrors. I used to harass Senator Hilgers about that all the time. Now we're starting to do it on the floor as well. We'll stand up and say, oh, I would never do that. You're subverting the process. You're ruining the process. Why are you doing this? Or you are doing this is what we're hearing now, which drives me crazy, by the way. It's always with labels too, especially those of you that are on social media trying to make us look more divisive than we need to be. We need to start allowing for debate, real debate. That's our jobs. We need our freshmen senators to speak up. Don't wait for someone to come in your ear and tell you what to say. Speak up based on what we're talking about. These appointments are important. I look at the last three appointments and you can say whatever you like about those people, whether they're nice, not nice, have nice bow ties, whatever. The problem is, is that we've wasted tens of millions of dollars of taxpayer dollars. Your constituents' tax dollars were wasted. We had our most vulnerable Nebraskans fall through the cracks. So to say that when we debate these appointments, we're just trying to slow it down, we're just trying to cause trouble, that is not what's going on. What's going on is we're taking our job seriously, as you should as well. And then we're not going out when we can't get our--

**KELLY:** One minute.

**BLOOD:** --way on something or when we slow something down and you're unhappy with it and trashing you on social media, as some of the other senators are doing in this body. If we're to be true leaders, let's debate, let's do our jobs and let's think about the words that we use

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because words matter. And once you put them out into the universe, you can't take it back. Thank you, Mr. President.

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

**HUNT:** Thank you, Mr. Lieutenant Governor. I, too, wanted to speak about this confirmation report, but I'll, you know, switch the topic to the motion at hand, which is the motion to overrule the Chair. I have basically no problem with anything that's going on here today, whether we're talking on confirmations or those of you who are trying to stop debate and stifle debate. To me, everything is happening according to the rules and also everything's happening in a very predictable way. Nothing is going on here that any of you, from Senator Slama to the Speaker to Senator Machaela Cavanaugh to Senator Danielle Conrad to Moser, no one in this body should be surprised by the way these debates are shaking out. I spoke to the Speaker early in the session-- many of my colleagues did as well-- that this is what we can expect when we burn the first two weeks of session with check-in days, all-day hearings. None of us are together talking to each other. None of us are, you know, able to socialize or have time in the morning to talk about issues that are facing Nebraskans, talking about things going on in our different agencies, going on in our districts. Barely any time to file any motions or amendments or take care of the business we need to do to do this work. And that's fine. That's also according to the rules. That's the prerogative of the Speaker to set the agenda however he wants it to be and I have no problem with that. But the problem isn't people speaking on motions or items on the agenda. The problem is the agenda itself. If we'd like to get to some bills like Senator Slama mentioned, if you'd like to get to the abortion ban-- I think that's getting voted out tomorrow-- you could schedule that the next day for General File and that-- the ink could be dry on that by next week. And then our job will be done here, right? Then you guys can all exhale, unclench and go home because you have done your job. There's very, very few things that we need to do this session. And because we have had so many bills introduced to cut down the civil rights of Nebraskans, that's really what this whole session is going to be about. That's what the whole session is going to be about. Every single item on the agenda is an abortion bill to me. Every single item on the agenda is part of the strategy to protect trans kids in the state to me because all of these things offer opportunities to speak, opportunities to use procedural motions and rules to reorder the agenda, to take time on certain things and to have legitimate debate as well. And I think that, you know, proponents of these hateful, bigoted, anti-Nebraskan bills, which is the majority

of the people in this body because of the people who choose to run for office, for them, that's what the, the session is really about. Those are the goals of this session. And it's hard for them to tell the difference between strategically taking time and having legitimate questions. On the last two items that were on the agenda, there were people in the queue who hadn't yet spoken. There were people in the queue who had spoken many times, but there were people in the queue who had not spoken and who, you know--

**KELLY:** One minute.

**HUNT:** --through a good-faith guess, one could probably think had some substantive things to say. Senator Conrad had some substantive questions and things to say on one of the previous items and the question was called before those could be put on the record. If you are annoyed that somebody keeps taking time on something, fear not, have a Snickers. Go to your office and relax. You know, work on something that you think is more important like banning abortion or hating youth or trans children or whatever it is you want to do most of all. And be assured that we get three chances to speak for five minutes and then we move on to the next thing. All of these things will come to an end. You need to have some patience because these motions and these procedural things that you're doing are actually taking more time. Thank you, Mr. President.

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

**DUNGAN:** Thank you, Mr. President. Colleagues, I rise in opposition to the motion to overrule the Chair. I don't intend to take all of my time that I've been given here today. I don't really have too much to say about this, but I wanted to make a couple of points. I haven't spoken yet today on the mike. And the reason for that is, frankly, I didn't have a lot to say. There weren't a lot of questions I had. There weren't a lot of concerns I had about the nominees. We heard from various people about the qualifications of the nominees. But I will say that as a freshman senator and as somebody who's new to the body, I learned something today. I certainly heard information about these nominees that was helpful and I believe the conversation we had surrounding the sharing of the information from their applications was also helpful. I think that we've had a interesting conversation today. And as somebody who's voting on these nominees, I believe that the conversations we've been having were worthwhile. So I would respectfully push back on the notion that we've been wasting time. I share frustration from time to time that it feels like we don't have

enough time to do our job here, but that doesn't mean that the things we're doing aren't important. I think that people are surprised when they find out that we as senators get 90 days to do a lot of really important work. And it can be frustrating, but again, I think that we are having conversations that are important and are helpful for people like me who are new to this body. So for that, I would just offer that to push back a little bit on the notion that we're wasting time. But I do understand the frustration of those in the body and I also understand the frustration of people at home who are watching this and want to see work being done. I would just propose to those folks that this is work. This is important information so please stick with us. We are going to get to some of the more important bills out there. In addition to that, just with regards to this motion to overrule the Chair, it seems to me that if our Lieutenant Governor rules the call of the question out of order almost immediately, with really no hesitation, that he did it for a reason. I think other colleagues of mine have pointed out that this is a big deal and overruling the Chair should not be taken lightly. And I think that given the fact that there were other folks in the queue who wanted to talk, we should provide them that opportunity. I do believe we have plenty of time to get to other subjects that are important and with, that I would yield the remainder of my time. Thank you, Mr. President.

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

**SLAMA:** Thank you, Mr. President, and no hard feelings for the overrule motion. So I'm glad that this triggered what I think is actually the most honest discussion of the day and we're having feelings about this. I'm not really big on the feelings thing, but Senator Hunt made a great point. She said the quiet part out loud. And I know she says that a lot-- and I'm totally stealing that phrase so sorry about that-- in that to her, every bill is an abortion bill. To her, every bill is a, a fight to protect trans kids, because that's exactly what's happening right now. This isn't a debate that's in good faith and everybody involved knows it. Like, if we're talking about people who are going for appointments who are controversial, who have positions where we need to ask questions and have debate, I'm absolutely for that. At the end of the day, we have hundreds of appointments to handle every session. All of them are critical to the ongoing operation of our government. Yes, they are important. However, bills are important. Passing a budget is important. Discussing the priorities of our Legislature is important. We have to balance those interests. So no, dividing the question on a nine-part Arts Council confirmation hearing is not debating in good faith. Everybody here

knows it. As for impatience, I'm not impatience-- impatient and I sure as heck don't answer to Senator Cavanaugh or Senator Conrad or Senator Blood. I answer to the people of District 1 and you can be dang sure they're impatient for a property tax relief. You can be dang sure they're impatient to have their Second Amendment rights protected and you can be dang sure they want innocent life to be protected. So yeah, I serve them and I answer to them and I'm doing a disservice to them by not doing everything I can in my power-- I'm operating within the rules-- to move this debate along to the priorities of the state of Nebraska in keeping our state government operating. It is responsible government. And that's why I'm putting up a fight because if we just let debate happen, going to be sitting here on our 17th confirmation on the last day of session. So, yeah, we can totally let it naturally happen or we can stand up for our districts and we can call out what we see is happening. Thank you, Mr. President.

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

**J. CAVANAUGH:** Thank you, Mr. President. Well, I rise in opposition to overruling a Chair. I was one of the folks who was still in the queue. And admittedly, yes, I have spoken a lot today on other issues. I hadn't spoken on this nomination yet, but I will give you a little context as to why talking on appointments is important to me. When I was running for-- to be in this place with all of you, there was an issue with the Nebraska Environmental Trust. This was created by the lottery funds in the early '90s and they had functioned pretty well for a long time. There's a, a board. The Environmental Trust is overseen by this body and we appoint members to it. And while I was running, there was an issue with that board that more or less persists to this day where they were doing some things that I-- that were questionable. And so I got really interested in boards and commissions and the amount of money that they give out and this institution's oversight with those. And so you can ask Senator Moser or Senator Bostelman-- Chairman Bostelman about my enthusiasm for questioning members of the Environmental Trust when they come in front of the Natural Resources Commission-- or Natural Resources Committee. But the reason that I think it's important for people on these-- for me at least, to talk about everybody who comes before a committee that I sit on and that we least get a little bit more context is because I have been frustrated to see how some of our boards and commissions have behaved in this state. And they've done things that I wasn't happy with. And so for me, boards and commissions that are giving out the money of the state of Nebraska and doing it in a way that I think is

inappropriate, require oversight. This is our opportunity for that oversight. The questioning at the hearing and the talking about it on the floor; that's our opportunity. So this is important to me and it's important to the people in my district and it's important to a lot of other people around the state in Nebraska. So, yes, everybody here has a priority and it might be a bill and it might be something else. But to some people, the conduct of these boards and commissions is incredibly important and it means a lot to them. And I hear from people about that on the, that-- at least the Environmental Trust, but the Racing and Gaming Commission, which is the one we're now passing over really quickly. And so that's why it's important. These boards and commissions give out money. They give out the state's money. They do things. They're going to regulate a new industry in the state that's going to have a great impact on a lot of your districts. And so drawing attention to that, having that conversation has value. So, yes, we have a lot of priorities. We only have 90 days. We do have to pass a budget. But there is a rule that requires when and how we take that up and so the budget of the state in Nebraska, have no fear. But everybody else prioritizes what they want and people have talked about the Speaker can order the agenda. And actually I told the Speaker himself that, you know, he can reorder the agenda in a way that wouldn't have me talking about these boards and commissions. But I told him that I am committed to talking about them. But don't think because it's not your priority that it's not important and that it should be passed over. So when-- yes, we can have-- a certain amount of debate is appropriate. Maybe dividing the question on of them, admittedly, probably don't we need to divide them up all the time. Some of them maybe do need to be divided up some of the time. I did that on the Environmental Trust when we took them up two years ago. But just because it's not your priority doesn't mean that it's not deserving of more debate than two people. We got to about two people before Senator Erdman called the question on this particular appointment and that is not full and fair debate. It's not appropriate and there is a time to cut off debate. This wasn't it. And so I rise in opposition to overrule the Chair. I think the Chair ruled appropriately.

**KELLY:** One minute.

**J. CAVANAUGH:** Thank you, Mr. President. But again, I just want you all to keep in mind-- I know everybody here-- there's 49 of us-- maybe a few people have overlapping interests and priorities. We've heard about conflicting priorities. But the reason I'm committed to talking about all of these is because I've been frustrated in the past when I

have voted for somebody that I didn't really know what was going on. I voted for somebody that came out of the Government Committee last week. Senator Brewer did a great job talking real fast. And I just said, OK, I'm going to vote for this person. I don't know. And so this is my act of, I guess, courtesy to the rest of you. And I would, I would ask for a return of courtesy; that you're given me a little bit more when we're having these debates, that you give a little bit more constructive criticism, that we have a contextual conversation. But these things are important. These boards give out money from the state. They're acting in your name and so they deserve some sort of diligence from us. Your constituents deserve it. But this is a thing that I care about and that's why I'm talking about it. Thank you, Mr. President.

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

**MOSER:** Thank you, Mr. Attorney General-- Attorney General-- President, let's call it that. I understand your ruling that there was not full and fair debate because it hadn't gotten very far. But I think from the body's perspective that some of this discussion this morning has been-- the purpose of it has been to waste time. And yes, there are legitimate reasons for us to debate nominees. I understand Senator John Cavanaugh's question about the Environmental Trust. The Environmental Trust has given grants to get protected lands for game and for endangered species and various things. But in this one case, they bought ethanol pumps. And some senators didn't think that ethanol pumps were environmental. Some would argue that using ethanol, ethanol is more environmental than burning gasoline. Ethanol is renewable. It has--burns cleaner and it doesn't get as good a gas mileage maybe as, as regular gas, but it's a point of view. And we're all able to give our point of view on those things. And I don't dispute the right of a senator to say that they felt that this money should have gone to setting aside more habitat for animals, birds, bunnies, bees, whatever, versus buying ethanol pumps. I mean, that's a legitimate debate. But this morning, we're having roll call votes on things that are not contentious. They're not-- they've all passed and it's a stall tactic. There's no limit to debate on nominations so you can talk as long as you want. And the only recourse is for senators to call the question. Otherwise, it could go on and on and on. The President said that that motion, the call of the question was out of order because we haven't had full and fair debate. That's his right and probably in the interests of not squashing the minority, it was a good, from his perspective, a good ruling. But I'm going to vote to overrule the Chair because I think we're wasting time, just trying to burn time so



that we don't get to issues that we don't want to talk about. You want to talk about debate, let's get to the real issues and talk about the real issues instead of squabbling about nominees for the Arts Council and various things. Let those committees handle those things. Let's, let's really get down to this substantive debate. Let's talk about medical marijuana. Let's talk about abortion. Let's talk about the budget. Let's talk about the things that are important to people in my district. People in my district are not calling my office and saying they're not getting enough SNAP or they're not getting benefits. People in my district are calling about abortion, the budget, property taxes. Those are things that my constituents are concerned about. Thank you.

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

**KAUTH:** Thank you, Chair. I would like to point out the hypocrisy of some of what's going on. On Day 9, a sine die was-- motion was made to shut down all debate for the entire session. So when we get up and talk about we're silencing debate, I think that's very disingenuous. That's all.

**KELLY:** Thank you, Senator. No other names-- no other-- no one else in the queue, Senator Slama to close.

**SLAMA:** Thank you, Mr. President. I will be brief in my close. I did not come to this Legislature to spend 90 days onboarding committee confirmations. I did come here to discuss and debate the serious issues facing our state. If you came here for that purpose, I'd encourage you to vote to overrule the Chair and end debate so we can move along. Thank you very much.

**KELLY:** Thank you, Senator. The question is, shall the Chair be overruled? All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

**CLERK:** 31 ayes, 11 nays on the motion to overrule the Chair.

**KELLY:** Thank you, Mr. Clerk. The Chair is overruled. Senator Lowe, you may close-- the question before the body is shall, shall debate cease? Request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting no. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator

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Floor Debate February 15, 2023

Rough Draft

Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson. Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne. Senator Wishart. Vote is-- Senator Hunt voting no. Vote is 33 ayes, 10 nays, Mr. President, on cease debate.

**KELLY:** Thank you, Mr. Clerk. Senator Lowe to close. Senator Lowe waives. The question is the adoption of the report offered by the General Affairs Committee. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 42 ayes, 0 nays, Mr. President, on the confirmation report.

**KELLY:** The committee report is adopted. Mr. Clerk for items.

**CLERK:** Mr. President, Senator Machaela Cavanaugh has a motion to be printed to reconsider the vote to advance Dennis Lee's appointment to the State Racing and Gaming Commission. Additionally, name adds: Senator Briese to LB52; Senator Machaela Cavanaugh to LB199; Murman to LB274; Wayne to LB389; Dungan to LB610. Finally, Mr. President, a priority motion. Senator Lowe would move to adjourn the body until Thursday, February 16, 2023, at 9 a.m.

**KELLY:** You've heard the motion to re-- huh? You've heard the motion to adjourn. All those in favor say aye. All those opposed say nay. We are adjourned.