

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

**KELLY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forth-fifth day of the One Hundred Eighth Legislature, First Session. Our chaplain today is Bruce Phillips from Neligh in Senator DeKay's district. Please rise.

**BRUCE PHILLIPS:** Let us pray. Almighty God, you rule all the peoples of the earth. Thank you for the opportunity to gather here as this governing body to do the work that you've called us to do. Inspire the minds of all women and men to whom you have committed responsibility of government and leadership in this state, people who have been elected by the people of Nebraska to do this important work. Give to them the vision of truth and justice, that by their counsel, all people may work together across party lines. Give to the people of this governing body zeal for justice and strength and forbearance that the people of Nebraska may use our liberty in accordance with your gracious will. God, our Father, to your-- in your wisdom and love you have made all things. Bless these men and women, that they may be strengthened to do all the things that you have called them to do for good, to best take care of what you have blessed us with. Bless these folks, bless our state, and bless our country. In the name of Jesus Christ, we pray. Amen.

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

**HALLORAN:** Please join with me in the pledge. I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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

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

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

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

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

**ASSISTANT CLERK:** Mr. President, there are. Your Committee on Natural Resources reports LB565 to General File with amendments attached; and a notice of committee hearing from the Revenue Committee; an amendment to be printed to LB243 from Senator Briese. In addition to that, a

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Floor Debate March 15, 2023

couple of announcements. First of all, the Government Committee will hold an Executive Session this Thursday following their afternoon hearing, and also the Executive Board will hold an Executive Session at 10:00 under the north balcony this morning. That's all I have at this time.

**KELLY:** Thank you, Mr. Clerk. Senator Lowe would like to recognize our physician of the day, Dr. John Jacobsen of Kearney. Please stand and be recognized by your Nebraska Legislature. Speaker Arch, you are recognized for a message.

**ARCH:** Thank you and good morning, colleagues. As promised, I want to announce the Speaker priority bills this morning. You do not have to write these down as I-- as I read them. We'll be handing around a handout with those identified, those listed. So. I do want to read them into the record, though. Just as a note, I received 99 requests for Speaker priorities for 25-- for 25 that I can provide, so difficult decisions had to be made. I believe that was a record number of requests for Speaker priorities, but there were many good bills. So I will now-- I'll read them-- I'll read them into the record. And, and as I say, there'll be a handout come around right after I get done here. So let me begin. LB11, Senator Blood, change provisions relating to domestic abuse protection orders. LB78, Senator Day, redefine massage therapy under Massage Therapy Practice Act. LB138, Senator Geist, adopt updates to federal law relating to motor vehicles and motor carriers, change provisions of the Motor Vehicle Operator's License Act, and change civil penalties. LB206, Senator Von Gillern, change provisions relating to the taxation of partnerships. LB220, Senator Ibach, change provisions relating to the Board of Pardons' powers and duties and required notices to crime victims. LB276, Senator Wishart, adopt the Certified Community Behavioral Health Clinic Act. LB286, Senator Walz, provide for confidentiality of physician wellness program under the Uniform Credentialing Act. LB296, Senator Ballard, adopt the Pet Insurance Act. LB298, Senator Linehan, require collection and reporting of information regarding dyslexia in schools. LB308, Senator Bostar, adopt the Genetic Information Privacy Act. LB314, Senator Fredrickson, require firearm dealers to provide information on suicide prevention and require training on suicide prevention under the Concealed Handgun Permit Act. LB335, Senator Halloran, adopt the Health Care Staffing Agency Registration Act. LB387, Senator Linehan, change provisions relating to income tax rates. LB388, Senator Linehan, change provisions relating to sales taxes. LB426, Senator Riepe, change the number of judges on the Nebraska Workers' Compensation Court. LB462, Senator Conrad, redefine a term under the Middle Income Workforce Housing Investment Act.

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Floor Debate March 15, 2023

LB465, Senator Moser, change the allocation of fees for operators' licenses and state identification. LB580, Senator Holdcroft, change provisions relating to agricultural and horticultural land receiving special valuation. LB585, Senator Hughes, change a duty of the State School Security Director and require behavioral and mental health training for certain school personnel. LB630, Senator McKinney, provide a duty to the State Department of Education and require a school board to adopt a written dress code. LB647, Senator McDonnell, change provisions relating to the purchase and loan of textbooks for children enrolled in kindergarten to grade 12 of a private school. LB664, Senator Riepe, provide powers and duties for the State Medicaid Fraud Control Unit and the Attorney General. LB671, Senator Hansen, at the request of the Governor, allow the Nebraska Training and Support Cash Fund to be used for retention of existing employees of Nebraska businesses. LB757, Senator DeBoer, change requirements for applications under the Nebraska Crime Victim's Reparations Act. LB799, Senator DeBoer, change judges' salaries. Those are the 25 Speaker priorities for this year. Thank you, Mr. President.

**KELLY:** While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR56, LR57 and LR58. Mr. Clerk, for items.

**ASSISTANT CLERK:** Mr. President, the first item for consideration this morning is LB775, offered by Senator Lowe. It's a bill for an act relating to Nebraska Racetrack Gaming Act; to redefine terms; change powers and duties of the State Racing and Gaming Commission; repeal the original section. Bill was introduced on January 18. It was referred to the General Affairs Committee. That committee advanced the bill to General File with committee amendments attached. The bill has been considered previously, at which time the committee amendment was divided into two components. The first division was the larger portion, and excluded LB232.

**KELLY:** Senator Lowe, would you offer a two-minute refresh, please?

**LOWE:** Certainly. Today I'm reintroducing and reintroducing LB775, the General Affairs Committee priority package for your consideration. This package originally contained four bills, LB775, LB772, and LB773, and LB232. With the division, LB232 will come later. So we're just talking about the first three bills. LB775 was brought at the request of the Racing and Gaming Commission. Since the voter initiative passed in November of 2020, we have had two years with the large substantive bills to set up necessary framework for the commission to properly oversee the growth of some horseracing and casino industries here in

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Floor Debate March 15, 2023

our state. LB775 has some tweaks to these laws that were expected as these specific issues didn't come up until late last year. LB72 is a Senator Aguilar bill. It's to redefine the term of gross proceeds for the purposes of the Nebraska County and City Lottery Act. LB73 to change provisions relating to authorized uses for County Visitors Improvement Fund. Thank you, Mr. President.

**KELLY:** Thank you, Senator Lowe. Mr. Clerk, for a priority motion.

**ASSISTANT CLERK:** Thank you, Mr. President. Senator Machaela Cavanaugh has moved to bracket LB775 until May 17.

**KELLY:** My understanding is that Senator John Cavanaugh has been authorized to open on that.

**J. CAVANAUGH:** Oh, thank you, Mr. President. How much time do I have on that motion? Is this--

**KELLY:** 10 minutes.

**J. CAVANAUGH:** Oh, this is the actual motion, not the refresh on the motion. Great. Thanks. I'm very excited about it. So, well, I, I, well, I'm going to first say I rise in support of LB775, and all parts of the division for the reasons Senator Lowe talked about. So, you know, the-- what happened is the voters approved casino style gaming at authorized horse racetracks in the state of Nebraska by ballot initiative in the election in 2020. And then the Legislature had the obligation to create regulations around that. And Senator Briese, when he was chair of the General Affairs Committee, did-- went through a great effort and came up with some great regulations that have gotten us moving. And actually some casinos have opened in the state of Nebraska, being one in Lancaster County, the Lincoln Racehorse-- Racecourse and Casino, and has, I think, been going really well. But then, of course, through that process we've learned just a few small tweaks, you know, we learn by doing. And so we've learned a few things that need to be changed. And that's what I think originally LB775 did, was just kind of make a couple of changes. And I actually think that there was a subsequent bill that has another change that Senator Lowe brought as well. It's not part of this package, and I wonder if we'll talk about that at some later date, and get it into the package. But then the other parts of this separation are Senator Aguilar's bills, one of which-- it was a bill Senator Aguilar brought last year that came out of the committee 8-0, and again, just didn't have time to get considered by the Legislature. And it would allow places like, I think they call it like the turf lounge or something like that at a

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

racecourse, that charges for premium seating during their events or, you know, whatever. I guess they just special part of the facility they charge for, so people can get maybe a reserved seat or something along those lines. And they can't offer keno in those facilities because the way the law has been written is that if they did that, then the entire payment at the door, the admission price, would have to go to the lottery fund. And so those places like Fonner Park just don't offer keno in those rooms. And I think, if I recall, I've been to Horsemen's Park once or twice in Omaha. I think they have a similar room and I assume they don't offer keno in there, but they didn't come and testify on this. But so what happens is folks come and go out of that room and go out to the general area and purchase a keno ticket and then, you know, come back and do it again. And so this will just allow for them to sell them and have-- probably have a TV screen in there that has the keno game on it and not have to forfeit that premium ticket that they sell for that specific room. So that's, you know, a good idea. Something Fonner Park has asked for a couple of times. And again, there was no opposition to that. And Senator Aguilar's now brought that at least twice since I've been here. And so that's a big part of this bill. And then another section of that, this AM, is the section that would allow some of the-- I think it's local. I could probably find it here. This one's a little bit more confusing. The County Visitors Promotion Fund can be used to improve facilities in which parimutuel wagering is conducted if such facility also serves as the site of the State Fair. So it's another one of those things that kind of-- has come up since we moved the State Fair out to Grand Island. I think we had to authorize specifically in the bill last year, or two years ago, to allow casino gaming at the State Fair-- on the State Fairgrounds, because Fonner Park is there. So this is just, I guess, a small technical thing. But what it is, is the county-- Hall County, I think, has this fund and they use it a lot for things like the livestock shows and upkeep of those facilities for where the animals are going to be and they're not allowed to use it for any upkeep on the facilities of Fonner Park because of parimutuel wagering. But because those facilities I think are also dual use for the State Fair, I think it's a good idea to allow them to invest some more money in the upkeep of those facilities. And so I think that's kind of generally all of the sections of the AM we're talking about. But since I've got time, I can talk about the other AM that, that we may or may not get to which is-- was originally the bill was LB332 I think, or LB323-- 33--LB232. There we go. I know it had those combination of numbers, LB232 which is originally my bill, which I brought now a couple of times. And the first time I brought it did get to Final Reading and has not yet passed into law. But this is a more

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Floor Debate March 15, 2023

restrictive version than that one even. So, this is --would allow for purchase-- for, for a keno operator to offer the sale of keno tickets on a mobile platform. So through an app on your phone, if that app has been approved by the state, has age verification, has geofencing, and all that's been demonstrated to the satisfaction of the Department of Revenue, and then they can sell up to \$200 a day for a person. So it limits the dollar amount, limits the geography, it has age verification requirements, and essentially is something that the keno industry has been asking for since the adoption of casino gambling, because they are concerned about casino gambling when fully implemented, undermining the, the keno lottery funds, which yesterday I spent some time talking about how much revenue that generates for things like police cruisers in Omaha, parks in Norfolk, I think fire trucks in Lincoln. And so it goes to a lot of community betterment is what the projects are called. And so that's what they-- what, what, what they're looking for there. And I think the constraints we put on that and the \$200 limit in a day, per-- on the app was a compromise that was suggested by one of the opponent testifiers during the hearing. I think they suggested about a \$500 daily limit. And so we decided to go a little bit further and put that limit at \$200 to make sure that people can't just sit there and continue to take money off of their debit card and put it on there. So that's generally what that is. How much time do I have, Mr. President?

**KELLY:** You have 2:55 and you are next in the queue.

**J. CAVANAUGH:** Oh, fantastic. You know, I might get out of the queue since I didn't know I was going to get to talk this long on this first chance-- just a second. So I think that sums up the bill itself. As the bracket motion, it looks like it's bracketing to May 17, which I guess I don't know why that date was chosen. I would note that 5/17/23, you a-- you could add the first two numbers up, and it equals the-- no, it doesn't. I'm sorry, adds up to 5-- to 22. So not even that, that, that interesting factoid doesn't exist. Well, Mr. President, I will yield the remainder of my time and let the next person in the queue speak. Thank you, Mr. President.

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

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, since we're all kind of meandering around today, I hope many of you are listening. I stand opposed to the bracket, but in favor of the underlying bill and its amendments. But I want to kind of bring forward some receipts today where I've been listening to the discussion outside of the brackets and the bill and heard some things

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Floor Debate March 15, 2023

that I want to address. And then I'm going to read you an email that I received to show you what the results are of some of the things that we say on the mic and on social media. Now, Senator Moser talked a little bit about how our more moderate Republican senators have left and been replaced with more conservative Republicans. I'm going to change that narrative. I don't think they were necessarily moderate senators. I think they were reasonable senators. They were reasonable in the way that Senator Brandt is where he's willing to talk to you about it, look at both sides and make a decision based on the information, not based on his party. We have a lot of people-- I'm sorry, I'm having trouble because I have so much noise next to me right now, that I'm having trouble thinking straight. So I, I would like to say that we need to start picking our words more wisely. We know that during this filibuster, email blasts are going out to constituents, and blame and finger pointing is happening based on party. Yesterday, Senator Arch talked about sides. Now, Senator Arch didn't really mean sides, because I went over and clarified that with him. He meant people were disagreeing, individuals in this body. So when we use words like sides, when we use words like conservative and liberal and woke, and by the way, I don't even know what the hell woke means. Do you? Because I hear it described in so many different ways, always as an insult. All I know is that I'm here to do the people's will, and I'm here not to label people by their party or what they believe or don't believe. I'm here to get things done. But when we go on social media and we point fingers and we demonize each other, guess what happens? Emails like this-- and I'm getting back in the queue in case I don't have time to finish. Democrats believe that humans are basically stupid and evil, and that they need superior minds and the government to control, direct and supplement their everyday lives. Republicans believe that humans are basically good and will rise to the challenge, accept responsibility, overcome obstacles and achieve their own greatness if given the chance. This is the basic dichotomy of the Democrat and Republican Parties, and all opposition between them springs from this. If you are honest, you'll admit it freely. Democrats, especially in Nebraska, are determined to block every conservative premise brought before them, most recently by filibustering every single bill that comes up. Democrats such as you are pretending to care about children whom you want to continue to murder and undereducate and physically mutilate for your own self-promotion. You neither know, you neither know nor care what happens to those mothers who callously or painfully abort their children, nor the children who grow up who are not educated enough to compete in today's, much less tomorrow's, world, nor those who turn to self-mutilization only to take advantage of a patient's anguish and

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Floor Debate March 15, 2023

confusion for profit, because it enhances your own political position. You resent any challenge to your agendas, which is not only to keep people dependent on government, but to force more people onto government dependence while telling them that you are fighting for their freedom. The only freedoms you believe in is freedom from responsibility for choices made, freedom from faith--

**KELLY:** One minute.

**BLOOD:** --not only in themselves and what they can become, but from any taint of religious faith, and freedom from the education of centuries of history, science and psychology. And all the while, you insist that you are standing up for people's rights and comfort yourself with that erroneous thought. I'm going to put a pin in this because I'm still in the queue for-- to talk again. I'm going to finish reading this email and I want to have an honest discussion about what's going on here outside of the filibuster. Thank you, Mr. President.

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

**McKINNEY:** Thank you, Mr. President. I rise opposed to the bracket motion, but I support LB775 and AM856. And I rise, honestly, just to talk about the expansion of gambling in our state. I think, you know, regardless of where you stand on it, I think we are-- if we were being honest prior to it passing on the ballot initiative, gambling was happening in the state of Nebraska. And if it wasn't happening here, at least in Omaha, Nebraskans were just going across the river just about five or ten minutes away from my district. And, you know, I think it's important to note that our state has to become a little more open-minded. It's not to say to forget your-- whatever your values are, or whatever you stand for, but I think, you know, becoming more open-minded because I believe our state is becoming more open-minded, which is why the ballot initiative passed. I strongly believe if we had a ballot initiative on medical marijuana a couple of years ago it would have passed, too, because I think Nebraskans are becoming more open-minded. And we all must, must become more open-minded because we can't stay stuck in the past and stuck in the dark ages. We can't be the state that's always the last to the party. Not to say we always have to be the first, but we can't just always be the last and not willing or be open to listen to new things, and modernize ourselves as a state, because we have to figure out a way to grow this state from every corner. So that means we have to retain our talent, but we also have to be attractive as a state for individuals that will like to leave wherever they live. And I think it's important

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

to think about when we get on the mic, when we introduce bills, when we make stances about whatever issues that we stand for. Is this good for the state? Is it actually good for the state or is it good for just you and the people that you, you know, surround yourself with? You know, I'm not a gambler myself. I really don't like gambling. It's, it's not for me, but I'm not somebody's parent. If somebody wants to, I hope they do it responsibly. I hope it doesn't become a problem. But I don't think we are supposed to police grown adults about what they should and shouldn't do with their lives. It's just-- doesn't make sense to me. But I just firmly think that the ballot initiative on gambling showed that Nebraskans are more open-minded than we like to believe. And what is reflected sometimes in, in polls and ballots, and not-- well, really just polls, honestly. You always hear mentions about polls, and the data shows this or the data shows that. And then you have something like this happen or you have people say, my constituents don't like this or that. And then you see a overwe-- a, a overwhelmingly majority of the state is open-minded to this. It's not to say those concerns from those that may be against gambling weren't valid, but it's not a-- we have to be fair and we have to listen to the masses and not just a majority all the time. We have to-- no, a minority-- but just be open minded is kind of my biggest message for everybody within this state. And I don't care where you stand on the political spectrum. Just be open-minded, open your minds, see, see things that you may not have, you know, looked at. No matter the issue, try to look at things from multiple lenses because I think that could shape how--

**KELLY:** One minute.

**McKINNEY:** --we craft legislation and how we push policies within this state. If you're not open-minded, you kind of overlook-- you will overlook some things, I believe, if you just have a one-track mind. Try to be open-minded as much as possible. It's not to say what you believe in is horrible or wrong. I'm not here to say that. But I'm just saying, as a state, and as a body, we have to get more open-minded, because it's very much needed. Thank you.

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

**KAUTH:** Thank you, Mr. President. I rise opposed to the bracket motion, but I wanted to take this chance to let people know that I have some resolutions at my desk. The first one is for Millard South girls basketball team who won State. The second one is celebrating Officer Tu Tran, who is here in Lincoln Police Department. He did two water rescues in the span of six months. And then Senator Jacobson also has

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Floor Debate March 15, 2023

a resolution celebrating the high school counselor of the year. So they're at my desk, if anyone wants to come and sign them before I turn them in. Thank you. And I yield my time to, I believe, Senator Blood.

**KELLY:** Senator Blood, you have 4:20.

**BLOOD:** And thank you, Senator Kauth. I'm going to continue on with the lovely letter that many of us got in our email: But I don't judge you for your perceptions nor your beliefs. I don't judge you at all. I understand you and your premises, no matter how erroneous and ultimately cruel they are. Believing the way you do does not make your reb-- you rebels, nor warriors. It makes you sad and frightened, angry and rebellious children who demand control of others to feel all better about yourselves. You cannot stop feeling passionately instead of thinking rationally. It would be great if you could and would come to realize the error of your ways. But as long as you keep standing in each other's corners and self-perpetuating these beliefs, you harm not only your constituents, but yourselves. And I truly pity you for that. I would encourage you to stop this ridiculous filibustering. But I know that you are not only in favor of it, you are pushing and encouraging those senators who do it to try and slam through your opposition in any way that you can. How great you could be if you would only open your eyes and stop following the angry, snarling downward path that leads to the enslavement of others to socialism. I pray for your soul that you come to understand the glories that humans can achieve, are built to achieve, but true-- with true freedom, personal responsibility, firm purpose, hope, faith, and knowledge of their abilities instead of forcing them into the mold of desperation, fear, unhappiness, dependence, ignorance, government compliance, and supervision. Oh, but she did a lovely ending, by the way. Very sincerely yours. And I won't say her name because I don't have permission. But she is the Cherry County GOP chair for Cody-- in Cody, Nebraska. And so I bet you wonder how I responded. How do I respond to emails like this? Do I start talking about my party? Do I start talking about how they're wrong and shouldn't have a view? What do I respond? I'm going to read my exact response from my email. Here's my email: I'm unsure why you would send me such a cruel email. I would never speak to another human being in that fashion, regardless of their party or who they are. Friends, for those of you who are listening and not making constant noise in the background, friends, what we say on the mic, how we say it, what we say in social media and how we say it makes a difference in how our body functions. If you believe otherwise, we need to have a discussion. We have become a body the last few years where we have leadership, or people who claim to be

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Floor Debate March 15, 2023

leadership, putting negative things on social media. And there are no cons-- no consequences, because we don't have any policy in place in Nebraska. And when I keep talking to our leaders, I say, why don't we have policy? Why are there no consequences for people's bad behavior? Oh, it's really difficult to know, like--

**KELLY:** One minute.

**BLOOD:** --how far to take it, if we can get it done. Well, I got news for you, friends. You don't got to real invent the wheel-- reinvent the wheel. Other states do it. Why? When we don't want to do something, we make it sound like rocket science. Because it ain't. It is not. All we do is show that we are unenthusiastic and unempathetic, and we're going to let people do whatever the heck they want, when they want, no matter who they hurt or how they hurt this body or how they hurt how this body functions. And quite frankly, I am sick and tired of it. I am sick of politely going up to people who claim to be the leaders of this body. And I'm not talking about Senator Arch, by the way. I just want to throw that out there. But members of our Executive Board, I am sick and tired of asking them to step up to the plate and do their jobs. Don't appoint people to put together policy if you're not going to follow up on it. Don't appoint people to do policy if you don't really give a darn.

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

**BLOOD:** If you're true leaders, step up to the plate, disallow this finger pointing. Disallow these hateful comments. Hold them accountable. Censure them. What I hate are the people that are truly cruel, who then flit around and act like they're a social butterfly-- butterfly and that they've done something positive that's good either for your party or your cause. When did we become that body? I think back to people like now past Senator Paul Hartnett, who represented the Bellevue area for years, who had great poise, who was here for the right reasons to represent all Nebraskans, not his party, not special interest, but for the betterment of all Nebraskans. Now we have people trying to take down this beautiful one-house system known as the Unicameral, where the people are the second house. Which is why I try to answer myself all the emails that I get, not my staff. When did we lose that? When did we start participating in what's going on at the national level? We know why it happens, right? They want us to be divided. If we're divided-- it's a strategy, friends. If you believe otherwise, it just isn't true. If we demonize the other parties, be it the Dems do it to the Republicans, or Republicans do it to the Dems, or Libertarians, or whatever party you identify with, when you

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

demonize people and their party and their beliefs, it makes it easier for you to hate and it makes it harder for us to get stuff done. We have control of what happens in here. We don't have control of what happens outside of here. When are we going to step up to the plate, work together as a group, as a team, put policy into place and say, this is going to stop? We're not going to do this anymore, because frankly, I'm sick and tired of it. And to those of you that keep sending me posts from senators that I've blocked, I don't represent these senators. They're not from my district. According to the ACLU, I can block them. I don't want their horrible text in my thread. I don't want to open up my Twitter account and look at it and see some hateful comment about another senator or about a group that's trying to help people. I'm not in high school. If mean girls or mean guys want to do that stuff, they're on their own. I don't have the capacity for deal with that stupidity and I'm not going to deal with it. So you may not know this, but we actually made local news a couple weeks ago because of that stupidity and they made fun of us. And guess what they referred to? High school, because that's the kind of things that are going on right now. We have decorum that we need to better address. We are here, most of us, because we worked our butts off, and some of us did it for a lot less money than some of the others spent. We didn't come here because we wanted to push forward a personal agenda. We came here because we wanted to be the voice of our district, get things done. And until recently, I've been very successful in getting things done. I'm not pointing fingers and I'm not pointing blame, and I am not judging, unlike this letter that says she's not judging and truly is. I'm saying that we can do better. We have the capacity to do better. When are we going to do better? So what's going on is the result of all of these things that have happened. And like it or not, Senator Cavanaugh has the right to do it.

**KELLY:** One minute.

**BLOOD:** But the filibuster isn't our problem. The filibuster is the underlying disease that has infected this Legislature. And until we truly address it and actually show leadership, it is never going to change. Thank you, Mr. President.

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

**J. CAVANAUGH:** Thank you, Mr. President. So I, again, rise in opposition to the bracket motion that I introduced a minute ago and in favor of AM856 and LB775 and the package as a whole. But first, I wanted to point out just for everybody that today is March 15, which

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

is called the Ides of March. And I mentioned this last year. But, you know, we all can think of the animosity around here sometimes and how bad things are. But just remember that Julius Caesar was stabbed in the back 60 times by his friends. So when you're on the floor of the Senate, you could think this is not the worst Senate floor that I could be on on March 15. So I just wanted to remind everybody, it's all about context and perspective. Could be worse. But I wanted to take an opportunity to continue to talk about the importance that the keno funds have to our local communities. And so, you know, I, I think I originally told you the reason I got interested in this particular issue is because of the testimony specifically of Ralston, the city of Ralston, and their dependence on keno funds to help, you know, fill their budget. I'm trying to see if they have-- if Ralston has a specific set out here, but I guess not finding it. But they came and testified at the original casino gambling regulations hearing and they talked about how much keno revenue they generate from Ralston Keno and how important it is to them and then their proximity to the potentially opened-- or, well, soon to be open now racetrack casino in Omaha at Horsemen's Park. It was about six blocks, I think, away from Ralston Keno, maybe seven blocks. And so they're worried about how it's going to affect the city of Ralston. Because the way the keno fund or the casino funds work, part of it goes to the state property tax fund, part of it goes to the county, and part of it goes to the city in which the casino is located. And the casino will be located in the city of Omaha, not the city of Ralston. And so they won't get that specific city allocation. And so-- here we go with Ralston. So for gross keno wagering in the city of Ralston is \$31 million in the year 2022. So that's the gross keno wagering. They get some-- I think they said it's about 9 percent of that ends up being the money that comes back to the city. So you could say just shy of \$3 million is what they're bringing in. But that is just, I guess, the most glaring example of what will happen with casino gambling across the state being opened in these specific locations. There's a finite amount of entertainment dollars that people can spend, and that's ultimately what gambling is. It's a form of entertainment that people spend, you know, choose to spend that money, whether they are spending it to-- trying to win, or they just want to play the game for fun. But there are a finite amount of those dollars. But those casinos are going to be located in at this point, six communities in the state and potentially others as well. But if you have casinos that are going to draw people from the region around them, away from other forms of entertainment, and that's really the interest here, is to try to help these communities across the state maintain some of the funds that they will count on from this program as these other competitive forms

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

of entertainment show up. And so a city like Ralston is very concerned about that. But I would imagine that other cities-- I mean, North Platte, \$5.6 million. I know North Platte is interested in--

**KELLY:** One minute.

**J. CAVANAUGH:** --getting a casino, thank you, Mr. President, but they are not currently on the-- not currently have one. And they are west of Grand Island and Hastings, where the most western casino was going to be. So they potentially will lose some of-- some of that revenue and I think would be interested in an opportunity to keep that. Kearney, \$9.5 million. Again, Kearney is not going to have a casino, the casino's in Grand Island, and then there potentially will be one in Hastings. And again, so Kearney stands to risk, risk losing a substantial portion of that \$9.5 million in gross wagering. Again, would be about \$1 million, I think, if you applied the 9 percent to that. So that's really what this is about, is helping those smaller communities that rely on this heavily for these public good projects to keep some of that revenue here as they are facing increased competition for those entertainment dollars. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Mr. Clerk, for an item.

**ASSISTANT CLERK:** Thank you, Mr. President. Just a reminder that the Executive Board will be holding an Executive Session at 10:00 under the north balcony.

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

**HUNT:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. This morning, Senator Riepe filed an amendment on the abortion ban to make it a 12-week ban. So that's an interesting amendment I would like all of you to take a look at. And the really funny thing is it's AM626 to LB626. I wonder how many times that has happened. It's kind of interesting. My reading of the amendment, it doesn't have an exception for rape or incest, but I have to-- I just started reading it. So we'll see what's going on with that, and what Senator Riepe's plan is with that amendment. Yesterday, I spoke to a reporter, a national reporter, one of the-- you know, what Senator Machaela Cavanaugh is doing here has gotten a lot of national attention, finally, rightfully so, on this Legislature. In my time here, I've always thought it was, was interesting that the national press, and the national, kind of, political conversation didn't put more light on what we do here in Nebraska because of our unique system, it's a really interesting laboratory, honestly, for democracy,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

and with our sort of tradition of independence, and political independence, and even kind of the libertarian streak that we have here in Nebraska among our, our neighbors. Anyway, I always thought it was an interesting laboratory to see what's going on in Nebraska versus the rest of the country. And this conversation I had with this reporter made me think a little bit more deeply about that throughout our conversation and over the last day. It, it wasn't evident and clear to the reporter, and it became obvious to me, which I didn't realize that she didn't know this, that Nebraska is a very moderate state. And the issue is our Legislature is so much more conservative than the average Nebraskan is. And when people who are from like the national press are only paying attention to the national conversation in politics, or they only see what's happening in Congress, when they think about red state, blue state, they think about Texas and Florida versus Massachusetts and California. They don't think about what I would warmly call the normal states, kind of in the middle, that are not doing the most radical things. And that has typically been Nebraska. You know, we're not the first to adopt stuff. We're not always the last to adopt stuff. We always kind of fall in the middle politically, both politically and in terms of taxes and quality of life and all of these kinds of rankings of things, you know, kind of in the middle. Not doing much splashy things. But the reporter I was speaking to had no idea about the legislative history around anti-gay, anti-trans, an-- you know, we've never even touched the trans issue before, any kind of legislation that would touch the trans population. But that was not evident to her because if you were to only pay attention to the national conversation around this issue, you would see that this has been a hot button topic in red states for over a decade. In the middle of our interview and our conversation, she kind of cut me off, and she was like, hold on, Nebraska has never had like a bathroom bill or something like that? And I said, no, we have never had a bill in Nebraska that would, you know, segregate trans people out of the appropriate restroom, or anything like that. So in Nebraska, this is--

**KELLY:** One minute.

**HUNT:** Thank you, Mr. President. This is literally the first time we're having this conversation. I was reminded of Senator Kolterman, who many years ago introduced a bill to, you know, I'm going to get it 20 percent right. But it had to do with gay adoption. And it was a bill either banning or making it more difficult or having some negative impact on the ability of gay people in Nebraska to adopt. And he introduced this bill. It failed. It didn't move forward, obviously. But Senator Kolterman then later came to really regret introducing

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

that bill, and he spoke about that. And I mean, this is a conservative Republican. And I also think this is a person who kind of represents the median Nebraskan, you know, conservative guy from a small town. I'm from a small town myself. I was raised in a conservative Republican Christian household. And--

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

**HUNT:** Thank you, Mr. President. I'll, I'll just continue and finish this thought. And these people, the average median Nebraskan, this is not an issue that actually matters to them. This has nothing to do with their daily quality of life. It has nothing to do with anything that impacts them typically in their course of going about their business every day, and that's what the reporter didn't realize. I think that this national reporter I was talking to thought that kind of red states are going to red state. You know, Nebraska is a conservative state. So, obviously they've probably been having the culture wars for a decade-plus now and they've been fighting this back and forth. And it's normal because that's what we see on Tucker Carlson and Fox News. And that's what's happening in Texas and Florida and Alabama and Mississippi. So certainly Nebraska has been going through the same thing. And everybody knows this. No, not the case. We have never in Nebraska had bills like this. And when bills were introduced, like the bill Senator Kolterman introduced to ban gay adoption, it not only failed, the introducer came to deeply regret even going there. So it is not typical in Nebraska to go there. And that's why this is such a big deal around what Senator Kathleen Kauth is doing with the hateful, bigoted bills that she has introduced in her first foray into introducing legislation on this floor. As an appointee, she has chosen to introduce bills that sanction discrimination, that are pro-discrimination, that cut down the self-esteem and rights of children and the families that support them. And anyway, I will continue to, to talk about the impact of Senator Kathleen Kauth's choices this year, but the fact is, no one told her it wasn't a great idea. And that's what's so different about this year. That's what all of you conservative leaders in this body have failed to do. That's what Sen-- Senator-- Speaker Arch has failed to do. And that really shows how far we've gone. And the reporter asked me, what do I think this means for the rest of the nation? Like she's going to publish this story in some national outlet. I don't even remember which one, because so many of them have been paying attention to what Senator Cavanaugh is doing and what's going on in this body that we've actually gotten a lot of press requests. And I don't remember which one this was. But her question was, why should the rest of the country care? Why would people in another state read this story

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

and pay attention to what's going on in Nebraska? And I think it goes back to that thing I said about how we've always been a middle of the road, minding our own business type of state. And the fact that our moderate state is now embroiled in the same culture wars that have engulfed the rest of the country is a really bad sign. I think it's a signal that we're really kind of going down the tubes. And I agree with-- hold on. I agree with Speaker Arch completely yesterday when he said-- when he said that he would never prevent a senator from introducing a bill, he would never prevent a senator from prioritizing a bill. That is obviously true. He, he accused nobody specifically but just said that this would be stifling speech, to say to, to Senator Kauth something like, you can't introduce this pro-discrimination, hateful bigotry. And of course, nobody would say you can't do that. No one would say don't introduce that. What we would say is--

**KELLY:** One minute.

**HUNT:** Thank you, Mr. President. --look at the priorities that this body has made known this session: abortion ban, bathroom bill, trans healthcare ban, all aimed at children, all aimed at families, and all aimed at hurting the economy that we have in this state. And all grist for the mill in the social war or the-- what's it called? The culture war. And, you know, it could be some bills that you just learned off Tucker Carlson and said, that sounds good. Maybe I'll be able to get on TV and I'll introduce this. So nobody would ever tell Speaker Arch or Senator Kathleen Kauth, who has introduced such bigoted bills, that they shouldn't introduce the bill or that it shouldn't-- they shouldn't prioritize it. You know, it's un-- it's nobody's prerogative to tell them what they can and can't do.

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

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

**KELLY:** Senator Bostelman has some guests in the north balcony, fourth graders from St. Wenceslaus Elementary, Wahoo, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. The ten stages of genocide. Genocide never just happens. This is from the Holocaust Memorial Day Trust. There is always a set of circumstances which occur or which are created to build the climate in which genocide can take place. Gregory H. Stanton, president of Genocide Watch, developed the Ten Stages of Genocide, which explains the

different stages which lead to genocide. At each stage, at each of the earlier stages, there is an opportunity, an opportunity for members of the community or the international community to halt the stages and stop genocide before it happens. The stages. One, classification. The differences between people are not respected. There's a division of us and them which can be carried out using stereotypes, or excluding people who are perceived to be different. Two, symbolism. Symbolization. This is a visual manifestation of hatred. Jews in Nazi Europe were forced to wear yellow stars to show they are dif-- they were different. Three, discrimination. The dominant group denies civil rights or even citizenship to identified groups. The 1935 Nuremberger laws-- Nuremberg laws stripped Jews of their German citizenship and made it illegal for them to do jo-- many jobs, or to marry German non-Jews. Four, dehumanization. Those perceived as different are treated with no form of human rights or personal dignity. During the genocide against the Tutsi in Rwanda, Tutsis were referred to as cockroaches, and the Na- the Nazis referred to Jews as vermin. Five, organization. Genocides are always planned. Regimes of hatred often train those who go on to carry out the destruction of a people. Six, polarization. Propaganda begins to be spread by hate groups. The Nazis used the newspaper Der Sturmer to spread and incite messages of hate about Jewish people. Seven, preparation, Preparation-- prep-- preparators. Perpetrators, I'm sorry, planned the genocide. They often use euphemisms such as the Nazis' phrase "the final solution" to cloak their intentions. They create fear of the victim group building up armies and weapons. Eight, persecution. Victims are identified because of their ethnic or religion and death lists are drawn up. People are sometimes segregated into ghettos, deported or starved. And property is often ex-- expropriated. Genocide massacres begin. Nine, extermination. The hate group murders their identified victims in a deliberate and systematic campaign of violence. Millions of lives have been destroyed or changed beyond recognition through genocide. Ten, the last stage, denial. The perpetrators or later generations deny the existence of any crime. The Ten Stages of Genocide.

**KELLY:** One minute.

**M. CAVANAUGH:** I want us to have a debate on these bills, and I want us to take a vote on these bills. And I want a record for the history of this genocide, for those who stood by it, for those who had an opportunity to change the course of history, the direction in which we are moving as a state and as a country. I want a record. I want the bloody hands recorded. This is a genocide. This is an assault on a population of people because they are different from you. That is it. And I want a record.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

**KELLY:** That's your time, Senator. Senator Hunt, you're recognized. And this is your-- to speak and this is your third opportunity.

**HUNT:** Thank you, Mr. President. I also would like these anti-trans bills to come up and be scheduled on the floor. And I think they need to be killed. There's a couple paths we could take. Speaker Arch could just not schedule the bills where they would sit and perhaps come up again next year. Although the way this is going, we can probably expect fresh bills to get introduced next year if this fails. So it could either just not get introduced, and then it stays on the docket for next year, or we introduce it and we kill it. And a couple of you might have to fall on the sword. A couple of you might be-- you know, have your deeply held entrenched ignorance. There are many of you who have been willing to, to learn about trans healthcare and how it actually works and how the process actually happens for young people in Nebraska. But many of you have made up your mind based on things you see on Fox News, which aren't based in any kind of, you know, medical information or research or anything that actually reflects the way people live. But I think that if you look at the facts and you look at the way trans healthcare actually works in Nebraska, you look at what it means to the young people who are able to access it. You know, the way some of you talk about it, I feel like you think, you know, Senator Kauth called it a social contagion, which is also language used in genocide honestly. I'm not going to-- I'm not trying to like throw gasoline on the fire and say, let's talk about genocide. But I agree, that is what it is. It's the same language that, that's used in genocides. It's the same type of imagery. It's the same type of rhetoric. Calling people part of a social contagion is disgusting language, comparing them to a disease. And being trans is not a disease and no child is, is made wrong. They're all exactly who they should be. But anyway, I think many of you think that kids go on Tik Tok or Instagram and they're scrolling and they learn about people who are trans and they go, oh, maybe I'm that. Or they think I'm a tomboy. I like wearing pants. I like trucks. Or it's a boy who thinks, oh, I like pink. I guess I'm open-minded. Maybe I'm trans, too. I think you guys think that's how it works, to hear you talk about it. To hear the testimony that we heard in committee, to hear some of you talk about it, you think it's a fad. You think it's a-- that being queer or being trans is something that kids learn online and then they want to do it. And one of the reasons people like Senator Kauth have said they think this is true is because there are more and more out LGBTQ+ kids, young people, or people in their twenties than when they were growing up. So they think, well, this is proof that it's a fad. It is not proof that it's a fad. It's just proof that people are more affirmed and cared

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

for in their real identities instead of being discriminated against and, you know, persecuted like they used to be. It's not a sign that people are learning to be trans from the Internet. It's a sign that they have more affirming and accepting communities. And that's because so much ignorance around this issue has been dissipated over the last several decades. And that's a really good thing. That's what's saving lives. That's what's making it so trans kids know that they can have a future, that they can get married, and have a job, and have a family, and go to college, and be just like everybody else, and that they're not going to have to, you know, hide who they are or suffer horrible consequences, like being rejected by their family and their community--

**KELLY:** One minute, Senator.

**HUNT:** Thank you, Mr. President. And that's all that means. It doesn't mean that more people are trans. People have always been trans. If you look back through history, there's records of trans people going back as long as history has been recorded. So it is not a, quote, social contagion, unquote, which is disgusting, hateful language, very bigoted language from Senator Kathleen Kauth. And furthermore, you know, when, when a person decides to transition, that's not an easy process. It's not that they see it on Instagram and then they tell their parents and their parents go, OK, we'll let you decide whatever you want to be. And then we're going to go to the doctor, and they'll give you surgery, and you'll take hormones for the rest of your life. It doesn't work anything like that. It's extremely, extremely serious. I would like to speak more about this, but I, I would not want to truncate my remarks because I know I'm about out of time since I got the one minute warning.

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

**HUNT:** There you go. Thank you very much, Mr. President.

**KELLY:** Senator Machaela Cavanaugh, you're recognized, and this is your third opportunity, and then you'll have your close.

**M. CAVANAUGH:** Thank you, Mr. President. This is from the Holocaust-- the United States Holocaust Memorial Museum titled Gays and Lesbians, Introduction. As part of the Nazis' attempt to purify German society and propagate an, quote, Aryan master race, end quote, they condemned homosexuals as socially aberrant. Soon after taking office on January 30, 1933, Hitler banned all gay and lesbian organization. Brown-shirted storm troopers raided the institutions and gathering

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

places of homosexuals. While this subculture had flourished in the relative freedom of the 1920s, Nazi tactics greatly weakened it and drove it underground. Later, a harsher revision of paragraph 175 of the Criminal Code went into effect, making a broad range of lewd and lascivious behavior between men illegal and punishable by imprisonment. The revision of paragraph 175, however, did not ban sexual acts between women. Therefore, lesbianism, while not condoned, did not face the same persecution as male homosexuality, and very few lesbians were arrested or punished. The following bibliography was compiled to guide readers to materials on the Nazi persecution of gays and lesbians that are in the library's collection. It is not meant to be exhaustive. Annotations are provided to help the user determine the items' focus, and call numbers for the museum library given in parentheses following each citation. So here is a list of resources around the Nazis target-- targeting homosexuals during that time in Germany. It is 26 pages, 26 pages of resources talking about Nazis targeting homosexuals. Again, colleagues, I want to vote on these bills. I want your vote on these bills. There is never a good time, an easy time to do good, but it is always a good time to do what is right. It is always the right time to stand up against hatred and bigotry. And it is definitely always the right time to stand up against genocide. I want a vote on these bills. I want your vote on these bills. I want your record for the history of genocide in this country against the LGBT community, specifically the trans community. I want a record. And the people of Nebraska, the trans people of Nebraska, the trans citizens of Nebraska deserve a record. They deserve to know without a question who supports their genocide. And I'm going to make sure that this doesn't end. I will spend the remainder of my four years reminding the people of this state--

**KELLY:** One minute.

**M. CAVANAUGH:** --who supported genocide, who voted for the eradication of trans people in this state, starting with children. You're starting with children. I am continuing to get lots of response about this. People who are supportive, people who are frustrated. The interesting thing is that 90 percent of the people that expressed frustration do it in such a vitriol-ridden way. Not everyone, but most feel that it is OK to malign and attack someone who is standing up for children.

**KELLY:** That's your time, Senator. Senator Briese announces some guests in the north balcony. They are seniors at Central Valley Public High School, Greeley, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you are recognized to close on the bracket motion.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I just got out-- I want to acknowledge that I got-- I received a gift yesterday, and you're going to see me using it now. And I want to thank Senator John Cavanaugh for the opera glasses so that I can read the queue. Apparently, I complained about it enough that he took action and got me some opera glasses. So I will be using those. And if anybody in this area needs them, they'll be right here on my desk. So I just want to say thanks to Senator John Cavanaugh. That was very kind and thoughtful of him. OK. Bracket motion. I'm closing on the bracket motion, and kind of like thinking, oh, do we want to get to a vote on the bracket motion today, or do we want to pull it and move on to the next bracket motion? And I think, I think I'm going to go ahead and have a page come up and, and, and grab this from me. So just one moment. And so, I don't know, a couple of years ago, I was filibustering the budget by myself. And so I was speaking in 25-minute increments and doing handwritten motions, etc. And I don't know if any of the pages here today were here then, but every single page took a turn coming to my desk. That's how many motions I filed that day. And there was one page by the end that kept getting out of the rotation and didn't come to my desk. And so then it became like this game, like, can I get that page to come to my desk in rotation, because I know you all rotate your seats. And so it was like, nah, you can't jump the queue of the rotation. And so it was just an odd, silly thing and a memory from back then. I will withdraw my motion. Thank you.

**KELLY:** OK. Motion 74 is withdrawn. Mr. Clerk, for a priority motion.

**ASSISTANT CLERK:** Mr. President, Senator Machaela Cavanaugh would offer a bracket motion to May 18.

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

**M. CAVANAUGH:** Thank you, Mr. President. So yesterday-- I will periodically continue to discuss the genocide that this body is attempting to perpetrate on the trans community. But for now, I am going to go back to where I left off yesterday in reading Mr. Wallen's deposition. This is the deposition of Matt Wallen, who was the director of Child and Family Services for the Univer-- or for the University-- for the state of Nebraska. This is from the lawsuit when PromiseShip lost the bid for the Eastern Service Area child welfare contract to Saint Francis Ministries and PromiseShip sued-- --excuse me, sued. And, and so Mr. Wallen was deposed. And so I'm going to start with question. So your re-- your recollection is that the protests caused one of three original winning bidders to ultimately not be a winning bidder? Correct? Mr. Cox [PHONETIC]. I object to the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

form of the question as to the cause. Witness. I guess-- I don't know why one of those three-- I don't know if there was the protest or what ultimately led to the three not being awarded that were originally noticed by Mr. Ken--, by Mr. Kenny [PHONETIC]. Question. So my question is to-- to you is whether the CEO was involved in the ultimate decision as to who the three managed care vendors would be for the state of Nebraska? Mr. Post: I object to foundation. Mr. Cox [PHONETIC] And to form, as to what involved means here at this point. Mr. Kenny [PHONETIC]-- by Mr. Kenny [PHONETIC]. Question. Do you understand the question? Answer. Can you restate the question? Mr. Kenny [PHONETIC]. Can you reread it, please? The request for a portion of the transcript was read back by the court reporter. Mr. Cox [PHONETIC]. Same objections, foundation, vagueness. The witness. My recollection, recollection is that there was a procurement that was run and that it was-- went through the state's procurement process and the CEO would not have the ability or capacity to pick a winner or loser. It would have been the procurement process. Whoever scored the highest points in the procurement would have been identified as the winner of the procurement by Mr. Kenny [PHONETIC]. Question. So is it your testimony, then, that the CEO had no input into who the winning bidder was in the managed care procurement? Mr. Post: I object to form and foundation by Mr. Kenny [PHONETIC]. Question. If you know. Answer The CEO did not score those bids. Question I understand. My question is whether the CEO had any input into the final selection. Mr. Cox [[PHONETIC] Same objections. The Witness. No, she wouldn't have had input into that by Mr. Kenny [PHONETIC]. Question. So what you-- what-- so we've talked about your-- my question, my original question, is your involvement in procurement. So you have mentioned the 2017 case management services that was procured during your time as chief of staff, correct? Answer Yes. Question. And then I believe you said you had some awareness or involvement in the employee for services procurement, is that correct? Answer. The Employee-- employment First Service contract. That's correct. Question. And you were aware of the Heritage Health procurement, but not involved in any way. Is that correct? Answer. That's correct. Question. Any other procurements during your time as chief of staff? Answer. Not that I can recall. Question. When you became division director, then, did you have any-- strike that. As division director, do you have any responsibility with respect to procuring services for the division? Answer. Yes. Question. What is that responsibility? Answer. To ensure that the division has an appropriate service array of services that provide the appropriate services to families and children that come into the care of the department. Question. During your tenure as division director, could you estimate how many procurements of services from private vendors

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

you're aware of or had any responsibility for? Answer. I would say somewhere between 10 and 15 procurements, and likely, I would say 30 to 50 contracts or sub awards in the child welfare arena, and sub awards with, gosh, probably over 90 counties for child support enforcement services on part of the IV-D program. That's the federal program that supposedly we were going to draw down bunch of money from but never happened. Question. Mr. Wallen, with respect to the 30 sub awards for child welfare and-- strike that. With respect to the 30 or so sub awards in child welfare, are those competitively bid contracts? Answer. When I started, they are obviously going back to 2017. They're not competitively awarded. They are basically given on, I would say, a need basis of who can provide services and meet the needs of children and families in a particular service area. So they were not competitively bid. We have moved over the last two years to a competitive process, so we would-- we have competed, competed or run an RFP, or an RFA, or an RFQ for a whole host of different services. Question. OK. Was that your decision to begin competitively bidding those sub awards for child welfare services? Answer. Uh-huh. Yes. Question. Why did you make the change? Answer. We wanted to improve outcomes and we wanted service providers to provide in response to RFPs what services they could provide and what outcomes they could achieve. The full intent and purpose of running an RFP was to improve outcomes for children and families. Question. And in your view, the competitive bidding process will help in that objective of improving outcomes? Answer. Yes. Question. With respect to the 30 or so sub awards in child welfare that you mentioned, you started competitively bidding those. Are those procured through DAS or DHHS in terms of managing the procurements? Answer. Some are managed through DAS, and some are managed through DHHS, our own procurement shop. Question. And you mentioned another category of procurements, I believe, at the beginning of your comments. As division director, there have been 10 or 15 procurements. Is that correct? Answer. Uh-huh. Mr. Post: Make sure you answer, verbalize instead of uh-huh. The witness. OK. Mr. Kenny [PHONETIC]. Question. And of those 10 or 15 procurements, Mr. Wallen, did HH--DHHS manage the procurement on those, or DAS, or was there a mix? Answer. It was a combination. Question. What are the-- could you describe what types of procurements the division will procure itself through DHHS procurement versus DAS, when you decide to have DAS manage their procurement? Answer. It usually depends on workflow and-- workflow and I guess scope of services or complexity of the actual procurement. Question. How do those factors weigh? In other words, you have DAS manage the larger scope, more complex procurement. Answer. That's correct. Question. Are you aware of any material differences between DHHS procurement process and DAS procurement

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

process? Answer. No. Question. And what is that objective? Answer. To run a fair and an open competition for services. Question. In cases where DAS or your division is asking DAS to manage the procurement, could you describe how that request is made by the division to DAS to manage a procurement? Answer. Our division works with our central support procurement unit, which I referenced previously, and we would explain that to them, what services we desire to procure. And they would ultimately decide on their resources and complexity and availability and workflow whether that's something they had the capacity to run in-house or whether they would utilize the Department of Administrative Services to provide those services to run the procurement. How much time?

**KELLY:** 1:22.

**M. CAVANAUGH:** Thank you. Question. Is there a formal request that your division would make to DAS to run a procurement? Answer. Between the two procurement shops-- I am not sure how they directly communicate. We take our needs to our Department of Health and Human Services procurement shop and say, this is what we need, and this is what we want to procure.

**KELLY:** One minute.

**M. CAVANAUGH:** And then ultimately they decide whether, you know, if it's something they have the capacity and the resources to do or not. And they would have the main point of communication between the Department of Administrative Services. Gonna stop there for now. And colleagues, I keep being told by people that, that people in the body think that I'm going to get worn out or tired and then things will move. That's not how this is going to work, but keep hope alive that I get worn out and tired. But that's not how this is going to work. Thank you.

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

**SLAMA:** Thank you, Mr. President. And good morning, colleagues. I definitely was not planning to speak today. I'm not participating in this filibuster. But when we have things said on the floor that rise to such a level of ignorance that I consider to be dangerous, we need to call it out as a body. Senator Cavanaugh got on the mic and said, quote, This body is attempting to perpetrate a genocide. And then compared the actions of Senator Kauth and anybody who thinks we should be protecting girls' sports or preventing children from gender mutilating surgeries to Nazis. So let's take a second and find the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

Oxford Dictionary definition for genocide, the deliberate killing of a large number of people from a particular nation or ethnic group with the aim of destroying that nation or group. That is what Senator Cavanaugh is saying that LB574 and LB575 are. Now, I don't know if this is just deliberate ignorance, or if she's trying to say something spicy to get back on Rachel Maddow, but if you are participating in this filibuster and you are not immediately condemning what she is saying, you are complacent in an erasure for the millions of lives lost to genocide, and you are helping her spout some of the most offensive nonsense I have ever heard spoken on the mic on this floor. Now I'm sitting back, and someone will have to talk me down from this, because if we don't have censure for stuff on the mic said like that, I don't know why we have a censure motion in the first place. So I will be talking to the Speaker about it. But as soon as you get up on the mic and try to compare what this legislative body is doing to the murder, the systemic murder of millions of people whether they be Jews, Jehovah's Witnesses, Rwandans, victims of socialism, victims of communism, I am beyond words right now. Because that is a level of ignorance that is unacceptable of an-- in an elected body. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Hansen announces some fourth graders from Guardian Angels Centric-- Central Catholic, West Point, Nebraska, in the north balcony. Please stand and be recognized by your Nebraska Legislature. Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you so much, Mr. President, and good morning, colleagues. I'm sorry I didn't have an opportunity to hear all of the deliberations this morning as I had a meeting to attend to this morning, and then had the opportunity to welcome some schoolchildren from my district at St. Pat's and the incredible healthcare professionals across the state that are visiting in our Rotunda today to talk about provider rates and key issues in healthcare facing our hospitals, our nurses, our doctors, our long-term care facilities. And it was definitely important and meaningful to hear from those on the front lines about the challenges they're facing and about how the lack of attention and investment from this body thus far is making their work so much more challenging and impacting what's been an excellent provision of healthcare in our state for generations that much more challenging. So I know many colleagues are having those same conversations with representatives from their district, and, and I hope that we really carry those forward and into heart. I just want to rise to provide some additional information in regards to this ongoing point of contention and debate that Senator Cavanaugh, myself, Senator Hunt, and others have brought forward in terms of the frustrations

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

with the process and the frustrations with the priorities that certain members of this Legislature have identified and continue to double down upon. I just got notice in my inbox a few moments ago that the Education Committee will be execing on an anti-trans sports bill this morning with a new amendment, with very little, if any, information and notice to digest that. So we'll be taking that up in a few moments. And I think it really points to the fact of how misplaced the Legislature's priorities have become. Colleagues, please know this, that as members of the Education Committee, of course, myself included, we have yet to exec or deliberate on the Governor's major education package, and other senators' key issues and ideas regarding to education that impact every single district in this state and are the exact kind of great debates that we should be having. So the Education Committee has prioritized having Executive Sessions on anti-trans sports measures, and has yet to take the time or give the attention to the major educational package that the Governor has put forward and that different members are weighing in on. So it proves Senator Cavanaugh's point, I think, yet again, a new day, another clarification, another affirmation of the point that she is making. Instead of focusing on key issues like education and education funding that impact each and every one of our districts now and for generations to come, the Education Committee's rushing forward with a last-minute Executive Session on Senator Kauth's bill that's been prioritized by the Chair of Appropriations, Senator Clements, to bring hateful, harmful, anti-trans measures into our schools. So this is where we are, and I think that those actions speak for themselves. I'll be voting against those measures, but wanted to telegraph that to the, the larger body. Senator Slama is trained as a lawyer and I understand awaiting her, her bar results. But I know that she is very adept at her work in this body. And I know through that training she knows as well--

**KELLY:** One minute.

**CONRAD:** --that there can be-- Thank you, Mr. President-- no punishment for words spoken thereto. That is a core tenet of free expression in our rules, in our Constitution, as protected under the umbrella of the First Amendment. And political speech, no matter how hateful or harmful you find it, is afforded the highest protection. The Speaker has been clear in that regard in his comments to this body as well. So the remedy for speech you find distasteful, Senator Slama knows, is more speech, where you stand up voraciously and say why you disagree, or why you disagree with the speaker. The remedy is not punitive in nature, and that is clear in our rules and in our constitutional protections which extend to each of us. Senator Kauth his made

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

comments on the campaign trail and otherwise comparing COVID protection--

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

**CONRAD:** --to the Holocaust, so let's be clear about the false-- the false, outrage--

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

**M. CAVANAUGH:** Thank you, Mr. President. Thank you, Senator Conrad. I actually have seen the conversation around these bills being compared to genocide in a lot of academic formats, a lot of public formats. And I did not hear outrage when Senator von Gillern talked about taking guns away, and comparing it to Nazis. So let's just be consistent in our outrage, shall we? But that's fine. I mean, I don't really care. People can be outraged by what I'm saying. I'm not trying to get on national anything. I don't care. I only even accept interviews because I think it is important to give the people impacted by these hateful pieces of legislation hope. I want them to see and hear from someone who is advocating for them and for their lives, for their safety, for their health, for their well-being. And I don't-- I don't mind being criticized for that. That's fine. I don't have an ulterior motive beyond trying to give people hope. So that's why I accept interviews when they are offered, and they work for my schedule. And I will continue to use my platform and my voice to elevate this conversation as high as I can. These bills harm children. There's a whole myriad of things that are wrong with these bills from a policy standpoint. But none of that really matters. I can make the policy arguments to you all, and you don't-- you don't care. You don't care that you are inconsistent in your views on government. Big government versus small government. You do not care. If you did these bills wouldn't go anywhere. If you were consistent, these bills wouldn't go anywhere. So I'll just call the genocide the genocide. This is what it is. These bills are steppingstones in the eradication of trans Nebraskans. And voting for them is voting for a steppingstone in genocide. If you are uncomfortable with that, then you should reflect on that. You should reflect on that. I welcome having that conversation with each and every one of you. Thank you, Mr. President.

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

**SLAMA:** Thank you, Mr. President. And good morning again, colleagues. I just really wanted to briefly address Senator Conrad's comments. I know she's been in this body before, so she should know these rules by

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

now. When it comes to immunity from civil or criminal liability, yes, there is legislative immunity for things that happen in our official capacities. We could not be held responsible for things like defamation, saying fighting words, anything along those lines. If we're in the Legislature, we're immune from prosecution for our words said on the mic. However, and Senator Conrad knows this, and she's either gaslighting us or she's forgotten it, which is kind of sad and unfortunate, is that you can be held responsible for every damn word you say on this mic. You can be expelled. You can be censured. Or you can have an official reprimand by the Executive Board. Those three options are available to this body any time, any place, anywhere. So just to give everybody a refresher at home as to what the procedure is, yes, we can absolutely censure Senator Cavanaugh for saying that we are-- for saying that, quote, we are perpetrating a genocide by even considering LB574 and LB575, and I'm still working on pursuing that option. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Machaela Cavanaugh, you're recognized. This is-- and this is your third opportunity, and then you'll have your close.

**M. CAVANAUGH:** Thank you, Mr. President. I welcome the use of the rules. Oh, I withdraw my motion.

**KELLY:** Bracket motion 76 is withdrawn. Mr. Clerk. Senator Walz, you're recognized to speak.

**WALZ:** Thank you, Mr. President, and good morning, colleagues. This has been a pretty tough year so far and we are only halfway through. One of the things that as a new senator most frustrated me was the lack of time that we spend as a body talking about the overall goals and the overall plans that we have for Nebraska and what issues are really most important to the majority of Nebraskans. And honestly, I've always been like a goal-oriented person and very intentional with my thoughts and my actions, always very goal oriented. So it's been pretty hard for me personally, it might not be hard for, you know, everybody else, but for me personally, it's been pretty hard not to have a picture of an overall plan with intentional goals and intentional objectives to aspire to. Again, that's me personally. It's difficult when we as a body don't at least have a vision that we can look to as a whole for Nebraskans, and it just seems so disjointed. So a few weeks ago I pulled out the Nebraska Blueprint plan, because really, that's the only plan that we have available to look to. And I really started digging into-- to the Blueprint plan. It's been unfortunate, I think, in my opinion, that this plan has been placed on

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

a shelf, and we haven't really pulled it out and talked about it, at least in the last four years that I've been here. So I thought today I might spend a little bit of time, I thought it might be beneficial to share some of the goals of that plan with you. And maybe it would be a way for us as a body to refocus on what's really important to Nebraskans. I think what I'm going to do, though, is start with the history of the Blueprint plan for those of you who have not read it or are not familiar with it. And it starts out describing Nebraska. It says that Nebraska is a strong and resilient economy. There's a lot of things in here that I didn't realize. With 1.9 million and this was done in 2019, I think, so the numbers may increase or decrease, but 1.9 million unemployment-- people. Unemployment stands at 2.9 percent, tied for the ninth lowest in the nation. It has a strong education system that powers the labor market, ranking number 6 among state education systems, and 4 in the country in high school graduation rates. Nebraska is blessed with unmatched land resources. Farms and ranches occupy about 91 percent of the land, 45.2 million acres. And it leads the nation in beef exports, 1.26 billion. Here's something I didn't know. Nebraska is number two in the U.S. for production of hay and pinto beans. I had no idea. And leads in ethanol. Across all states, we rank number 5 in total agricultural GDP. Nebraska's physical location is at the heart of the United States.

**KELLY:** One minute.

**WALZ:** The heartbeat of America, as the Chevy commercials say, making it the national hub for the rest of the country. Nebraska is the natural-- Nebraska is the natural conductor for the flow of goods across the country because we are a two-day drive to major cities on the East Coast, the West Coast, Mexico and Canada. We are positioned to be the center and the key state for transportation, communication, and distribution for the rest of the country. And I'll stop there and I'll get on later and talk a little bit more about the Blueprint plan. Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. And just to provide a counterpoint or a little bit more information in regards to the historical context for how this body has provided punitive measures to members when they have abdicated their duties or otherwise. Let, let's be clear. There-- this body has not utilized expulsion, reprimand, censure in regards to words spoken. That, that is not pattern and practice, custom, tradition, usage in this Nebraska Legislature or most legislative, deliberative bodies because of the apex, apex of protection that comes

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

with political expression. And if even a cursory look, a quick Google search will show you that the Nebraska Legislature has used these types of accountability measures, punitive measures, appropriately, sparingly, because it disenfranchises and undercuts the will of the people to select their representatives to conduct their business on their behalf. I mean, just, again, doing a quick Google search, there, you know, have been very extreme examples in the very recent history of the Nebraska Legislature in regards to Senator Groene, in regards to Senator Kintner. None of those types of punitive measures were entertained seriously by this broad body or brought forward. And the way I read it, looking at it quick, a World-Herald story that detailed some of the history of accountability or punitive measures that the body has utilized, they've really only, I believe, censured one member in modern times decades ago for actually taking a bribe in regards to their position. So let's again return the debate to reality. Let's bring a little bit of clarity to the situation before us. If Senator Cavanaugh chooses to conduct her deliberations with words that she finds to be appropriate, that is her choice. And the body does not need to bring forward, and should not bring forward, and it raises serious questions if they do bring forward punitive measures to silence her in regards to the content of her speech. That in fact would be viewpoint discrimination. That would be anathema to our free speech tradition, values, and laws. So with that, thank you, Mr. President. I just wanted to add that additional point to the record for clarification. Thank you.

**KELLY:** Thank you, Senator. Mr. Clerk, for a priority motion. Items first.

**ASSISTANT CLERK:** Thank you, Mr. President. Series of items. A listing of the Speaker's priority bills as it was announced this morning (Re LB11, LB78, LB138, LB206, LB220, LB276, LB286, LB296, LB298, LB308, LB314, LB335, LB387, LB388, LB426, LB462, LB465, LB580, LB585, LB630, LB647, LB664, LB671, LB757, LB799). Committee on Health and Human Services reports LB181 to General File with committee amendments. Notice of committee hearings from the Judiciary Committee, Urban Affairs Committee, Retirement Systems Committee, and a second one also from the Urban Affairs Committee. Amendments to be printed: Senator Riepe to LB626, Senator Brewer to LB138, Senator Machaela Cavanaugh to LB749, Senator Brandt to LB61. Gubernatorial appointments, a series of recommendations from the Transportation and Telecommunications Committee. And that's all I have at this time. As mentioned, Senator Machaela Cavanaugh would move to bracket LB775 until May 19.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

**KELLY:** Senator Machaela Cavanaugh, you are recognized to open on the bracket motion.

**M. CAVANAUGH:** Thank you, Mr. President. Well, this is a fun turn of a conversation, and I love a good conversation about rules. And it's always important to pay attention to the rules. So that's great. I am not going to apologize or walk back my comments. This is a genocide. Voting for it is participating in the genocide, the eradication of a specific population of people, a vulnerable population of people. So there you go. On May 13, 1979, the Wherry Room was named. That's the room that we-- is our temporary senators' lounge. History-- and that's named after Kenneth S. Wherry. History Nebraska has, quote, Homo Hunting, end quote, in the Early Cold War: Senator Kenneth Wherry and the Homophobic Side of McCarthyism. This [INAUDIBLE] citation, Randolph W. Baxter, "Homo-Hunting" in the Early Cold War. Article summary. During the 1940s, as the medical-psychological establishment changed, and fears of sexual, quote, perversions, end quote, in America grew markedly, these fears spilled over into the political realm as the anti-communist, anti-liberal and anti-New Deal factions in Congress incorporated aspects of America's existing homophobic culture into their rhetoric and platforms. Joseph McCarthy and his fellow Nebraska Republican, Kenneth Wherry, figured prominently in this historic movement. Oh, there's a picture. Oof. Gosh. Look at that. Homo Hunting in the Early Cold War. Throughout the 1940s, as analysis by the medical-psychological establishment changed, and as the upheavals of the Depression and Second Wor-- World of-- World War began to be felt in society, fears of sexual perversion in America grew markedly. These fears spilled over into the political realm as anti-communist, anti-liberal and anti-New Deal factions in Congress incorporated aspects of America's existing homophobic culture into their rhetoric and their platforms. Well, this sounds like a very Groundhog Day-- incorporated aspects of America's existing homophobic culture into their rhetoric and their platforms. A widely perceived notion that political subversion was paralleled by sexual subversion laid the groundwork for anti-homosexual purges of civil-- civilian federal workers, which began in earnest in the winter of 1950, and continued throughout the Cold War. The era's linkage of conventional masculinity with national security became a model that socially conservative politicians continued to employ against perceived threats to American society well into the 1990s. I'm gonna pause in the article there and just note, seems like this is having a revival of perceived threats. Back to the article. Who would save the nation from the homosexual threat? Joseph McCarthy may come first to mind for his highly publicized early Cold War anti-communism, but rumors of his own

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

homosexuality may have prevented him from directly attacking gays in the State Department and other federal agencies. Leader of the charge to rid the federal government of homosexual security risks, an event soon labeled the pervert, pervert purge, was another U.S. Senator, McCarthy's fellow Midwestern Republican, Kenneth Wherry of Nebraska. Homosexual security risks. That's bananas. But it's-- apparently was a real thing. Wherry's persistent inquiries into loopholes in federal employment safeguards eventually became an embarrassment to the Truman administration at a time when rising fears of domestic subversion provided a powerful political brick bat against the Democrats. Who was Senator Wherry? And how did he come to complement McCarthy's anti-communist crusade? Kenneth Spicey-- Spicer Wherry was born in 1892 on a farm in Pawnee County, Nebraska. He joined his family business in the farming town of Pawnee City, and eventually took over the Wherry mortuary, car dealership, and dry goods store. Angered by the big government policies of Roosevelt's New Deal, he entered politics in the 1930s. A popular champion of small businesses, he quickly became one of the new Republican Young Turks, rising to become state GOP chairman in 1939 and U.S. senator in 1943. His best known political legacies include the creation of a Senate Permanent Subcommittee on Small Business, and a revision of cl-- of cloture rules that enable Senate debate to more easily overcome minority filibusters. Wherry's assumption of the role of majority whip in 1947, a first for a freshman senator, reflected his prime position in the conservative bloc, which increased in both houses of Congress in 1960-- 1946, and included young newc-- younger newcomers, including Joseph McCarthy, Karl Mundt and Richard Nixon. After 1949, Wherry continued his leadership in another demanding post, minority floor leader, one he would hold for the rest of his life. Senator Wherry was known for his feisty spirit, friendly debate tactics, and partisan masculinist joking. He berated as pink tea efforts, for example, the failed attempts of Northern Democrats to override a Southern filibuster. The chain smoking Nebraskan was liked for his disarming, jovial wit, but feared for his excited, hyperactive bravado. Even fellow Republican Senator Arthur Vandenberg admitted the senator from Nebraska can even say good morning so vehemently as to make me quail. Wherry's lack of diplomacy, however, led one Senate historian to remark that the Nebraskan's outstanding characteristic was a flatly uncompromising attitude, and a brand of Midwestern small town Lions Club Republicanism so intolerant as sometimes to repel even the redoubled [SIC] Taft. On matters of government and foreign policy, Wherry distrusted almost anything foreign. He loathed British socialist medicine, which became a reality in 1948 with the National Health Service and faulted Truman's attempt to promote the same as a--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

as spendthrift socialism. He decried White House plans for expanded taxes, managed government, and wage raises to suit the demands of organized labor. In fervent speeches, the former Presbyterian Sunday school teacher warned that the godless subversion of Russian communism and alien-minded doctrines had beguiled the Trump-- Truman administration. In 1946, Wherry unsuccessfully pushed a resolution to have the State Department investigated for possible sympathy with communist--

**KELLY:** One minute.

**M. CAVANAUGH:** --ideology. In the early-- in early 1948, Wherry's legislative efforts predated by a few days the better known bill of Senator Karl Mundt and Congressman Richard Nixon to effectively outlaw Ameri-- the American Communist Party. I will stop there for now. Thank you. And I will yield the remainder my time.

**KELLY:** Thank you, Senator. Senator-- Speaker Arch has some guests in the north balcony. They are from TeenPact Leadership Schools from all over Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Walz, you're recognized to speak.

**WALZ:** Thank you, Mr. President. Colleagues, first of all, I want to make it clear that I am not participating in the filibuster. In fact, I just told Scott, one of the Red Coats, that this is not in my nature to stand up and talk. It really isn't. But I think that it's important. We have a lot of issues across Nebraska, including healthcare, education, economic development opportunities, supporting our agricultural businesses, creating new transportation, and adding housing to our state, entrepreneurship. There are so many things that are important to Nebraska. And so as a past educator, I'm going to just take advantage of the opportunity that we have, the time that we have, to continue to talk about the only plan that I've seen for Nebraska and continue to give you a little bit of education on it. So Nebraska, I didn't know this either, but Nebraska is the home to the largest railroad in the country with two of the top ten trucking companies. Many of the largest financial and insurance companies in the U.S. have taken advantage of Nebraska's Central Time zone to connect businesses across the country. Despite all of these advantages and the strengths that we have here in Nebraska, we still have our challenges to meet, particularly around innovation and the talent that needs to be addressed in that area. We have not kept pace-- and as I'm talking about this, it would be nice, you know, we were thinking about what types of legislation we could put forth that would help in these areas. But we have not kept pace with peer states on fostering

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

innovation, which requires technological know-how, and embold or empowers entrepreneurs. A strong labor market with STEM expertise is often a leading inta-- indicator of future success. In 2017, the share of STEM graduates in Nebraska was low ranking, number 36, and Nebraska ranked number 35 in new entrepreneurs. Nebraska also has difficulty, as we know, retaining and attracting young talent. Ranked number 39 among all states, we recorded one of the lowest-- one of the lowest growth rates for the population of 25-year-olds to 29-year-olds in 2013 through 2018. We are losing talent to other states. In fact, in 2018, the state lost 3,300 residents to other states. We, the authors of the Blueprint, believe that we have the assets and the strengths to overcome these challenges. Our state often-- our state offers an outstanding quality of life at an affordable cost, with living-- or cost of living with ample jobs for everyone across multiple sectors. When Blueprint was created, they really did a good job of trying to invite as many constituents as possible into the plan. In 2018, Blueprint Nebraska engaged local stakeholder-- stakeholders in identifying the state's core challenges, and chartering a road map toward pragmatic and strategic initiatives that shape our future. With the help of over 320--

**KELLY:** One minute.

**WALZ:** --advisors, an advisory council, industry councils, and more than 275 council members with sector expertise, Blueprint Nebraska identified over 60 potential initiatives. Based on community engagement and feedback, including more than 60 events and t-- and 2,000 participants over 30 regions. In a community survey, colleagues, of some 5,000 local respondents, Blueprint prioritized a portfolio of 15 initiatives that we'll talk about that have the highest potential for a broad and relatively quick impact. And with that, I'll stop. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Erdman has some guests under the south balcony. They are Isaac, Kathee, Gideon, Hope, Esther and Eve Terwilleger. Please stand and be recognized by your Nebraska Legislature. Senator Hansen, you're recognized to speak.

**HANSEN:** Thank you, Mr. President. Sorry. I was outside talking to fourth graders from West Point, which is, I think all of us can agree is probably the best part of being a senator, I think, as much as we love arguing on the floor. I just want to briefly kind of back up a little bit about what Senator Slama said about the degree of how we use words on the floor. I'm not going to contest a senator's ability to say what they want on the floor, except to the extent where it's

directed purposely and personally at certain senators, in not even a hurtful fashion, but almost like in a malevolent fashion. I think words do have repercussions. People who hear us, either on TV or in the press, can misconstrue some of the things that we say, and they can have dire repercussions sometimes for certain senators. I'm sure there's a lot of senators, I know I have, on both sides of the aisle, who have had death threats directed at them. I know I've had to report them to the State Patrol. And sometimes what we use here on the-- the words we use on the microphone here do have consequences. What Senator Cavanaugh was saying when it comes to genocide, I could see maybe where she's coming from with her argument. But to me, it did not sound analogous to the context she was using versus the bill that we were being heard. It didn't seem like in a comparative fashion, she was relaying one instance in history to maybe something that's happening here. It seemed like it was directed purposely at a certain senator about wanting to purposely commit a violent act on another person. Now, some people might view it as a violent act, but I think it's the way that you use them, and the words that you use them. I think we just need to be a little more careful about how we use words on the floor. I know we all have the right to say whatever we want, and I won't deny that. But I'm hoping we can think just a little bit more about what we say in the context of what-- how other people might misconstrue it outside of these chambers. So that's really the only thing I want to say about this. So thank you, Mr. President, yield the rest of my time back to the Chair.

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

**LOWE:** Thank you, Lieutenant Governor. And just to refresh everybody of the bill that we're on, because it doesn't seem to be that we're talking about the bill at all, LB775, in committee, we added AM709, and AM709 adds three bills to that-- to LB775. LB775 is a bill brought at the request of the Racing and Gaming Commission. Since the voter initiative passed in November 2020, we've had two years with large substantive bills set up the necessary framework for the commission to properly oversee the growth of horse racing and casino industry here in our state. LB775 has some tweaks to these laws that were expected, as these specific issues didn't come up until late last year. First, we are updating the statutory definition of licensed racetrack enclosure. Currently the definition is premises at which licensed live-- live horse racing is conducted. This clearly is insufficient, and the new definition is far more inclusive. It states a licensed racetrack enclosure means all real property licensed and utilized for the conducting-- for the conduct of a race meeting, including the racetrack and any grandstand, concession stand, office, barn, barn

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

area, employee housing facility, parking lot, and additional area designed by the commission. Second, we are adding new language to allow Racing and Gaming Commission to make recommendations on changes or additions to the statute in the same way that the Liquor Commission is allowed to make recommendations to us. Third, we are creating an, an adjudication subcommittee of the Commission and giving them the authority to investigate and respond to violations of the Ri-- Racetrack Gaming Act. This subcommittee will function in a similar manner to the Board of Stewards that exists in stat-- statute currently, which responds to violations of laws and regulations of horse racing. The next bill is LB72, which was introduced by Senator Reg-- Ray, Ray Aguilar, and LB72 would amend the County and City Lottery Act. This is the act that governs the game of keno. This bill proposes to allow admissions cost in any location offering of the game of keno to be exempt from the gross pre-- proceeds of the game. The definition found in 9-606 reads: Gross proceeds shall mean the total aggregate receipts received from the conduct of any lottery conducted by any county, city, or village, without any reduction for prize, discounts, taxes or other expenses, and shall include receipts from admission costs, any consideration necessary for participation, and the value of any free game tickets or games or plays used. LB72 proposes to add language prohibiting gross proceeds from including in the admission costs collected at any location where lottery is also available to the public free of admission charge. Right now, Fonner Park does not offer the game of keno in its clubhouse, because they would have to turn over the revenues raised from admission into the clubhouse as part of the gross proceeds of keno played there. They do offer keno in other areas of the grandstand where they do not have to pay an admission cost. LB73 is another--

**KELLY:** One minute.

**LOWE:** Thank you, Lieutenant Governor. LB73 is another bill brought by Senator Aguilar. This bill proposes to allow the funds from a County Visitors Promotion Fund to be used to improve facility in which parimutuel wagering is conducted if such facility also serves as the site of a State Fair or district or county agricultural society fair. County Visitor Promotion Improvement funds are governed by the board appointed by the county commissioners. They are required to use these funds to make grants for expanding improving facilities at any existing visitor attraction or development of new construction of attractions. This bill is brought on behalf of Fonner Park, which has not been permitted to be a recipient of these funds because they are a visitor attraction that accepts parimutuel wagering. Thank you, Lieutenant Governor.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

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

**WALZ:** Thank you, Mr. President. Just having a nice conversation with my friend, Senator Erdman. I'm going to go back to the Blueprint again. And I know that, you know, he was wondering what the objective is. And really, for me, the objective is to try to identify some type of a, a plan, and, and then how I determine what legislation and what policies I would be willing to vote on, or, you know, I'm interested in vote on that helps meet the goals of that plan. I'm just going to ask a couple of senators a question. Senator Sanders, would you yield to a question?

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

**SANDERS:** Yes, I would.

**WALZ:** Thank you, Senator Sanders. And please, please do not think that I'm putting you on the spot, because I will tell you that I, I did not know the initiatives of the Blueprint plan prior to looking at it a couple of weeks ago and really digging into it. But do you know any of the initiatives of the Blueprint plan?

**SANDERS:** Blueprint Nebra-- Blueprint Nebraska?

**WALZ:** Yeah.

**SANDERS:** I know a bit about it. I was asked to serve on the diversity group.

**WALZ:** Nice. OK. Thank you, Senator Sanders.

**SANDERS:** Thank you.

**WALZ:** Senator Raybould.

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

**RAYBOULD:** Yes, I will.

**WALZ:** Thank you, Senator Raybould. Do you have any-- do you know any of the initiatives when it comes to the Blueprint Nebraska plan?

**RAYBOULD:** I do, because it's something as a city council member, we, we studied very carefully and to take the cues from all the great Nebraskans that came together, despite what their party affiliation or their business background, to really work together on initiatives that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

will attract and retain our young people in our state, that will help grow our workforce, that will offer internships. Because I think internships are a wonderful way of getting students involved in a business in Nebraska. And once they realize it's a great business, then we can get them to stay. Another big thing is that Senator Sanders had served on was the diversity, and how can we be a more welcoming state? And that was a big issue that they talked about. How do we become a more welcoming state? And I think people took it different ways and interpreted it different ways, thinking like, oh, we got to keep cutting our property taxes, we got to keep cutting our corporate income taxes. That's not really what it is. It's being a state that embraces our diversity as an asset, as an attractive point to our state. We've been a refugee relocation city in Nebraska, in Lincoln, ever since I was a little kid growing up. I grew up with kids from Vietnam, then from Cuba. So our diversity is one of our strengths. And it said we need to embrace our diversity of all the people that work in our state, and the amazing assets, talents, and resources that they add to the economic well-being of our state. So I really love Blueprint Nebraska, as you can tell.

**WALZ:** Yes.

**RAYBOULD:** Because it's something that we need to probably all revisit, the game plan that they have laid out on how we can achieve becoming a more welcoming state, being a state that really can attract and retain our young people in our state because we know it's so fundamentally important. We have a workforce shortage. There's no way we can birth our way out of this one. We just can't. Demographically, we just don't have it in us. And so I really wish that everybody would read Blueprint Nebraska and embrace some of the great ideas that some of the greatest minds--

**KELLY:** One minute.

**RAYBOULD:** --in Nebraska came up with. I'm sorry, Senator Walz.

**WALZ:** No.

**RAYBOULD:** I didn't mean to take so much--

**WALZ:** That's good.

**RAYBOULD:** --of your time.

**WALZ:** I appreciate your knowledge on that. Actually is-- I've always thought that at the beginning of the year when we have our council

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

meeting in November, it would be a great thing to revisit and just bring the body together, and talk about, you know, the, the differences, the issues that people have in their districts and their constituents have, and, and how we can address the goals of the Blueprint as a body before we even, you know, start session. So with that, I'm going to end and I'll pick up later. Thanks.

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

**M. CAVANAUGH:** Thank you, Mr. President. I'm mispronouncing, I wasn't doing it on purpose, but I guess it was maybe subconsciously, Wherry I was pronouncing weary, but this story makes me weary. So I'm going to just probably continue doing that. Wherry was part of a group of Republicans that masked its pinch-penny response to the dangers of Soviet world domination by aus-- ausidously-- proclaiming that the paramount threat to American security and liberty came not from without, but from within. Through June 1950, he firmly opposed the high cost of the Marshall Plan, and supported NATO only if Congress-- and supported NATO only if Congress, not the president, agreed to each assignment of U.S. ground forces to Europe. Wherry's suspicion of the State Department first rose when then Assistant Secretary of State Dean Acheson had opposed a militia-- a militant stance against the Chinese Communists in 1945. Despite his lack of enthusiasm for the Nationalist Chinese regime, Wherry supported the inclusion of \$75 million to arm noncommunist China in 1949. Like many American anti-communists, he fumed at what he labeled the blackest chapter in American history, the loss of China by Truman/Acheson appeasement. Wherry had personally witnessed the effects of another black chapter in history. In late April 1945, as Hitler Nazi empire was crumbling, General Dwight D. Eisenhower invited members of Congress to tour the recently liberated concentration camps, including Buchenwald. During the tour, Wherry noted four types of prisons: those wearing red triangles on their-- prisoners-- those wearing red triangles on their sleeves designated political prisoners, those wearing green triangles designated habitual criminals, those wearing black triangles designated as refusing to work, those wearing rose triangles classified as conscious of-- conscientious objectors. Either by his own fault or that of his tour guides and informants, Wherry was misinformed about the true identity of the rose triangle victims who actually were male homosexuals and the black triangle victims, women who refused to marry and or bear children for the Reich, including lesbians. The future leader of the 1950 pervert purge deplored the labeling of prisoners by type of crime, an ironic counterpoint to his still to come condemnation of homosexuals in federal service. Before,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

before World War Two, homosexuality had not been linked to national security. Imagine that. Prior to World War Two, homosexuality was not a national security risk. Makes sense. And the only previous congressional inquiry into homosexuality had been somewhat discredited as an entrapment scheme. Beginning as the result of the moral vigilance of two Navy officials at a prestigious training station, the 1919 Newport scandal reflected the gender role social construction of homosexuality that was then still functional. While some of the sailors involved were considered heterosexual and escaped punishment because of their masculine, insertive role in sex, most of the perverts, quotes, who allowed themselves to be penetrated were punished.

**KELLY:** One minute.

**M. CAVANAUGH:** Thank you. It is important, words are important. What we say here is important. Trying to deny what is going on is not going to be tolerated by me. We are witnessing a genocide--

**SLAMA:** Point of order.

**KELLY:** For what purpose do you rise, Senator Slama?

**SLAMA:** Pursuant to Rule 2, Section 9, objecting to specific words spoken. Words excepted to, my apologies.

**KELLY:** Senator Machaela Cavanaugh, Senator Slama, and Speaker Arch, would you please approach? The Legislature will stand at ease for five minutes.

[EASE]

**KELLY:** Senators, the period for standing at ease is concluded. Mr. Clerk.

**CLERK:** Mr. President, pursuant to Rule 2, Section 9, Senator Slama would take ex-- excuse me, would take exception to and object to words spoken in debate from Senator Cavanaugh, the phrase "we are witnessing a genocide." In addition, Senator Slama would move to censure Senator Cavanaugh.

**KELLY:** Speaker Arch, you're recognized to speak.

**ARCH:** Thank you, Mr. President. We will not be taking up that motion at this time. We need to continue our debate of this bill.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

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

**ERDMAN:** Thank you, Mr. President. It's been so long since I've had my light on, I almost forgot what I was going to say. Well, let me say this. We've heard numerous people get up and talk about all kinds of issues that have nothing, nothing at all to do with these bills. And some say, well, I'm not involved in the filibuster. I'm talking about something important. And that may be their opinion. But the fact is they're not speaking about the bill, and we do that all the time. We did that back in '17 when we were wasting time to try to get the rules passed. And we did that for 40 days. We finally got it done. So I would assume that we'll get things done here, too. But perhaps what we should do is when the bracket motion comes up for a vote, we should vote yes. Let's vote yes on this bill, and let's move on. Bracket it till May 19, and we'll move on. Now, there are several bills in LB775 that I support and I'd like to see them pass. LB232, I don't support. So if we IPP, or if we vote for the bracket on these bills in its entirety, this bill, not only does it kill LB775, but LB232 dies as well. So it gives some consideration to voting yes when we get ready to vote on Motion 79, Senator Cavanaugh's bracket. And with that said, being as congenial and kind as I am, I will yield the rest of my time to Senator Walz.

**KELLY:** Senator Walz, you have 3 minutes.

**WALZ:** Thank you, Mr. President, and thank you, Senator Erdman. I really appreciate that. And I do want to say that I am in favor of LB775. I want to just continue a little bit about the, the history of the Blueprint, and talk briefly about the, the vision for Blueprint Nebraska. This is a vision for 2030. The Blueprint defines the vision for 2030, growing the good life. Our people, land and location will propel Nebraska to be the most welcoming Midwest state for youth, talent, investment, and commerce. And, colleagues, it says, and a national model for continuous growth and prosperity. Not just, you know, one of the states, but a national model. Blueprint aspirations. There are five aspirations in this plan, or goals that we must meet to be able to meet that vision, or realize that vision. The first one talks about jobs, how to retain our workforce and prepare our workers for today and tomorrow's jobs by leading, not following, but by leading other states in overall job growth. The second is quality of life, to provide a high quality of life that makes Nebraska attractive to a qualified workforce by leading peer states in the quality of life rankings. Young population attract new residents of the state by leading peer states in building the population of 18- to 34-year-olds. The fourth aspiration of the Blueprint Nebraska plan is income, talks

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

about income and how we enable the creation of high-paying jobs for Nebraska in high-growth sectors through productivity improvements by leading peer states, not following.

**KELLY:** One minute.

**WALZ:** One minute?

**KELLY:** Yes. One minute.

**WALZ:** Thank you, Mr. President. Leading peer states in net cost of living adjusted median growth income. And the fifth one is-- talks about research and development to accelerate the adoption of technology across industries and unlock innovation that creates growth by leading. I love that. Leading peer states in research and development and investment. And just for your information, the peer states that we're talking about include Iowa, Kansas, Minnesota, Missouri, North Dakota, Oklahoma, South Dakota and Wisconsin. Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. Thank you, Mr. President. And good morning, colleagues. I really appreciate the thoughtful interjection from my friend, Senator Erdman, in regards to how to deal with the matter on the board, with the matter before us. I thought that was thoughtful. It was akin to an off ramp in terms of scheduling that I offered the body in resetting the agenda a few weeks ago, an opportunity to temporarily give an inch to open up a mile of debate that was rejected. But the good news is, in our personal or our professional lives, when we fall short, typically we have an opportunity the next day or in the next moment to reconsider and keep an open mind and an open heart to trying to be a better version of ourselves as we conduct the people's business. So with that, I'm very supportive of the idea that Senator Erdman has put forward in regards to dealing with the matter before us and continuing to take up the, the next issues. Two additional points that I wanted to make in general, and I'm generally paraphrasing here, and I didn't have the opportunity to serve with Senator Jerome Warner, but being a student of the Legislature, I, of course, am well versed in his many accomplishments and apt leadership-- attributes of leadership that, that he brought to this proud institution. And I was rereading his biography over the holiday break this year, and there was so many parts that struck out to me-- stuck out to me, but particularly kind of the sense that Senator Warner kind of appreciated when the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

Legislature was in disarray to a certain degree, because that meant it was solving its own problems without undue influence from the other branches of government or outside actors. So perhaps there's a little bit of that happening right now. As the Legislature is in disarray trying to find its footing this year, perhaps that is a good thing because we're figuring out how to solve our problems together and of course, is not unique to the present moment. The other thing that I want to bring up in terms of the historical perspective is just that, again, there is no precedent. There is no custom, tradition, or usage in regards to how Senator Slama has misinterpreted this rule. Each member has the ability and the opportunity to deliberate as they see fit. And the remedy to speech that you find distasteful is to meet it with more speech. It is not to engage in cancel culture. It is not to engage in big government censorship. It is not to undermine the First Amendment. And that is what Senator Slama is asking us to do, and I disagree with. Additionally, I believe that because we don't have a significant precedent in terms of how this rule is utilized or applied, for good reason, because it undercuts democratic-- representative democracy, and free speech and expression. The word-- the rule on its face is also very clear. It's meant to apply to perhaps profane language, which Senator Cavanaugh, of course, did not utilize. And if you look at the rule on its face, the matter has to be taken up immediately. So if Speaker Arch chooses to take it up at a different point in time, I think they've missed the window, and that makes that remedy inapplicable to the present moment at which it was already weaponized from a viewpoint discrimination perspective. It's out of step with our pattern and practice in this body. It is anathema to free expression and free speech. And by delaying additional opportunity--

**KELLY:** One minute.

**CONRAD:** --to take up the matter at a later date, you have missed your window. The rule directs the body to have the debate on words spoken to and a censure remedy immediately. And now that we have taken up additional debate, additional deliberation, additional measures, the window has closed. Thank you, Mr. President.

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

**DAY:** Thank you, Mr. President. I had not anticipated participating in any debate this morning, but after some of what's been happening on the floor recently, I felt like I needed to get up and just discuss what was happening. Understanding that some members of the body are frustrated with some of the debate and the ongoing filibuster related

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

to the anti-trans bills, I get it. People are frustrated. We want to move things along. We all have bills that we would like to get passed. But I feel like it's gotten to a point where we're seeing, as Senator Conrad had mentioned, people are getting to sort of a boiling point. And what we saw from Senator Slama, which is-- she's well within her right to file those motions-- but we're talking about censuring a senator from being able to share their knowledge on behalf of their constituents, on the record for the public to see. I want everybody to understand how serious that is. We have the party of free speech, the party of individual liberty getting on the mic and attempting to get senators censured, to not be able to share anything that they have to say simply because of the choice of words. And I will say personally the things that have been said to me and about me on and off the mic since I became a senator three years ago are atrocious. And no one has made an effort to call Senator Slama on any of that. She personally came up to me in my very first session and threatened me to my face that she would gather a group of senators to block every single one of my bills. I hadn't had a conversation with her. Last session, she was on the mic berating Senator Cavanaugh. Senator Cavanaugh called for a motion for a point of order and was ignored. I get that people are frustrated, but we can't continue to pick and peel away at the ability of senators to simply do the jobs that they were elected to do. And if I got up here on the mic and threw a fit every time somebody said something to me that was offensive or hurt my feelings or whatever, we would never get anything done. I would like to yield the rest of my time to Senator Machaela Cavanaugh.

**KELLY:** Senator Machaela Cavanaugh, you have 1:40.

**M. CAVANAUGH:** Thank you, Mr. President. Thank you, Senator Day. I just wanted to get on the microphone and say that I would have preferred if Speaker Arch would have scheduled the motion for a vote. I think this body needs to take a vote on whether or not we support free speech. And it is unfortunate because I would like to know if this body supports free speech or not. Senator Slama does not support free speech, and that's her right. But I want to know how the rest of the body feels about free speech.

**KELLY:** One minute.

**M. CAVANAUGH:** This is-- it's a bit overwhelming. I'm a bit overwhelmed by this. But I'm not going to be intimidated into sitting down. I'm not going to be intimidated into stop advocating for the people that are being hurt by this hateful legislation. I am not going to stop. Period. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 15, 2023

**KELLY:** Thank you, Senator. Mr. Clerk, for items.

**CLERK:** Mr. President, amendments be printed: Senator Kauth to LB574 and LB575. New LR, LR60. That will be laid over. Additionally, LR61 from Senator Kauth. That will be laid over. LR62 from Senator Kauth, laid over; and LR63 from Senator Brewer. That will also be laid over. Additionally, name adds: Senator McDonnell to LB256; Senator Fredrickson to LB294 and LB307; Senator Conrad, LB504; Senator Fredrickson, LB516, LB585, and LB586; Conrad, LB629; Dungan, LB736; Conrad, LB741 and LB801. Notice that the Government Committee will hold an Executive Session this Thursday after their afternoon hearing, and the Revenue Committee will be meeting in Room 1524 at 12:00 noon for an Executive Session. Finally, Mr. President, a priority motion. Senator Brewer would move to adjourn the body until March 16, 2023, at 9:00 a.m.

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