

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate April 6, 2023

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-eighth day of the Legislature, One Hundred Eighth, First Session. Our chaplain today is from Senator Bostelman's district, Father Bill Holoubek, St. Mary's Catholic Church in Ashland. Please rise.

FATHER HOLOUBEK: Heavenly Father, we praise you and thank you. We thank you for the gift of your son Jesus, who took upon our flesh and became man so that he may reveal your face, the face of love, the face of a loving father. By taking upon himself our sins, he suffered rejection and torture from his own, was crucified, died and was buried and then rose from the dead in glory on the third day. In the hope of the resurrection attested to by sacred scripture, Jewish and Roman historians, we stand today with faith and hope that you-- that with you all things are possible. We ask and beseech you, Heavenly Father, to release shalom, peace, upon this Chamber. We call upon that peace, which brings light from darkness and order from disorder to permeate all people and all places in this building that with goodwill all may labor here together for your glory and honor and the good of all our Nebraska citizens. Lord, Jesus Christ, our God, bless and seal this Chamber, this building, with your precious blood poured out for us and for our salvation and bind any evil afflicting anyone or any person here. I ask Jesus to send forth His Holy Spirit to completely fill this building, this room and all its members that all may work here, this day and this year, with a new spirit of peace and mercy. Father, you revealed yourself in the Book of Exodus as a God of mercy, slow to anger and of great kindness. May your peace, your kindness, and your mercy move the hearts of all who hear this prayer. Touch the hearts of all elected officials and release the light of your truth into the minds of all to work together to bring about good in this Legislature for all citizens in this state and in our world. In the name of Jesus, I command any who are ill with any type of disease, pain or illness to be healed in the name of Jesus Christ. I call down, in the name of Jesus, all the healing powers of heaven to flow into this Chamber room and to burst in any illness, any brokenness, any heartbreak, any confusion and bring healing today. With great confidence, we claim today the graces needed to bring about your providential will for the good of our legislators, our state and its citizens. Jesus, may your Holy angels remain here to light, to guard, to rule, and to guide. And so we pray in the words our Lord Jesus gave us: Our Father, Who art in heaven, hallowed be Thy name; Thy kingdom come; Thy will be done on earth as it is in heaven. Give us this day our daily bread; and forgive us our trespasses as we forgive those who trespass against us; and lead us not into temptation, but deliver us from evil. Amen.

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KELLY: I recognize Senator Geist for the Pledge of Allegiance.

GEIST: 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 fifty-eighth day of the One Hundred Eighth Legislature, First Session. Senators, please record your presence. Roll call. Record, Mr. Clerk.

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

KELLY: Are there any corrections for the Journal?

ASSISTANT CLERK: One correction this morning. On Day 56, page 1024, line 9, insert LB298 [SIC--LB298A]. Advanced to Enrollment and Review for engrossment. That's all I have.

KELLY: Are there any messages, reports or announcements?

ASSISTANT CLERK: Mr. President, two reports. The first for the current week for registered lobbyist registration and various agency reports have been filed and are available through the Legislature's website. That's all I have.

KELLY: Thank you, Mr. Clerk. Senators Lippincott and Fredrickson have a guest under the north balcony, Ashlinn Chappelle, from Omaha. Please stand and be recognized by your Nebraska Legislature. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR78. Mr. Clerk, items.

ASSISTANT CLERK: Mr. President, the first item for consideration this morning, LB103, which is on Select File. There are E&R amendments pending.

KELLY: Senator Ballard for a motion.

BALLARD: Mr. President, I move the E&R amendments to LB103 be adopted.

KELLY: You've heard the motion to adopt the E&R amendments. All those in favor say aye. Those opposed, nay. The E&R amendments are adopted. Next item.

ASSISTANT CLERK: Mr. President, there are various amendments and motions pending. The first item for consideration this morning, Senator McDonnell would move to amend with AM969.

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KELLY: Senator McDonnell, you are re-- recognized to open on the amendment.

McDONNELL: Thank you, Mr. President. Good morning, colleagues. AM969 to LB103 contains three items suggested by Revisor but that could not be included in the E&R amendments. To refresh your memory, LB103 combines three bills, LB103, LB104 and LB105. LB104 and LB105 were in response to the federal law changes regarding required minimum distributions and crediting of military service. The changes suggested by the Revisor involve three items. One, changes the ten-- the tense of age requirements for requirement minimum distribution from current to past tense from the-- from attains to attained. The federal legislation used to present tense and our statutes are written in past tense. The second change makes some minor word changes in the Uniform Service Employment and Reemployment Rights Act from of active service of the state to during active service of the state. The third change provides a reference to the Internal Revenue Code. The reference was included in one of the retirement plans and the amendment will insert the referenced in other retirement plans. I thank you for your attention to these minor suggestions by the Revisor and urge you to adopt AM969. Thank you, Mr. President.

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

M. CAVANAUGH: Oh, OK. Well, after I'm done speaking, I think I have motions pending that I'd like to go to. I just got in the queue so that we had somebody in the queue. LB103 with AM969. So I actually was looking at the amendment last night. And I appreciate Senator McDonnell's giving us an explanation, because I wasn't quite sure what the amendment was doing and it made sense that it, it was just addressing some of the tech-- more technical things. And sorry, my computer is a little slow this morning. So pulling up the committee statement here. So this was a, a bill that had the support of the Nebraska Public Employee Retirement System, which is a good indicator that I'm going to be supporting LB103 this morning, or whenever we get to it. It's a cleanup bill to address some changes made in LB700e, from 2022. Two particular issues are addressed in the bill. The first is including another category of the definition of eligible school plan state employee. The definition contained in LB700 included two categories covered by the State Code Agency Teachers Association, or SCATA, S-C-A-T-A. LB103 proposes to add another category: state agency employees required to hold a teaching certificate but not covered by SCATA. The second change is to change an effective date contained in the prior leg-- legislation. The date in the slip law revision--

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version of LB700e contained an effective date of July 1, 2022, but the bill contained an emergency clause and was signed and effective March 4, 2022. LB103 makes changes to address the difference between the stated and the actual effective date. Section by section. Section 1 amends Section 79-920, regarding definitions and provisions for state agency teachers, by including an additional category in the definition of eligible school plan state employee. The additional category includes state agency teachers that are not part of the SCATA bargaining unit. These individuals are typically professional level positions working directly with the Commissioner of Education. The section is also amended to reflect the actual effective date of LB700e, which is 2002. Seven-- LB700e-- just for a note. There is an error in the committee statement. It's two-- 2022, not 2002. The legislation contained in LB-- it contained a July 1 reference, but the bill was signed by the Governor on March 4. Section 2 amends 84-1301, which provides definitions for State Employee-- Employees Retirement Act, by changing an effective date in the employee definition to the actual date the bill was signed by the Governor. Section 3 replay-- repeals original sections. Explanation of amendments: AM417-- this was from General File-- incorporates the provisions of two other related bills, LB104 and LB105; voted out of committee, unanimous. The committee is Senator McDonnell, Senator Clements, Senator Conrad, Senator Hardin, Senator Ibach, Senator Vargas. An overview: committee amendment, AM417, is a white copy amendment that amends LB104 and LB105 to LB103. LB104 and LB105--

KELLY: One minute.

M. CAVANAUGH: --are technical bills that make changes to accommodate changes in federal law-- each described below. While sections are rearranged, each of the three bills are included as initially introduced. So I think when I'm done, we go to the priority motions that are filed on this bill. And we started this at like 9:10-ish, I think. I'll find out the exact time. So this will go to 1:10, I believe. I see someone else in the queue, so I am going to yield my time for the next person to speak. Thank you.

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

CONRAD: Thank you, Mr. President. And good morning, colleagues. I rise in support of the measure as a member of the Retirement Committee. I had the opportunity to serve on that committee during my last stint in the Legislature. And it's fun to have the opportunity to continue to work on those really important issues impacting our public employees,

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as I return to the Legislature. And one thing that I was thinking about as I was preparing for the debate this morning, is what we heard in the Retirement Committee about all of the different issues that were presented to, to the Retirement Committee, about how ensuring adequate benefits and resources come into play when looking also at things like compensation and morale and addressing our workforce challenges for public employees and about how important it is that we have not only competitive wages, but a retirement system that, that meets the needs of our public employees who work so hard in state government, in law enforcement as first responders and firefighters, and, of course, as teachers. And so, we heard a lot from those different stakeholders on a host of different bills before the Retirement Committee about how these retirement pieces and packages and adjustments really go into that overall, kind of, plan and approach for total compensation when they're trying to recruit and retain public service-minded people to fill those, those critical jobs. That's, that's kind of one strain that I was thinking about from a global note in preparation for this debate. The other is about ensuring that those who have committed to a life of public service as teachers or judges, first responders, public employees, that they're also able to retire and live in a manner that's humane and dignified. And so those were some of the North Star considerations that I know were top of mind for me as a member of the Retirement Committee. And I know many members of the Retirement Committee kind of, I believe, shared those same values. The other nexus that I want to lift in regards to these retirement bills, is again, a direct correlation to our upcoming, forthcoming budget debates. We are all waiting, I think, as the Appropriations Committee completes its work in putting together a budget proposal to advance to the full debate-- full floor for debate. But looking back at the Appropriations Committee preliminary report, I definitely am concerned about the treatment of higher education, of provider rates, of programs to assist low-income and working Nebraskans. But one bright spot that I think I wanted to give credit where credit is due, to the administration and to the stakeholders who helped to negotiate it, of course, was the treatment of public employees in terms of negotiated compensation. And we have started to make long, overdue strides in ensuring that our public employees are paid a respectful wage that's complemented with appropriate benefits. And it's been a long time coming. So to see those kinds of gains worked out, negotiated at the negotiating table, between labor and management, to get a more humane, thoughtful approach to compensating our public employees, I think it's--

KELLY: One minute.

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CONRAD: --actually-- thank you, Mr. President-- one of the real bright spots in the budget thus far, and that will be meaningful for constituents and Nebraska neighbors in my district and all across the state so want to definitely give credit to the administration for thoughtful negotiating and the strength of the public employees union for, for helping to make their case for increasing compensation. And all of these pieces are tied together in terms of total comp for recruitment and retention of public employees that we need on the front lines of law enforcement, in our classrooms, and in state government and doing important work as judges and in the public interest. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Ray-- oh-- Mr. Clerk, for a priority motion.

ASSISTANT CLERK: Mr. President, Senator Hunt would move to bracket the bill until June 1, 2023. Senator Cavanaugh will handle that motion.

KELLY: Senator Machaela Cavanaugh, to open on the priority motion.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, I was looking for some information that I wanted to share this morning. OK. So December 5, 2022, Governor-elect Pillen seeks applicants for Senate and LD 21 vacancies. Legislative appointments vacancies call for scrutiny. This is an article in the World-Herald from December 13-- December 11, 2013. I'll, I'll share that one, as well. Two dozen apply to fill legislative vacancies. This is December 14, 2018. Again, apply. Policy to be filled before call on session. Ricketts expects to name replacement before possibly calling a special session on abortion. Ricketts to appoint new state senator before possible [INAUDIBLE] on abortion. So Ricketts said he will follow his usual process of taking applications, reviewing them and doing interviews. In the past, the Governor has not confined his searches to the pool of applicants. He said he does not have a timeline for starting the process. 2000-- October 20, 2017, when Senator Craighead resigned. Application process. Let's see here. Bellevue senator resigns post. Heineman to pick replacement, October 22, 2013. This is Senator Price. And I'm just looking to see. People interested in applying for the officially nonpartisan post should call Kathleen Dolezal with the Governor's Office. And that was the individual whose name I had forgotten. So to apply. So those are some of our more recent gubernatorial appointments with an application process, not a perfect application process, but one nonetheless. So the article about vacancies call for scrutiny-- this is from the Omaha World-Herald in-- on December 11, 2013. The byline is "staff writer," so I'm not sure who wrote it: In Nebraska,

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governors are given the power to fill vacancies in the Legislature. It's a reflection of the importance people place on having qualified representation without the delay or cost of holding a special election. That importance is heightened by the unique design of Nebraska's one-house system. Unlike states with two houses-- legislatures, where a senator's resignation still leaves voters with a house member to speak for-- up for them, the occasional vacancy here leaves one of every 49 Nebraskans with no representative in the lawmaking branch of government. So it is understandable that members of the public are scratching their heads over Governor Dave Heineman's selection of Bellevue businessman, Patrick Shannon, and the appointee's resignation, just hours later. Such stumbles, stumbles put strains on the voters' trust. Shannon was fined \$16,000 for allegedly orchestrating a smear campaign against a 2004 election opponent, a charge he has disputed. The fine was questionable campaign tactics-- the fine for questionable campaign tactics was civil rather than criminal, but that doesn't mean the issue isn't serious. Just last year, voters amended the Nebraska Constitution to allow state-elected officials to be impeached and removed for wrongdoing committed while running for office. And what about Shannon declining to pay the fine to the Nebraska Accountability and Disclosure Commission or the record of tax liens that the World-Herald reported-- reporting has disclosed? It all raises red flags. Shannon says a family member's heart attack was the reason for his resignation. He also says the Governor knew about his fines and asked about them. The Governor and his staff have remained mum on the selection process, so Shannon's is the only voice people are hearing. But the issue here is bigger than one appointee. Just as in election years, it's about making certain that qualified people serve in Nebraska's Legislature. The office of state senator isn't an honorific. This is serious work with serious ramifications for the state and its future. Filling vacancies when they occur is an equally serious matter. Those who hold office need to be independent-minded, prepared to tackle a multitude of issues, ready to make tough decisions, and able to pass laws based on what's best for Nebraskans. In the era of term limits, the days of the Legislature's old bulls, bulls, lawmakers with years of experience and accumulated knowledge aren't coming back. Their short-timer replacements must be ready to hit the ground running, tackle tough issues, look for needed improvements, study and propose bills, cast votes, and serve their fellow citizens. Nebraska's officially nonpartisan Legislature has elements of partisanship, of course, but it has remained admirably free of much of the raw partisanship that has paralyzed Washington. While it would be naive to think that politics should play no part in filling vacancies, it also would be a mistake to put anything above

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finding candidates fully qualified to serve. Appointments such as these are a reflection of a governor's judgment and philosophy and the current process of governors appointing replacement legislators has generally worked well. But it is important to remember that such appointments bypass a legislative district's voters and election campaigns. Those vigorous public debates, in which candidates' pluses and-- pluses and minuses can be weighed, their record and ideas carefully evaluated. All of those involved in making these appointments need to go through a job of checking out candidates as the voters would. So that was from 2013. The Governor announced, shortly after Senator Geist announced that she was going to be leaving the Legislature, that he would be announcing her appointment-- replacement today. I don't know how you can fully vet somebody that quickly. I think it is an extreme disservice to the people of District 25. It's extremely disrespectful to the people of District 25. You're not giving anyone in the district, beyond who is appointed-- personally selected, the opportunity to even express an interest in serving the people of District 25. It is cronyism at its worst. It is going to put a pall over the person who is appointed. They are going to be under extreme scrutiny. Their financials are going to be combed through. I'm not saying by me, I just know that they will, because the lack of transparency, the complete and utter lack of transparency and even shutting down the opportunity for people within Legislative District 25 to stand up and say that they would like to serve the people of the district. It's cronyism, whether it is intended or not, it is. And the person who is appointed--

KELLY: One minute.

M. CAVANAUGH: --honestly, isn't even given-- being given enough time to consider if this is right for them. Taking this on is a big deal. Signing up to serve, in any capacity, is a big deal-- thing. It's a big commitment. And to pluck somebody out of the masses of the district, personally selected, without even the opportunity of any self-selection of an interest in serving, this is not how the process should work. And it can, because we, as a Legislature, have allowed it. We have been complacent in allowing for this lack of transparency, mostly because previous administrations have at least gone through the perfunctory of, of application process.

KELLY: That's your time, Senator Cavanaugh.

M. CAVANAUGH: Thank you.

KELLY: Thank you. Senator Raybould, you are recognized to speak.

RAYBOULD: Thank you, Mr. President. Good morning, colleagues. Good morning, fellow Nebraskans, watching us on TV. I want to say thank you for your participation in our process here. I also stand in opposition to the bracket motion, introduced by Senator Hunt, and spoken to by Senator Machaela Cavanaugh. I stand in support with Senator McDonnell and all the folks on the Nebraska Retirement Systems Committee in the work that they have done for our amazing people in retirement and especially for our hardworking, public-sector employees and especially our teachers, who will forever hold a very soft spot and a dear place in my heart for the amazing work that they do and for the students and our future. But, you know, we need to provide adequate benefits so those folks in retirement can really enjoy retirement. And time and time again, what do you hear the folks say about retirement? They look forward to spending more time with their families and their grandchildren. And this is what I wanted to talk about today. You know, grandparents and constituents all across the state of Nebraska have written to me that they are deeply concerned and troubled by LB77, which is the concealed carry permit. And they want to do-- they asked me, what can we do as grandparents so we don't have to worry about our grandchildren going to school or to the movie or going to the church or going shopping. What can we do to help protect our grandchildren in retirement? I don't want to have to worry about them as they go off to school. And I ask my colleagues to, to please take some time over our wonderful Easter break recess and to look at a very detailed summary that you were given by an attorney in the city of Lincoln that points out some of the substantive changes that have been introduced in LB77. And that is why this bill needs to go back to committee. We cannot put the lives of our children, families, and our law enforcement at risk until we get this bill right. And I had approached Senator Brewer about some of the changes and some of the substantive flaws in LB77 and asked him if he would reconsider and, and bring forward amendments on this piece of legislation himself to correct it. And he said he wasn't interested. And one of the things I want to direct my colleagues to is preemption. And all you have to do is read the second page of LB77, and it talks very clearly. This is the new information that was introduced. It says: The Legislature finds and declares that the regulation of the ownership, possession, storage, transportation, sale, and transfer of firearms and other weapons is a matter of statewide concern. Notwithstanding the provisions of any home rule charter, counties, cities, and villages shall not have the power to: Regulate the ownership, possession, storage, transportation, sale, or transfer of firearms or other weapons, except as expressly provided by the state law. They want to regulate all firearms. The concealed carry bill goes beyond handguns.

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It talks about all firearms. This bill is very clear in its intent to prohibit certain regulations of weapons by cities, villages, and counties. The League of Municipalities spoke out against it, but no one was listening to them. This is not just a concealed carry handgun that this bill is going after. It is after all firearms. Currently, the state of Nebraska expressly grants limited authority to local jurisdictions to regulate firearms.

KELLY: One minute.

RAYBOULD: Thank you, Mr. President. This bill takes that all away and that is why families and grandparents are worried. I can tell you, as someone who has been honored to serve my county and my city, this bill is a big deal that also impacts all cities and their right to regulate, to punish, and prevent the discharge of firearms. So this should be a big deal to all cities in their state. And I ask my colleagues, please spend time to read the long-- very long email on why this bill is so dangerous to their authorities all throughout the cities in the state of Nebraska to pass commonsense gun safety measures in their own city and town and village. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I support LB103, the retirement package. I did notice when I was looking at-- reading over the, the committee statement, that there was something in here about the license. So let's see here. Where was that? Sorry. I'm just wondering if there's something in here about teaching license. I thought that there was something in here about teaching license. Because if there is, I'm wondering if this is a vehicle for-- there's a Praxis bill, I believe, for teachers. So just trying to see if that's-- there's Judges Retirement Act, striking outdated definition. Well, I'm going to go back up to the top of this. I was trying to skim it quickly, but I-- apparently not going to be able to do that, so. I also need to make the font bigger. Even with my glasses and my bifocals, I need to make the font bigger. OK. So, yeah. Here we go. Regarding definitions and provisions for state agency teachers, by including an additional category in the definition of eligible school plan state employee, the additional category includes state agency teachers that are not part of the SCATA bargaining unit. These individuals are typically professional-level positions working directly with the Commissioner of Education. Nope, that wasn't what I was thinking of. Two categories-- the State Code Agency Teacher

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Association proposed to add another category: state employees required to hold a teaching certificate but not covered by SCATA. OK. That was the part in LB103 that piqued my interest. I don't know what the bill is that includes the Praxis. I don't remember. And I don't remember who introduced it, either. So that's going to make it a little bit harder to find, but not impossible. So if you go to introduce legislation and search-- you can search by-- Senator Vargas. It was introduced by Senator Vargas. Thank you. I phoned a friend. I will go to Senator Vargas' bills and see-- just curiosity, if it is part of the same part of statute. We're opening up the same part of statute-- 700 and something-- basic skills requirements. Wow. LB724. That's impressive memory there, Senator Conrad. OK. LB724 is the eliminate school basic skills and content test requirements for eligibility for teacher certificates. So let's see here, going to grab a pen. This opens up Revised Statutes 79-809, 79-806--

KELLY: One minute.

M. CAVANAUGH: --thank you-- 79-807, 79-808, 79-8,145. OK. I think that's it for that one. So then going back to LB103 and see-- just looking at the underlying amendment. That is not it. I probably will have to come back to this on the next time on the mike to see where we're at. And this is on Select File. So I need to go back and look at what we moved initially, which was AM417. OK. And it strikes the original section and includes a new one so--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

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

CONRAD: Thank you, Mr. President. Again, good morning, colleagues. I'm glad that Senator Machaela Cavanaugh did start to connect the dots between the aspects of this measure for our public employees, including teachers and first responders and judges retirement kind of cleanup package with our teacher recruitment and retention crisis. And that was an issue that we heard a lot about at the Education Committee this, this year during the committee hearing process. And I do just want to give the fuller body-- the full body an update that the committee is working very hard to figure out how to put together a, kind of, omnibus plan or package, which seems to be the, the word of the 2023 session, to address teacher recruitment and retention challenges that are facing almost all of our schools all across the

district-- or across different districts for different reasons. But we know that we're really, again, tied to that North Star challenge that Nebraska is facing in workforce and how that impacts teachers who are on the front lines, so trying to look at different strategies to get more passionate, talented people in the pipeline to try and provide some additional compensation for teachers to help them kind of get a little bit of breathing room in managing their family's budget and bottom line and really have just a little bit more support from state government to keep doing the, the critical job that, that we ask them to do and that they do so well. The other thing that I just wanted to continue some comments on to put in for the record to flag in advance of the budget and continue our thinking in regards to workforce issues, just generally, is you will see that this retirement measure has impacts for the Nebraska State Patrol. And we primarily deal with State Patrol issues, of course, through the budget, which will be forthcoming. But I wanted to flag a few things. I got some updated statistics and numbers from 10/11 News in a story that was reported on January 31 of this year of 2023. And what they reported was in relation to the negotiated increases, kind of what that means for the Patrol and kind of a snapshot of, of what their challenges look like at the present moment. So the administration had negotiated approximately a 22 percent increase for salary for State Patrol members. And again, I think that was well-deserved and long overdue in order to ensure that we can recruit and retain public service-minded people to that critical job as our first responders all across, all across the state. The State Patrol, at that point, at the end of January, Colonel Bolduc also gave a kind of update about where they were in terms of workforce. They had a new class coming in with about 15 recruits. And I really, again, want to give credit where credit is due. The Colonel has been very intentional about recruitment and bringing more women and more minorities into the workforce. And so he talked a little bit in that story about their intentionality in those recruitment efforts for that new class of recruits that the State Patrol was fielding and working through the process. Later, the story goes on to report that despite that-- those gains, in terms of the recruit-- recruitment for the new class, which is more diverse, that the State Patrol overall, again, at the end of January of this year--

KELLY: One minute.

CONRAD: --thank you, Mr. President-- was still down about 60 vacancies. And I just want to put a finer point on that, because that impacts greater Nebraska, perhaps, the most. Of course, we have State Patrol working all across the state, but when we have layered law enforcement in a community like mine, like in Lincoln-- we have the

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City of Lincoln Police, we have the Lancaster County Sheriff's Office. We have a lot of resources in terms of law enforcement for our local community. But as you get further and further out, the State Patrol has to cover a lot more ground to advance our shared public safety goals. So we still have 60 vacancies at the Patrol, which is particularly significant and impactful for greater Nebraska and some larger investigatory work. But I want to flag that because part of rightsizing the workforce, according to Governor Pillen, was to really seize upon and take advantage of--

KELLY: That's your time, Senator.

CONRAD: Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. Good morning, colleagues and fellow Nebraskans. I stand today in opposition to the bracket motion and in support of LB103. I wanted to, to continue talk about folks in retirement and, and the things that they look forward to, especially those public sector employees that I have gotten to know as a, a county board commissioner and on the city of Lincoln. I, I know they're the real experts out there. And I think it's really fundamental that-- and thank the Retirement Systems Committee for doing the revisions and updates that they have made to be in compliance with our federal laws, but also to make sure that folks in retirement can truly, truly enjoy their retirement. And again, I rise to tell about the concerns that folks in retirement, grandparents, especially, as their grandchildren go off to school and the, and the worries that they, they bring to mind. You know, in the-- the city of Omaha is a city of the metropolitan class and Lincoln is a city of the primary class. And, you know, we're urban cities. And of course, we have very different issues all across the board, but particularly, when it comes to safety in our cities. And, you know, LB77 not only strikes our authority that has been granted to us, but it, it strikes the authority of all cities all across our state to be able to make rules and regulations when it comes to gun safety measures that impact their own committee and their very specific committee. You know, losing our autonomy, losing our local control is, is really just plain wrong. The League of Municipalities, NACO, Nebraska Association of County Officials, spoke out in opposition to this and specifically pointed to the deficiencies in LB77, but no one was listening to them. So let's be clear. Let's be very clear. It is not just our cities of Lincoln and, and Omaha, it's Grand Island, it's Hastings, it's Red

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Cloud, it's Scottsbluff, it's Gering, it's Chadron, it's Albion, it's Columbus, Nebraska, it's Norfolk, that are going to be impacted by that. But, you know, you have heard from law enforcement, law enforcement from our-- all across our state. You have heard from, in particular, the chiefs of police from Omaha and the city of Lincoln. And they are asking and insistent that this concealed carry permit, that is sort of like a, a Trojan horse. Think of a-- that Trojan horse. I know we've often heard that myth. And the Trojan horse looks very attractive on the outside. That's a concealed carry bill. Yeah, we're concerned about that. But on the inside, it's preemption. That is the sole goal and purpose of removing those rights that have been granted to the cities, villages, towns throughout our state of Nebraska, and why it, it is incredibly important that we kill LB77. Today, there's a rally at 12 noon, on the north side of the Capitol. It's organized by Students Demand Action and also, with the participation of Moms Demand Action. And you can bet your life that there's going to be a lot of retirees there, taking their time, now that they have a little extra time, to be an advocate for issues that will keep their families, their children, their grandchildren safer. And when I pointed out to, to Senator Brewer some of these concerns-- that are really substantive changes to our state of Nebraska, involving the time, place, and manner requirements such as changes to the definition of concealed that are inconsistent with--

KELLY: One minute.

RAYBOULD: --thank you, Mr. President-- that are truly inconsistent and are, are legally unclear for those people that have to prosecute these issues. They are not sure how best to proceed. But in addition, it has changes as to whether a city can ban weapons on its buses. You would think that that is such a fundamental thing. And our city attorney was very concerned about that. You know, we need to protect people who travel on our public transportation systems. And thirdly, it has changes to whether and if so, which weapons a city may ban from its places and premises. So this is of grave concern. And I ask all Nebraskans to reach out to my fellow senators and ask them to, to read LB77-- all across our state and the issues that it's going to impact their local communities. Thank you, Mr. President.

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

ERDMAN: Question.

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KELLY: The question has been called. Do I see five hands? I do. The question-- there's been a request for a call of the house. The question is, shall the house go under call. All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

ASSISTANT CLERK: 10 ayes, 7 nays to go under call, Mr. President.

KELLY: Thank you. The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Conrad, Fredrickson, Armendariz, Vargas, Geist, and Senator John Cavanaugh, please return to the Chamber and record your presence. The house is under call. All unexcused members are present. The question is shall debate cease? Request for a roll call vote. Mr. Clerk.

ASSISTANT CLERK: Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood not voting. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne. Senator Wishart voting yes. Vote is 35 ayes, 5 nays to cease debate, Mr. President.

KELLY: Debate does cease. Senator Machaela Cavanaugh, you're recognized to close on the bracket motion.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, you just voted to call the question after about 30 minutes of debate. So OK. Clearly, Senator Erdman is going to be calling the question all day, which I appreciate because I'm tired. So thank you, Senator Erdman. It makes it easier for me to talk less. And I very much appreciate that, though

I think it is inappropriate. But it is within the rules. So you do you. And, colleagues, if you want to vote to silence me every 30 minutes, then I guess you do you, too. LB103 is a retirement package bill that I support. AM969, AM969 is the cleanup amendment we're voting on now. Currently voting on Senator Hunt's motion to bracket. Previously, you were voting on silencing me. Now we're voting on the bracket. And then, we'll go to a motion to reconsider the vote on the bracket. And then I'm sure the question will be called again and you all will vote to cease to silence me. And we'll just keep doing this dance. I think that the, the calling of the question when there's like three people that are really talking on an issue is a strange tactic, because it naturally will just peter out on its own, because you only get so many times on the mike. But I have motions and motions on the motions and I have amendments, so this will go to cloture because I have timed out. If you call the question before I even get to speak before-- right after I open on something, I have it timed out on how to get to cloture on these bills. So that's fine. Keep calling the question. It just makes it easier for me to sit down and take a break. But it does send a message, colleagues. It sends a message, when you call the question after 30 minutes and when you vote for calling the question after 30 minutes, it sends a message that you want to silence debate, because you just want things to move faster. And it's lazy. People keep asking me, when is this going to stop? I don't know, because no one in here seems interested in making this stop except for to call the question. No one in this body seems to have an appetite to have a constructive conversation to move this Legislature forward. I don't know when it's going to stop, but calling the question is not going to stop it and voting for calling the question is not going to stop it. You are well within your rights, well within your rights. But it's not going to stop me from continuing to take the maximum amount of time I possibly can. And also, I don't care if we don't get to cloture. You are not punishing me if we get to a vote on the bill before we get to cloture. That's not me losing anything. Every single minute that I take--

KELLY: One minute.

M. CAVANAUGH: --every single minute of delay is me achieving my goal. If I stopped right now for the rest of session, I still have achieved my goal. Have you achieved yours? Has your inability to come and work with me led to you achieving your goal? Many of you, over the last couple of days, have seen the benefits of working with me and you have achieved goals. And you know, for a fact, that I will work with you. Yet you still are dug in. Dug in.

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KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you. Roll call vote.

KELLY: Thank you, Senator Cavanaugh. There's been a request for a roll call vote. The question is the adoption of the bracket motion. Mr. Clerk.

ASSISTANT CLERK: Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting no. Senator Bostar. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting no. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson voting no. Senator Geist voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator MacDonnell voting no. Senator McKinney voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting no. Senator Slama. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne. Senator Wishart voting no. Vote is 0 ayes, 40 nays, Mr. President, on the adoption of the bracket motion.

KELLY: The bracket motion fails. I raise the call. Mr. Clerk, for some items.

ASSISTANT CLERK: Mr. President, first of all, an announcement that the Health and Human Services Committee will hold an Executive Session at 10:30, under the south balcony. Next item for consideration on the pending bill is a motion to reconsider the vote just taken on M0302.

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

M. CAVANAUGH: Thank you, Mr. President. Colleagues, read the board. It tells you what you're voting on. OK. Pay attention. Read the board. Don't vote for things that you don't know what you're voting on. So now we are on a motion to reconsider the last vote. I'm sure Senator Erdman is in the queue to call the question again. It will say on the

board, calling the question. That's what you're voting on. The bottom thing is always the thing you're voting on. Read the board. I am tired. I am tired. And I'm tired of everyone voting for things and not knowing what they're voting for. Read the board. The next thing you're going to vote on is calling the question again, because Senator Erdman is going to call the question again. There's going to be a call of the house when he calls the question. Then you're going to vote on calling the question which ceases debate. And then after that, you're going to vote on my motion to reconsider. That's going to fail. Then we're going to move on to the next motion. And we're going to do the whole dance again. But it will all be on the board, so read the board. Not knowing what you're voting for is not an acceptable answer. Period. So LB103 opens up statute-- it opens up 79-- 79-807, which is also opened up in LB724, which is the Praxis bill that Senator Vargas introduced and Senator Hughes cosponsored. I don't know what the status, status of that bill is, but it is an opportunity for this body to consider putting something else together, as we have done over the last several days. I'm going to leave it at that because that's not my bill. And I clearly am not going to have time to do anything other than stand here. So LB103 amends LB104 and LB105 into it. The committee statement outlines what these bills are. LB104 proposes to make changes regarding the minimum distribution, RMD, necessitated by changes to federal law. The proposed changes and current federal law extend the age before RMDs are required. These changes include requiring a distribution for those who turn age 73 in 2023 until 2033 and those who turn 75 in 2020-- 2033 and after. Section by section: Section 1 amends 23-2301 regarding definitions and the County Employees Retirement Act, by making changes in subsection (28), new parentheses, found on page 7 of the introduced bill, end parentheses, the definition of required beginning date for deferred man-- or mandatory distributions. The changes require minimum distributions for those turning age 73 in 2023 until 2033 and those turning 75 in 2033. Section 2 amends 20-- Sections 24-701 regarding definitions in the Judges Retirement Act, by making changes in subsection (22), found on page 15 of the introduced bill, the definition of requiring beginning date for deferred distributions. The changes require distributions for those turning age 20-- 73 in 2023 until 2033 and those turning age 75 in 2033. Section 3 amends Section 79-902 regarding definitions in the School Employees Retirement Act, by making changes in subsection (27), found on page 27-28 of the introduced bill, the definition of required beginning date for deferred distributions. The changes require minimum distributions for those age-- turning age 73 in 2023 until 2033 and those turning age 75 in 2033 and after. Section 4 amends Section 81-2014 regarding definitions in the Nebraska State Patrol Retirement

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Act, by making changes in Section 15 [SIC], found on page 31 of the introduced bill, the definition of required beginning date for deferred distributions. The changes require minimum distributions for those turning age 73 in 2023 until 2033 and those turning age 75 in 2033 and after. Section 5 amends Section 84-1301 regarding definitions in the State Employees Retirement Act, by making changes in subsection (27), found on page 39 of the introduced bill, the definition of required beginning date for deferred distributions. The changes require minimum distributions for those turning age 73 in 2023 until 2033 and those turning age 75 in 2033 and after. Section 6 repeals original sections. Section 7 is emergency clause. It's an emergency clause. And I'm curious why we need an emergency clause, but I'm sure there's a reason. An emergency clause increases the threshold of the vote on Final Reading. Motion to include LB104 to AM417. Vote results: 6-0. Voting aye: McDonnell, Clements, Conrad, Hardin, Ibach, Vargas. Voting nay: none. Testifiers for LB104: proponents Randy Gerke, Nebraska Public Employees Retirement System. Mr. President, how much time do I have left?

KELLY: 2:55.

M. CAVANAUGH: Thank you, Mr. President. That's not quite enough time. I will start-- so the E&R amendments for LB103, strikes-- on page 1, strike beginning with 79-920 in line 1-7 and insert 23-2301 and 23-2323.01, revise-- reissue Revised Statutes of Nebraska in Sections 24-701, 24-710.01, 24-710.04, 79-902, 79-920, 79-926, 81-2014, 81-2034, 84-1301, and 84-1325, Revised Statutes Cum-- Cumulative Supplement, 2022; to redefine and eliminate terms under the County Employees Retirement Act, the Judges Retirement Act, the School Employees Retirement Act, the Nebraska State Patrol Retirement Act, and the State Employees Retirement Act; to change provisions relating to applicable military service; to change provisions relating to participation in School Employees Retirement Systems of the state of Nebraska; to harmonize provisions; to repeal the original sections; and to declare an emergency. Turning to the fiscal note, LB103 redefines terms under the School Employees Retirement Act and the State Employees Retirement Act and changes provisions relating to--

KELLY: One minute.

M. CAVANAUGH: --participation-- thank you-- in the School Employees Retirement Systems of the state of Nebraska. Just a note, they use ampersand in the fiscal note. I have filed, I think, four amendments to this bill this morning. So please, feel free to continue to call

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the question. It means I get to talk less, which I appreciate. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Dorn has guests in the north balcony, fourth graders from Fremont-- Freeman Public Schools in Adams. Please stand and be recognized by your Nebraska Legislature. Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, again, colleagues. Definitely, always great, great to welcome our, our school students from across the state as they visit their State Capitol. And it was particularly fun to look up and I was like, wow, who's that really tall fourth grader? And there it was, our friend, Senator Dorn, who was up, who was up visiting his, his visitors from his district, so always nice to, to capture and embrace those light-hearted moments when we have an opportunity. So I wanted to continue talking about a couple of key substantive issues related to this measure. I do support LB103 and the committee amendment and did coming out of committee as a member of the Retirement Committee. And just kind of a global note, before I jump back into some of the, the issues that I wanted to visit about that I think is a disservice to the Legislature and in terms of where we find ourselves today. One thing that I wanted to put on the record and clarify, I know that people are frustrated by the extraordinary circumstances that we find ourselves in, but I also want to note that there is always a positive or a benefit, perhaps in, in terms of unintended consequences. And one thing that was striking to me over the last couple of days, in talking to members, particularly who work on the front lines of behavioral health and mental health policy, was that they noted the debate that we had in regards to Senator Wishart's bill, was one of the best debates we've had on mental health and behavioral health in this body, for years. So I understand that perhaps the body wants to move more quickly or more efficiently for a host of different reasons, of course. But don't discount the importance of debate in increasing awareness, finding consensus, educating the, the public, destigmatizing some of the issues that we're talking about, building a record, letting Nebraskans that we either speak with one voice or not one voice on, on key issues that are impacting them. And there's a host of tangible and intangible benefits that come with debate, just like the substantive debate that I'm trying to engage in here, in relation to key issues facing our workforce and in particular, our public employees, our school teachers, our judges and our first responders, including law enforcement, State Patrol, and firefighters. Those are issues that are worthy of debate. And if other members don't see fit to engage on issues impacting our State Patrol, that's fine. But I'm trying to

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build a record, in terms of these critical issues, on behalf of the State Patrol, as they have communicated to this body and to the media issues impacting their ability to do their work and to tee up additional debates for the forthcoming budget. So I'm going to continue to do that. I didn't have an opportunity to complete my thought in the last time on the mike because I ran out of time, but I wanted to provide the body an update in terms of where we are with State Patrol vacancies and how ensuring an appropriate retirement system goes into our overall recruitment and retention efforts to address not only workforce challenges writ large, but, of course, for our public employees and our State Patrol. So as part of that, we saw news reports at the end of January that they were still doing an intentional job of recruiting in new State Patrol people to serve in that incredible role. But they still had a vacancy of over 60 officers at, at the end of January, according to the news report. That being said, one thing that I wanted to connect the dots on that I am concerned about--

KELLY: One minute.

CONRAD: --thank you, Mr. President-- is that also at the end of January in 2020-- 2023, Governor Pillen is quoted by Nebraska Public Media as utilizing vacancy savings as a strategy, now and moving forward. That's not necessarily new or different than other administrations or legislatures have taken upon themselves to balance the budget. But it's not clear whether or not that attempt to shrink the footprint of state government will also be applied evenly, including to our first responders and our State Patrol people. When we have empty seats that we won't fill and we won't replace folks who retire, that's going to impact our ability to advance our shared public safety goals when it comes to the State Patrol and to handle a host of other critical government services that our citizens depend on when applied to public employees writ large. So we need to have a clearer and broader-- a clearer understanding and a broader discussion of how that strategy is going to play out and how it impacts--

KELLY: That's your time, Senator.

CONRAD: --our state workforce. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. I rise in opposition to the reconsideration motion and in support of LB103. And I wanted to share

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with you my experiences of being a county commissioner and on the Lincoln City Council. You know, when it came to retirement benefits for our public sector workforce, that was important. That was important. But when it came time to funding retirement for our law enforcement, police officers and our first responders, our firefighters, I talked about it being like the 800-pound gorilla in the room. But I also said how important it is, because of the service they provide to our city, our community, and county. And in the city of Lincoln, we are very proud of being at about 82-83 percent of our pension funding liability, which is-- which, by the way, beats the city of Omaha. Just want to throw that out there. We are far ahead of the city of Omaha in making sure that we fully fund our pension. And what we did on the city council in Lincoln, we put that requirement as an ordinance. We have to fund-- there's a placeholder right there in the budget that we must fund these retirement benefits to the full amount recommended by our auditors and advisors for the pension plan. So it's incredibly important. It is very important to the city of Lincoln to take care of our first responders, law enforcement, and firefighters. But I also wanted to, to share something. You know, I'm a grandmother. I'm a mother. And I, too, am so looking forward to retirement, probably a lot sooner than I thought. But you know, looking forward to retirement, when I can be out on both coasts-- my, my grandchildren are on the west coast and east coast. But when we're out of session, you bet I'm going to be there taking them to school and picking them up after school. That is probably one of the greatest duties and responsibilities as a grandmother that I look forward to. And that's why I stand in, in concern about LB77 and what it's going to do to the children in our state of Nebraska. At the last rally, we had a little fifth grader speak and she got up and she almost started to cry. The young girl behind her, who was a seventh grader, they talked about how scared they are every time they go to school. And they worry, is this a day that their school will be subjected to someone with a gun? Never in my wildest dreams would I have to imagine that people would have to train and, and do drills for something like this, other than a fire drill or tornado. This is really impacting our children. This is impacting our grandchildren. There are many of my colleagues here who have grandchildren that I know they love and adore. They share photos with me and I know how passionate they are about their grandchildren. But this is a real fear. We've become a, a nation under guns. And that's wrong. That's wrong. I've asked my colleagues, every time I'm up at the mike, what are you doing to help keep our Nebraska children safe from gun violence? That's-- to me, is our number one duty. We swear oaths to protect the public. That's a big job. It's a responsible job. It means we have to make tough

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decisions. It means that we have to make tough decisions in, in going up against one of the biggest lobbyists in the entire United States.

KELLY: One minute.

RAYBOULD: Thank you, Mr. President. That's the National Rifle Association, who funds so many political campaigns and tries to determine and mold how they think and why the Second Amendment right is, is-- supersedes everything. Well, it doesn't. It doesn't. In our Nebraska Constitution, it talks very clearly about your right to life, liberty, and the pursuit of happiness. That's right before your Second Amendment rights, but that doesn't stop communities from enacting commonsense gun, gun safety measures. LB77 takes that right away from cities, counties, communities, everywhere across the state of Nebraska. And that is wrong. I know we want to do everything we can to keep our children safer. And I ask my colleagues to review the legislation and vote no on it. Thank you, Mr. President.

KELLY: Thank you, Senator Raybould. Senator Conrad, you're recognized to speak. Excuse me. Machaela Cavanaugh, you are recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. So this bill and the bill to take away people's reproductive rights are the same length and four pages longer than LB574. The statement of intent says that the bill fixes an error with the emergency clause to accurately reflect the effective date of the act. LB626 has an emergency clause, which means that if we pass it in the next month, that a person who gets pregnant today could lose access to their rights before they even know they're pregnant. In Section 2(1)(b) and (c), there's a-- mortality assumptions-- definition of mortality assumptions. Underlying mortality assumptions are projections of expected death rates used by actuaries to estimate insurance premiums and pension obligations. This is based on mortality tables, which are statistical tables of expected annual mortality rates. How are these mortality assumptions impacted by abortion bans? How many teachers covered under this, generally, not just with these changes, are capable of reproduction? Will the state retirement plan be on the hook for more money as a result of LB626? Disability, defines it as-- in Section 2(8), an inability to engage in a substantially gainful activity by reason of any medically determinable physical or mental impairment which initially diagnosed or became disabling while the member of an active participant in the plan and which can be expected to result in death or to be long continued and indefinite dura-- duration. Most employers treat pregnancy as a disability for purposes of medical leave. How does that fact interact with this section? How do these schools and state

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agencies treat pregnancy for the purposes of leave? How is it treated under this act? Now, I know, for a fact, that Senator McDonnell supports paid family medical leave and I very much appreciate that. But we have yet to pass paid family medical leave in Nebraska. I have introduced it for the last three years. Prior to that, Senator Sue Crawford introduced it for my first two years. I prioritized Senator Sue Crawford's bill, LB311, my first year, for paid family medical leave. Honestly, if you all wanted to get rid of me after the first four years, you probably should have just passed paid family medical leave, because it is the reason that I ran for office, that and funding for developmental disabilities.

KELLY: One minute.

M. CAVANAUGH: But if we pass paid family medical leave, how will it interact here for the purposes of retirement compensation? People are going to die as a result of an abortion ban, such as LB626. This bill talks a lot about employee termination and how it interacts with the retirement plan. Meanwhile, we are trying to pass books-- book bans and parental rights bills. If those would pass, how would it interact with the termination provisions in this bill? Would it be treated as a normal termination? I do have--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

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

ERDMAN: Question.

KELLY: The question has been called. Do I see five hands? I do. There's been a request for a call of the house. Question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 15 ayes, 12 nays to go under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Dorn, Fredrickson, Armendariz, Vargas, and Bostar, please return to the Chamber and record your presence. The house is under call. All unexcused members

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are present. There's been a request for a roll call vote. Question is shall debate cease? Mr. Clerk.

ASSISTANT CLERK: Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood not voting. Senator Bostar not voting. Senator Bostelman voting yes. Senator Brandt. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements. Senator Conrad voting no. Senator Day. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne voting no. Senator Wishart not voting. Senator Brandt voting yes. Vote is 30 ayes, 11 nays, Mr. President.

KELLY: Thank you, Mr. Clerk. Debate does cease. Senator Machaela Cavanaugh, you are recognized to close.

M. CAVANAUGH: Thank you, Mr.-- not until the vote is over. I close and then we vote and then they lift the call. Usually, of course, the Lieutenant Governor can lift the call if he wants to, but it's always their prerogative. But it's usually protocol to wait until the closing and vote happens. Colleagues that voted against the call of the house, like, you're not hurting me by doing that. You're just hurting your colleagues who aren't in the Chamber, who then, if having recorded votes is important to them, they miss out on the opportunity to have their vote recorded. So it's really just uncollegial to the people who have stepped out of the Chamber, when you vote against the call of the house. I only point it out because it seemed to be a race to the numbers on the board. And the Speaker voted for the call of the house. And I appreciate that, Speaker Arch, because as the leader of the body, he understands the importance of making it possible for people to be present for votes. So also, when you are doing a call of the house and the vote is to cease debate, it is actually incumbent upon the body to have 25 positive votes. So if there weren't enough people in the Chamber to vote for calling the question-- I mean, calling-- me

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doing the call of the house was not really doing anything for myself. I wasn't doing myself any favors, because I was making sure that there were more people in the Chamber to vote to end my ability to debate. So again, like, your logic is constantly to penalize me and you're not paying attention to what you're doing and you're just making it harder on yourselves to achieve your goal of ceasing debate. But that's cool, if you think it's cute and funny to vote against calls of the house, then when it comes time for a call of the house that you really want, like on an amendment to be attached and I don't do the call of the house or I do do the call the house and you vote against it and the call fails and then the amendment fails because people aren't in the Chamber because we do a vote without people in the Chamber, you're going to feel real bad then. And whoever the colleague is that has the amendment that you just sunk, it is going to be real unhappy with you. But at least you got your red vote against Machaela, if that's all that matters to you and not, you know, conducting business. I am tired. This is the fourth day this week. It's been a long week. It's a tiring week. I am tired because people keep asking me, not in here, out there, keep asking me when things are going to change. And I keep saying no one is talking to me. I have no idea. No one in the Nebraska Legislature seems to care about things changing. They seem totally fine with me talking a lot, with the exception of Steve Erdman, who keeps calling the question. Everyone else seems to not care at all about me talking a lot, because no one is making a single effort to change anything. Anything. So here we are on Day 58, Day 58. On Day 58 and no one in here, despite calling me a bully and griping at me, is trying--

ARCH: One minute.

M. CAVANAUGH: --to change anything. You call me selfish, you call me a bully, you call Senator Hunt names. But none of you are taking responsibility for the role that you play as an individual in this body and the ability that you have to come and talk to me or Senator Hunt or each other. None of you. You all are just fine with how things are going. So please, people at home, people in the lobby, don't ask me anymore. My colleagues are fine with it. They seem, actually, OK with it. They're getting the things that they want to the detriment of process, transparency.

ARCH: Time, Senator.

M. CAVANAUGH: Thank you. Roll call vote.

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ARCH: The motion before the body is the reconsideration of the vote. The roll call has been requested. Mr. Clerk.

CLERK: Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood not voting. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements. Senator Conrad voting yes. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson voting no. Senator Geist voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney not voting. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne not voting. Senator Wishart voting no. Vote is 3 ayes, 38 nays, Mr. President, on the motion to reconsider.

ARCH: The motion to reconsider fails. Mr. Clerk, for items. I raise the call.

CLERK: Mr. President, items: Senator McKinney, amendments to be printed to LB531; Senator Clements, motion to be printed to LB815 and LB816. That's all I have at this time, Mr. President. Oh, excuse me. Announcement: Urban Affairs will meet in Executive Session under the north balcony at 11:00 a.m. Urban Affairs, Exec Session under the north balcony at 11. That's all I have this time.

ARCH: Mr. Clerk, for next item.

CLERK: Mr. President, next item. Priority motion, Senator Hunt would move to recommit LB103 to committee. I understand Senator Machaela Cavanaugh is authorized to open on this motion.

ARCH: Senator Machaela Cavanaugh, you are welcome to open on the motion.

M. CAVANAUGH: Thank you, Mr. President. So this morning, since we're talking about many retirement programs, including judges retirement,

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this morning I saw an article in ProPublica, Clarence Thomas and The Billionaire. In late June, 2019, right after the U.S. Supreme Court released its final Opinion of the term, Justice Clarence Thomas boarded a large plane-- jet headed to Indonesia. He and his wife were going on vacation, nine days of island hopping in a volcanic archipelag-- archipelago on a superyacht staffed by a coterie-- I don't know what that word is, c-o-t-e-r-i-e. I'm going to look that up. How do I look it up on this? OK. I'm trying to look it up, coterie-- noun, a small group of people with shared interests or tastes, especially that of ex-- that is exclusive of other people. I'm not sure that that's used appropriately. A coterie of attendants-- staffed by a coterie of attendants. The attendants were a group of people with shared interests or tastes? I'm not sure-- another-- yeah, that's-- going to call out on ProPublica. I don't think that's an appropriate use of the word coterie. But, but it's a fun word that I just learned so, I guess, a new word, whether it's appropriate use of it or not-- a coterie of attendants and a private chef. If Thomas had chartered the plane and the 160-foot yacht himself, the total cost of the trip would have exceeded \$500,000. Fortunately for him, that wasn't necessary. He was on vacation with real estate magnate and Republican megadonor, Harlan Crow, who owned the jet and the yacht, too. I don't know who Harlan Crow is. I am-- I read this article earlier, but I didn't get through the whole thing because I had to get ready to come here. And I didn't know who he was. So now I'm looking up Harlan Crow. He is an American real estate developer from Dallas, Texas, and a billionaire. How did Harlan Crow make his money? His father, Trammel Crow, built an eponymous real estate giant that was once the country's largest landlord. In the mid-eighties, overstretched by borrowed money, the company was near bar-- bankrupt. Harlan Crow took it over, restructured the debt, sold off assets and rebuilt his family's riches. He sounds like a more successful Donald Trump, I mean, business wise. Personality wise, I have no idea. I'm not-- I do not mean to say anything about the personality of Mr. Crow, whether he is-- likes-- former President Trump, just noticed that he is a billion-- a more successful real estate billionaire, or at least appears to be. He is married to Kathy and he was born Harlan Rogers in 1949. So back to the article. OK. There's a photo here, it's Clarence Thomas and his wife, Ginni, from left and Harlan Crow, back right and others in Flores, Indonesia, in July 2019. Looks like there's some teenagers who are probably-- well, I don't know Harlan's life, maybe his grandkids or maybe his kids' kids. I don't know. For more than two decades, Thomas has accepted luxury trips virtually every year from the Dallas businessman without disclosing them, documents and interviews show. A public servant who has a salary of \$285,000, he has

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vacationed on Crow's superyacht around the globe. He flies on Crow's Bombardier Global 5000 jet. He has gone with Crow to the Bohemian Grove, the exclusive California all-male retreat and to Crow's sprawling ranch in east Texas. And Thomas typically spends about a week every summer at Crow's private resort in the Adirondacks. I am very intrigued by the Bohemian Grove, the exclusive California all-male retreat. Anybody else intrigued by that? But somehow, I can't look at-- look that up on my computer. I am so bad at looking these things up-- using-- I'm so bad at using an Apple. I know it's supposed to be intuitive, the pad, but-- Bohemian Grove. OK. So the Bohemian Grove is a restricted, 2,700-acre campground in Monte Rio, California, belonging to a private, San Francisco-based gentlemen's club, known as the Bohemian Club. In mid-July each year, Bohemian Grove hosts a more than two-week encampment of some of the most prominent men in the world. The Bohemian Club's all-male membership includes artists and musicians, as well as many prominent business leaders, government officials, former U.S. presidents, senior media executives and people of power. Members may invite guests to the Grove. Guests may be invited to the Grove for either the spring jinks, it's in quotes, in June or the main July encampment. Bohemian Club members can schedule private day-use events at the Grove anytime it is not being used for club-wide purposes. And they are allowed, at these times, to bring spouses, family and friends, although female and minor guests must be off the property by 9 or 10 p.m. After 40 years of membership, the men earn old guard, in quotes, status, giving them reserved seating at the Grove's daily tasks [SIC], as well as the other prerequisite-- prerequisites. Former U.S. President Herbert Hoover was inducted into the old guard on March 4, 1953. He had joined the club exactly 40 years prior. Redwood branches from the Grove are flown to the Waldorf-Astoria Hotel in New York City, where they are used to decorate a banquet room for the celebration. In his acceptance speech, Hoover compared the honor of the, quote, old guard status to his role as veteran counselor to late presidents. The club motto [RECORDER MALFUNCTION] spiders. Weaving spiders come not here. Which implies that outside concerns and business deals networking are to be left outside. When gathered in groups, Bohemians usually adhere to the injunction, although discussion of business often occurs between pairs of members. Important political and business deals have been developed at the Grove. The Grove is particularly famous for a Manhattan Project planning meeting that took place there in September, 1942, which subsequently led to the atomic bomb. This is fascinating. An all men's gentlemen's club retreat where things like the atomic bomb came into being. The toxicity of that really rings true. Of course, of course, a

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group like this would result in an atomic bomb. Those attending the meeting included--

ARCH: One minute.

M. CAVANAUGH: --Ernest Lawrence, J. Robert Oppenheimer, the S-1 Executive Committee heads, such as presidents of Harvard, Yale, and Princeton, among the representatives of Standard Oil and General Electric, as well as various military officials. It's things like this that are, like, how it is so hard to-- like systemic sexism is so ensconced in just everything, including how the Manhattan Project was even developed at a gentlemen's club. By the way, ooh, something fascinating about the children that were born at the-- during the Manhattan Project, their birth certificates list a P.O. Box as their place of birth. So bizarre, right? So there's, like, a hand-- a couple dozen people who were born during that time and their birth certificate--

ARCH: Time, senator.

M. CAVANAUGH: --thank you-- P.O. Box. Thanks.

ARCH: Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Again, good morning, colleagues. I wanted to continue visiting about some of the workforce challenges implicated by this measure and continue to rise in support of LB103 and the committee amendment as a member of the Retirement Systems Committee. So my last time at the mike, I had a chance just to provide kind of a snapshot or an overview or update of kind of where we were in terms of workforce challenges facing the Nebraska State Patrol. So I also wanted to provide a snapshot about where we are in regards to workforce issues impacting our teachers across the state. And I wanted to flag that in particular because I think there is a very thoughtful approach emanating from the Education Committee that will utilize a variety of different bills, variety of different tools and strategies to address our teacher shortage crisis, which indeed, colleagues, is actually at a crisis point. So I wanted to draw your attention to the Nebraska Department of Education. Their website is where this information is available, but they have regular reportings on the teacher vacancy situation in Nebraska. So I quickly grabbed the 2022-2023 Teacher Vacancy Survey Report Summary, just to kind of detail where we are in terms of teacher recruitment and retention, what that means for our shared goals in terms of educational policy. And then to really tee up, I think, the importance of this measure and

then forthcoming measures impacting teacher recruitment and retention, which includes compensation, a variety of other tools, and retirement benefits. So if you look at the Nebraska Department of Education 2022-2023 Teacher Vacancy Survey Report, you will see that they had a pretty robust response across both public schools and nonpublic schools and ESUs. So they had a return rate of-- an overall response rate of about 92 percent, which I think is a pretty comprehensive look at where we are in terms of teacher recruitment and retention. And then it goes on to talk about different areas, different endorsement areas, and kind of breaks out the vacancy by that: special education, elementary ed, career education, language arts, sciences, mathematics, speech language, music, early childhood, art, school counselors, health education, social studies, school behavioral health professionals, and school librarians. Overall, colleagues, we have districts and systems that are reporting in the most recent annual report made available, we have 768 positions that are vacant in terms of teachers across our districts, and we have about 208, about 209 that were left completely vacant for the 2022-2023 school year. And according to Nebraska Public Media, overall, that vacancy rate of about 208, 209 teachers is about triple what it was last year. So you have to look at not just, of course, the snapshot, but the trend as well. And then the report goes on to detail how the different vacancies impact smaller schools in greater Nebraska and even larger schools in our urban areas. So I would definitely draw your attention to that. There's a two-page summary report, which is very easy reading, but may be helpful to us all as we consider this measure and prepare for a debate about teacher recruitment and retention tools that will be forthcoming from the Education Committee. The other piece that I wanted to make sure to connect the dots on and talk about was how this teacher recruitment--

ARCH: One minute.

CONRAD: --and retention crisis also impacts student learning and our overall workforce challenges in family health. So according to a Flatwater Free Press article from February 16, 2023 of this year, at least six districts in Nebraska have already moved to a four-day school week. That was also picked up by national news and Governing Magazine just a few days later, after it was reported locally. The article goes on to detail that there are perhaps not dramatic but discernible negative impacts on academic achievement when you move to a four-day school week, and when we have a teacher recruitment and retention crisis that's really what is pushing districts to take that dramatic action, and it impacts our shared goals and commitment to

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education and academic achievement. So we have to connect these dots. Additionally, the reporting goes on to note that the transition--

ARCH: Time, Senator.

CONRAD: Thank you, Mr. President.

ARCH: Senator Erdman, you're recognized to speak.

ERDMAN: Thank you, Mr. President. So I've been sitting here listening all morning. People whine about ceasing debate and they don't even talk about the bill. And I didn't realize that calling the question aggravated Senator Machaela Cavanaugh that much. I really appreciate that it does. We have been here for 58 days and she says no one comes and talks to me. We just don't agree with her. And you can't negotiate with somebody who is totally opposite of your opinion. I don't know how you negotiate something. So the fact is, it's not that we don't like to talk to her, we just don't agree. And I know that she was thinking that I was going to call the question. She was wrong. But what they've been trying to do for 58 days is to stop bills that are very important to the majority of Nebraskans. But the way the Unicameral is set up, the minority has control. Other states who have a bicameral do things that the majority of their residents want them to do. Iowa, they do things that improve their tax situation. They do things to improve education. Oklahoma. The list goes on and on. But we, we have a Unicameral and it is perfectly set up for the minority to control it. That's exactly what's been happening for 58 days. One good thing that I want to share with you is Sunday is Easter. And that's an opportunity for us to celebrate, to recognize the one who died for you, that paid for your sins, so that you can have eternal life. And I don't know if you know this, but you're all going to live forever whether it's in heaven or it's in hell. You choose. The choice is yours. So when we get to Sunday, I want you to think about what was done on that first Sunday morning to secure a place for you in heaven if you accept it. The choice is yours. We will be surprised when we get there, to heaven, who is there, and who's not there. There's a lot of decisions you can make in life, but there's none more important than that one. Happy Easter. Thank you.

ARCH: Mr. Clerk, for announcement.

CLERK: Thank you, Mr. President. The Retirement Committee will meet in Executive Session under the south balcony at 11:15. Retirement, south balcony, 11:15. That's all I have at this time.

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

J. CAVANAUGH: Thank you, Mr. President. This is my first time speaking on this bill and I just want to say I appreciate the work of the Retirement Committee. I tried to get on to it but there were more qualified applicants and so I appreciate the hard work of the Retirement Committee. And fully funding our pensions is something that's really important and difficult for our public sector unions. And I've been listening to a lot of things that Senator Conrad's been talking about in terms of employment retention and those things and I do recall issues. I heard Senator Raybould talking about how good a job the city of Lincoln has done. And I remember in previous years, the city of Omaha having some real issues with funding our, our public employee pensions. But in terms of other fights we've had in this body about retirements and pensions, we had-- my first year, the bill out of the Retirement Committee was one to make sure we fully funded our judges' retirements from our-- and the state's obligation. And we had a fight about that because Senator Kolterman, who was one of the nicest, hardest working people in this body and it's hard to fight with Senator Kolterman. Everybody always said he had the congeniality award for the Legislature when he was here. But nonetheless, I got into a fight with Senator Kolterman about raising court fees to fully fund the judges' pension. And so we had a fight about that on the floor. And he had worked, you know, for years trying to get that accomplished to make sure we were fully funding judges pensions. And I am opposed to increasing court fees because how court fees disproportionately affect poor people and they act as a barrier to entry to the court systems and are not actually really being funded by the users, as you would say. It's not really a user fee because a lot of people don't choose to use the courts. So I objected to that and we went a couple of rounds fighting it on the floor and we had some meetings and met with the courts and, and ultimately we came to a compromise and the increase in court fee was assessed only as against civil cases and not criminal cases because people have more control about whether or not they enter the courts in civil cases than they do in criminal cases. And that was a compromise. I wasn't too happy with it still because my opposition to increase in court fees is nonspecific, non-- not directed just at, at who it is denying access to the courts to and who it is burdening. It's the fact that it is a burden and that the courts should be open and available to everyone for the redress of the grievances that they are seeking to have addressed. And so I think that's really important. I appreciate the work, and I appreciate being able to have a, a fight with somebody, that was pretty early on in my career here. I didn't really know

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Senator Kolterman yet at that point. I knew him by reputation only, and having that opportunity to kind of have a conflict with him, and it was good because it was a, a positive interaction where we stated our disagreements and why we had them and what we really were going to. And then we achieved a compromise that got us to the place we needed to get to. And so-- and then he and I ultimately, I think, had a pretty productive relationship going forward in, in the Legislature for his two years that we were here together. We were able to be on opposite sides of some issues, and we were able to be on the same sides of other issues, and we were able to-- I was able to talk to him and get his vote on some of my bills and vice versa and-- because we treated each other respectfully in those-- in that con-- that initial conflict. And I feel like I've had the same interaction with a number of other people in my first two years here where I had productive disagreements with people. So--

ARCH: One minute.

J. CAVANAUGH: --thank you, Mr. President-- so I think that is-- it's good, it's good to have conflicts here. And I appreciate what Senator-- some of the things Senator Erdman was talking about that other bodies in this country move faster. But I've talked a few times in the last couple of days about instances where we've moved too fast, and then where you have to come back and fix them. So, you know, we don't want to be-- have the focus be on speed. I know we do feel like we're going really slow right now, but we need to be cognizant of the fact that it's quality over quantity and we shouldn't be rushing on a lot of these things. We had those votes yesterday where we put a couple bills into that transportation package and I would guess many people in here, maybe, couldn't tell you what all five of those bills do. So, you know, sometimes a little bit of deliberation, slow, slow things down is for the better. So, again, I'm in, in support of LB103 and--

ARCH: Time, Senator.

J. CAVANAUGH: --AM969. Thank you, Mr. President.

ARCH: Senator Dungan, you are recognized to speak.

DUNGAN: Thank you, Mr. President. Colleagues, I rise, I suppose, opposed to 301, the motion to recommit. I am in favor, however, of AM969 and LB103. It's come to my attention that my mom is watching this live feed today, so I wanted to say hello to my mother and I

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would defer the remainder of my time to Senator Machaela Cavanaugh if she would take it.

KELLY: Senator Machaela Cavanaugh, you have about 4:29.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Dungan, and hello to Senator Dungan's mom as well. I hope you're enjoying this morning's session of "As the Legislature Turns." We're talking about a package, the retirement package. So I was reading about the Bohemian Grove, which I'm going to-- this has been a little bit of a journey, but stick with me. So the Bohemian Grove is an all men's retreat in California, where things like the Manhattan Project were discussed. Why am I talking about that? Because I was looking at an article-- I was reading an article in ProPublica about Clarence Thomas traveling on vacation with Harlan Crow. Harlan Crow? Yes. And one of the places they've gone together is the Bohemian Grove. Why was I reading an article about Clarence Thomas and Harlan Crow? Well, Clarence Thomas is a judge, and we are talking about a retirement package, respecting the retirement package that includes multiple different packages within it. And one of the packages is a judges' retirement. So I thought it was interesting to look at an article about a Supreme Court Justice who is not respecting a package of laws that require accountability and disclosure for these things. So going back to the ProPublica article, now that I've learned a little bit more about the Bohemian Grove, a place I never would ever be allowed to go to because of my gender. I do wonder, though, do they allow transgender men at the Bohemian Grove? Because they allow artists and musicians, do they allow transgender men? Alternately, do they-- if they don't allow transgender men, do they allow transgender women because of the gender assigned at birth? I would love to know more about the Bohemian Grove's policies on the transgender community. It's one of those things that gets to be a little tricky when you have policies based purely on gender assigned at birth. A lot of pitfalls there. OK, so the-- OK. He has gone with Crow to the Bohemian Grove, the exclusive California all-male retreat, and to Crow's sprawling ranch in East Texas. And Thomas typically spends about a week every summer at Crow's private resort in the Adirondacks. The extent and frequency of Crow's apparent gifts to Thomas--

KELLY: One minute.

M. CAVANAUGH: --have no, have no known precedent in the modern history of the U.S. Supreme Court. These trips appear nowhere on Thomas's financial disclosures. His failure to report the flights appears to violate a law passed after Watergate that requires justices, judges,

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members of Congress and federal officials to disclose most gifts, two ethical law experts said. He also should have disclosed his trips on the yacht, these experts said. Thomas did not respond to a detailed list of questions. In a statement, Crow acknowledged that he'd extended hospitality to the Thomases over the years, but said that Thomas never asked for any of it, and was no different from the hospitality we extended to our many dear friends. Through his largesse, Crow has gained a unique form of access, spending days in private with what--

KELLY: That's your time, Senator. Thank you, Senator Cavanaugh. And Senator Halloran has guests in the north balcony, fourth graders from Longfellow Elementary in Hastings, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. The article from ProPublica. Through his largesse, Crow has gained a unique form of access, spending days in private with one of the most powerful people in the country. By accepting the trips, Thomas has broken long-standing norms for judges' conduct, ethics experts and four current or retired federal judges said. It is incomprehensible to me that someone would do this, said Nancy Gertner, a retired federal judge appointed by President Bill Clinton. When she was on the bench, Gertner said she was so cautious about appearances that she wouldn't mention her title when making dinner reservations. It was a question of not wanting to use the office for anything other than what it was intended. Virginia Canter, a former government ethics lawyer who served in administrations of both parties, said Thomas seems to have completely disregarded his higher ethical obligation. When a justice's lifestyle is being subsidized by the rich and famous, it absolutely corrodes public trust, said Canter. Now at the watchdog group CREW. Quite frankly, it makes my heart sink. ProPublica recovered-- uncovered the details of Thomas's travel by drawing from flight records, internal documents distributed to Crow's employees, and interviews with dozens of people ranging from his superyacht staff, to members of the secretive Bohemian Club, to an India-- Indonesian scuba diving instructor. Federal judges sit in a unique possession-- position of public trust. They have a lifetime tenure, a privilege intended to insulate them from the pressure and potential corruption of politics. A code of conduct for federal judges below the Supreme Court requires them to avoid even the appearance of impropriety. Members of the High Court, Chief Justice John Roberts has written, consult that code for guidance. The Supreme Court is left almost entirely to police itself. There are few restrictions on what gifts justices can accept. That's

in contrast to other branches of government. Members of Congress generally prohibit-- prohibited from taking gifts worth \$50 or more, and would need preapproval from an Ethics Committee to make-- to take many of the trips Thomas has accepted from Crow. Thomas' approach to ethics has already attracted public attention. Last year, Thomas didn't recuse-- recuse himself, or recuse, recuse himself from cases that touched on the involvement of his wife, Ginni, in efforts to overturn the 2020 presidential election. While his decision generated outcry, it could not be appealed. Crow met Thomas after he became a justice. The pair have become genuine friends, according to the people who know both men. Over the years, some details of Crow's relationship with the Thomases have emerged. In 2011, the New York Times reported on Crow's generosity towards the Justice. That same year, Politico revealed that Crow had given half a million dollars to a Tea Party group funded by Ginni Thomas-- founded by Ginni Thomas, which also paid her a \$120,000 salary. But the full scale of Crow's benefic-- benefactions have never been revealed. Long an influential figure in pro-business conservative politics, Crow has spent millions on ideological efforts to shape the law and the judiciary. Crow and his firm have not had a case before the Supreme Court since Thomas joined it,--

KELLY: One minute.

M. CAVANAUGH: --though the court periodically hears major cases that directly impact the real estate industry. The details of his discussions with Thomas over the years remain unknown, and it is unclear if Crow has had any influence on the justice's views. In his statement, Crow said that he and his wife have never discussed a pending or lower court case with Thomas. We have never sought to influence Justice Thomas on any legal or political issue, he said. In Thomas's public appearances over the years, he has presented himself as an everyman with modest tastes. I don't have any problem with going to Europe, but I prefer the United States and I prefer seeing the regular parts of the United States, Thomas said in a recent interview for a documentary about his life, which Crow helped finance.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

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

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I do not support the recommit, but I do support both the amendment and the underlying bill. And I, too, Senator John Cavanaugh, tried to get on Retirement, but was not able to do that. I would like to add to something that Senator Machaela Cavanaugh spoke about earlier, just to kind of fill in the blanks. One of the appointments that I think she might have forgotten about was when Senator Watermeier was still in the body and ran for the Public Service Commission. And I believe that's how we got Senator Slama initially appointed into this body. I might be wrong on that. But I do want to talk about a couple of things. Senator Price, who ended up having Senator Tommy Garrett appointed in his spot, was actually a neighbor of mine. And I thought it was really interesting, and for me it was very eye-opening, where his wife moved to another state and he said he was moving too, but he ran for reelection as an incumbent because we know you have a financial benefit when you run as an incumbent. And then after winning, stepped back so somebody could be appointed into that position. And we see that a lot. And I got to tell you, Senator Cavanaugh, what you may not know is that I actually interviewed for that appointment. That's when they actually interviewed people. That was a couple Governors ago. And I still remember that when the questions that I was asked that you would never ask in a job interview because it would be illegal. I was asked that as a woman, as a mom and a wife, how would I juggle everything and still be able to be in the, the Legislature, which I'll always remember that question. And I did not get appointed, but it just made, when I came back eventually and beat the incumbent who had been appointed for my seat in the Legislature, it just made it sweeter. But, I got to tell you, you see me lately looking a little frowny, and that is not because of any one in particular thing. But part of that is because I just kind of feel like we're pawns on a chess board lately. I feel like we vote for things that we don't really discuss because we're told to vote for things, which has happened throughout my, my time here. But it just seems more so lately. And I feel like when we talk about certain people being appointed, Senator Jacobson was actually one of them, and he's run for reelection, and he earned that spot. I'm not saying anything negative about him. I'm saying that's just an example. Now we have someone being appointed 24 hours after somebody stepped back as opposed to going through the process. Senator Clements, I don't believe, applied for his position originally when he was appointed, but he was picked outside of those that did throw their names in the ring. And, and here's the thing that makes me kind of sad, makes me kind of frowny, is that I feel like the democratic process really depends on transparency, and where is the transparency? And just

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because you can do something, just because it's OK to go ahead and appoint somebody, doesn't mean that that's transparent and doesn't mean that that is right. And so it takes away the voice of the people. It takes away the transparency. It takes away the process. And quite frankly, I think Nebraskans have an inherent right to know, you know, how we make the donuts, the who, what, where, when, and why. We know, thanks to the media, some of the connections that some of our appointees have had. Maybe they worked for a person's campaign or maybe they were the head of a county party.

KELLY: One minute.

BLOOD: But what we don't know is the process that was used because there doesn't seem to be a process anymore. And so I just challenge Nebraskans to not be blind to what's going on. Appointments are fine. That is indeed something the Governor can do here in Nebraska, and I do not question that. But when the process becomes one that is not transparent, you as voters should question that. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. I would like to wish everyone out there a happy Easter and I would-- and happy Passover, and I would like to yield the rest of my time to Senator Machaela Cavanaugh.

KELLY: Senator Machaela Cavanaugh, you have 4:40.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Raybould. Yes, Senator Blood, I, I also was interviewed. It was a weird interview. I was asked by Taylor Gage about my positions on guns, motorcycle helmets, Medicaid expansion, and abortion, I think. I wasn't asked anything about my experience, why I was interested in serving, my work history, my education. It was an odd interview by the Communications Director, but nonetheless, it happened. It was perfunctory. It was clearly a litmus test. Not really questions to vet if I was at all capable, capable or competent but, but still, it was a process. It wasn't just a-- this is the person that I've picked under the cover of darkness within 24 hours of an announcement of a vacated seat, so. Again, the person who fills LD 25, it is unfortunate that your appointment is being handled the way that it is, because it does cast a pall over your appointment, and you will be the only person in this body who was appointed that way. And that is doing you, whoever you are, a disservice. OK, so the ProPublica article about Clarence

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Thomas. And talking about his travel, Clarence Thomas says, I prefer the RV parks. I prefer the Walmart parking lot to the beaches and things like that. There's something normal to me about it, Thomas said. I come from regular stock and I prefer that. I prefer being around that. That's-- all right. There is a-- an RV park campground in Iowa that-- I don't have an RV, but I was driving with my husband and my kids to go visit my mom's family in Wisconsin. And one of my kids has-- doesn't do well with car trips. And so we-- I grew up always trying to maximize, like just to have a shortest car ride as you possibly can. There's eight of us. I have seven siblings. And so it was just like, we're just going to drive, try and make only one stop in this-- at that time it was eight hours. The interstate system has improved, so now it is more like seven hours drive to my mom's family, but maximize it, stop once, refill the gas tank, and then go again. And, and so I always had this mentality when taking car trips--

KELLY: One minute.

M. CAVANAUGH: --even with my own kids, that you got to just, like, get in the car and just get it done. I am now reapproaching how I approach car trips, and it's more of part of the adventure of it all. So we went to an RV park in Iowa that was along the way, and it was really fun. We just had a great time on the playground there. And you had to pay, like, \$2 to use it, but it was a great time and they had an ice cream shop, and I wish I remembered around the town that it was in. But, so now when I travel to Wisconsin to visit my mom's family, we try and find unique off the interstate stops to take. So, you know, just always having to reassess our norms, I guess. And that's one of the things that my kids and I and my husband have done is reassess that it's not about just getting to the destination. We can make the, the journey part of the fun. So thank you.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I'll continue on what I was talking about before, because apparently it was maybe unclear to some people. So what I was trying to say is, you know, we, we want in haste to pass some things because things are slowed down here. But when you do that, if you try to pass things too quickly and you haven't really given things their due deliberation, you may-- maybe we

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make a mistake. And then, of course, we have to come back and fix it. And you think about other states that have done those sorts of things and pass in haste. Everybody makes a reference to Kansas, and how Kansas did some things in haste with their tax code that caused a catastrophe there, and they have been walking it back since then. And so I'm not saying we've made any big mistakes yet this year. I don't, I don't know that for certain, but time will tell. But what I'm saying is, you know, where we have an opportunity to stop and deliberate, and, and take our time and even when we get the, you know, opportunity to move some things, I think it's important to make sure we just say, hey, this is what it does. This is-- you know, answer any questions, have a conversation about it. So that's-- that was kind of my point is not, not that we shouldn't move things and not that we-- you know, moving things is a bad idea. It's just that we need to make sure even when we're taking a lot of time, things are going very slow right now, when we do have that opportunity, we should still give those things their due conversation for-- in the interest of doing our job. But, anyway, back to retirements. I'm very-- I think this is-- this is a technical area. It's thankless, really, because retirements are expensive. And, you know, we have these obligations that we've made to people in terms for retention and getting people to work, staying in lower paying, usually lower paying government jobs where they could make more money in the private sector. And a lot of people do it because they're true believers. I was a government employee before I got elected here. I was a county employee in the Douglas County employees pension program. And that-- I can tell you that, that pension is one of the things that keeps those lawyers in those offices, because you get paid a lot less as a public defender or as a county attorney or a city prosecutor than you could in the private sector. And so some-- many people stay and bring their experience and expertise to those offices because they are-- have a favorable pension structure so that's a, a good thing. That is one of the benefits we are able to provide to those employees to get that value out of them. The same thing applies for our other public sector employees: teachers, firefighters, police officers. All of them are, you know, not paid as much as we-- as much, as much as they val-- they are valued, as much value as they bring. And so making sure they have a secure pension that's going to be there in the future is really important. And the work of the Retirement Committee to make sure that all of those pensions are shored up is really important work, but again, it's thankless because usually it means we have to find other funds to obligate, we have to put other requirements on things, some oversight, and that is, you know, should not go unrecognized. So the

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work of the Retirement Committee, I appreciate all their work and I didn't get to finish last time--

KELLY: One minute.

J. CAVANAUGH: --thank you-- I am in support of AM969 and LB103 and opposed to the motion to recommit. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Machaela Cavanaugh, you're recognized to speak, and this your last time before your close.

M. CAVANAUGH: Thank you, Mr. President. OK. I am grateful to everyone who serves on the Retirement Committee and those like Senator Cavanaugh and Senator Blood that were interested in serving on the committee. It's not one of my areas of particular interest, though, of course, I'm always interested in learning new things. I think being on the Retirement Committee would have certainly resulted in learning new things for me. I did this morning when I was driving here, thought about just taxes. Because when you're driving that, that lovely stretch of I-80 between Omaha and Lincoln, why not just think about taxes? And income taxes are due in nine days. The 15th. I actually haven't looked at the calendar as to what day of the week the 15th is, because it's not quite April 15. If it falls on a weekend, it falls on a weekend. So I wonder-- have to look that up. It might be April-- they might actually be due on April 17. Anyways, about a week, a little over a week, your income taxes are due. I bring that up to remind everyone, when you are filing your income taxes be sure to claim your property tax income tax credit. You can Google Nebraska property tax income tax credit and the link to the Revenue-- Department of Revenue's page that will help you file for it should come up. You only qualify for this credit if you pay property taxes. You do not have to pay income taxes to qualify for it, but you do have to file income taxes to qualify for it. So if you make too little to even really need to file income taxes, you still should if you own property so that you can get this tax credit because it is a credit, which means it is money back in your pocket. So if you owe zero in income taxes and you qualify for the property tax credit of, say, \$500, then you will be getting a check from the state for \$500. So might be worth it to check it out and figure out if you, in fact, qualify for the property tax income tax credit. OK. So Senator Raybould mentioned that it is Easter and Passover. Hoping that the Easter Bunny comes. My parents are anticipating that the Easter Bunny is coming to their house to hide Easter eggs in the yard. So that's going to be one of our activities, if the Easter Bunny comes, that we will get to have an Easter egg hunt on Saturday-- Sunday-- on Sunday,

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I think. That's always a fun, fun thing. When I was little my mom would get us matching outfits from the store called Chocolate Soup. And they had a Chocolate Soup store over in Regency in Omaha, which is now in my district, actually. But over in Regency, there was a store called Chocolate Soup.

KELLY: One minute.

M. CAVANAUGH: And it doesn't exist anymore. I don't know if the company itself still exists, but my sister always goes on eBay and finds Chocolate Soup outfits. They are the cutest thing. They are, like, appliqued designs of different things. And one of my favorite is this blue little A-line dress that has buttons up here, and it had ducklings, rows of ducklings, and I had matching ones with my sisters. And then the cutest little romper that a little redheaded boy named John wore. And it was so adorable. It's unbelievable. Someday I will dig up those photos and maybe show them to some of my colleagues, because it was super cute. OK, well, I'm about done, so I will just be back when it's my turn to close. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad-- Senator-- or Cavanaugh. Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President, and good morning again, colleagues. I wanted to talk a, a little bit more about how the connections to retirement benefits impact our overall challenges in relation to workforce, and particularly for public employees, including teachers implicated in this measure that I continue to rise in support of as a member of the Retirement Committee. So I had an opportunity at my last time to draw the body's attention to the Teacher Vacancy Survey Report for 2022-2023 from the Nebraska Department of Education, detailing how we have about 768 positions unfilled, unfilled across the state for fully qualified personnel, and about 208, 209 of those were left vacant for this year, 2022-2023. Again, according to the Nebraska Public Media Report, that overall vacancy was about tri-- triple what it was in the last year. So how that impacts our schools on the front lines-- and I'm grateful that our body had an opportunity to talk about increasing school funding together this week. And I know that will continue to be a big part of the discussion moving forward. But it also has forced-- the teacher recruitment and retention crisis has forced some schools, at least six in Nebraska, to move to a four-day week school, and that has negative impacts on academic achievement. It also is proving to be harder, particularly for kindergartners, to transition into school. And of course it has negative impacts for families' ability to access child care. It has work disruptions. And

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of course, we know from our discussion on school nutrition programs with that, when kids are in school less, when they're in school four days a week versus five days a week, they also have less opportunity to access school breakfasts and school lunches, which is critical to a lot of families' health and well-being. So I just wanted to lift that up in terms of the workforce challenges and in particular the workforce challenges for teachers. This measure also implicates public employees' retirement writ large. And one thing that I wanted to note in that regard was that when you think of critical functions that government plays, core functions of government, say, for example, like our DMV, our Department of Motor Vehicles. We know that, of course, our citizenry needs access to the DMV to-- for a host of reasons, but particularly to update their driver's license or their state ID. And we know that's important for them to navigate daily life. We also know that that may be increasingly important for them in terms of implementation of the voter ID measure, which will be a big part of our discussion together in the forthcoming weeks. But one thing I wanted to note in that regard, colleagues, that came to our attention was that how a worker shortage in Nebraska is really already today hurting access to DMV services, particularly in greater Nebraska. So there was a report from KSNB on March 17, 2023, that showed that the Nebraska Department of Voter-- Motor Vehicles has already temporarily closed its offices in six Nebraska counties. So people in those counties who want to renew the driver's license will have to wait longer until they reopen or go to another county or use the online system and services. So the offices are in Franklin, Furnas, Harlan, Kearney, Phelps, and Webster Counties, and they will be closed until May 2 because what the DMV has called a staffing crisis or staffing issues.

KELLY: One minute.

CONRAD: So I just wanted to note that it's really important that our state continues to make strides in terms of overall compensation negotiated for public employees, and how that can help to ensure that we have access to core government services for citizens all across Nebraska. Retirement is a piece of that, benefits is a piece of that, comp is a piece of that. But it really impacts our citizens' access to core government services, whether that's law enforcement on the front lines, teachers on the front lines, or public employees working in critical jobs across the state, like at our DMVs. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Machaela Cavanaugh, you are recognized to close on your motion.

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M. CAVANAUGH: Thank you, Mr. President. This is the motion to recommit to committee, and I would suggest not voting for it because this is a good bill. I'm just taking time. But it would have to get 25 votes anyways, so. This is-- so this is the thing on, on votes, you don't have to vote against things. You can ju-- if you don't support something, you can just not vote for it. And it's incumbent upon whatever you're trying to achieve to get, generally speaking, 25 votes. Some things have a higher threshold, but motions and amendments are 25 votes. So if you support the motion to recommit, you should vote for it. If you don't, you really just don't have to do anything. It's that simple. Yeah. So it is 11:52. We go till 1:13 on this. So that's an hour and 20 minutes left. And I got a bunch of things filed waiting for other things from-- to get put together to be filed. So at this point, I'm just kind of taking time. So we'll just go to a vote and I'm going to spare the Clerk's voice and just ask for machine vote. Thank you.

KELLY: Thank you, Senator. Members, the-- members, the question is the motion to recommit. All those in favor vote aye; all those, all those opposed vote nay. Record, Mr. Clerk.

CLERK: 0 ayes, 26 nays, Mr. President, on the motion to recommit.

KELLY: The motion fails. Mr. Clerk, for items.

CLERK: Mr. President, next item, Mr. President, next item, Legislative-- excuse me, Senator McDonnell would move to amend with AM1238.

KELLY: Senator McDonnell, you're recognized to open.

McDONNELL: Thank you, Mr. President. AM1238 to LB103 is an amendment that would add LB160, a bill that increases the contribution rate for supplemental county retirement plan for law enforcement officers. LB160 and this amendment propose to increase the contribution rate paid by both the law enforcement officer and the county for the supplemental plan currently in statute. LB160 was heard by the committee on February 14, and it had no opposition. Committee advanced the bill from General File 5-0 with one person not present and not voting. The bill-- the bill increases the contribution rate in two categories: counties with a population over 85,000, this category impacts Sarpy County only. Douglas and Lancaster counties are not included in this category as they do not participate in the county retirement plan. For Sarpy County, the contribution rate by both the county and the employee and the employer is increased from 2 percent

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to 3 percent. The other category is the other 90 counties with a population of less than 85,000, and the rate increases from the current 1 percent to 2 percent. Once again, both the county and the employee contri-- contributions-- contribute to this increase. With the adoption of AM1238 and the corresponding increase in the supplemental benefit for law enforcement, it is hoped that the resulting benefit can be used to a recruiting tool for the county law enforcement. Based on actuarial cost study that has been filed pursuant to Rule 5, Section 15, it is anticipated that the contribution increase is more than sufficient to cover the increased benefits as mentioned in the case study. Essentially, the cost of the increased benefits is almost exactly covered by the additional contribution. So the proposed change would not negatively impact the funding of the county cash balance plan. In closing, I feel that this is a good proposal that hopefully will assist county law enforcement in retirement, but also serve as a recruiting tool for our counties. Thank you, Mr. President.

KELLY: Mr. Clerk, for announcements.

CLERK: Thank you, Mr. President. Two announcements: the Revenue Committee will be holding an Executive Session at noon under the south balcony; Revenue, noon, under the south balcony. Additionally, the Appropriations Committee will have an Executive Session at noon in Room 1307; Appropriations, Exec Session at noon in 1307. That's all I have at this time.

KELLY: Thank you, Mr. Clerk. Senator Albrecht has guests in the north balcony, fourth graders from Wayne Elementary in Wayne, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Conrad, you are recognized to speak.

CONRAD: Thank you, Mr. President, and again, good morning, colleagues. Just wanted to rise in support of this amendment put forward by the Retirement Committee Chair. Senator McDonnell has done a great job in that regard, and our committee has worked very, I think, effectively and efficiently to take up important matters regarding the retirement systems for our public employees across the state. I just wanted to provide kind of a, a very quick, kind of cliff notes version of how the hearing went in regards to this substantive amendment that Senator McDonnell has put forward this morning. But I found it to be a very compelling hearing that we had, where law enforcement officers came forward. There was no opposition, but they did tell very moving personal stories about how this change could make a big difference for recruitment and retention and ensuring that those who have served as

our first responders can live on a retirement that offers them opportunity for dignity and respect. And in this hearing and other hearings that we had on similar matters, it will be no surprise to any of you that those brave men and women on the front lines of our public safety systems talked about how challenging their jobs were, but also the impact that they had for their families in never, perhaps, the uncertainty, never knowing when that call's going to come in the middle of the night, or if somebody is going to come home, and kind of the additional strain and stress and trauma that goes into their jobs that maybe doesn't always grab the headlines when we're thinking about the budgetary aspects, or the retirement aspects. But it was a good and important and meaningful reminder that all of the decisions that we make here, which, of course, we all know are more than dollars and cents, even though that's one consideration we have to take a look at. But the impact real Nebraskans and their families who are working really, really hard on core functions of government, whether that's first responders and advancing our shared public safety goals, our teachers, who are advancing our shared educational goals, our judges, who are on the front lines of administering justice in our court systems, and public employees who serve so many critical core functions of government. So it was a meaningful hearing. It resonated with me as the daughter of a retired law enforcement officer, a deputy sheriff for, for decades out in Seward County. And I remember that strain in thinking through how challenging it is when you have a loved one that goes to work with a gun on their hip every day. And what those challenges might mean in terms of responding to an exigent or dangerous situation, whether that's domestic violence, or a simple traffic stop, or even a more high level, level public safety threat. So it was a very compelling hearing. This seems to me like the very least that we can do to honor their service and sacrifice, and would encourage the body to cast a green vote in support of AM1238. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. I rise in support of AM1238, and again AM969 and LB103. And again, I appreciate the work of the committee and echo the comments of Senator Conrad and appreciate the work of Senator McDonnell and his staff in getting this done. This, you know, again, this is one where we're putting something in, in Select. And I do think it is important, as I was talking about earlier, to have the conversation about what this is and why it's-- this is valuable and important to the state of Nebraska. And, you know, the top line for this is we're talking about retirements, it's a

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retirement bill, and retirement, you know, stable, guaranteed retirements that are fully funded, that give a good benefit to employees after they retire, public employees, is a tool that our counties can use to recruit and retain talent. And so this is a-- this amends the supplemental retirement benefits provided by most of the counties of the state of Nebraska to allow them to increase the contribution for, for both the employee and the, the employer, being the county. And as Senator McDonnell said, it doesn't-- it's not going to have a cost because of how they structure these retirements and I'm not going to pretend to understand that. I, you know, appreciate Senator McDonnell's expertise, particularly when it comes to public employee retirements, having been both the fire chief in the city of Omaha and the president of the firefighters union negotiating contracts, as well as the head of the state-- the city of Omaha-- the Omaha Federation of Labor and his work on the Retirement Committee over these years, and now as his work as the Chair. So I think he's got pretty solid credentials on that regard. But, yeah, I think that we've had this conversation about this underlying bill and the importance of making sure we are fully funding pensions for our public employees and the importance of offering a good benefit as a recruitment tool. And that's what I've got written here, is that the-- that the counties use this to recruit and retain that talent. I heard Senator Conrad talking about the risks that our law enforcement, in particular, face in the line of duty and making sure that their families are provided for and the awful potential eventuality that they risk every day when they go and do their job. And so it is really important that we make sure that they have a appropriate pension to provide for their families and their loved ones and that they receive as adequate, appropriate compensation as we're able to. And as I said earlier, you know, these folks do these jobs and we pay them not as much as they could make in an-- in some other fields and they do it because they're passionate about serving their communities, as in this case, law enforcement officers. And they could make more in the private sector, but they do it for that love. But we need to make sure that we are compensating them as, as appropriately as we can, and that they-- one of those compensations that we're able to do is a pension. So I support LB-- or I'm sorry, AM1238 and AM969 and LB103. And I'd encourage your green vote on all those when we do ultimately get to that vote. Thank you, Mr. President, and thank you, Retirement Committee.

KELLY: Thank you, Senator Cavanaugh. Senator Fredrickson, you are next.

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FREDRICKSON: Thank you, Mr. President. Good after-- officially afternoon, colleagues and Nebraskans. I rise today in support of Senator McDonnell's AM1238. I am also in support of the underlying bill, LB103. I've been listening, I haven't been participating in this discussion this morning, but I have been listening closely to the conversation, and I was actually reviewing the bill and reading the committee statement, etcetera on that. And I think it's, you know-- I also echo my colleagues appreciation of the work of the Retirement Committee. I think a lot about retirement, and I think about, you know, it's interesting, my-- well, I started thinking about retirement more when I started this job. I never thought about it before then, but now I am. No, I'm just kidding. But the one thing that I was talking about with my husband recently was, so he's originally from Canada, and we were talking about the ways that retirement and pensions work in the different countries. And one thing that was really kind of a bit of a culture shock for him when he moved to the U.S. was the difference between how it's sort of just like the infrastructure around pensions and sort of worker protections are in Canada, versus what we have here in the U.S. And so I think that efforts like this bill, and I think certainly Senator McDonnell's amendment, AM1238, are ways to ensure that folks who are, who are working in and providing essential services, frontline workers, people who are-- folks who are ensuring that we have public safety in our state and doing that essential work are well taken care of, I think, is, is crucial. So I think this is a good bill. It's a good amendment. Again, I'm appreciative of the Retirement Committee's work on this and I will be voting green. Thank you, Mr. President.

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

VARGAS: Thank you. I stand in support of LB103, AM969, and AM1238. The underlying bill, we kicked this out of Retirement. These are, these are good bills and we want to make sure that we're continuing to support this work. I appreciate Chairman, Chairman McDonnell's quick-- quickness, and the staff for making good use of our time here and, and also being efficient with our time. This is my first year on the Retirement Committee. I've not served on this committee. And, you know, sometimes these issues that we deal with are a little bit different, and a little bit more nuanced, but I wanted to stand in support of LB103 and the underlying amendments and the additional bill that was added. And I just wanted to make sure to get that on the record. I appreciate everybody's time for this, and I will yield the remainder of my time to Senator Cavanaugh, Machaela Cavanaugh.

KELLY: Senator Machaela Cavanaugh, that's 3:55.

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M. CAVANAUGH: Thank you, Mr. President. I'm next in the queue. I don't think-- have I spoken on this yet? No.

KELLY: No, Senator.

M. CAVANAUGH: OK, great. Thank you, Senator Vargas. Thank you, Senator McDonnell, for bringing the amendment. I think it's a great opportunity to increase investment in retirement for our law enforcement agencies. And that's always a nice thing because they do a lot of really important work for us. So I appreciate the opportunity to have this included in our retirement bill. I, I do know a little bit about retirement, but like I said I'm not on the Retirement Committee. I kind of purposely didn't even ask to be on it because it's not really my area of expertise. But it is important. And when you have an opportunity to invest in your retirement, if your employer does an employee match, you should definitely take care-- take advantage of that. And so this is one of the things that, like, when you are younger, so this is probably more for the pages in the room than anybody else. But when you start a job and you're not like, you know, paid a great salary, you're young and you're new into the workforce and all those things, if your employer offers an employee match, take advantage of it to the maximum. You make so little money to begin with that it is pretaxed. So the amount of money that you put in, say it's 2 percent of your income, you put that into the 401(k), 401(c)3, whatever, they have all kinds of numbers, IRA, you put your money in, and your employer matches what you put in. So it's doubling what's going into your retirement fund and then the amount that you put in lowers what your actual taxable income is. And I remember when I was in my twenties, I figured out that the amount of money I put into my retirement lowered my taxable income by almost a dollar for dollar amount that I ended up paying in taxes. So like I put \$100 in a month and my taxable income was lowered by \$100, and then I was paying like \$100 less in taxes or something. Actually, I might have been even more than that, might have been like-- I don't know, it worked out is what I'm saying. It worked out. And you're also getting that matching dollar, so you don't want to miss out on that. And I know it seems like it's not much when you're putting in \$10, even if it's \$10 a month--

KELLY: One minute.

M. CAVANAUGH: --if you have an opportunity to get an employer match, even if you don't, if your employer just offers a retirement account like a 401(k), you should put in money. It's pretax. It will lower your taxable income, it will pay off. And when you are much older, you

will be very happy that you did that because you will have something. Might not be as much as you want, but you will have something, and you have to start some time. And there is no time like today to start saving for your retirement. So, yes, that's my, my whole retirement spiel. I'll probably have more to say, I think I'm next in the queue, so. Thank you, Mr. President, I'll just wait for my next turn.

KELLY: Thank you, Senator Cavanaugh, and you are next in the queue.

M. CAVANAUGH: Thank you, Mr. President. It's been a while. So I had to withdraw my motions, and I had many amendments filed so that we could get to this amendment. And now I am taking time on this amendment because I believe we have another amendment that's going to be filed. But that amendment is going to be filed to the AM969, I believe. Maybe it's not going to be amended to AM969 or the underlying bill. The underlying bill. Oh, that's great. OK. Well, that gives us a little bit more space, but we still can't-- if we're going to amend something on to the underlying bill, we can't move the underlying bill. So I do have amendments pending to the underlying bill, so we can actually move forward with this amendment and then my amendments will come back if necessary. But we could also save the Clerk's Office some headache and just talk for a little bit. Wouldn't that be a nice thing to do for our staff? Sure would, friends. So you could just, like, punch in and yield me some time and I'll, I'll talk some more. Give our Clerk's staff some break before the holiday weekend and they can go about their business. I don't know if anybody has, like, specific things that they like for Easter, but one of the traditional dishes, I think, that people have a lot for Easter Sunday is ham. I'm a vegetarian so I don't have ham for Easter. Another classic dish in my family is cheesy potatoes or au gratin potatoes. I don't know how you describe them, but two different ways. You can have the, like, thinly sliced potatoes. You can actually buy them at Costco. And then, like, a, a roux that's made-- it's-- a roux is like flour and milk and-- I don't know if a roux automatically includes cheese or not. But if you're making cheesy potatoes and you make a roux, you would include cheese, I think, salt, pepper, green onion, chives maybe. It's super delicious. I like the thinly sliced potatoes for cheesy potatoes, but I really do prefer the shredded hash browns used in my cheesy potato dishes. So I don't know why, I just-- it's still potato, potato. It's just the texture, I guess, I like it better for cheesy potatoes. I did get an air fryer this year for my birthday. I wonder what it would be like to take, like, a, a portion of cheesy potatoes and put them in the air fryer. That probably would put a nice crisp on them. Because you want to make-- one of the great things about air fryers is that you can use them for your tater tots, which we have since we've gotten

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the air fryer. We make our tater tots for the kids. Well, for the kids, who am I, whom I lying to here? They're for me. I love tater tots. So the tater tots go in the air fryer, and it is so much better than just baking them in the oven. It's like you actually-- they get that crispiness that you get if you fry-- if you were to fry them. But the whole point of the air fryer is to be healthier. Oh, a roux is butter and flour. Cheese is just a delicious bonus. Thank you, Senator Blood.

KELLY: One minute.

M. CAVANAUGH: It is. So I did think it was flour and butter, but then I started thinking like, if you're making cheesy potatoes and you have a roux, wouldn't you use cheese? So it's just a delicious bonus. Thank you, Mr. President. So air fryer, I might try and take cheesy potatoes, just a little portion of them, and put them in the air fryer. I feel like that would be, like, an amazing deliciousness. It's basically, like, taking tater tots or hash browns that you would normally fry, adding cheese to them and then putting it in the air fryer. How could you possibly go wrong with that? I don't think you can. I like to do fun things, though. Like, I talked, I think it was two nights ago about my love of salad, the green goddess seasoning mix that you can get at Trader Joe's. I-- I if I were to make cheesy potatoes this weekend, I might, I might try and add that to the mix, it would add an interesting dimension to the flavor. I also--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

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

J. CAVANAUGH: Thank you, Mr. President. Well, I was going to talk a little bit more about why I like this bill or this AM. And I was just talking to the staff of the Retirement Committee over there. And again, I appreciate the work of the committee counsel and the committee clerk on getting this prepared and, and up here today. And so I just want to make sure that they knew that I was thanking both of them when I thank the staff for their work earlier. I appreciate the work of all the staff in the Legislature. I know this year has been a-- unprecedented has been the year-- the word of the year. And so committee staff has worked hard, personal staff, and everybody's office has been working very hard. But the Office of the Clerk who's up here, I know you all have worked ex-- extremely hard this year and

we all appreciate your work. If anybody is watching the Legislature, if you're an avid watcher, you might have noticed the number of amendments that get read across, number of motions that have been getting read across, is at a higher number this year than in years past. And the Clerks have to do all of that work. So they're not just reading those words when they-- that's not the only work that's involved. So Clerk's staff and everybody, we appreciate-- everybody here appreciates your work. And, you know, in terms of how we appreciate people's work, I don't know what your pensions are like, but I hope you guys get a good state pension. And I'm sure you're not paid what you would be, be worth if you were working in the private sector or, say, out in the-- outside the glass. Everybody inside the glass gets paid less than the people getting paid outside the glass. And so I'm sure you all could take your talent somewhere else and make more money. So we appreciate you working diligently here, working hard, working long hours for less pay than you're probably getting or than you-- you're getting paid less than your value is really the answer. And so that's kind of what AM1238 is about. This is about a supplemental pension for our law enforcement officers who work in basically 90 of our 93 counties or 91 of our 93 counties, I think, so-- and supplemental pension that they're-- that those counties take advantage of to make sure that our law enforcement officers who are bringing value and doing hazard, it's basically hazard pay. They do a hazardous job. And so they are-- there's a supplemental pension that they pay into, and then the counties also pay into in addition to the regular employee pension. And that supplement-- this, this bill allows them to, both sides, to contribute more to that. And so in my-- in between the last time I was speaking, I stopped outside just to make sure and talk with our friends representing all of our counties and they're very-- the counties are very happy about the opportunity to do this and as is our friends in law enforcement who are out there. I've talked to both of them and they are both in support of this. As Senator McDonnell said in his intro, this was supported by everyone that came and testified and there was no opposition. And I did have the opportunity, though I, I, I did trust Senator McDonnell when he described how this would be basically neutral for the county's budgets, I went and read through the actuarial report, just the paragraph as it pertains to that, that portion. And the actuary report does specifically state that this actually will-- the increased contribution will cover the increased cost of the increased benefit. And, and it's right at about-- it's a, you know, increase of about 3 percent, and in benefit in an increase, or, or was something like 2.0, it was basically a 0.02 percent net benefit to the fund over the actuarial cost of the increased benefits. So it will actually-- should

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improve the long-term stability of these funds based on my reading, obviously, my--

KELLY: One minute.

J. CAVANAUGH: --less than expert reading of the actuarial report. But nonetheless, that's-- any-- anybody here would have the opportunity. If you wanted to go see the committee staff, you could read the actuarial report or at least that paragraph, too, if you're concerned about it. But again, this is a, a important opportunity to make sure that our sworn law enforcement officers in the 92-- 90 rural or smaller counties of the state and Sarpy County have the opportunity to afford themselves, you know, an opportunity to recruit and retain law enforcement officers by making sure that they have a little bit more pension than the other county employees, and that makes worthwhile to continue to serve in that capacity. So again, I support AM1238, AM969, and LB103. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. OK, so was taking some time on this amendment, waiting for another amendment to be ready. That amendment, I think we have scrapped that plan. We, the royal we, not me, those that were working on it have, I think, scrapped that idea and are going to pursue different avenues. So I wanted to make sure that we were OK on timing because the next bill I'm going to be dividing the question. And since I'm going to be dividing the question on the next bill, I didn't want to blindside the Clerk's Office on timing by moving forward more quickly on this bill. But I think also some people have possibly just tried to-- we don't really want to eat on camera. So people, you know, step out to take a quick bite of a sandwich. So I don't want to blindside people by going to a vote when they're like mid bite of a sandwich. So this is just colleagues that are just-- you know, stepped away for a moment, that we probably will be getting to a vote on Senator McDonnell's amendment shortly so that we can get to Senator McDonnell's next amendment, I think. Yes. Well, the underlying amendment. And then moving the bill forward and then going on to the next thing on the agenda. Unless we adjourn for the weekend, which I'm totally cool with. Just, just throwing that out there into the universe that, you know, I'm totally cool with us adjourning for the weekend. So retirement is important. Invest in your retirement. Invest early. It's kind of like the Chicago voting. Invest early. Invest often. Vote early. Vote often. I think Chicago actually just had a race. Don't, don't break the law, though. Just, just vote

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the number of times that you are legally able to vote, in the number of races you're legally able to vote in. OK. So we have-- the conversation was about cheesy potatoes before I got cut off. And I was going to tell you about another spice that I'm a big fan of. It's called umami. And it's like-- umami is one of the-- I don't know if senses is the right word, or flavors. You know, you have sweet and you have sour, you have umami. And-- but there is an actual, like, spice mix called umami. And it's very earthy. Really great on mushrooms, if you like mushrooms. I love, again, my air fryer. I love to slice mushrooms and, like, put them in a bag and shake it up with a little bit of olive oil, salt, and umami, and then put those in the air fryer. And the air fryer has more than one setting, it's not just fry, so you can, like, roast them or bake them or whatever, but I love that. And I was on a kick couple of weeks ago of making mushroom soup, so I would put the mushrooms in the air fryer and then I would saute a bunch of things like garlic, onion, shallots, and then take the stumps of the mushrooms that I hadn't used, like that I had cut off, make sure that they don't have any dirt on them, but then I would boil those in water with the sauteed onion, garlic, shallots to create kind of a mushroom stock and then put the mushrooms that I roasted or air fried into the mushroom soup. And it was delicious. But I kind of got-- I made too much so I kind of--

KELLY: One minute.

M. CAVANAUGH: --kind of needed to take a break from, from my mushroom kick. A mushroom is really great, has a lot of vitamin A in it, but it also has caffeine in it. So if you're going to eat, like, a mushroom soup, or eat a lot of just mushrooms, don't do it at night, which sometimes when I'm cooking, I do things at night, like after my kids go to bed, and I'm just snacking on the mushrooms while I'm cooking them. And then I've had-- unintentionally had caffeine and have a hard time sleeping so that is-- my tip is mushrooms do have some caffeine in them naturally so don't eat them at night unless you're wanting to stay up late. Just to clear the record, I am not talking about psychedelic mushrooms. I'm talking about just regular old brown mushrooms, bella mushrooms, portabella mushrooms, shiitake mushrooms. So in case anybody thought that I was-- this was some sort of code language. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. I assume we're getting to a vote here, and we're probably going to have to call the house because

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a lot of people are getting sandwiches. But maybe I'll just talk for a minute just to give everybody who are out of the room a few more minutes to get back. And, you know, I spent my last time talking about the Clerk's staff who, again, we do appreciate the work, but we also have the pages who are here. And they were here until late nights. We went until ten something earlier this week. And all these young folks who are here getting to watch the majesty of the legislative deliberative process late at night when they're in college. I know most of us probably were nerds in college, but I don't know if I was as big a nerd as it would be required to be here at 11:00 at night when I was on a school night or whatever in college. So I really do appreciate the pages and all they do for us. They make our lives a lot easier and they do a lot of things that make the floor function. I don't do a very good job. I don't, I don't actually press my blue button here, pressed my blue button once in my career here. I like to go get my own coffee. So maybe I'll do a better job of using the pages for getting coffee at some point. But it's how I get up and move around, I guess. But I, I-- so I appreciate the work that everybody-- when you're-- if you're at home watching on the camera, you probably don't see the Clerk's staff that much, you don't see the pages that much, but there are a lot of people working behind the scenes here that make what we do on the floor happen. And they do put in a lot of effort. But again, we don't pay people their value, and that's kind of what pensions are about. That's the underlying bill, LB103, it's about getting us-- making sure that we're offering pensions and, and being respectful of the people who serve us and do it at, at a lesser pay than they could get in the private sector. Same with AM1238, which is for law enforcement, sworn law enforcement officers in 90 of our 93 counties. And Sarpy County as well, so 91 of our 93 counties. I keep saying 90, but it's really 91. And allowing a supplemental pension option, and just allowing that to be a, a contribution and going from 1 to 2 percent for those 90 counties and making sure that our law enforcement has an opportunity to be fairly compensated in retirement. So that's why I'm in support of AM1238 and AM969 and LB103, and I'm assuming we're going to get to a vote here, but that's-- I encourage your green vote to anybody who's here and listening. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Machaela Cavanaugh, you're recognized to speak. This is your last, last opportunity on this.

M. CAVANAUGH: Thank you. I really don't have much more to say on this. I just felt like I should take my third turn because I knew it was my third turn on the mike. But I know that Senator McDonnell is ready to

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close on this amendment, so I think I will yield the remainder of my time to the Chair. Thank you.

KELLY: Thank you, Senator. Senator McDonnell, you are recognized to close on the amendment.

MCDONNELL: Thank you. Just an overview quickly of, of LB160. That's part of the amendment for AM1238, which we amended LB103 and three bills originally when we had this discussion earlier in the year. This does give the opportunity for retention and recruitment for the, the county sheriffs. And again, Douglas and Sarpy counties, there's been some questions about Douglas and Lancaster being left out, and why Sarpy is separate. Well, Douglas and, and Lancaster do not participate in the supplemental pension plan, and Lanc-- and, and Sarpy is the largest. So therefore, they're already at 2 percent. They're going to go up to 3 percent. All other counties, the remaining 90 counties in the state, would go from 1 percent to 2 percent. No opposition. Please give me a green vote on, on AM1238. Thank you.

KELLY: Thank you, Senator. The question is the adoption of AM1238. There's been a request for a call of the house. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

ASSISTANT CLERK: 12 ayes, 1 nay to go under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Dorn, DeKay, Fredrickson, Armendariz, Lippincott, please return to the Chamber. The house is under call. And Senator Linehan, could you hit-- all unauthorized members are now present. The question is the adoption of AM1238. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of the amendment.

KELLY: The amendment is adopted. Senator McDonnell. Raise the call. Senator Machaela Cavanaugh, you're recognized to speak. Raise the call.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, there are only 32 people checked in. I-- this morning, when I started, said that I was taking this four hours to cloture and there are only 32 people checked

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in. Now, again, I'm doing this for a specific purpose, and I am not doing this to kill LB103. So even though 17 colleagues are not here to ensure that this bill moves forward, I will not take this bill to cloture because I want this bill to succeed. But it is frustrating and disappointing. I am missing out on my kids' spring break. It's Holy Thursday. I don't want to be here, but this is my job. There are not enough people checked in to provide cloture. Maybe you all are planning to come back at 1:13-ish. I don't know. But the fact that there are only 32 people checked in right now is really upsetting, because I honestly doubt most of the people that are checked out paid attention to when cloture would be on this bill, and that's doing a disservice to the Legislature, to the people in Nebraska, to the retirement people who this bill is going to impact. But your incompetence and lack of dedication is not going to hinder this bill from moving forward. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator McDonnell, you're recognized to close on AM969.

McDONNELL: Thank you, Mr. President. Again, AM969 brings the, the language that was, was left out. It's just a, a clarification language and a cleanup. So I appreciate your support on AM969. Thank you.

KELLY: Thank you, Senator McDonnell. The question is the adoption of AM969. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 28 ayes, 0 nays on the adoption of the amendment.

KELLY: AM1969 is adopted. Mr. Clerk, for items.

ASSISTANT CLERK: Mr. President, I have a request from Senator Machaela Cavanaugh to withdraw various amendments and motions to this bill, MO300, MO303, MO304, and MO305. All motions plus amendments AM1211, AM1210, AM1243, and AM1239. Senator Machaela Cavanaugh, is that correct?

M. CAVANAUGH: Yes.

ASSISTANT CLERK: In that case, Mr. President, I have nothing further pending on the bill.

KELLY: Senator Ballard, you're recognized for a motion.

BALLARD: Mr. President, I move that LB103 be advanced to E&R for engrossing.

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KELLY: Senators, you've heard the motion to advance. All those in favor say aye. All those opposed say nay. LB103 is advanced for E&R Engrossing. Mr. Clerk, next item.

ASSISTANT CLERK: Mr. President, with respect to LB565, I do have a motion from Senator Hunt to indefinitely postpone the bill pursuant to Rule 6, Section 3. I understand that Senator Machaela Cavanaugh will handle that.

KELLY: Senator Machaela Cavanaugh, you're recognized on the motion.

M. CAVANAUGH: Thank you, Mr. President. I--

KELLY: Pursuant-- excuse me, Senator. Pursuant to the rule, Senator Bostelman can open on the bill.

BOSTELMAN: Thank you, Mr. President. So thank you, Mr. President. Good afternoon, colleagues. OK. LB565 is one of the Natural Resources Committee priority bills, and would assist the Hydrogen Hub Working Group in the continuation of their work authorized by the Legislature in 2022. Nebraska has a tremendous opportunity to lead in the growing hydrogen economy, benefiting Nebraskans by creating new products and markets for our ag industry, providing high-quality jobs, including in rural communities, solidifying access to fertilizers necessary for Nebraska and our region, and providing more food security for the people we feed around the globe during the time of international energy and fertilizer shortages. The federal Region-- the federal Regional Clean Hydrogen Hubs Program, or H2Hubs, was part of a larger \$8 billion Regional Clean Hydrogen Hubs Program funded through the Infrastructure Investment and Jobs Act. The program purposes to establish six to ten Regional Clean Hydrogen Hubs across America. These hydrogen hubs will create networks of hydrogen producers, consumers, and local connective infrastructure to accelerate hydrogen as a clean energy source. During the 2022 Nebraska legislative session, LB1099, a bill to create the Nebraska Hydrogen Hub Industry Work Group was passed and signed into law. The industries represented on the work group include Monolith Materials, Werner Trucking, Union Pacific, Nebraska Farm Bureau, Tallgrass Energy, and Nebraska Public Power District, who has taken the lead in this effort. They've worked with a leading engin-- leading engineering firm on sophisticated linear programming modeling that put forth a competitive proposal. There is potential for more than a \$1 billion of matching dollars from the federal government for the projects identified in the regional hub application. This would serve to accelerate the development of production, transportation, and ultimately consumption of

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hydrogen-related products in Nebraska and our other partner states. Nebraska has partnered with Iowa and Missouri to form the Mid-Continent Clean Energy Hydrogen Hub, HCH2 [SIC], and submitted their initial proposal to DOE for the hydrogen hub. Of the 79 proposals submitted the DOE, only 30-- only 33, one of which is the Nebraska, Iowa and Missouri proposal, were encouraged to move to the next phase. The H2 hubs will be a central driver in helping communities across the country benefit from clean energy investments, good paying jobs, and improved energy security. This opportunity gives Nebraska and our agricultural producers and industries an opportunity to further diversify their product offerings and revenue streams with hydrogen enhanced biofuels, including sustainable aviation fuel from ethanol, renewable diesel for trucks, tractors and trains. It helps create better, more secure access to fertilizer necessary to continue being a leader in global ag production. And it creates an opportunity for our transportation industries and electric generating utilities to further diversify their fuel sources. The next steps, including submitting a full application to DOE, will require significant additional engineering and modeling, showing the DOE the production capabilities, necessary connective infrastructure to move the hydrogen and hydrogen-related products, and the potential consumption in the state. The engineering modeling will be needed as needed-- as the projects progress through the FOA timeline, which is normally two to three years for the first set of projects to get off the ground. That brings us to LB565, which allocates \$250,000 in FY '23-24 and in '24-25 from General Funds to the Department of Economic Development for the purpose of providing grants to the Nebraska Hydrogen Hub Industry Working Group. To continue the work, these grants would be utilized by the group for engineering and modeling work to prepare and support the group in the next step of their submission for one of the Department of Energy's Regional Clean Hydrogen Hub designations and associated funding. I want to thank NPPD, who has taken the lead role in pulling these industries together to put forth this competitive process. This includes submitting the full application to DOE, which will require significant additional engineering and modeling, showing DOE the production capabilities, necessary connective infrastructure to move the hydrogen and hydrogen-related products, and the potential consumption in the state. LB65-- LB565 will ensure the workgroup has the funds to carry out any needed engineering and modeling. LB565 was voted to General File with AM827 with an 8-0 vote. Now I'd like to move on to the committee amendment.

KELLY: Senator, you can speak to the amendment. You have 4:50, but it won't be up on the board yet.

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BOSTELMAN: Thank you. Thank you. The committee amendment to LB568. Thank you, Mr. President. AM827 is a white copy amendment that comes-- becomes the bill. AM827 includes the provisions of LB567, LB568 as amended, LB723 as amended, and LB565. The committee voted the-- and adopted AM827 to LB565 with an 8-0 vote. And I'll now speak to each individual bill included in AM827. The first bill amended to LB565 is LB568 as amended by AM827. This bill would establish a Nuclear and Hydrogen Development Act, which directs the Department of Economic Development to establish a work group whose members would be appointed by the Governor. The work group will identify workforce needs of the nuclear and hydrogen industries, and collaboratively recommend educational programming to train and develop a workforce critical to our nation's growing energy needs. The work group will consist of 12 members that make up the working group. They include representatives from the community colleges, state college system, nuclear industry, hydrogen industry, and public power districts, two at-large members, and the Director of Economic Development or designee, the Chair of Natural Resources or designee, and the Chair of Government, Military and Veterans Affairs Committee or designee. LB568 also appropriates \$200,000 in General Funds, which a work group may utilize for travel and lodging reimbursements, as well as per diem for when the working group is engaged in business. Both hydrogen and nuclear industries are rapidly expanding and advancing. Monolith Industries in Hallam is set to expand its facilities with its Olive Creek 2 plant, and NPPD is currently conducting a feasibility study for the potential siting of advanced nuclear technology. This act is targeted to address the needs of both industries by training, building, and supporting a highly skilled workforce. This workforce will not only address the needs of both industries, but also provides programming to establish a skilled workforce that will support many other industries statewide, such as information technology, welders, pipers, electricians, and many others. With the new advances in these industries, it is vital that we develop a skilled workforce that can meet the industry's needs. The working group is-- will spearhead a dynamic and collaborative process, bringing industry and education together to recommend the needed coursework and opportunities for Nebraskans, making Nebraska a leader in this type of programming. The committee voted to include LB568 in the committee amendment with an 8-0 vote. The next bill is LB567. The bill strikes language that prevents specific high-level managers of a district from running for a board of directors of any district. Specifically, a high-level manager of Rural Electric Association is disqualified from running for board of directors for NPPD or OPPD unless they resign or take a leave of absence. Currently, 12 of NREA's 34 members receive their power wholesale from companies located

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outside of Nebraska. Of those, ten members receive their power wholesale from Westminster, Colorado, and two from power from Rushmore Electric Cooperative, headquartered in Rapid City, South Dakota. Currently, a person who resides in Nebraska and is a high-level manager of Chimney Rock Power-- Public Power, who receives its power wholesale from Colorado, is prevented from running for the board of directors of NPPD. Similarly, a high-level manager of Burke County Public Power, who receives its power wholesale from NPPD and lives in OPPD's service area, is disqualified from running for OPPD's board of directors. In the committee hearing, we had a gentleman from Chadron, Nebraska, testify as a retail customers of NPPD, and was vested-- interested in serving on their board of directors. However, he was prohibited from doing so because he is the general manager of the Northwest Rural Public Power District. Northwest Public Power District does not purchase power from NPPD--

KELLY: One minute.

BOSTELMAN: --and they receive it from Colorado. Simply put, this changes-- this change will allow a high-- high-level manager of one district to be qualified to run for a board position of another public power district, similar to how a mayor of a city that is one of the 30 municipalities who purchase power wholesale from NPPD can already run and serve on the board of directors of NPPD. The bill also adds a definition of reliable and reliability. This does not change-- this does not create a new standard for electric supplier, and the definition only applies to transmission and distribution of electricity. The bill also adds a new section in the, in the load and capability portion of 70-1025. The new section, section allows a Power Review Board to request information to be included in the annual report as long as the request is feasible and can be performed at a reasonable cost. I want to thank both Public Power and the Power Review Board, who have both worked on the writing of this bill. The committee voted 6 yeses and 2 voting, not present.

ARCH: Time, Senator.

BOSTELMAN: Thank you.

ARCH: Senator Machaela Cavanaugh, you're welcome to open on the motion to indefinitely postpone.

M. CAVANAUGH: Thank you, Mr. President. I'm not going to keep this motion up because we are going to go to the committee amendment, and I've talked to Senator Bostelman about that, and we're going to divide

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the question on it. I just wanted to one more time indicate. So on the last bill-- the reason that we're doing this before LB115, this bill, is because I withdrew all of my motions and amendments on the last bill, because if I had taken it to cloture, it would have failed because there were only 32 people here and you need 33 votes for cloture. And I just want to make it clear to the body that I'm not going to do that every time. It's a real gamble. You're taking a real gamble with bills if you're not here. If you, if you check out because-- like people check out because they're going to-- they have a 15-minute commitment here or there. But if you check out for the day and you're gone, then we might not have 33 people here. And I, depending on what the bill is, might still take it to cloture. So just want to be clear about that, that I did not take the last bill to the cloture because I supported Senator McDonnell's bill and what he was doing, and I wanted to make sure that it moved forward. But you are jeopardizing legislation and putting all your eggs in the basket as to whether or not I support the bill that-- the underlying bill that we're debating. I mean, there are bills that I don't oppose, but I also don't care. So, again, colleagues, if you're not here to do your job, a bill that you support might not move forward. I will withdraw the motion. Thank you, Mr. President.

ARCH: So ordered. Mr. Clerk.

CLERK: Mr. President, LB565, introduced by Senator Bostelman. It's a bill for an act related to hydrogen hubs; amends Section 66-2301; states legislative findings; states intent relating-- regarding appropriations; provides for the grant program as prescribed; provides duties and powers for the Department of Economic Development; harmonizes provisions; repeals the original section; declares an emergency. The bill was read the first time on January 17 of this year and referred to the Natural Resources Committee. That committee placed the bill on General File. There are committee amendments, Mr. President.

ARCH: Senator Bostelman, you are recognized to open on the committee amendment.

BOSTELMAN: Thank you. Mr. Speaker. I've already started on the committee amendment, some of that. I'm going to finish up with the remaining bill I think that we have on, on the amendment, and that bill-- actually LB565 moved out of the committee a 6-2 vote. LB723, I think, is the final bill we have in the-- to talk about on the amendment. The last bill includes-- is LB723 as amended by AM827. LB723, which I introduced at the request of the Governor, creates a

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Public Water and Natural Resources Contracting Act. This act provides the Department of Natural Resources to utilize innovative alternative contract delivery methods which can enable greater efficiencies and best practices not currently available to the department. The Legislature has previously granted the same authority to utilize these alternative delivery methods to other departments and agencies, such as Department of Transportation, Game and Parks, and political subdivisions. The bill establishes a procurement process for several alternative delivery methods. First is design-- design-build, second is progressive design-build, construction manager/general contractor, and public-private partnerships. A design-build project is a delivery method where at, at or near project beginning, the owner hires an engineering consultant to prepare baseline design and possibly assist with the design-builder selection. The baseline design is used to select the traditional design-builder through a defined process, which is based on both qualifications and price to complete the design and build the project. The design is typically 30 to 60 percent complete when a design-builder is selected and brought in to complete the design and construction on the project. A progressive design-build project is a delivery method where at or near project beginning, the owner hires a progressive design-builder based primarily on qualifications alone. The progressive design-builder then develops the baseline design and the final design and therefore is involved during most of all-- most or all of the design process. As design progress-- progresses, typically, to the 50 to 75 percent point, construction budgets are developed and work can begin if an agreement can be reached with the owner. In this case, the owner may not employ a separate consulting engineer at all, or the consulting engineer would be-- would play a much smaller role than in the other delivery methods. Often only one contract is utilized-- utilized during the process. A construction manager/general contractor, also known as CM/GC, is a delivery method where at or near the project beginning, the owner hires an engineering consultant and a construction manager under two different contracts, and both based primarily on qualifications alone for selection. The construction manager assists in the design decisions as part of a design team until the design is essentially complete. At that point, the construction manager has an opportunity to negotiate with the owner to complete the work on the project, at which point the construction manager would become the general contractor until a new modified contract. If a contract for construction cannot be reached through negotiation with the construction manager, then other methods may be utilized to procure a contractor to complete the work on this project. A public-private partnership has no single definition for delivery. Generally, a

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contra-- a contractual agreement is often utilized to finance public projects with private dollars. Any and all project delivery methods could be available depending on how the project sponsor defines the rules or the request for proposal. The National Council for Public-Private Partnerships defines a public-private partnership as a contractual agreement between a public agency, federal, state or local, and a private sector entity. Through this agreement, the skills and assets of each sector, public and private, are shared in delivering a service or facility for the use of general public. In addition to the sharing of resources, each party shares in the risk and rewards potential under the delivery of the service and/or facility. If such an arrangement is made, DNR must provide a report annually on the project. The bill further authorizes the department to hire an engineering and architectural consultant to assist with the development of a project, performance criteria, request for proposals, any other-- and any other services requested by the Department in relation to the project. Finally, if the department rejects a proposal, they are required to pay a stipend to the designer for the ownership of the intellectual property contained in the proposal. The committee voted to include LB723 in the committee amendment with an 8-0 vote. Once again, the committee advanced LB565 with the committee amendment to the floor with an 8-0 vote. With that, I ask for a green vote on AM827 and the underlying bill for its advancement to Select File. Thank you.

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

M. CAVANAUGH: To divide the question.

ARCH: Mr. Clerk. The ruling of the Chair is that it is divisible. Mr. Clerk, please explain the division.

CLERK: Senator Bostelman, Senator Cavanaugh, my understanding is that it's-- from the ruling of the Chair that it's divisible. The division will consist of AM1240 which will be LB723, AM1242 which will be LB567, AM1244 which will consist of the contents of LB565, and AM1241 which will be the contents of LB568. Senator Bostelman, my understanding is that that is the order in which you would like to, to take them up. Mr. President, AM1240, Senator Bostelman would offer.

ARCH: Senator Bostelman, you are recognized to open on AM1240.

BOSTELMAN: Colleagues, you've heard the-- the motion that we have before us to move the amendment to LB565. I've gone through the amendment completely on what it is. I do oppose any bracket or, or IPP

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motion on it. I would, again, ask for your green vote on LB1240 and LB565.

ARCH: Senator Blood, you are recognized to speak.

BLOOD: Thank you, Mr. President. I was hoping they would repeat the order of the bills again. We have multiple questions in reference to the hydrogen hubs part of the bill. And so I'm asking if Senator Bostelman, who's walking away, would yield time?

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

BOSTELMAN: Yes.

BLOOD: Senator, Senator Bostelman, first, I want you to know that I'm not trying to sink your bill. I really have legit questions that I want to get on record. So I'm going to probably be on the mike at least two times, since this first one took a while. Can you tell me these hubs that we're going to be moving through today, can you tell me if they are the blue or the green or the gray hydrogen?

BOSTELMAN: They're what?

BLOOD: Are they blue or green or gray hydrogen? So gray hydrogen is produced from natural gas.

BOSTELMAN: I'll have to get back with you.

BLOOD: OK. The-- I'm a little concerned if it's blue hydrogen, because that does generate more pollution. That's just a science thing for me, so I would like to know that.

BOSTELMAN: That was blue, green or--

BLOOD: Or gray.

BOSTELMAN: --gray.

BLOOD: Gray is directly from natural gas.

BOSTELMAN: OK.

BLOOD: See if I can get my computer to work here. I wrote a whole bunch of questions and I don't want to ask all of them. Are hydrogen hubs really providing green energy and, if so, can you explain that to me? Because that's the purpose of hydrogen hubs, is they're saying--

BOSTELMAN: Yes.

BLOOD: --based on what came out of Biden's office. Can you explain how it does that?

BOSTELMAN: Say again?

BLOOD: How do hydrogen hubs provide green energy? And the reason I ask that--

BOSTELMAN: So there's-- that-- so they--

BLOOD: --do you, do you know about the water connection?

BOSTELMAN: Sorry?

BLOOD: Do you know about the water connection? That's one of my concerns when it comes to our environment.

BOSTELMAN: So I, I take it these are not gotcha questions. But you didn't come over before to ask me any of these questions before, so I can have the answers for you.

BLOOD: I--

BOSTELMAN: So I appreciate that, Senator, Senator Blood. But here it is. So there's less carbon-intensive fertilizers, decreased food security regionally, domestically, globally. There's various transportation fuels, hydrogen, hydrogen-enhanced, enhanced ethanol, renewable diesel, renewable natural gas and sustainable aviation fuel and industrial applications, including cement and, and steel products. As a major grain producer in the U.S., this provides jobs and others for Nebraska and others. We do use clean fuel. It is supported by three states, a number of en-- entities.

BLOOD: Can you talk into your mike? I can't hear you.

BOSTELMAN: So there is, there is significant-- your question goes back to is it clean or not?

BLOOD: Right.

BOSTELMAN: Is that right?

BLOOD: Is it green energy or not?

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BOSTELMAN: What is the purpose of the hydrogen for? Or is it for electric generation? Is it for industrial uses? Is it for heating? Is it for what-- is that what you're getting at?

BLOOD: I, I-- I'm a little--

BOSTELMAN: So it's for all the above.

BLOOD: --puzzled about-- like, I understand why we want to push the hubs through. I'm a little fuzzy based on how the bill is written, what the purpose is of why we're pushing it through. Here's, here's my really big concern. And again, these were not meant to be gotcha questions. I thought these-- I skipped the ones that I thought were going to be hard. I thought these were going to be general knowledge questions. So one of the concerns I have is we talk about how important water is. And we know that for every mega-- megawatt hour that this is functioning, that it's going to consume 5,000 liters of water in these hubs. And so when we have drought-like conditions, my concern is, do we want to be using this water up? That's one of the concerns I have. So I'm, I'm just-- I'm trying to get a grasp on what this is. I am not trying to kill your bill. I am not going to be talking beyond a few random questions and maybe you can find that out for me. So the other question I have is that how will we protect our residents from any pipeline leaks? Do we have something in place, in place for that should there be a, a leak that pertains to one of these hubs and they do utilize it as a pipeline? It really depends on what kind of hydrogen they're using and what the purpose-- that's why I'm confused. It's like, I don't know what the true purpose of these hubs are going to be, but I'm sure that when they brought it to you, they told you what the results were going to be and how it was going to be used. Yeah? Or just that they wanted the hubs?

BOSTELMAN: Sure. If you would like to print out the questions you have that have been sent to you on your computer, I'll be glad to get those answers for you.

BLOOD: Yeah, if I could get the printer to work today, I'd do that. If IT is--

BOSTELMAN: So we can do that.

BLOOD: --watching, come down and help me with the printer today, because it is not working all of a sudden. I'm happy to do that, Senator Bostelman, or I can forward it to you from my email.

BOSTELMAN: Sure.

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BLOOD: And I'm legit when I say that. I can't get it to print. I just tried a little bit ago.

ARCH: One minute.

BLOOD: How useful would you say-- like, how do you believe that we're going to be able to implement hydrogen hubs for energy? Like what, what is the end game on this? What type of energy are we sincerely trying to generate? And what do you think we'll be using it for? I-- I'm just-- I'm not seeing that in the bill. I understand the benefit of hubs. I understand what they do. I understand how they're used. But I don't understand how we're going to use it in Nebraska.

BOSTELMAN: So there's multiple uses. There's hydrogen-enhanced ethanol, renewable diesel, renewable natural gas, sustainable aviation fuel, industry applications, including cement and steel production-- that's what I said before-- less carbon-intensive fertilizers, which include-- which increase food security regionally, domestically and globally, various transportation fuels, hydrogen, hydrogen-generated ethanol, renewable fuels, renewable diesel, as I said.

ARCH: Time, Senator.

BLOOD: Thank you, Mr. President.

ARCH: Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. President. So-- well, I rise in support of the package overall. I voted for some parts of it and not for others. The first part we're on right now, AM1240 is the-- is LB723, which is the design-build portion of this bill. And I appreciate the conversation about the design-- the hydrogen hubs and I probably have things to say about that, too, but I'm going to limit my comments to, specifically, this LB723 portion. So LB723 as Senator Bostelman talked about, is-- gives a-- authority to the Department of Natural Resources to use a different type of engineering and construction contract that will allow them-- that, that has been, as he said, used for other departments, Game and Parks and Department of Transportation, for building some roads. And everybody keeps telling me, for those of you in Lincoln, they apparently used it-- this-- the first time was used to build the South Beltway or something. Is that the right word, South Beltway? I don't-- I don't know. I honestly don't know what-- where that is or what that means. I assume it's south of the city. But the-- this is intended to facilitate the Department of Natural Resources as it approaches building the Perkins County Canal, which we haven't

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talked about yet this year on the floor. I'm sure we'll talk about it when the budget comes up. We spent a bit of time talking about it last year, because we ultimately granted authority to the Department of Natural Resources to begin looking into building this. And for those of you following along at home and to-- you know, this is the last time in the Legislature. So last year, in January, the Governor, then-Governor Ricketts, announced intentions to what we would call as "perfect Nebraska's water rights" under a-- about a 100-year-old compact with the state of Colorado. And when we say perfect, it means like, effectuate or to, to use. So we have to take a certain action to get access to our water rights. Under the Platte-- South Platte Compact with the state of Colorado, Nebraska has a right to a certain amount of water in what we call the irrigated months and a different amount of water in the nonirrigated months. And the amount of water, if I remember right, is 150 cubic feet per second during the summer months. So I think it's March 1 to October 15 or something along those lines. I, I can check and confirm the dates. But for the other months, it's 500 cubic feet per second if we have a canal, which was at the time called the Perkins County Canal, which is confusing because this would not go into Perkins County. So that's what this is about. And this is about making it easier for the Department of Natural Resources to build that canal, if they build it. It's not saying they have to build it. We gave them the authority to build it last year already. We haven't given them the money to build it yet. And they engaged in a study over the interim that was submitted, that I, I think everybody should have a copy of. And I can get a copy of it and circulate it if you want to take a look at it while we're talking about this. But I'm-- I voted for this in committee. And what I wanted to talk about is I didn't vote for this. This is not an endorsement of the canal. I'm not, I'm not saying that I would be voting in favor of building this canal when it comes to it. I'm not saying that I support the idea of the canal at this point. I still remain skeptical for a number of reasons that we can talk about at a different time because, you know, there's some technicalities to it about how much water is available and when that might be important to set a frame of reference for. But what I'm saying is I supported this for a number of reasons.

ARCH: One minute.

J. CAVANAUGH: Thank you, Mr. President. But one of them is if we do build the canal, we should build it as efficiently and as, and as-- with as little cost as possible. And that's the objective of AM1240 and the underlying bill, which I think was LB723. And so that's why I voted for it and that's why I remain in support of the overall bill. And it's not because I support the canal. It's-- which I'm not saying

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I, I don't at this point. I'm just-- I'm still skeptical about the need to build this canal. And I think we need to be really-- we all need to be-- really think about it before we vote for it when that actually comes up. But this is not authorizing the building of the canal. This is authorizing a mechanism by which they could build the canal, giving the authority to undertake a specific contracting method if we build the canal. So that's why I voted the way I did, for those of you who may be looking at it and saying-- being surprised that I voted for this. So I-- there's other things we can talk about on this bill, as well. And I'll-- I'm going to run out of time, so I'll push my light and keep talking. Thanks, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Colleagues, thank you to Senator Bostelman and the clerks for working on dividing the question. So as the Clerk announced AM1240 is LB723. And thank you. Senator Conrad got copies from the Clerk to, to give to me, so I, I know what I'm looking at. So, LB723. So I pulled up the committee statement. Again, shout out to the committee staff. Love committee statements. Your work does not go unnoticed. The committee statements are one of my favorite things. Sometimes, just like with the committee statements, like-- and the reports that we have in the Legislature that are online, I think that sometimes staff is like, we're doing these things and nobody is paying attention. Well, some of us are voracious readers of government documents and it does not go unnoticed, so. I don't read books anymore. I used to be a, a voracious reader of books. I love books. And I am so tired of reading, just reading generally, that I don't read for enjoyment anymore, which is kind of sad. But I do listen to books on tape on the weekends, when I'm, like, in the kitchen cooking or cleaning. I also, I have a-- an AM/FM radio, like under-mounted in the kitchen-- kitchen cabinets, that I listen to NPR on the weekends, too, as well. So one of my favorite shows to listen to on NPR, well, there's-- I have two on the weekends: Wait Wait Don't Tell Me!, which is like a game show and it's just goofy as all get out and nerdy. And the other one is-- oh, and it's Peter Sagal, who I noticed retweeted Senator Hunt this week and I am, like, fangirling over this NPR Peter Sagal retweet. That's like the epitome of cool to me, so. The other one I love is Way with Words. It is such a fun, strange show, where they just talk about words and phrases and the history of them. And they do, like, a deep dive in the most bizarre things, which is how I learned phrases like-- what's the one-- "geez peez" or "geez Louise." That is actually like slang for Jesus Christ. Yeah. So, like, there's a whole bunch of different, like, regional ways of saying it. And so, I'm always like-- so it's

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kind of like, you know, taking the Lord's name in vain, but being creative about it, I guess. So instead of saying "Jesus Christ" when I'm upset, I say things like "cheese and crackers". Oh, cheese and crackers. Again, clearly the, the very ingrained Catholic in me does that. So I have no idea how I got on that topic, but I was, I was intending to talk about this amendment. OK. AM1240 is LB723. Cheese and crackers, Senator Machaela Cavanaugh. Stay on point. LB723, according to the committee statement-- oh, that's how it started. I start talking about the committee statement and committee work and then reports. I don't know how I got to Way With Words. LB723, Sections 1-20, brought by Senator Bostelman, creates the Public Water and Natural Resources Project Contract Act--

ARCH: One minute.

M. CAVANAUGH: --thank you-- which enables the Department of Natural Resources to employ alternative methods of contracting for public water and natural resources, public surface water or groundwater-related infrastructure project, regardless of the funding source. So there's more in here, but Senator DeBoer, who's the Chair of the Planning Committee, sent out a survey to all of us and water was one of the issues on there. And I think it ranked kind of high, as an issue-- yes. I'm getting a nod that, yes, it did. I know I ranked it kind of high, as one of the issues that I think is important. I don't think it's-- I think it's important as an agricultural state. I also think it's important because we are having a significant issue with nitrates and runoff in our water. We have an increased rate of child-- early-- child aged pediatric cancer. And it is potentially--

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: Senator Jacobson, you're recognized to speak.

JACOBSON: Thank you, Mr. President. I rise in support of AM723. This really, as Senator John Cavanaugh pointed out, is really dealing specifically with design-build. It's really kind of in mind with the, the Perkins County Canal, which of course is located in Keith County. But be that as it may, it's the design-build process and the public-private partnerships are really critically important. I think we saw that, as he had indicated, the South Beltway, which those of all-- those of you who aren't familiar with the South Beltway project, it's the, the, the, the beltway that runs on the south edge of Lincoln that took a tremendous amount of traffic off of Highway 2. And now,

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it's actually become part of Highway 2. So when you're coming on-- from-- on Highway 77 from the south, you can now get on the South Beltway and go clear across to Highway 2 and really bypass Lincoln and make it quicker to get there. And so it's been a great project. That was a private-public partnership-- public-private partnership. And the project got done well ahead of schedule. It was done more cost effectively. Having served on the airport authority in North Platte, I'm used to the process of having to go out and do bid proposals for finding an architect to come in and then review projects and review who the architect is going to be and the engineers are going to be. And then you have to get the engineers out and you have to have the engineers design the project. And then you have to go through the contracting process and you can burn a year before you even get started in many of these projects. Plus, you've got a significant amount of cost. We-- but we're finding is that these design-build projects are a more cost-effective way to get it done. They get done much more quickly. In the banking business, I can tell you, time is money and it's important for the state to be able to do these kinds of projects. So that's-- the portion of the-- that's what the amendment's dealing with right now. It's a portion of LB585. I also just want to take a moment to really compliment Senator Bruce Bostelman in his leadership as Chair of the Natural Resources Committee. Bruce has an immense amount of knowledge in this area. I really enjoyed serving on that committee with him this year and last, because there are some really big things that are happening in this state and having his leadership and his knowledge of the issues has been truly important. And so I am in support of the entire bill, LB585, all the amendments that are now being divided and brought to it. But I wanted to speak specifically to the design-build; tell you I'm a big fan of design-build. I think it's a great way to go and I think we're going to see more and more states doing more of that, because it is time-saving and it is cost savings and I think that's critically important, always. Thank you, Mr. President.

ARCH: Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. Colleagues, I believe I rise in support of AM1240 and generally, in support of LB565. I, I would concur that when I was coming into the Legislature this session, I was told that this would be the session of water. And so I know that there was a lot of conversation surrounding the canal, there was a lot of conversation surrounding the, the proposed lake. And we haven't had many conversations about that on the floor yet, but I definitely think it's, it's an interesting thing to talk about. And I've had a number of constituents ask questions to me about the canal project that,

hopefully, we can eventually be able to have a conversation about, before investing too much into that. I just have a lot of questions to make sure I fully understand that. I do appreciate my row mate, Senator John Cavanaugh, sort of explaining the history of the canal project in the last time on the Legislature, sort of update. That was helpful. And also, speaking about water rights, it just reminds me of when I was studying for the bar exam. One of the subjects you have to study for is, is water rights, because it's possible that that will be on the bar exam. And I was taking a course called BARBRI that teaches you how to study for the bar exam. And they specifically told me, don't worry, don't study water rights. It hasn't been on the test in 20 years. And low and behold, it was on the test. So it's my shout out to those who are going to be studying for the bar. Please make sure you study every subject. Don't believe them. It's a trick. With that being said, I am looking here at the specific amendment we're talking about, AM1240. And I was going to ask Senator Jacobson to yield to some questions, if he would. I don't know if he's still in here or not, though.

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

DUNGAN: That's fine. If he's not in here, we can just move on. That's OK. The part that I was specifically curious about and maybe somebody else can speak to this-- and this is a legitimate, I just don't understand what these are. What we're talking about, obviously, is the design-build component of this. But the, the committee statement, specifically, about LB723 as amended by AM232, says that it is an act that authorizes the department to solicit and execute three additional methods of contracting: those being design-build, progressive design-build or construction manager/general contractor contracts for public surface water or groundwater-related infrastructure. My ignorance in this subject matter, I feel like I understand, somewhat, what design-build is now from speaking with Senator Cavanaugh and also hearing the, the comments from Senator Jacobson. I'm still a little bit unclear as to what progressive design-build or construction manager/general contractor contracts are with regard to public surface water. So I would just be curious to hear a little bit more about that from a colleague of mine who is on the committee. That being said, I do think the overall concept here makes sense. I would agree with the comments that have been made thus far, that if we are going to build a canal, I think it would be beneficial to all of us to make sure it's done in the most efficient way possible, in the most cost-effective way possible and certainly, it sounds like LB723 as incorporated into this by AM1240 is a really efficient way to do that. And I don't think I have any major objections to that. But this is my, my plea to a

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colleague who knows more than I do to maybe explain a little bit more about that on the mike, at some point. I, I would appreciate that. Obviously, there's other amendments we're talking about into LB565, as well. My understanding is that those are also generally good amendments. I can wait to speak about those if I have any questions about them as we get further down the line. But for the time being, I just want to voice my support for AM1240 and I'm looking forward to somebody, maybe, answering my questions regarding the definitions of those various ways that we're talking about building these projects. But with that, I'll conclude my comments for now. Thank you, Mr. President.

ARCH: Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President, and good afternoon, colleagues. I was passing around and if anybody needs a copy, I was just not quick enough when I was writing down the division of the question. But just had a chance to kind of go through and do a quick look at the committee statement or the statement of intent of the committee statement, when it's been available, on the component parts that we're now looking at with the division before us. So trying to, to get a, a clear understanding and some of the pieces didn't have a committee statement up, so it's a little bit challenging to know whether or not those were consensus matters or it hadn't been filed yet or, or available yet, in terms of the, the legislative system. So I apologize if those have been Execed on and voted out and I just was not seeing those in the committee statement. And I-- it may be in the underlying package bill, as well, which I'm going to go back and triple check. But I just had a couple of general questions that I was hoping a member of the committee might be able to weigh in and provide some information on. I appreciate the commentary that Senator John Cavanaugh and Senator Dungan engaged in, in regards to authorization for, I guess, shorthand to, say, design-build kind of capabilities or capacities for the Perkins County Canal Project and how that either aligns or is distinguishable from the authority that we grant to the Department of Roads. I know that design-build can be a very effective way to leverage public resources to, to greater ends. But I also know that there has been kind of an uneasy, long-standing dialogue in our public policy circles about how that either is different or analogous-- distinguishable or analogous to that, quote unquote, bonding for either roads or other projects. And of course, that brings in a, a host of other policy considerations. So perhaps this is not the right vehicle to start a broader debate about the Perkins County Canal. And I know that we will have an opportunity to debate that as a course of the budget. But I will tell you that I remain highly

skeptical of that project. And I understand, very much so, the importance of ensuring Nebraska gets its entitlement to every drop of water that we're entitled to for a variety of different reasons. But I'm not convinced that reigniting a 100-year-old water battle with our sister state of Colorado is going to have the intended result. And I'm concerned that that project will be tied up in litigation for years, if not decades, as has past water-related issues. And I'm also just generally concerned about how commitment of utilizing that significant amount of funds for a, a project like that impacts our ability to provide other funding for other key areas of government. And as Senator Wayne noted in some of our earlier debates this year, kind of trying to put an overlay on the overall shift in dollars from our urban centers in Lincoln and Omaha and Sarpy County and on the eastern side of the state, where we have economic engines that are contributing a significant, a significant amount to our overall economic prosperity and seeing that shift, through some of the tax proposals, through some of the budget proposals, through some of the school proposals and otherwise, which I don't think anybody is against ensuring each and every corner of Nebraska has an opportunity to thrive. But just making sure we're very clear-eyed about that allocation of resources and what that means for our population centers, as well, that help to make those revenues possible. So I do have questions about the design-build piece. I'm very skeptical about--

ARCH: One minute.

CONRAD: --the canal project that's put forward. Thank you, Mr. President. And I do want to tease out a little bit more that some stakeholders and constituents have written to me about in regards to some of the component parts in this legislation, particularly the conflict of interest-related issues in LB567 and the getting a, a better handle of kind of the grant proposal in the underlying bill itself in LB565 and how that interfaces with the federal dollars that are available to us and some of the other federal dollars that those developing hydrogen hubs in Nebraska have been able to, to leverage and why we need to supplement that with state General Funds to the tune of \$250,000. So with that, I'm going to keep digging in here a little bit and appreciate the, the time and attention. Also appreciate the conversation that Senator Bostelman and Senator DeKay--

ARCH: Time, Senator.

CONRAD: --engaged with to help--

ARCH: Senator John Cavanaugh, you're recognized.

J. CAVANAUGH: Thank you, Mr. President. So I thought I would try and help out with Senator Dungan's questions. So I, I Googled to get-- found the best spot to define what is progressive design-build and it's from the Design Build Association or Institute of America. So it says one-- what is progressive design-build? One application, design-build delivery is via a stepped or progressive process commonly referred to as progressive design-build or P-- PDB. PDB uses a qualifications-based or best value selection process by a process-- selection, followed by a process whereby the owner then progresses toward a design and contract price with the team, thus the term progressive. While procurement laws vary for public owners, which I guess we would be, some have the flexibility of im-- to implement a PDB procurement approach that essentially replicates the-- that used by private sector owners. PDB core features include the following: the design-builder is retained by the owner early in the life of the project and, in some cases, before the design has been developed at all; the designer-- design-builder is generally selected primarily, if not exclusively, on qualifications and the design-builder's final project cost/price and schedule commitment is not established as part of the selection, the selection process. So on qualification-- so they are selected on, on qualifications and design-builder's final project cost/price and schedule commitment is not established as part of the selection process. The design-builder delivers the project in two distinct phases with: (a) Phase One including budget level design development, pre-construction services and the negotiation of a firm contract price, either lump sum or guaranteed maximum price; Phase Two (b) including final design, construction, and commissioning. Phase One services are also called preliminary or pre-construction services. The design-builder first collaborates with the owner and its consultants to create or confirm the project's basis of design, programming requirements and then advances that design. Design and other project decisions are based on cost, schedule, quality, operational-- operationability-- operability, lifecycle and other considerations, with the design-builder providing ongoing, transparent cost estimates to ensure the owner's budgetary requirements are being achieved. At the point in time where the design has been advanced to an appropriate level of definition that aligns with the owner's requirements, the design-builder will provide a formal commercial proposal, including the overall contract price for Phase Two services. The proposal is often established when the design is approximately 40-60 percent complete, but it can occur any time, including as late as 90-100 percent design completion, depending on the amount of control the

owner desires to maintain over that design definition. Phase Two services, also called final design and construction services: once the owner and design-builder agree upon commercial terms, including the project's price and schedule, the design-builder will complete the design and construction of the facility in accordance with those commercial terms. The design-builder will also be responsible for any testing, commissioning, and other services that have been agreed upon. If, for any reason, the parties cannot reach agreement on Phase Two commercial terms, then the owner may consider an off-ramp option, where it can be used to des-- where it can use the design and move forward with the project through other contract strategy. As discussed more later-- so that's-- maybe people should read it themselves, but I just thought it would be good to get that out there for people.

ARCH: One minute.

J. CAVANAUGH: Thank you, Mr. President. So ultimately, the progressive design-build is just a form of design-build. But my interpretation and maybe somebody can correct me on this, that it's just a different way to engage in a contract where you, you engage with one entity to design and plan and, and start the construction. And it can be more cost effective and more efficient that way, as opposed to going-- taking both different sections out to bid separately at different times. And so it's just kind of getting it all done together so you get one general project and more definitive timeline and price. And it has worked for the Department of, of Transportation when building roads in the state of Nebraska. And like I said, this is-- I'm not-- at this point, not endorsing the canal. I'm just saying it seems to be-- make sense to me for an approach if we are-- if we do end up deciding to build it, we should do it in an efficient way.

ARCH: Time, Senator.

J. CAVANAUGH: Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I'm just watching the Governor's press conference here on who our new colleague is, but I don't have closed captions on so I couldn't see the name or, you know, when it came across. But we have a new colleague. Carolyn Curry, possibly, is who this person is. So welcome, Carolyn. Looks like she has a lovely family. Look forward to meet-- meeting you. Design, is what Senator John Cavanaugh was talking about. But I was reading the committee amendment or the committee statement about the amendment,

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which we are on LB723, which is AM1240. So LB723-- and I had made it through-- OK. LB723 authorizes the department to hire an engineering or architectural consultant to assist with the development of project performance criteria and requests for proposals and any additional services as requested by the Department in relation to a project and precludes consultants used from providing services and a proposal for a project upon which they have consulted. LB723 directs the department to obtain requests for qualifications and compile and publish a prequalified contractor list and authorizes the use of public-private partnerships with the department responsible for oversight of any function that is delegated to or otherwise performed by a private partner. A technical amendment, AM232 replaces statutory references to reference provisions with the act itself. AM232 replaces statutory references to the Department of Transportation's similar authority to relevant references to the Department of Natural Resources authority within the act itself. Removes reporting requirements to Appropriations Committee and replaces reference from director-state engineer to director of the Department of Natural Resources. And I'm just-- if Senator Bostelman would yield to a question, I just wanted to ask about why we're removing the reporting requirement.

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

BOSTELMAN: Yes, I will. Could you repeat the question, please?

M. CAVANAUGH: Yeah. So I'm just reading about the amendment to LB723. And it says that part of the amendment removes the reporting requirement to the Appropriations Committee. I have no idea what the reporting requirement was, but is there a specific reason to remove it?

BOSTELMAN: It was-- yeah, it was just to give them a report as to the-- on seven-- you're on LB723?

M. CAVANAUGH: Yes.

BOSTELMAN: You're on which page?

M. CAVANAUGH: Oh, that's-- I'm just reading the committee statement. It's OK. I'm reading the committee statement and it just piqued my interest, because it said it was removing a report. Oh, I'm answering--

BOSTELMAN: Sorry? So we were--

M. CAVANAUGH: It replaces--

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BOSTELMAN: --I think what it was, we eliminated the Appropriations one and report to Natural Resources now, instead, is what we did. Does that make sense?

M. CAVANAUGH: Because that makes a lot more sense, doesn't it? OK. Thank you. See, committee staff is the best, right?

BOSTELMAN: You got it.

M. CAVANAUGH: They're always here to help us. Thank you. And I just-- if I had been more thoughtful in reading the sentence myself, I would have gotten there, eventually. OK. So we are, we are taking the reporting to Appropriations away and putting it to the department-- the reference-- and replace a reference from Director of, of State Engineering to Director of Department of Natural Resources.

ARCH: One minute.

M. CAVANAUGH: Thank you. The motion to include LB723 as amended into the committee amendment, AM827, had-- was an 8-0 vote. Senators Bostelman, Brandt, J. Cavanaugh, Fredrickson, Hughes, Jacobson, Moser, and Slama. Voting nay, none. Not voting, none. And we used an ampersand in the voting, which now I'm intrigued as to if we-- I'm going to start paying attention to if we use ampersands in the committee statements on the votes. So. OK. Well, that is all that I have in the committee statement itself about LB723. So I will get back in the queue. I think I have one more time. Is that correct? Yes. OK. I have one more time on this amendment before--

ARCH: Time, Senator.

M. CAVANAUGH: --moving on. Thank you, Mr. President.

ARCH: Senator John Cavanaugh, you're recognized. This is your last opportunity.

J. CAVANAUGH: Thank you, Mr. President. So I was in the middle of talking a little bit last time. I-- and I did talk about the progressive design-build and Senator Bostelman's circulating, right now, a, a description of the different traditional design-build, progressive design-build, construction manager/general contractor private partnership. So these are the alternative delivery methods summarized from LB723. So I suggest everybody take a look at it. I won't, I won't bore you all with my reading of that, since you'll have it in hand. And-- oh, I see some kids coming in. But just jumping out of me that I didn't-- for whatever reason, it did not occur to me that

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Senator Bostelman's initials are BB, which, just funny, because our-- we have a shared affection for Star Wars and there's-- BB-8 is one of the droids in the most recent Star Wars trilogy. But anyway, I was-- one of the-- talking about the, you know, if we're going to do this, we should do it efficiently and with little-- as little, you know, cost, as we can, even though it's a project we are talking about is-- I think when it came out was \$500 million. Last time, we heard it was \$600 million. And you can bet by the time the shovels are in the ground to build the canal if we do it and to build, you know, a reservoir, it'll be more than that. And by the time it's done, it'll be more than whatever the number was we were told at the beginning. But this bill is not that question. And that's-- so that's why I said I have supported this up to this point. And I'm still remaining skeptical about whether we should do the project at all, because we all know-- we need to go into that idea eyes wide open, that this is a massive project and if we do do it, it's going to end up costing more than we were told at the beginning. But this is one of the ideas about if we do undertake the project to keep that cost down. So that's why I voted for this in the, in the committee package and why I continue to support it at this point in time, even though I'm skeptical about the project as a whole. I did hear Senator Conrad mention that the idea of what this is all about, which is making sure that we get all the water that we are entitled to. And there's-- in the state of Nebraska, and that is I agree with that idea. I agree with the, the fact that we have an obligation to make sure that we are getting access for Nebraskans to our, our water rights because water is a valuable resource everywhere in the state of Nebraska. We've had this con-- we were in a drought in the last year, if you were paying attention. The-- one of the aspects of this compact is the measurement gauge at the Julesburg-- is the Julesburg gauge, which is right across the Nebraska-Colorado border. And at, you know, generally, a point in time, we're supposed to have-- I think I said it was 150, maybe 120 cubic feet per second. And there were times this fall and summer where we were getting zero out of the Julesburg gauge. And there were a lot of pictures in the paper about the Platte River basically being dry-- dry river bed in western Nebraska. And that is something that we're going to experience a lot more going forward. We might have high wet years and we might have-- we'll have more extremely wet years and more extremely dry years, probably, because of climate change. And so we need to be preparing for resiliency for those things. So we need to plan for the future and find ways to address those. Because even if we threw ourselves wholeheartedly into addressing that issue on a state level to cut down our carbon emissions and, and do those things, we

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are not going to be able to effectively change the trajectory any time in, in the near future.

ARCH: One minute.

J. CAVANAUGH: Thank you, Mr. President. So it's important that we take actions, both to address climate change but also to remediate the harms that climate change is going to wrought on our state. And so making sure we have, you know, efficient use of water states, that we have reserves of water, and that we help our producers find ways to be more efficient, as well. And I think there's lots of other things we should be thinking about long term in that. But, again, I stand in support of the AM1240 and LB565, though I have questions and issues about some parts and I'm still skeptical about whether or not we should ultimately build the Perkins County Canal. But that's not what this bill is at this moment. Thank you, Mr. President.

ARCH: Senator Briese would like to recognize 23 students from the fourth grade at Centura Elementary in Cairo, Nebraska. Please rise and be welcomed by your Nebraska Legislature. Senator Jacobson, you're recognized.

JACOBSON: Thank you, Mr. President. I want to apologize to Senator Dungan. I stepped out to grab a bowl of soup and so I missed his questions, but I thought I'd respond to those on the mike. And I did catch a little portion of Senator John Cavanaugh's comments and a little bit of the portion of Senator Conrad's comments and so I'd like to respond to those, as well. The first, as it relates to the design-build, I, I think the, the real synergies comes from what-- really, what Senator John Cavanaugh read, where if you can start with a design and whoever is designing the project figures out all the pieces, the impediments and so on, and they suddenly know really the scope of the project, they understand the project, they helped design the project. So then if they can also lead the construction of the project, you don't have that second group coming in having to start from ground zero. You've already got somebody that's already up to speed. They're all ready to keep moving forward. There's that ability to always change courses if you don't like their pricing or don't like what they're doing, but it just creates more synergistic processes to occur and to get-- and that's why you get it done sooner. That's why you get it more-- done more cost effectively. Because if I'm coming in, going to build-- bid a better project and I don't know what went into the design, I'm going to err on my bidding on the high side because I've got to cover the unknown. And I think Senator von Gillern could speak to that with his background in construction, that when you

go in and take over somebody else's plans and start figuring out what to do you better cover for the things you don't know. So that's why I think design-build is really a smart thing to do and we need to do more of it from a public standpoint. I would also like to speak just a little bit to why Perkins County Canal? We talk a lot about the drought. We talk a lot about water. And then we say, oh, but gosh, I'm not sure we could spend that kind of money to protect the water that's rightly ours. I have trouble with that comment. OK. Because either we have a concern about water or we don't. The compact is pretty simple. I think it's three pages in length. That was-- they must not have had very many attorneys around at the time, because I'm not sure that any attorney could write a contract today in less than three pages. That, generally, I think-- Senator Cavanaugh, I think-- isn't that just a preamble to most contracts today, is three pages, if we can get it in that? So, so in my mind it's a fairly simple compact. And I would tell you, yeah, people say, well, Colorado is going to sue us. It's going to be just like Kansas. Well, it's really not, because if you look at the Republican River Compact, that was very, very complicated. And, yes, there was a lawsuit. And, yes, we ultimately reached an agreement. And oh, by the way, part of that agreement included Lincoln County losing 20,000 acres of productive farmland going into grass. And now, it went off the tax rolls. There's an in-lieu-of tax payment being paid by InCorp that's, that's now being paid at what the current value of that land would be as grass, as opposed to irrigated farmland. Now I get the fact that everybody was going to lose their irrigated farm ground, not just the 20,000 acres there, but all-- everybody in the, in the other NRDs, but those other NRDs got to continue to pump water. They're going to pay a \$10 an acre, for the most part, \$8 to \$10 an acre in an occupation tax. But all of that land is taxed at full-irrigated corn rates, not dryland grass rates. And so, therefore, the Wallace School District and two of the other school districts in and around the InCorp project are getting significantly less property taxes because of that. We made that sacrifice in Lincoln County so that we could get the water to flow--

ARCH: One minute.

JACOBSON: --down the Republican River to Kansas to fulfill that contract. The key thing here with, with this contract is we need that water to flow for the Gerald Gentleman power plant for the cooling. It's one of the largest power plants in Nebraska, delivering power to the state. I would tell you that the lakes that will be developed, that-- as part of that, they'll store water that should replace what we need to come from Lake McConaughy for the summer flows. This is an

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important project for the state of Nebraska and we need to keep that in mind as we move forward. Thank you, Mr. President.

ARCH: Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President, and good afternoon, colleagues. I also just wanted to extend my appreciation and gratitude to Senator Bostelman and Senator DeKay for really taking time off the mike to help answer questions, engage in dialogue and debate. And it is very thoughtful and appreciated in terms of learning more about these issues and the committee's kind of general approach to this very-- the various component parts and then the, the overall package as a whole. I think I definitely have a clearer and better understanding of some of the concerns around how the conflict of interest components might work with one of the underlying pieces that I know that was brought to my attention by some constituents and interest groups that were engaged with the Sierra Club and who had brought these forward kind of inter-- or overlaying that legislation with our existing conflict of interest laws under the Nebraska Accountability and Disclosure Act, definitely helped to provide some additional clarity. And, and I think we all know that when Frank Daley weighs in and, and helps to explain things, we all benefit from his professionalism and expertise, so that was really helpful. The other part that I was trying to kind of get a better understanding of in regards to the program design for the grant program and how that might work and why we needed to commit to some General Funds in that regard when there is a general understanding that Nebraska and all states will be, I think, perhaps, awash in federal funds to develop a lot of these key alternative energy pieces as, as part of federal efforts. As I understand it, Senator Bostelman was looking at this as really a way to put into place a structure to leverage those federal funds into the future and have a more streamlined and comprehensive and robust approach thereto, which I think is consistent with our pattern and practice, whether that is the measure Senator Wishart brought forward in regards to mental health or other pieces that are out there. If we can figure out how to utilize local resources to better leverage federal funds, I think that is generally sound policy. But I just wanted to make sure that we weren't duplicating efforts. And if there was a way to utilize federal funds that may have already been granted or in the mix, it could help to lessen or reduce the pressure on the General Funds which, even though we have unprecedented economic prosperity, if we can find a savings in General Funds, that's always appreciated. But I think some additional clarity off the mike from Senator Bostelman definitely helps to ease some of my concerns in that regard. And I really appreciate his outreach in response to legitimate questions on important issues

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coming out of the Natural Resources Committee. Thank you, Mr. President.

ARCH: Senator Bostelman, you're recognized to speak.

BOSTELMAN: Thank you, Mr. Speaker. I want to get back on the mike here. Senator Blood and I and Senator Conrad and I, we've had some discussions on some questions they have. So Senator Blood asked me some questions and I said I would get back with her on that. So I want to go over those questions and the answers I have. And I just spoke with her, just before coming on the mike here about these. So her first question will be, will our hubs use blue or green, gray hydrogen? Hydrogen is produced from natural gas. And so Monolith uses green hydrogen and the water used in the hydrogen process is only used for cooling before they return it to the earth. Monolith has worked with the NRDs to ensure the water is safe and clean and has the necessary permits. So I believe that answers her questions that we are monitoring. We know what's-- how the water is being used and that. Are hydrogen hubs truly providing green energy? Yes. Monolith's goal is to produce renewable natural gas and primar-- and primarily uses nuclear energy to produce hydrogen. That answers her second question. How are we going to protect Nebraska residents from pipeline leaks? Monolith does not have a pipeline. And the last one is how useful and how are we going to implement hydrogen hubs for energy? There are multiple purposes for the hydrogen hubs, one of which is producing anhydrous ammonia, which is critical for fertilizer production. And with the war in Ukraine, we need to have a domestic producer. And I can speak to that just a little bit more. I know just talking with Monolith and, and going through the plan and that, we import almost all of our ammonia fertilizer. And what Monolith would do for Nebraska on that's-- on that portion of what they do, the ammonias, will be a great benefit to Nebraska on the type of fertilizer that it'll produce for our farmers: a cleaner, a better ammonia mix that comes through the process. So I'm very excited about the opportunity here with the, with the hydrogen hub. It is three states that have combined that work together. Nebraska, Iowa and Missouri, I believe it was, we talked about, to work this group. It's a bill-- a potential-- significant billion dollars that could come into the area to help build what we're talking about and, and make hydrogen a, a significant impact to our economy. And with that, also part of this package is the working group to look at improved in education and training and what that's going to need. Because as Monolith grows-- Monolith will be growing significantly over the next few years and they need a lot more trained people, a lot more people, either in the IT, the welding, the fabrication world, as well as we need that across the state. So this--

these bills that we have put together here really meet some of the needs that we're looking for-- forward to as we grow the hydrogen industry in the state and, potentially, the advanced nuclear industry in the state. And if that-- either if that advanced nuclear industry doesn't grow, we still have the hydrogen that's here. It's growing. We know it'll continue to grow. So those technical skills that we're going to instruct and grow can be used in multiple industry opportunities throughout the state in manufacturing and farming and agriculture in a lot of areas. So with that, I do believe I've answered the comments and questions that Senator Blood had. I thank her for those questions. I thank her for the opportunity that we've been able to talk about it. With that, I'll yield the rest of my time back to the Chair.

ARCH: Senator Machaela Cavanaugh, you're recognized to speak. This is your last opportunity.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, so we have a new colleague. And the Governor, in announcing the new colleague, I assume in response to my comments about the lack of transparency in the process of appointments, mentioned that he began interviewing candidates for LD 25 when Senator Geist announced that she was running for mayor. Unfortunately, that actually is worse because that means only the people that either the Governor selected or reached out to, that only those people had the opportunity to be considered for the position. That is not an appropriate process for representation of a district. The people of LD 25 deserved the opportunity to know you were doing that, first of all. That is done under the cover of darkness and is inappropriate. It should have been made public. If you started doing that when Senator Geist announced that she was running for mayor, if you started anticipating that yesterday was going to happen when she announced she was running for mayor in January, when she became Chair of Transportation, when she got on the Executive Board, when she was going to disrupt the entire sys-- ecosystem of this Legislature further than it's already disrupted with her abrupt resignation, maybe you could have told at least the people of LD 25 that you were making your own plans to handpick somebody to put into the place. This is important. This is significant. This is creating vacancies in, in multiple positions of leadership in this body. And the people of the district that are represented by Senator Geist are losing an opportunity to select or even participate in any meaningful way in the process of their replacement. And now, our Legislature is going to have to do a mid-session, mid-biennium shuffle. We need a Chair of Transportation. We need a representative for CD 1 Caucus on the Executive Board. We need to appoint another person to the Audit

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Committee-- Performance Audit that Senator Geist was the Chair of up until this year. And now Senator Dorn is the Chair, but we need another member to be appointed to that committee, Judiciary Committee. Chairmanships align with the number of people from a caucus on a committee. It all gets reordered. It all gets reshuffled. This is a big deal for the body. I don't begrudge Senator Geist for resigning to do what is best for her. That's her prerogative, as is for Senator Flood when he resigned and Senator Hilgers when he resigned, Senator Groene when he resigned, Senator Watermeier when he resigned. I have no idea who was in the seat before Senator Clements, but whoever that was when they resigned--

KELLY: One minute.

M. CAVANAUGH: --and an appointment was made. Fine. Most people don't do it in the middle of a session, in the middle of a biennium. It is disruptive, to say the least. And now on top of that disruption, the people of LD 25 don't even get a voice in any of it. Instead, they get a gubernatorial appointee that has family ties to the Governor and personal ties to the Lieutenant Governor. All of it done in secret. All of it done in secret. I said it before it was announced, I will say it again. This appointment reeks of cronyism and that is not fair to the appointee and that is not fair to the people of LD 25.

KELLY: That's your time, Senator. Thank you, Senator Cavanaugh. Senator Hunt, you're recognized to speak.

HUNT: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraskans. Senator Machaela Cavanaugh said that right. Really, really, really unethical things happen in government, even in Nebraska where we do have a lot more transparency than a lot of other state governments have. And we do introduce bills and we introduce new policies to try and change that. I have a bill-- I have two bills in the Government Committee that I've introduced several times to increase transparency around contracts that the state goes into, that are gone into by constitutional officers to make sure that we're getting bids for projects, that we're not just handing out contracts or projects to our friends. But that's happening and it's going to continue to happen, because there isn't a will from conservatives who make up the majority of members of this body to cut down on that kind of corruption. You know, this is the party of the "drain the swamp man," of course. But when we have opportunities to do that for real in state government, they don't want to do that. And until we change the law, until we change the regulations around how these contracts are procured and awarded, around how people are appointed into seats,

around how people vacate their seats in leadership positions in government, what motivation do leaders really have not to do unethical things. They get away with it, because it's not illegal. There's no blowback from the voters on that. So why not? I mean, I get it. I certainly get the temptation. Some of the things-- you know, I have a lot of things I want to say on LB565. But some of the things I've learned about this amendment regarding progressive design-build and traditional design-build, construction manager/general contractor and public-private partnerships are from this handout that was given to us by Senator Bostelman. And he says, in the traditional design-build, at or near project beginning, the owner hires an engineering consultant to prepare baseline design and possibly assist with design-builder selection. And it says that's contract one. The baseline design is used to select the traditional design-builder through a defined process, which is based on both qualifications and price to complete the design and build the project. And that's contract two. Then it says, design is typically 30-60 percent complete when a design-builder is selected and brought in to complete the design and construction on the project. And I'm going to tie this back into the point I just made. But the second type he has on here is progressive design-build or PDB. At or near project beginning, the owner hires a progressive design-builder, based primarily on qualifications alone. The progressive design-builder develops the baseline design and the final design, therefore, is involved during most or all of the design process. As design progresses, typically to the 50-75 percent point, construction budgets are developed and work can begin if agreement can be reached with the owner. In this case, the owner may not employ a separate consulting engineer at all or the consulting engineer would play a much smaller role than in the other delivery methods. So in this type, there's only one contract utilized, typically--

KELLY: One minute.

HUNT: --thank you, Mr. President-- according to Senator Bostelman. There's also the construction manager/general contractor delivery method. And he summarizes that by saying, at or near project beginning, the owner hires an engineering consultant and a construction manager under two different contracts and both based primarily on qualifications alone for selection. The construction manager assists in the design decisions as part of the design team until the design is essentially complete. At that point, the construction manager has an opportunity to negotiate with owner to complete the work on the project, at which point the construction manager would become the general contractor under a modified or new contract. And then it ends, if a contract for construction cannot be

reached through negotiation with the construction manager, then other methods may be utilized to procure a contractor to complete the work on the project.

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

HUNT: Thank you, Mr. President. In Senator Bostelman's handout on the alternate project delivery methods, and this is just a summary of those things, regarding LB723 which we're discussing as part of this amendment. And this was created February 1 of this year. He goes on to talk about public-private partnership or he calls it P3. There's no single definition for public-private partnership delivery. Generally, a contractual agreement, often utilized to finance public projects with private dollars-- it says any and all project delivery methods could be available, depending on how the project sponsor defines the rules or the request for proposal. The National Council for Public-Private Partnerships, the NCPPP, defines a public-private partnership as, quote, a contractual agreement between a public agency, federal, state or local, and a private sector entity. Through this agreement, the skills and assets of each sector, public and private, are shared in delivering a service or facility for the use of the general public. In addition to the sharing of resources, each party shares in the risks and rewards potential in the delivery of the service and/or facility. And that's from this handout from Senator Bostelman about alternative project delivery methods regarding LB723. When I-- before I ran for office or became much of a political person at all, I was heavily involved in the-- I still am, I guess, like, the start-up community in Omaha and Lincoln. There's a really well-known kind of hub for start-ups in Omaha called The Mastercraft Building-- The Mastercraft. And now there's all kinds of businesses down there. There's Flywheel, which just sold their start-up to WordPress. So now it's a WordPress office, which is a giant company. There's many small, independent design agencies down there that have their headquarters in those buildings. Several restaurants have even started opening locations in these buildings to serve the businesses and the customers and the staff and employees of these businesses, because they've grown so much and become so successful. I know that Toast has had events down there and they're based here in Omaha. And this is the company where if you go to a restaurant and if you ever have a server come to your table and they have one little handheld device that they use to take your order, take your payment. The device also spits out a receipt for you. It's all encompassed in this little handheld phone type of thing. And that's a device that-- the leaders of that company are based in Omaha, as well. Hudl got their start in The Mastercraft Building. And in 2010, I started a coworking space called CAMP, CAMP

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Coworking. And we were the second business to go into that space at The Mastercraft Building. And at that time, there was only one other business there called What Cheer, which is a design agency. Archrival had several events there and they did the branding and design for Red Bull. So if you're into Red Bull or Formula One or anything like that, the idea for that design came out of Nebraska and out of that small community that I was a part of in the early 2000s. So at that time, you know, Silicon Prairie News was there and that turned into something pretty big. I'm really proud of all my friends. And we were all in our early twenties then.

KELLY: One minute.

HUNT: Thank you, Mr. President. We were all in our early twenties then and it was very much, like, electric and exciting. And, I mean, like, government was a partnership and all of that stuff. We had relationships with state lawmakers. We were in relationship with the Governor, Heineman at the time. We were in relationship with mayors of, of Lincoln and Omaha, Stothert and Buetler. And it was a time in Nebraska where government was proud of the work that young people and young minds and innovators were doing in our state. It was a time when we were starting companies. We were making big ideas. We were doing things that went on to become a really big deal. And we knew that we had partners in government who didn't just want to help us by giving us, you know, tax incentives or, you know, tax credits or benefits or anything like that as business owners, but who actually used--

KELLY: That's your time.

HUNT: --our services. Thank you, Mr. President.

KELLY: Thank you, Senator Hunt. Senator Holdcroft has visitors in the north balcony. They are fourth graders from Bell Elementary in Papillion. Please stand and be recognized by your Nebraska Legislature. Senator Hunt, you're recognized to speak. This is your third time.

HUNT: Thank you, Mr. President. I'd be happy to take any time from my colleagues, if they'd like to-- what's the word? Give me the time. Yield me time, that's what we call it. I'm always happy to see young faces up in the balcony. I hope that as you're filing out, you all enjoy your time in your State Capitol today. And as you grow up, never, ever feel afraid to talk to your elected officials, because there's nobody down here that's better than any of you. So thank you for being here. And make sure that as you grow up, you make your

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voices heard to people like us. So in my early twenties when I was involved in the start-up scene locally, we saw government as an active partner with us, not just in giving us tax incentives or tax breaks or any of these, like, levers of government that can be pulled to benefit business, which I feel like is almost the only "good thing" that we do for business in government now. There's no personal relationship, there's no personal support, there's no personal buy-in. It's just how can we use the tax code to, maybe, recruit another big company to come to Nebraska, when we actually have Nebraskans who have built amazing companies, profitable companies, companies that have achieved, you know, millions, billions, in some cases, in rounds of funding, worldwide popularity, all of that coming from Omaha and Lincoln and other parts of our state. But as these businesses grew and as these businesses changed, some of them sold to bigger companies, which is, frankly, the goal when you're starting a start-up, is to someday have a big exit and sell out and make millions of dollars. And a lot of my friends did that and it's awesome. I'm really proud of them, because they did that while taking really, really good care of their teams and really good care of their staff. A lot of these businesses-- I mean, I say a lot. I actually can't think of one that wasn't. So all of them, as far as I know, they had benefits like free lunch every day. And that would be catered by a local business-- a local restaurant that had amazing food. They had benefits like free vacation-- like paid vacation, that's what you call it. So they would get paid vacation, unlimited, as much as you wanted. Because the people running these businesses trusted their staff and employees and workers, that they had buy-in to the success of the company and that they knew when they needed to take time off. They trusted their employees and their workers to know when they needed a break, when they needed that vacation time. And they said, go take the time you need and, and we'll pay you for that time as an incentive to work here. Paid family leave, no question, for both men and women. All of these things are cultural stuff, right? Things that people want, as employees, in order to feel that they are not just valued by their boss and by their company, but so they feel valued by-- not valued by, so they feel like they're in the right place. So when someone has a job like this in Omaha or Lincoln, typically-- I'm just going to say that because I don't-- I think that's where most of them are really located-- that they aren't looking for other places to live. And they aren't looking for other places to move. They aren't saying, you know, I think I'd really rather live in Colorado. I think I'd really rather live in Illinois or New York or California or Atlanta, Georgia, anywhere. And-- or even another country. I have lots of friends from these start-ups that ended up leaving the United States, altogether. And why did any of

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them leave who left? What was it because they weren't getting good benefits or having a good experience at their job? No.

KELLY: One minute.

HUNT: Thank you, Mr. President. There's almost nothing more that these, you know, companies could have done to keep these employees here, because they had every benefit. They had great retirement package. They had great healthcare package. I had friends who got, like, acupuncture and massage as part of their health insurance package. Like, I freakin' wish. That would be amazing. We don't even get health insurance here. Paid family leave, maternal and paternal family leave, so that when any of these workers had a child they knew that they would be able to take the time they needed to get close to their kid and, and take care of their baby at home or take care of their spouse who also needed the help. They had paid vacation time. They had paid time off. All of these benefits were given to these workers, but they still did not see Nebraska as a place where they wanted to live. And that took over every other benefit that they could have gotten from this company. Thank you, Mr. President.

KELLY: That's your time. Thank you, Senator Hunt. Senator Conrad, you're recognized to speak and this is your final time.

CONRAD: Thank you, Mr. President. And again, good afternoon, colleagues. I just had one additional comment. I ran out of time on my previous times in the queue that I wanted to just kind of lift for the record and then I'm happy to yield the remainder of my time to Senator Hunt if she so desires. But I had a chance to ask Senator John Cavanaugh, who's a member of the committee, a little bit more about this off the mike, but just trying to get a clearer understanding about the insertion of reliability as a definition into the statute. I think we can all agree that reliability is an important component of sound energy policy, but just trying to get an understanding about how that definition interplays with use within the statute, if at all. And then just wanting to ensure that that doesn't limit our ability or constrain us to pursue environmental justice ends or develop alternative energies in the state of Nebraska. So with that, just last point that I wanted to make on the bill from a substantive perspective and happy to yield the remainder of my time to Senator Hunt if she so desires.

KELLY: Senator Hunt, that's 3:40.

HUNT: Thank you, Mr. President. I was literally just texting one of my staff, in my shop back home, who's trying to figure out which orders are for local pickup and which ones need to be shipped. So that's, that's business. That's what I do all day, is, is either doing that myself or working with my staff and employees. And, you know, as a smaller company, we haven't done any funding rounds. I, I used to run a start-up that was-- we started online in 2012. And it started as a platform where people could buy clothing, but interact with the designers of that clothing. So one focus that we had early on in, in starting the business that we kept throughout the whole run of the, the company, we ran that company for about ten years, was size inclusivity. And so we had stuff going up to 5-6X, when at a lot of stores, when you go in, you can really only get like small, medium and large. But we wanted to have plus sizes as well, because we wanted people to come to the store with their friends and all shop together and all be able to find something that they like. And we knew that, you know, there were people of certain sizes that weren't ever included in that kind of thing. When you go to the mall and there's nothing that fits you, like that's not fun. So we didn't want that to be an experience for our customers. So we specifically started working with designers who understood pattern grading, who understood the proportions of women, specifically, and, and how weight and age and body changes affect a woman's body and understood how to grade patterns of clothing up to larger sizes and knew which fabrics graded the best. Before this business-- sidebar, I had been a dress designer for about ten years. And so, that was like what my training was in. And that-- you know, pattern grading and fabric content and basically, the way things have to be cut to fit the way you want them to fit and how to use details to make these things really special and something different than you could get from, like, Target or Walmart, even though we all have, like, really great things from there, too, but. So it started as an online platform where buyers, shoppers, customers could do, like, direct to the designer, give feedback on fabric, give feedback on colors and patterns and order things directly that they were going to buy. So it was almost like a, a Kickstarter type thing, which was also really big back then--

KELLY: One minute.

HUNT: --in those early start-up days. Kickstarter was when somebody would have an idea for a product or any kind of deliverable, so it didn't even have to be, like, a physical product. It could be a video or art or something like that. But they basically collected donations through Kickstarter to fund the production of this deliverable, this thing. And if you signed up for the Kickstarter-- if you made a

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donation, it could be small, it could be \$5 or it could be \$1,000, then you were buying into the stake of that product, the stake of the success of that product. And you could get different awards or rewards for supporting that. Like, if you donated a certain amount, then you would get one of the finished products, once it was funded and finished. So it was sort of like that for clothing-- connecting customers with the designer. And then that grew into an actual brick and mortar store.

KELLY: That's your time, Senator.

HUNT: Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. I would like to yield the rest of my time to Senator Hunt.

KELLY: Senator Hunt, that's 4:53.

HUNT: Thank you, Mr. President. If anybody else would like to yield me time, too, I'd be happy to take it. So at the Mastercraft Building, as I said, where this was kind of the earliest hub that came together formally. There were all kinds of informal gatherings and meetings before that. There was-- on Leavenworth Street, there was a space at 50th and Leavenworth called Divvy, D-i-v-v-y. And that was-- a lot of different start-ups met up there and that became-- some, some big companies that came out of Divvy were GoodTwin, which is a design agency, Brightmix, Tripleseat, which was a restaurant like, reservation app, that I think sold to OpenTable or something like that. Brightmix turned into Flywheel, which sold to WordPress. What Cheer, which was a design agency. And then we started Big Omaha from that space. And Big Omaha became the biggest start-up entrepreneurship conference in the midwest. We had, gosh, Gary Vaynerchuk coming, we had the founder of LiveJournal coming, we had the founder of Flickr come. Marc Ecko came and gave one of the, the most amazing speeches I've ever heard in my life. I think about it all the time. His speech was how-- about how Notorious B.I.G., how Biggie's song, the Ten Crack Commandments related to entrepreneurship. And I think about it all the time. So from these very, very small, humble beginnings into this start-up space in north downtown Omaha at the Mastercraft Building and it's now expanded into many other buildings around that area. This happened through a lot of public and private partnerships. And it was the buy-in of local government, basically, the buy-in of the city, the

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trust of the mayor and the city council and a lot of that through relationships with employees and staff and different folks around those businesses that these public-private partnerships were made possible. But the same people who own these businesses and the workers who support them, who work there, they look at the stuff that we're doing in this Legislature and it is directly, colleagues, directly one-to-one correlation ratio driving them out of this state. They say Lincoln's pretty cool. Lincoln's OK. Omaha's OK. Nebraska? Nebraska is not getting better. And it's so disappointing because in the early 2000s when we were working on growing the start-up community and we started BarCamp Omaha, where people come and talk about their passions. And, and so many meetup groups were formed around that. And people learned about each other and the work we were doing in the start-up community, as artists, as creatives, as entrepreneurs, whatever, not necessarily just in tech, but it was a, a channel for all of these people to get together and learn about each other and support each other. It was very organic, it was very natural and it was a really special time in Nebraska when that was happening. When we started Big Omaha and we started to get attention from around the entire country for the tech start-up scene that we had here in the midwest. And, you know, we call it the Silicon Prairie, is what we called it in kind of like the Kansas City, Des Moines, Omaha triangle of, of start-up and entrepreneurship.

KELLY: One minute.

HUNT: Thank you, Mr. President. And that was a time when we were really hopeful about the state. That's-- that was a time when we were really proud to be Nebraskans. And what was that related to? We knew Nebraska was a business-friendly state, that there were opportunities for these kinds of public and private partnerships, that we could see government as a partner in helping our businesses. But now we have a government that doesn't understand that helping our businesses does not just mean public-private partnerships. It does not just mean tax credits and tax deductions. It means creating a culture where our workers want to freaking live. It means creating a culture, nurturing a culture that is inclusive of the people we are trying to recruit to grow our businesses. And I'm not talking about, like, bringing people in from out of state. Sometimes, that's what it is. I hope we do more of that. But that's not even what the point is. The point is--

KELLY: That's your time, Senator.

HUNT: Thank you, Mr. President.

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KELLY: Thank you, Senator Hunt. Senator Fredrickson, you are recognized to speak.

FREDRICKSON: Thank you, Mr. President. Good afternoon, colleagues and Nebraskans. I rise today-- I will be supporting the underlying bill, LB565, as well as the amendment. I sit on the Natural Resources Committee. That's been a really educational experience for me as a urban-based senator. We talk a lot about, obviously, more of the natural resources our state has. But one thing that's been really fascinating to me, is learning more and more about how energy development works in our state and the different ways that energy development and generation is obviously crucial to our day-to-day lives, but also just from a workforce perspective and sort of tech-- technological perspective. These are all things that, you know, the hydrogen hub, for example, that we're talking so much about, I think, has the potential to, you know, yield high-quality jobs, high-skilled jobs, so opportunities for Nebraskans, especially in areas that we might be having issues with population growth. So that's something that I certainly am interested in supporting in whatever way I can. There's been some talk on the mike about the design-build element of this, of this piece of legislation. From what I learned from the hearings on this aspect of the bill, I think that this is a no-brainer. It's much more efficient. I think we need to continue to look at ways that we can improve our efficiencies in the government and how we are delivering services, of course. There is also-- and I appreciate Senator Conrad, earlier, was asking questions about this idea of inserting reliability and reliable into statute and the definition of that. And that actually sparked a lot of conversation within the committee. There was a lot of concern about what does this mean? My understanding, I mean, I-- the way I read the definition in the bill, it, it felt fairly innocuous, to be frank. But I also, you know, can appreciate that there is some under, you know, kind of concern about what that might mean for future energy development and also how that might impact the potential to have further renewable energy development moving forward. So that's something that, you know, I think, as a Legislature, we need to be cognizant of and consider when we are-- you know-- as, as, as things unfold, we want to ensure that we are doing best practices and, you know, obviously giving services and energy delivery to Nebraskans and businesses here, that is, that is, of course, reliable. But we want to have diversity in what we can offer and I think that's also just good business. So I will be supporting AM1240 and underlying bill, LB565. Like I said, I've enjoyed sitting on the Natural Resources Committee and I appreciate Chair Bostelman's leadership on the committee and the way

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he has, I, I think, really engaged all the members, at least my experience has been he's really engaged all of us in discussing this, this package, this priority and this overall bill. So with that, I will yield any remaining time I have to Senator Hunt if she is interested.

KELLY: Thank you, Senator Fredrickson. And Senator Hunt, that's 2:05.

HUNT: Thank you, Mr. President. Thank you very much, Senator Fredrickson. And any other members who would like to yield me time, I'd be happy to take it. I also appreciate Senator Bostelman's work on Natural Resources as the Chair on LB565, on his work to sort of sort out and tease out what is going to be important to have go into this bill and also his willingness to work with colleagues of all different ideological backgrounds to try and find a ride for their bill, on LB565, and find ways to get other important pieces of legislation passed, even though he is supporting a ban on healthcare. So, you know, despite his decision to support a ban on essential healthcare for kids and for women, we do know that, that he's working on other things and that's really good. I also appreciate Senator Fredrickson's work on Natural Resources. As a member of Committee on Committees for the 2nd Congressional District Caucus--

KELLY: One minute.

HUNT: --thank you, Mr. President-- that's-- I-- what I was going to say is that's one of the toughest things that we do. And then I hesitated and I thought, is that really one of the toughest things that we do? But doing a scan back, yeah, I actually do think that one of the hardest things that we do, like mentally, is figuring out those committees on committees. Because when you start that process, you go into a room first meeting with just the members of your caucus. So it's four people from, from each caucus. So it's 12 of us, plus a Chair, so 13. And when you start meeting with just the four members from your caucus, typically it's ideologically split. You know, in, in my caucus, the senior members decided they wanted to split it, two Republicans, two Democrats. And that wasn't something that I supported. But we usually defer to seniority as our norm and so that's how we did it. In the future, I don't think we'll do it that way, but we'll have to see how things shake out with elections and things like that.

KELLY: That's your time, Senator.

HUNT: Thank you, Mr. President.

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KELLY: Thank you, Senator Hunt. Mr. Clerk, for a motion.

ASSISTANT CLERK: Mr. President, priority motion, Senator Hunt would move to bracket the bill until June 1, 2023.

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

HUNT: Thank you, Mr. President. Colleagues, I wanted to introduce this motion to bracket so I could continue my thoughts on the public-private partnerships and how that's evolved in Nebraska, in regards to the business community in our state. But I'll, I'll also finish my thoughts on the Committee on Committees. So it starts with four of us from each caucus meeting in a room, typically. I mean, I know that not all caucuses do it the same way, so I guess I'm only describing how we do it in CD 2. We meet together. We ask every member of the caucus to fill out a worksheet, talking about their preferences for committees. And we ask them to pick, you know, their top three preferences. And that's Agriculture, Appropriations, Banking and Insurance, Business and Labor, Government, Military and Veterans Affairs, Education, Health and Human Services, Natural Resources, Judiciary. Boy, I'm sure I'm forgetting, I'm for-- Agriculture. And then there are-- maybe some other standing committees I'm forgetting. But there's also some special committees, like Retirement, which we were talking about on the previous bill, State Tribal Relations. I'm on that committee as well. Urban Affairs is another standing committee that I sit on that I shouldn't have forgotten, that I'm actually the Vice Chair of. But-- so we ask each member of the caucus to fill out a worksheet, talking about their preferences for those. And typically, members of our caucus also talk to us in person. I think I talked to almost everybody in CD 2 about what their preferences were for different committees and why, what special-- specialized knowledge they personally had that they could apply to those committees and what history they had that they felt made them most qualified to serve on those committees. This, colleagues, is a really good way to do it, because you're not really putting people on committees in regard to political affiliation or party. You're really just trying to get people on committees who are the most qualified in that subject matter to do that work. And ideally, of course, that's what we also do with the chairmanships. And that's how in the past, even-- in the past, meaning before this year, which I think is a really terrible year. And I, I continue to feel kind of sympathy for a lot of the freshmen members, because they're getting kind of a bad shake. They're not really getting to experience the, the Nebraska Legislature at its best. And it's really because of their choices, of course, to support bans on healthcare for kids and for women that were here. But by

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making that choice, you know, they've really said that this is how they'd like the Legislature to be. These are the kinds of things they want to discuss. This is what they think the priorities of their constituents are. And I respect that. Because if somebody says actually, my constituents' biggest priorities is banning healthcare for kids and women, then I trust that, because they're the ones that represent that district. I'm not the one. I knocked 22,000 doors in my district, but I certainly didn't do that in their district. So, you know, I trust them to represent their district the best they can. And if that means banning healthcare for women, if it means a healthcare ban on essential medical care for children, then I know that those senators are really knowing what's best. So that's what brings us here. And it's the same process, of course, that got us the committee Chairs that we have. The votes for the committee Chairs were Republican and Democrat Party lines, 100 percent. One hundred percent. Maybe not with McDonnell. Sometimes he'll, he'll go a different way. I don't know what he did. I don't remember. But it was, for the most part, completely partisan. And before this year, freshmen should know, I'd never seen that. So you're really coming into a much more partisan environment than this really needs to be and that this should be in order for you to have the best experience as a Nebraska state senator. When you go to different conferences and you have the opportunity to travel around the country during the interim, you know, learning from other colleagues in other states, learning how people do things differently in other legislatures, those are really awesome opportunities. And in the past, when I was able to have those opportunities, I always left feeling so grateful that I represent Nebraska, that I'm in Nebraska. Because the way we do things here is so much better than other states, for both sides of the aisle, no matter what your political background is. I mean, even in states where, you know, I'm a registered Democrat, even in states where the Democrats have the majority. They of course, have a whip, they have a majority leader, they have all of these different kinds of leadership positions that they jockey for and run for. And it's extremely political and extremely competitive. And I'm so grateful that we don't have that here, because even my Democratic colleagues in other states who say, you know, I'm going into my fourth year and the majority leader is finally letting me, you know, introduce this bill or something. And that kind of gatekeeping would never, ever happen in the Nebraska Legislature, for any side of the aisle, typically. And that's what makes me so proud to be a part of this Legislature, because we're able to do things in a way that is best for our constituents, that's best for the ideological diversity that we have in this state, not just what's best for party leaders. This year, in

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this Legislature, the One Hundred Eighth Legislature, it's not that way. And when we came in Day 1, elected our Chairs on pure party lines, we got some-- they speak for themselves. I don't have to do anything to put down my colleagues in terms of their qualifications or ability or literacy or, you know, ability to, to do their jobs, because it speaks for itself. Anybody who's watched this Legislature or watched any of our committee hearings, you can see the Chairs we've had in the past and the Chairs we have this year. And everyone concludes that it's worse this year. It's worse. Anyone with eyes and ears can see and hear that it's worse. And everybody thinks that. But again, these are choices that were made in this body, consciously. The freshmen that came in and, and didn't think independently and just voted along party lines. I assume it's because their constituents told them that's what they wanted to do. Of course, I can only assume that, because I know you're all representing your constituents the best you can. And that means banning healthcare for women and it means banning healthcare that is medically necessary for kids. It means voting along party lines every time you get the chance to do it. And that's what your constituents have said they want you to do, so I have to trust them and I have to trust that. Because as a proud Nebraskan, I believe that you guys are, are really the greatest leaders that we can come up with, so it's great that you're here. What I hear from not just my district, but in Omaha and from many people in your districts, who email me and call me every day, is that the types of policies that we're promoting in this Legislature, whether it's bans on healthcare for women-- similar laws in other states, of course, have led to the closure of hospitals, have led to physicians being incarcerated or fined, have led to women being incarcerated or fined. And these are the kinds of laws that you all have, have prioritized this session. So that may be the way that we're going in this state. But I really miss the time in Nebraska when a bunch of friends and I, together, were working to do something really great in this state. We were working on projects that were exciting to young people, that were keeping them here, where they knew they could have a job with paid family leave and stock options and, you know, unlimited vacation. And they get a free, new computer every year, the top of the line technology, all of these things that the start-up community was offering Nebraska. And these businesses are leaving. More importantly, the workers are leaving, because now we can work remotely. And WordPress or Buildertrend or Hudl, they would rather have a good worker who lives in Chicago or a good worker from Nebraska, who lives in San Diego, or a good worker from Nebraska, who lives in Brooklyn, then a good worker who leaves because they--

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KELLY: One minute.

HUNT: --thank you, Mr. President-- because they can't work remotely. So we're losing those workers, because of the policies that this Legislature is promoting. And talking about traditional design-build, progressive design-build, construction manager/general contractor, public-private partnership, the types of things that we think we can do in government to support businesses, to support innovation and growth, are not the things that actually matter to workers. All of the people I have worked with say what matters to them most is culture. And I've heard Senator Murman say things on the mike before, like, well, I actually know a lot of people who are moving to Nebraska because it's more conservative. I know a lot of people who are moving to Nebraska because they like that we're banning healthcare for women and for kids. If that's the case, let's bring it on. You know, let's definitely do more of that, so that we can continue to grow our state into a place where we ban healthcare for women and children. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. I would like to yield the rest of my time to Senator Hunt if she is willing.

KELLY: Senator Hunt, that's 4:52.

HUNT: Thank you, Mr. President. LB565, after the adoption of the committee amendment, is a package that includes provisions from three other bills, LB567, LB568, and LB723. What I've been talking about is LB723, specifically, the public-private partnership aspect of that bill and how it relates to businesses in Nebraska today. But the core of this bill has to do with seeking a regional, clean hydrogen hub designation and associated funding from the U.S. Department of Energy, as part of an effort to expand the use of green fuels. The federal Infrastructure Investment and Jobs Act set aside \$8 billion to create four national hydrogen hubs to link up producers of hydrogen with industrial users and expand the use of hydrogen to generate power or fuel planes and vehicles. Proponents say Nebraska is a prime candidate to become one of those regional hubs because of the large-scale production of clean hydrogen by Monolith materials located in Hallam, in the state, because we are centrally located. Monolith produces clean hydrogen and carbon black using natural gas. Carbon black has a variety of uses, including in tires and in other rubber products.

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Monolith plans to use most of its hydrogen to produce anhydrous ammonia fertilizer. Would Senator Bostelman yield to a question?

KELLY: Senator Bostelman, will you yield to a question?

BOSTELMAN: Yes, I will.

HUNT: Thank you, Senator Bostelman. What's anhydrous ammonia fertilizer? Is it used in farming or is it-- does it mean something else that I don't know?

BOSTELMAN: No. It's fertilizer. It's for our farmers. Yes, definitely.

HUNT: OK. Is it something you could buy at any garden center or something?

BOSTELMAN: No-- well, there may be some smaller amounts that may-- you know, you see the big tanks out in the fields where they're applying right now. That's-- primarily, you're going to get it through a co-op or a large facility or an anhydrous dealer.

HUNT: Is it liquid?

BOSTELMAN: Yes.

HUNT: It's liquid. So--

BOSTELMAN: Or a gas.

HUNT: --do they apply it with the sprinklers?

BOSTELMAN: No. It's injected.

HUNT: How do they apply-- injected?

BOSTELMAN: It's injected. Yeah.

HUNT: Into the ground?

BOSTELMAN: Yes.

HUNT: OK. Thank you.

BOSTELMAN: Um-hum.

HUNT: Thank you, Senator Bostelman. So this is produced by Monolith. And I know we have many members in this body who work for Monolith or

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who have relationships with Monolith. And, you know, this is the kind of business that when we talk about public-private partnerships or we talk about things that we're doing in the Legislature as government to support the growth of business, it's increasingly corporate, increasingly, what's the word, not centrally located in Nebraska. And I'm not saying this is Monolith. I'm saying many other, many other corporations that benefit from legislation like this, they aren't necessarily based in Nebraska. They are giant corporations and companies that view their labor force as expendable, that view their labor force as something that is replaceable. And they would all disagree with me on that, I'm sure. But it is what it is, you know. But the types of companies that are doing innovation, that are building something original, starting small, getting big, doing the bootstraps thing that all of us ostensibly love and, and want to encourage, those companies are getting the shaft. Those companies are not getting any kind of benefits from this Legislature.

KELLY: One minute.

HUNT: And it's actually the policies of this Legislature that's making them see Nebraska as a place where they don't have a future, where the companies don't have a future and where the workers don't have a future. The committee amendment, by combining all of these different bills, LB567, LB568, LB723, it violates the single subject rule. And it's worthy of division because each of the bills deals with separate acts. Three new separate acts are created that are unrelated to one another and that all affect different agencies. Two of them deal with the hydrogen industry and are related, but the third deals with contracting and design-build. And that's LB723.

KELLY: That's your time.

HUNT: Thank you, Mr. President.

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

McKINNEY: Thank you, Mr. President. I rise. I'm not exactly sure where I'm at on this bill or the bracket motion. But I, I, I got on the mike because I would tell any Nebraskan that's watching, that if you oppose the construction of a prison and especially the construction of a prison without criminal justice reform to call your senator and tell them that you oppose it and that we need criminal justice reform in the state of Nebraska. Because no matter what we do, if we even decide to vote to approve a prison, we still need criminal justice reform

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because by day one of that new prison being opened it will be overcrowded. And we will still have an issue with overcrowding. We can't even staff Tecumseh, still. And individuals that are incarcerated there can't even see their families on weekends because of, of a, of a staffing shortage. So I got on the mike to say, if you oppose the prison, please call your senator and let them know you oppose it, especially without criminal justice reform. And I yield the rest of my time to Senator Hunt.

KELLY: Thank you, Senator McKinney. And Senator Hunt, that is 3:47.

HUNT: Thank you, Mr. President. Thank you very much, Senator McKinney. What he said. That's right. So the hydrogen components of the splitting up of this, the division of this question, I'll say, the hydrogen components include LB565, which amends the Hydrogen Hub Industry Working Group that already exists under, under the Department of Economic Development created in 20-- created by a 2022 Bostelman bill, LB1099, Senator Bostelman. LB565 renews funding for the group and makes some updates. So this just continues funding for the Hydrogen Hub Industry Working Group, which exists under the Department of Economic Development. LB568, amended into the bill, creates a new Nuclear and Hydrogen Industry Working Group to support the advanced nuclear and hydrogen industries, also under the Department of Economic Development. So that's creating a new industry working group for nuclear and hydrogen. LB567 and LB723 are specifically unrelated to the subject matter and intent of the bill, which pertains to development of the hydrogen industry. I introduced a couple of amendments that we'll get to in a while here. AM1228 strikes the LB723 provisions that pertain to the canal and lake projects, which I oppose. And AM1227 strikes LB567 provisions, which pertain to irrigation and public power board changes. LB723 creates a Project Contract Act and that's what AM1228 would strike. It sets guidelines for DNR when entering into design-build contracts, progressive design-build contracts or a construction manager-contractor contract. So this would be construction and contracting for the canal and lake implementation and it's unrelated to hydrogen. LB567 deals with a definition under the irrigation and public power districts and changes the eligibility for members to be elected. I have a note here from my staff that it might be potentially problematic because it strikes language limiting the ability of high-level managers employed by a district from sitting on the district's board of directors, unless the person resigns--

KELLY: One minute.

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HUNT: --thank you, Mr. President-- or assumes a period of unpaid leave or absence for their term as a member. This is self-governance of a public entity by its top employees, counter to the purpose of a board. Love it. Agree with that. That sounds right. When I was young, like three, four, five, six, we lived in a small, two-bedroom house and my mom spent a lot of her time gardening. And she was a stay-at-home mom, Senator Murman's favorite way to have a family. And I was, you know, grateful that that's the type of family I grew up in. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President, colleagues. I want to talk a little bit more about the situation with LD 25 and the, the Governor's press conference. The Governor used the press conference in this building in the Governor's Office with Governor staff preparing for the conference to announce the individual to be appointed to LD 25, while also announcing his full-throated support of Senator Geist's mayoral run, including discussing what steps he was going to take in the campaign trail. I have checked with Accountability and Disclosure, and without knowing all of the details of what the Governor stated at the press conference, but based on what I have been informed he stated, it's not actionable from the accountability and disclosure perspective. But it is upsetting and it is a lack of judgment and it is disrespectful. These things matter and are important. And it is the perception of impropriety, even if it, technically, is not improper. I am very concerned by this lack of judgment, the lack of transparency in the appointment of the individual to LD 25, the cronyism around it, and then the pure electioneering that happened during the press conference. That is so inappropriate. I know that the press was there and I assume that they will be reporting on it and giving a clearer picture of what exactly happened at the press conference. I clearly was not there, I was here on the floor. As I talked about, I had watched it on my computer and didn't get to see the whole thing. But electioneering on government time, government resources is so inappropriate. It is so inappropriate. And it should not happen and it should not have taken place and it should not go unacknowledged. I met with the Governor once and he told me that he didn't believe in putting his thumb to weigh down different branches of government. And I am really beginning to wonder how genuine that statement was with things like this. We are almost, I believe, I don't know, to our time today. And I am very much looking forward to four days away from here to spend with my children and my husband celebrating, for us, we will be celebrating the Easter weekend. And I am very much looking forward

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to being away from here because I am very tired by all of the lack of judgment, walking the fine line of corruption, not walking the fine line, diving right into cronyism. I am tired of it. I need to shake this place off. I'm also tired of--

KELLY: One minute.

M. CAVANAUGH: --the very few negative emails that I've gotten this year over the filibustering, one of the most juvenile came from Senator Hunt's opponent in this last election. I just got it today. And I thought, lady, you are not up to the task of legislating if this is the way that you communicate your thoughts and feelings. So thank you for that. And thank you to my colleague, Senator Hunt, for being here and being the legislator that she is. I look forward to people celebrating Passover and I will be celebrating Easter. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Briese, you're recognized for an announcement.

BRIESE: Thank you, Mr. President, and good afternoon, colleagues. A few announcements here. First, I wanted to take a moment to thank Senator Geist for her service to the state of Nebraska. On behalf of the members of the Nebraska Legislature, I wish you well. Second, I want to wel-- welcome Senator Bosn, who has been appointed by Governor Pillen to complete the remainder of Senator Geist's term and will be sworn in next week. With Senator Geist's resignation and the appointment of Senator Bosn in the middle of the current session, there are several steps that the body must take pursuant to both the rules of the Legislature and legislative policies. First, it is my understanding that Speaker Arch intends to schedule the election to elect a new Transportation and Telecommunications Committee Chair sometime before the end of session. In order to minimize office moves and other related disruptions, Senator Bosn will be temporarily located in Senator Geist's former office until a new Transportation Committee Chair has been elected. Senator Moser, as Vice Chair of the Transportation Committee, will serve as Acting Chair of the committee for the time being. Regarding vacant committee positions created by Senator Geist's resignation, each vacancy will be filled as provided under our rules. Pursuant to Rule 3, Section 2(d), Senator Geist's standing committee positions will be filled by the Committee on Committees and then approved by the full body. My understanding is that the Committee on Committees will meet next week to fill those vacancies. Pursuant to Rule 1, Section 1(b), the vacant seat on the Executive Board will be filled by the members of the 1st District

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Caucus and then approved by the full body. My understanding is that the caucus will also meet next week after Senator Bosn has been sworn in. Finally, pursuant to statute, the vacant seat on the Performance Audit Committee will be filled by the Executive Board. Senators who are interested in being appointed to this position should, should send a letter or email to my office by noon next Wednesday, April 12. As has been past practice, any legislative bills for which Senator Geist was the primary introducer may have the sponsorship assumed by a cosponsor of the bill. Any senator who is a cosponsor of one of Senator Geist's bills who is interested in assuming primary sponsorship of the bill should communicate that fact to the Clerk. Thank you, Mr. President.

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

CLERK: Mr. President, your Committee on Natural-- on the Nebraska Retirement Systems, chaired by Senator McDonnell, reports LB160. Additionally, your Committee on Revenue, chaired by Senator Linehan, reports LB616 to General File with committee amendments. New LR, LR87 from Senator Arch, that will be laid over. Communication from the Governor. Dear Mr. President, Speaker Arch, and members of the Legislature: Contingent on your approval, the following individual is being appointed as Director of the Department of Corrections: Robey L. Jeffreys. That will be printed in the Journal. Additionally, pursuant to Rule 5, Section 15, an actuarial study has been submitted for LB160. Amendments to be printed: Senator Raybould to LB753, and Senator Sanders to LB583, and Senator Hunt to LB565. Conflict of Interest Statement from Senator Wishart. That will be on file in the Clerk's Office. Name adds: Senator Raybould, name added to LB44; Senator Bostar, LB76; Senator von Gillern, LB165; Senator Moser, LB412; Senator Brewer, LB471; and Senator Ibach, LB472. Notice that the Committee on Committees will meet at 10:00, in Room 1525 on Tuesday, April 11, 2023. Committee on Committees, 10 a.m., 1525, next Tuesday. Finally, Mr. President, a priority motion. Senator DeKay would move to adjourn the body until Tuesday, April 11, at 9:00 a.m.

KELLY: I recognize Speaker Arch for a message prior to a vote on the motion.

ARCH: Colleagues, this is the end of the week and I have an announcement as to what's coming next week. It's just a reminder that next week, we have three late nights, Tuesday, Wednesday and Thursday nights, with anticipated adjournment times no earlier than 9 p.m. All three late nights will include a dinner break and a provision of a meal for senators. Next Friday, we will work through the lunch hour,

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as we did today and, and as will continue to be our practice for the last day of the work week and adjourn around 2 to 3 p.m. On Tuesday, we will debate-- we will be debating some of the budget and budget-related bills that are ready to be debated prior to the mainline budget bills. The bills we will take up Tuesday include LB815, salaries for members of the Legislature, LB816, salaries for constitutional officers, LB799, judges salaries, and LB282, the state claims bill. On Wednesday, I am scheduling LB626, Senator Albrecht's bill. And before we adjourn today, I want to have the last word with-- on Senator Geist and just express my appreciation, my personal appreciation, to her service and also appreciation to the level calming, rational influence that she has exerted in her committees. She has been especially, a, a contributing member in the areas of judicial reform and transportation. And please know, Senator Geist, you will be missed. We will also be welcoming Carolyn Bosn to our legislative body on Tuesday. And so, everybody, have a good four-day weekend. Thank you.

KELLY: Thank you, Mr. Speaker. You have heard the motion to adjourn. All those in favor say aye. Those opposed, nay. We are adjourned.