

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**FOLEY:** Good morning, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber for the eighty-first day of the One Hundred Seventh Legislature, First Session. Our chaplain for today is Senator Kolterman. Please rise.

**KOLTERMAN:** Please join me in prayer. Dear Lord, thank you for the rest we received last night and also thank you for this very beautiful day. We thank you for getting us through the first 80 days of this session with good health. We ask that you give us strength, understanding, patience, and the spirit of compromise as we complete and finalize this session. God bless each of us as we go about the work of this great state. We ask this in your name, amen.

**FOLEY:** Thank you, Senator Kolterman. I now recognize Senator Clements for the Pledge of Allegiance.

**CLEMENTS:** Please join me in the Pledge of Allegiance. I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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

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

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

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

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

**ASSISTANT CLERK:** I do, Mr. President. Bills read yesterday were presented to the Governor (LB209, LB256, LB261, LB275, LB275A, LB291, LB296, LB313, LB317, LB317A, LB355, LB407, LB479, LB521, LB540, LB628, LB669, LB485, and LB485A). Additionally, committee report concerning certain gubernatorial appointments to the Commission on the Deaf and Hard of Hearing and the State Board of Health from the Health and Human Services Committee. That's all I have at this time, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. Senator Albrecht would like us to recognize Dr. David Hoelting of Pender-- Pender, Nebraska, who's

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

serving us today as family physician of the day. Dr. Hoelting is with us under the north balcony. Doctor, would you please rise. Like to welcome you and thank you for being here today. Members, we're on Final Reading, if you'd please be at your desks. We'll begin Final Reading. First bill, Mr. Clerk.

**ASSISTANT CLERK:** Thank you, Mr. President. First of all, I've got amendments from Senator Friesen with a note he wishes to withdraw all three.

**FOLEY:** Amendments are--

**ASSISTANT CLERK:** Second--

**FOLEY:** --amendments are withdrawn.

**FRIESEN:** Secondly--

**FRIESEN:** That's correct.

**ASSISTANT CLERK:** Secondly, an amendment from Senator Linehan with a note she wishes to withdraw as well.

**LINEHAN:** Thank you.

**FOLEY:** Withdrawn. Mr. Clerk, the first item is to dispense with the at-large reading. Those in favor of dispensing of the at-large reading, vote aye; those opposed vote nay. Members, we need 30 votes to dispense with the at-large reading. Record, please.

**ASSISTANT CLERK:** 30 ayes, 2 nays to dispense with the at-large reading.

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

**ASSISTANT CLERK:** [Read title of LB64.]

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB64 pass? Those in favor vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Blood, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Matt Hansen, Hilgers, Hilkemann, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Moser,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

Murman, Pahls, Sanders, Slama, Vargas, Walz, Williams, Wishart. Voting no: none. Not voting: Senators Hughes, Arch, Bostar, Day, Ben Hansen, Hunt, Morfeld, Pansing Brooks, Stinner, and Wayne. Senator Hughes voting yes. Senator Morfeld voting yes. Vote is 41 ayes, 0 nays, 8 excused and not voting, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. LB64 passes. Proceed to the next bill, Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, with regards to LB595, Senator Machaela Cavanaugh would move to bracket the bill until May 21, 2021.

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

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. Good morning, colleagues. I hope everyone had a lovely evening. I'm just going to pick up where we left off yesterday, so grab some things. OK, so there's a few more people on my list whose bills you will see having bracket motions today, and I'm going to take the opportunity today to share the stories from families. My inbox is full. My voicemail inbox is full. My email inbox is not full, because it has a lot of capacity, but it is-- it is getting very full. And I assume that if mine is, yours is as well. So to catch up anyone who is just joining us this week, on Tuesday a lot of good bills failed, including family support waiver for families with children with developmental disabilities. And Tuesday was just a really terrible day in the history of the Legislature where a group of people in this body chose to be the Governor's punching bag in the body instead of representing the citizens of Nebraska. And if you want to stand between the Governor and taking vetoes for bills that he doesn't like, then I guess you're going to do that. But you're going to take the punches that he would have taken in public opinion. And when you voted against developmental disabilities on cloture, that's exactly what you did. When you filibustered developmental disabilities to cloture, that's exactly what you did. You apparently didn't filibuster it because it was my bill. You filibustered it because the Governor called you and told you to because he didn't like the bill and he didn't want to have to veto the bill. I just want to make sure that the people, the public understands that that is what happened, that the people who I'm taking time on today were doing the Governor's bidding against the families and the children that LB376 would have helped, that LB376 would have been transformational for. So a day in the life of another special-needs mom in Nebraska: My name is Laura [PHONETIC] and I live in Elkhorn with my husband and two daughters. Evelyn [PHONETIC] is six

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

and our youngest Sophie [PHONETIC] is three years old with multiple disabilities. You should already know about Sophie by now, but if not, she was born with a brain malfor-- malformation that causes her to have profound global developmental delay. Sophie is still learning to sit, walk, and talk. Among other things, we are currently served by the DD waiver, but I write to you in solidarity with other moms like me who are struggling in Nebraska to get basic services for their children. There seems to be some confusion as to why us families are asking for help, so I thought I'd share what a typical day looks like for me as a special-needs mom. Our days are chaotic, like any other family with young children. We hustle our youngest off to kindergarten and, shortly after, take Sophie to her pre-K-- her morning pre-K with Elkhorn Public Schools. Sophie absolutely loves preschool and has taken off developmentally since starting this past January. For us, the real growth comes from an inclusive setting where she can observe and imitate typical kids her age. Thank God for our good public schools. Oh, that's nice, a nice plug for public schools. Sophie does receive some services through the school district, but, as you can imagine, and partly because our public schools are so underfunded, it's not enough for her needs. Per her IEP, she receives occupational therapy services for 15 minutes two days per month, and physical therapy for 20 minutes two to three days per month. For speech, she gets a bit more help: 15 minutes two days per week. Since Sophie cannot walk, talk or use her hands functionally, you can see how this is not enough to sustain real developmental progress. And if you're thinking this child is too disabled for the DD waiver, yes, you're right. But she was kicked off the A&D waiver because she was determined to be not disabled enough for that one. And anybody on the HHS Committee remembers when that happened, and it was a tragedy. It should be noted that at least once or twice a week I have to pull Sophie out of preschool for some sort of doctor appointment, neurology, endocrinology, orthopedics, an orthotist for leg braces, a physical medicine doctor who treats her musc-- muscle spasticity-- spasticity, ophthalmology, ENT, and top of regular-- on top of regular follow-ups with her pediatrician. Even with our very good private insurance, we reached our out-of-pocket max every year without fail. After school, we head home and it's time for lunch. Sophie can finger-feed herself a little bit, but needs a lot of support. Since she can't communicate, she has a-- a bit of-- she has a habit of throwing her food on the floor to get our attention or to signal she needs something, so I need to be by her side to be loading her tray with food, retrieving her cup off the floor, etcetera. She's a slow eater-- most kids with CP are due to low muscle tone-- so meals can last 45 minutes to an hour. Remember what that was like when you had a

baby first learning to eat? I've been doing that three times a day for three years now. Then it's nap time, whew. I have a little more time to myself here, so I might be researching why she's having a bad reaction to her new medication or calling intensive therapy clinics around the U.S. who can help meet her milestones faster and seeing if we can budget the 10K out of pocket it would cost to get her there. I might be requesting medical records following up on medication refills I have been trying to get for weeks, refilling medical supply order, or asking other special-needs parents for advice on medical equipment. Heck, I might even be emailing senators to tell them about a new bill that would really mean the world to our disability community if they supported it. Sometimes I might just veg out in front of the TV because it's the closest thing I have to respite. It's 2:30. At 2:30, it's therapy time. I wake Sophie up from her nap and we head to whatever private-- private therapy we have-- happen to have that day. Monday is OT; Tuesday is hippotherapy; Wednesday is PT; Thursday, the lucky little girl gets off-- the day off, so I usually make her do extra time in her straighter [PHONETIC] at home, a large medical device that helps her stand upright and build bone density. On Friday, we squeeze in both aq-- aquatic PT and speech. Each therapy session lasts roughly 45 minutes and I sit with a therapist to learn as much as I can, taking notes on how I can work on whatever particular goal they have for her at home. Private therapy costs around \$150 an hour, and our private insurance maxes out after 20 visits per year for PT and OT. If you're doing the math, takes us about two months to hit. She's already reached the lifetime max on speech therapy from our private insurance. Thank God we have Medicaid to help us cover therapy, or we'd be looking at an out-of-pocket bill of roughly \$25,000 per year, pretty steep even for us millionaires. Hippotherapy, which is horse riding, isn't covered by any insurance, so we pay--

**FOLEY:** One minute.

**M. CAVANAUGH:** --thank you-- we pay roughly \$3,000 out of pocket for that. After therapy, it's time to pick up big sister from kindergarten and maybe squeeze in a little extra therapy at work, then it's the full dinner, bath, bedtime routine before we start all over again the next day. No good way to wrap this up, so let me take that liberty-- let-- I'll let you take that liberty for me. In all seriousness, Sophie was sick this afternoon, so I got to watch you filibuster the day away. So that's Laura and Sophie and--

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

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**M. CAVANAUGH:** Thank you. So that's Laura and Sophie, and if anybody wants to yield me time so that I don't have to keep pulling motions, that would be appreciated. Otherwise, I've got motions drafted, but that's fine too. I believe I get two hours on Final. Is that correct, Mr. Lieutenant Governor?

**FOLEY:** That's my understanding.

**M. CAVANAUGH:** OK, thank you. So, yeah, I will take this two hours and share with you all on Senator Albrecht's bill how you impacted lives with your decision-making on LB376. So one of the things that I've been hearing from people a lot is no one's ever fought for us like this, ever, and that breaks my heart. I know people think all-- all kinds of unkind things about me and what I'm doing here in this body today. And that's fine. I only care about what those families think and how those families feel. And when they tell me to keep going, I have no choice. I will not disappoint them. I will keep going. This is, to me, the most critical issue we as a Legislature could have faced this year, and there are many critical issues. And it was pointed out the bill didn't pass, everybody has different priorities. Everybody does have different priorities, and there are a lot of things that I care about, a lot. I care about workers' wage and workplace safety. I care about tax relief. I care about subsidies. I care about tuition remission and scholarships. I care about education. But the one thing I care more about than anything else in this entire world, besides my own children, is making sure that people who can't care for themselves are cared for. And if that is a misplaced priority in this body, I'm sorry. I'm so sorry for those families who elected you, because I think they probably believed when they elected you that you would fight, that you would work to do everything you could to support the most vulnerable people in our communities, in your communities. I doubt a single person that cast a vote for you would ever think that you would cast aside people with developmental disabilities because the Governor told you to. But that's what you did, and I want to make sure that the people of Nebraska understand that that is what happened. So that is why I am taking time on Senator Albrecht's bill today and Senator Bostelman's bill today and Senator Hughes's bill today. For those watching at home, it's gotten very loud in here, so clearly I've bored the pants off of my colleagues. But I know that you all are listening, so I'll continue. OK. Sorry. Interspersed with families sharing--

**FOLEY:** One minute.

**M. CAVANAUGH:** --thank you-- their heartbreaking stories are these delightful emails, almost exclusively from men, telling me things like get over it. Well, thank you, Kevin [PHONETIC], I will get over it. Wow, way to miss the point on that one, Kev. OK, so you said one minute. Yeah, I'm just trying to decide which-- which is the next thing to share.

**FOLEY:** That's time, Senator, but you're recognized for your third opportunity.

**M. CAVANAUGH:** Thank you. Then I have my close. Thank you. OK. Dear Senator Cavanaugh, I am writing to you tonight to thank you. This bill was a source of hope for so many families, including my own, who have a loved one with an intellectual disability but does not meet the low-income requirements to receive any help from the state for their child with a lifelong disability. My son is 13 and has Down syndrome and autism. He's functionally nonverbal. When he was younger, he had issues with chewing and swallowing, was able to attend feeding therapy in Omaha. While attending the therapy, his jaw muscles strengthened and his intelligibility exploded. And I'm going to-- I'm going to pause for a moment. I read-- I read this story this morning. I'm going to have to come back to this one. I'll come back to this one later today when I'm able. Sorry. Well, actually, I'm not sorry. It's totally normal to cry when you hear these stories. So I'm just going to take a minute to talk about the mask mandate, because that's something that I'm not going to cry about. Looks like we're having-- the mask mandates are expiring in Lincoln and Omaha. Yay! And Lincoln Mayor Marion-- Leirion Gaylor Baird this week called it a historic moment in our community's pandemic. Omaha's mandate is set to expire at 11:59 p.m. next Tuesday. Local officials have taken steps-- I just realized I'm not wearing my glasses. That's why I'm having a hard time reading. Local officials have taken steps to pursue an extension of the measure. The Ralston City Council this week voted unanimously to rescind its indoor mask mandate. A 6-0 vote by the council Tuesday triggered an immediate end of the mandate there. Papillion's mandate expired in December after being in effect for ten days. Bellevue never passed a mask mandate and instead encouraged people to wear face coverings. Mandates in many other Nebraska cities expired in February. The end of such mandates comes as the Centers for Disease Control and Prevention last week eased indoor mask-wearing guidance for fully vaccinated people, allowing them to safely stop wearing masks inside most places. So I just realized that I'm sure the "Twitterverse" is super excited that I just started to cry because there is a group of young Republicans that like to troll me on Twitter when I cry because they act like it's some sort of sign of weakness. So you're welcome,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

young men. I-- I-- I shouldn't assume they're men. They-- they could be women too. In response to the CDC's guidance, Douglas County Health Director Adi Pour said last week that letting Omaha's mask mandate expire May 25 made sense. We think the timing is right for this step, and it makes sense for the city council to allow the mask mandate to expire, Pour said in a statement last week.

**FOLEY:** One minute.

**M. CAVANAUGH:** Thank you. It is our hope that Douglas County residents will continue to get the vaccine so our return to normal can continue. Anyone who is not fully vaccinated against COVID-19 should continue to wear masks around others and practice social distancing according to the CDC. Many large retailers have begun to ease their masking requirements as well. As of Tuesday, Hy-Vee grocery stores no longer required fully vaccinated customers and employees to wear face coverings in the stores, except where required by local ordinance. It joined other retailers, such as Target and Walmart, in announcing the move. Baker's Supermarkets, which are part of the Kroger chain, allow-- also will allow fully vaccinated customers to enter stores without a mask beginning Thursday, the company said Wednesday. So this is going to be a real exercise of public trust and of people-- I mean, it's the honor system.

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

**M. CAVANAUGH:** Thank you.

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

**PANSING BROOKS:** Thank you, Mr. Lieutenant Governor. I'm not really sure what I'm standing up to say, but I just want us all to take a minute and understand what's going on. And I know people are saying there's people that are being radical and that there are people that are doing things for retribution. And I just-- I just want us to take a minute and realize. And I-- I think I'm probably as much to blame as anybody on all of this. When-- when Senator Cav-- Machaela Cavanaugh's bill came up, it was right after another bill went down, the education bill. And I think maybe I'm just saying this to Nebraskans because I don't think anybody really, in here, cares that much. But I want to say that I appreciate Senator Machaela Cavanaugh's passion. I appreciate the determination with which she is doing this work to make a point, as has happened for 40 years past. I keep asking people-- this is exactly what Senator Chambers did-- what makes-- what makes this so different to you? And there were things like, well, she



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

doesn't have the finesse. Well, yeah, she's been in it two years, and we all know that Senator Chambers did this kind of work to make a point, to make us slow down and understand how to take care of people, not just our pocketbooks. So I'm asking that Nebraskans calm down on this, that our Legislature calm down on this. I-- I-- she is-- Senator Machaela Cavanaugh is doing something I-- I just couldn't do, and I bet most people in this body couldn't do it, wouldn't maybe, but couldn't; a lot of us could not do this. And I admire her fortitude and, you know, it was aggravating for some people last night. It was-- I-- I didn't know if we were going to get to my bill, so-- but that is her decision as a senator in the state of Nebraska. And I admire the fortitude. I admire her ability to-- you know, I probably should have stand-- stood up better on the dis-- disability. Maybe we're learning something more, that we don't just let the opponents-- we don't just let the opponents talk and tell the story about disabled children, because that's what we did. We let the other side filibuster and talk about children in a way that made no sense, that did not take care of our children. We heard from the-- from the Chair of Appropriations. There was plenty of money. So the fact that she's now aggravated about children and about taking care of Nebraskans, and the fact that she's using this time and our rules in a way that's legal and appropriate, is-- is something that we just have to accept and-- and understand that she has a strength and a determination that probably not one of us has in this body. And whether you're aggravated, you gotta give it to her for being-- I can't use the word, but a-- but it's true. She is a tough cookie. That's a good word I could-- couple of words I could use. And I admire her for her determination against children. There's-- there's nothing I care about more than children, as you know. And as I had said two nights ago--

**FOLEY:** One minute.

**PANSING BROOKS:** --it was a terrible day in our body. We-- we pushed aside mental health for children. We pushed aside disability payments for children. And now we're all wandering around, well, gosh, you know, but meanwhile, your tax cuts went right through and your-- your property tax cuts and all the stuff that you've been working for, for those with money, went through. And the fact that-- that Machaela Cavanaugh is here reminding us of what work we have to do for children and those in need, more power to her. We have to continue to understand that and work together for all sides of this body, not just the pocketbook, but also the children. Thank you, Mr. Lieutenant Governor.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**WISHART:** Thank you, Mr. President. Colleagues, I wrestled about whether to speak today because I do not want to be disrespectful at all to Senator Albrecht and the work that she's done on this legislation, or to anyone, for that matter, who has important bills up here and Final Reading. But I will say that my conscience has gotten the better of me. I listened a lot to the discussion yesterday, and when I went home and came back this morning, what I felt was that I had really let my colleague down, Senator Machaela Cavanaugh. I should have fought harder on that legislation. I should have gotten up and-- and spoken about the importance. If there was an issue with this specific pilot program, we could have utilized those dollars for the waitlist. And I-- I take that on myself for not being as engaged as I should have been on that priority bill, because it does matter. We do have a significant waitlist issue, and the best way we can address ensuring people can live as independently as possible is by getting them preventative care at an early age. And so what I can say, Senator Cavanaugh, is I am sorry about that. And what I can also say, and the reason I wanted to get this in the record, is that you have my word I will work with you this summer as a member, one member of Appropriations Committee, but one that will be very vocal in support of setting us up for a journey to eliminate this waitlist, putting in place creative pilot programs to help with preventative care for kids with disabilities. And again, I hope the rest of us in this body will take the time this summer to also commit ourselves to helping kids and kids with disabilities and their families. Thank you.

**FOLEY:** Thank you, Senator Wishart. Senator Walz.

**WALZ:** Thank you, Mr. President. This was not a plan. I just want you guys to know that this is not something that Senator Pansing Brooks and Senator Wishart and I came up with. But we did all come to this building today and we came with a heavy conscience-- conscience, like Senator Wishart said. You know, one of the things that-- one of the things that people ask me on-- on-- when I first started this venture was, you know, what side are you on and what political party are you on-- are you? And my answer was, you know, I-- I really am not a political person at all. The most important thing that I feel I could do to represent people was to make sure that when an issue comes up on the floor, that I'm listening to both sides of the story, I'm listening to both sides of the issue, I'm listening to the people that I represent and my constituents. And I-- I think that one of the-- the things that bothers me, and I'm sure the thing that bothers Senator Machaela Cavanaugh the most, is that when she brought her bill to the floor, there was really nobody listening and there was no interaction from people asking questions, asking questions with concern, making--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

I mean, nothing, there was just no interaction. And I-- I think that that's probably one of the most disappointing things for her. I don't have a child with a disability, but I know a lot of people who do, and I-- I have seen the struggles that they've had. When you talk about a family who has to pay \$70,000 for a medication a month, I-- I can't put myself in that position, but I try to be empathetic. Senator Murman, would you answer a question, please?

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

**MURMAN:** Yes.

**WALZ:** Thank you, Senator Murman. You know, one of the things I most respect about you is that you do have a child with a disability. Can you talk just briefly about maybe how that has affected your life, just briefly?

**MURMAN:** Sure. You'd be better off talking to my wife. She's a stay-at-home mom. I'm sorry, I can't talk about it right now.

**WALZ:** OK, thank you, Senator Murman. I appreciate and I'm sorry that I didn't ask before I had you get up. Colleagues, we have a friend in our body who obviously cares about his daughter very much. This isn't somebody-- this isn't an email that Senator Cavanaugh is reading today. We have a friend in our body who has a daughter with a disability--

**FOLEY:** One minute.

**WALZ:** --and he loves very much. And I have so much respect for Senator Murman. I think it's time that we really listen to the stories and we really make a decision to engage in the conversation. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Walz. Senator Hunt.

**HUNT:** Thank you, Mr. Lieutenant Governor. Like Senator Wishart and Senator Walz, I wanted to rise today in-- you know, with respect to Senator Albrecht, I don't want to do anything to derail her bill or the work that she's put into it. But I want to rise in support of my colleague, Machaela Cavanaugh-- Senator Cavanaugh. When she says that this body took away pretty much everything from her this year, she's absolutely right, and a lot of us know that. She is one of the most hardworking people in this body. She is one of the most diligent. She's the one who is texting me late at night, often saying, did you read this report, did you see on page 39 of this report what it said?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

And I'm just like, girl, I didn't read it yet, like, what are you talking about? And she's-- she's the one doing the work and reading the report and bringing up the red flags and telling us what the problems are, and that's what led to the LR to create the committee to look into what's happening with Saint Francis Ministries. And she's been on that, like a dog with a bone, all interim. And we had controversies going on with private contracts and no-bid contracts going out during the pandemic for Test Nebraska. We had everything going on with Saint Francis Ministries. There were all kinds of things that, you know, I think the press and journalists were stretched thin during the pandemic. We had so much uncertainty about when we're coming back into session and how we're already helping our constituents who are struggling. And Senator Cavanaugh was on those issues and we talked about it all the time. And she and I did work putting sunshine and transparency on Test Nebraska. And she has really led the charge on Saint Francis Ministries, and she put in the work to get a committee together to actually bring oversight and transparency and accountability for that. And how was she repaid for that work? She wasn't put on the committee that she herself created, for literally no reason other than people in leadership in this body wanted to be petty toward her. And I think it's very important that everybody in this body have a win, no matter who you are, no matter what our agreements or disagreements are. In order for us to be productive as a body of 49, as the smallest Legislature in the country and probably, honestly, the most tightly knit Legislature in the country, even in a pandemic year, everybody has to go home to their district after these 90 days and tell their people that they did something for them. Everyone needs a win to bring home. And I have seen the deliberation and the intentionality behind so many of you, colleagues, in trying to take away every win for Senator Cavanaugh. The developmental disabilities waiver, I'm sorry, was something that we had to pass. That was a must-pass. The stories of these families that are struggling to provide the basic services that their kids need to live, and then folks in here had the gall to stand up during that bill and say, well, we all have different priorities, you know, it's just a-- it's just a matter of priorities, we've got a whole Maslow's hierarchy of needs out here and on the bottom is property tax relief? No, the bottom is the welfare of the people in Nebraska, especially children, especially vulnerable children--

**FOLEY:** One minute.

**HUNT:** --especially vulnerable children who are in indigent families or in families that aren't millionaires so they can't pay for the, you know, thousands of dollars of services and medicine that they need

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

every week, stories that Senator Cavanaugh have-- has been sharing on the microphone on the record. And if you can stand by your pro-life bonafides that all of you run on, that doesn't just include tax relief. It's actually bananas to me that-- that that was the argument that folks made. Senator Cavanaugh said, if someone else has to introduce the bill, you know, put Senator Ben Hansen's name on it, put-- put Senator Arch's name on it, anybody, if I'm the reason this is being held up, let's give it to somebody else because this is a must-pass, and nobody would work with her. Colleagues, we have to work together to move forward because everybody has to come home with a win, including Senator Cavanaugh, and we've got to fund those kids. Thank you, Mr. President.

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

**J. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. Good morning, everyone. Was going to say good morning, it's Friday, but I guess it's Thursday. It just feels like Friday. Well, I would echo the comments of Senator Walz and Senator Pansing Brooks and Senator Hunt and Senator Wishart. And obviously, I have a interesting relationship to this issue, partly because of my relationship to Senator Machaela Cavanaugh. For those who don't know, we're siblings. [LAUGH] So, you know, I have probably actually taken more of a hands-off approach than I would have as a matter of course of what I-- what I would like to do. But I just-- there have been some good comments made and I've been sitting here processing them and thinking about what I wanted to say. And I thought about-- I actually-- we adjourned early enough last night that I went home and I actually talked to my wife and she asked, what's going on down there? And I said, well, it's hard to explain and to justify because there are those of us who believe that our objective here is to pass good public policy. And I say that all the time, and I know a lot of people say that, but I sincerely believe it. And I know-- I've talked to Senator Machaela Cavanaugh-- she sincerely believes that as well, that our objective is to pass the best public policy that we can, and that sometimes that makes me-- making things you don't like better, sometimes that means stopping things that you don't like, but sometimes it means swallowing your pride and voting for an idea or something that is a good idea on its merits, despite the fact that you don't like the person who brought it. Now I've been here for-- what is today, eighty-- day eighty-one? And people are always asking, what's the thing you've learned here? And I always-- I'm a look-on-the-bright-side type of guy, I guess. And I always say, well, everybody's really nice, I like everybody, I was actually pleasantly surprised at how much I like everyone here, and that is still true today. I-- but I bifurcate my opinion about individuals

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

from my opinion about your policy stances. I-- and I think that we would all be much better served to look at things and detach the names. We're looking up here and a lot of people have talked about they don't want to cause problems for Senator Albrecht's bill. And I have no interest in causing problems for Senator Albrecht's bill, and I plan to vote for it when we get to the time to vote for this bill. But we probably would be better off just having this be LB595 and some shorthand subject matter. We don't need to attach people's names to things because Senator Hunt is correct and Senator Machaela Cavanaugh is correct that that bill passed with 32 votes on the first round, which means that some people who voted for it on the first round didn't vote for cloture. Not only did they change their mind on the bill, they changed their mind on whether a vote should be had on the bill, and that is problematic because that is a wild departure from what you thought was OK on the first round. And I don't know, maybe it's an embarrassment that you didn't know what you were voting for and you're too embarrassed to say that, but it didn't change, I don't think, in any fundamental way what it was. But, I mean, I've made mistakes. We all have made mistakes, and so you just gotta own them when you do. That's the best approach is when you make a mistake, just stand up and say, I made that mistake, let's move forward. So I think this is a good conversation we're having about the nature of our relationships to each other, but our relationships to each other are not why we're here.

**FOLEY:** One minute.

**J. CAVANAUGH:** The point is to pass the best public policy for the state of Nebraska that we can, and we need to divorce our feelings about each other from the-- from that. Sometimes our interpersonal relationships help move things along, you build trust with people, and I think that's important. But ultimately, when it comes to time to vote for something, we need to look at just what is on the paper and what is the law that it's going to enact and not whether or not you like the person whose idea it is or whether you dislike the person whose idea it is. You do a great disservice to the people that we serve by making the decision based off of the individual who brings the bill. And so I would suggest that just as like a, I guess, pie-- a friendly piece of advice to everyone. Let's make that decision based off of the subject matter of the bill and not on the person who brings it. So I'm going to be voting yes on LB595. Thank you, Mr. Lieutenant Governor.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**ARCH:** Thank you, Mr. President. I obviously have been listening carefully to the discussion the last few days. As you know, LB376 was a committee bill and I supported that committee bill. It was clear that the-- that this Legislature did not pass that bill. And while relationships are integral to this body-- and Senator John Cavanaugh, I thought, said it well-- our issue is policy. You can't divorce relationships from this body because we're all humans, and that's how this works. We form relationships with each other and we depend upon each other and those relationships, but policy is our job. So after the bill was defeated the other night, as Chair of the committee, my question was-- I'm sorry, did somebody say something? No? OK.

**FOLEY:** No, you may continue, Senator.

**ARCH:** OK, I'm-- I'm-- I'm just hearing voices. It's OK. [LAUGH] So after the-- after the bill did not pass, my question was, of course, we-- we know we still have issues with developmental disabilities and we know that the issues are complex. We have multiple waivers. We have multiple services. We have multiple funding sources. And so my question was, how do we best continue this discussion of policy in light that this particular bill, not the only option that we have to address these issues, but this particular bill did not pass? And so under my leadership yesterday, the committee signed on and we introduced LR239. LR239 is an interim study this summer that we will be conducting and it will-- it will be a broad study of issues concerning developmental disabilities. And this is my path forward as Chair of the committee for how we will continue to research and address in the future the same issue that we face on a year-to-year basis. As I mentioned when I was speaking on-- on the bill, that there are bills that come to our committee every year regarding developmental disability funding and I'm sure next year will be no different. We have-- we have current issues right now within the developmental disability community, the providers, that they are unable to hire and keep, retain employees to provide these services, multiple issues at all levels within the services. So LR239, and it-- it will be-- and I'm going to read you the purpose of this LR. The purpose of this interim study is to examine the effectiveness of Medicaid waivers in Nebraska overseen and implemented by the Division of Developmental Disabilities of the Department of Health and Human Services including, but not limited to, the aged and disabled waiver, the comprehensive developmental disabilities waiver, the developmental disabilities adult day waiver, and the traumatic brain injury waiver. And then it goes on to identify the subjects that we're going to be covering in that-- in that study. I would encourage those of you that are concerned about this issue to feel free to sign onto the study.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

That's-- that's great. The committee will be conducting the study. We will be researching. We will be surveying. We will be doing a number of things. And this issue, because this is an ongoing issue, will be coming back to the body and it may come back in a different form. It may-- it may not come back in the form that you saw in LB376, but it may come back in a different form, maybe a better way to address some of these issues. We thought LB376 was a good bill. We thought that was the way to address it. But as I started my comments here, we know we have personal relationships within this body and it becomes pretty bruised--

**FOLEY:** One minute.

**ARCH:** --by the end of the session. But I would ask that you support the committee as we continue to focus on policy and continue to address the issues that we have responsibility for as a committee and as a Legislature in making sure that we are providing the best services we possibly can, cost effective, efficacious with the services that we do provide. Thank you very much.

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

**WAYNE:** Thank you, Mr. President. I've intentionally stayed off the mike quite a bit during all this, actually all this year, and part of it is, is I got a basic philosophy now that things I can't control, I don't worry about; things I can control, I worry about. Then there's a third category of things that I can influence but don't have complete control. And in that third category, I try to work on basically what you would consider internal goals, not external outcomes. And what I find interesting-- I guess, let me back up. There has been some things that have been said, and I wasn't going to speak on this until Chairman Arch got up. This body only respects two things, votes and time. That's the facts. The only thing this body respects is votes, if you have the votes, or time, somebody taking your time. Other than that, this body doesn't really respect anything else. And I've watched year after year, particularly women. I have a colleague last year who came to the floor and pulled it back off of Final Reading to remove money for domestic violence and sexual assaults and sex trafficking victims because the good-old boys in here didn't want those dollars to go through that bill, but none of them lowered their fees on their bills or their costs. I have a bill that is on Final Reading that costs about \$8 million for north Omaha. I couldn't think of bringing a bill that costs \$50 million as somebody else in this body could, because whether we like it or not, votes and time are all that matters. While some personal relationships allow you to get some



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

things done, at the end of the day, it doesn't cross the finish line. Sometimes it will, but only when you're comfortable. And what makes me, I think, kind of unique and I think why some of my colleagues on both sides either love or hate me, is at the end of the day, I'm going to do what I think is right. Opportunity scholarships, many of the people on my side were really upset with me. I just think it's right, period. DD, I just think it's right, period. Now I wasn't here. I had court all day and then I had mediation at night. But my problem is, to get up today and talk about a LR is disingenuous. Why? Because, one, we-- most LRs go nowhere and we all know that. You don't-- you don't get facts until there's a bill and they all come running in with the lobbyists and everybody else because bills they take serious. But there were many things that could have happened that night, such as a Speaker hold if a LR was really needed. There was many things that could have happened. But here is the problem that I'm having right now when people are getting up saying, I will help, help you along next year, let's get more data. The bill came out 7-0. What more can a committee do? As a committee Chair, what more can my committee do than to work with everybody within the committee to come out 7-0? And then to go through first round, where I have 30-plus, see, I've been on that side. I've been on that side where we had 36 senators vote at different times through a bill my first year, and then had the Governor veto it and come back and I couldn't get 26. Time--

**FOLEY:** One minute.

**WAYNE:** --and votes, and what everybody's uncomfortable with right now is that time is being taken. But everybody could have saw this coming. From the Performance Audit Committee, from the LR around Saint Francis to this bill, if you couldn't have projected that, then we need to really talk about what's really going on in the body because everybody saw this coming. I have bills that are way down the list. I have not asked her to stop talking. In fact, I encourage her to talk on every bill, because this was foreseen months ago, months ago, and we as a body stood silent because it didn't matter. But guess what? One point, it's going to be a rural senator who is fighting for their community in their town; at one point, it's going to be somebody else who's fighting for someone else in their--

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

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

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

**VARGAS:** Thank you very much, President. So, you know, this has been a-- I'll recognize the fact that this has been a harder year. Now there's not one thing or another that I-- I think are the reasons why, but maybe part of it is the fact that we didn't get to spend nearly as much time with each other because we were in hearings. I think that's also part of it. And I had this conversation with Senator Cavanaugh even last night. I-- I support anybody here that wants to take time and talk because we were elected as senators. We can fundamentally disagree with the content or the rationale. That is completely fine, as well, but we have earned the right to be able to be on the mike and talking, and whatever subject matter we want to talk about. Now she doesn't need any of us to come up and say this on the mike, but the main reason I'm getting up is because if-- if you think having our bills die-- doesn't matter if you're a Democrat or Republican-- doesn't hurt, it does. I can point to other people from across the aisle where their bills also have died and they hurt. You may not agree with how individuals then react and do their work from there on in, but at the end of the day, our bills dying still impacts people and it's still worthwhile to have those conversations and it's still worthwhile to process them because it's really frustrating. If you don't think that my meatpacking plant bill dying in the manner that it did doesn't frustrate me beyond belief, it does. Now I may not approach it in the same way that Senator Cavanaugh does, but that shouldn't matter. The only thing that I think does matter here in our final days is clearly we need to spend some more time with each other because we are going to come back for something that is potentially contentious at the end of this year or September, October. And we're also going to come back next year, and it's the last year for some people. I do think we all have a level of responsibility to do better, myself included. I just think we need to do better. I-- I-- I don't like that we view this as just one individual or-- or this bill is the reason why or these bills are the reason why or that day. It's not the only reason why we are here and that they're taking-- time is being taken. I really don't fundamentally believe that. I also think it's the fact that-- well, it's what Senator Wayne said, because you can, because you have the votes, because it's inherently easier for certain individuals of senators to then get things through. I don't like that. I don't think people in the public like that either. I don't think it's necessarily always that black and white, but that tendency and that bias definitely exists. I hope we do better. I hope saying it out loud means that we do better. It's the only way that we can hope for a better culture and hope for a better group of individuals to work on solutions. It sounds corny, but I still do believe that we need to do better with taking time with each other and getting to know each other

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

and talking through these things because it is inherently frustrating we have a bill that came out unanimous, it got voted on in the first round, a large majority of us voted for it with very few people voting no on it--

**FOLEY:** One minute.

**VARGAS:** --and that bill died. Those are just facts. That's data. That sends a very specific message that this is not grounded in the process, that it's grounded in politics. And it's that kind of thing that people, I think, out there can't stand. It'd be different if it came out 4-3, which some bills do. I've had bills like that and it's already had some contentiousness or debate and opposition. It's fundamentally different and I think that is the problem here. I just hope we figure out a way to do better because that process feels-- can feel disingenuous to the body and to the public. I think that's-- that's all I wanted to say. Thank you.

**FOLEY:** Thank you, Senator Vargas. Senator Matt Hansen.

**M. HANSEN:** Thank you, Mr. President, and good morning, colleagues. I, like the last few speakers, didn't intend to speak. As you can tell, I'm last in the queue. But I, like Senator Wayne, put-- punched on my light upon listening to some of the speeches, including the reference about policy over personalities, and I agree that's something we as a body should do. That's something that I try and do. I think I'm pretty good at it. I know I'm probably not without critique. But that's one of those things that I fundamentally think we're hitting a problem at is, the bill that's kind of been the flashpoint for all of this, I can't speak for anybody else, but I don't credibly believe that was about policy. I just don't believe it, including that the quality of debate, the tone of the debate, we were talking about entirely different subjects. And I understand that filibusters, you don't necessarily-- it's tough to have every moment, every idea be exactly on topic. But as I said before, I said this yesterday, I went down to my office because I had just got done with a filibuster. And that was a filibuster I admitted was a filibuster. But I had just got down to my office and was-- was eating a very belated lunch. And I didn't even know what bill we were on because the debate was about a totally different bill that had been also defeated several weeks ago. And-- and I-- and I mean that sincerely. I was confused. I thought we had sailed through LB376 and was part of the reason I didn't come up to the floor, because I-- because it took me a little bit to figure out that it was a filibuster because we weren't even talking about the bill. And that's the reason I, among others, am skeptical that that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

was truly about policy and not personality. Another reason I'm skeptical, and I'm going to leave inside baseball for inside baseball, I'm not going to name names or anything, but myself and other senators who spoke and were outspoken yesterday got messages. People were very clear in relaying messages to us that if we put up too much of a fight, that if we kept talking, that if we did such and such, there would be repercussions, bills we cared about would have repercussions, bills we cared about would have it happen to them as well. And I fundamentally get an eye for an eye. When I get up on the microphone and take a strong stance, I know I'm probably losing a vote or two or increasing my chances on a filibuster, and that's something that I weigh every time I weighed into a contentious issue is, which of my bills will suffer for this and which-- and is that worth it? And there's occasionally times where I decide it's not worth it. I've got something that I care so deeply about, I'm not going to engage in the issue relative to what it is, but that's where we're at. I mean, I'll just put it-- I'll just put it out there without naming names. I was talking with another senator yesterday, and unfortunately took it out on the messenger, but I yelled the phrase, if I'm being blackmailed, I need to know the terms of the blackmail, because it had been very clear that if I kept helping Senator Cavanaugh with what was happening yesterday, that I was going to suffer some personal repercussions for it. And I wanted to know exactly, if we're being that explicit, which bills of mine were going to be threatened, because I wanted to decide if it was worth it, if that was a bill I was willing to let die to stand on principle. And I'm OK. I understand this is how it works. I understand this is how it works. I try so hard to not have that be how that works. I try not to as well. So again, I would love it if this body was conclusively 100 percent on--

**FOLEY:** One minute.

**M. HANSEN:** --thank you, Mr. President-- conclusively 100 percent on policy. I would love it if this body could set aside personalities. And if we make that trend in this body, I will commit to trying to do that myself even better. Again, this is something I talk about over and over again, that when there's a norm, when there's a tradition, when there's something we want to start, I'm happy to go that route. But I would really like it-- to make it clear that it goes both ways and we can't necessarily just, you know, get talked about, oh, let's focus on the policy, let's focus on the policy, when there's clearly individual senators that get singled out for personality repeatedly. Thank you, Mr. President.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**WAYNE:** Thank you, Mr. President. So what's interesting about today, and I hope people are listening, is right now we have roughly \$27 million left on the floor. What's interesting about this particular bill, it's a tax cut that costs more than what the bill was killed the other night. So I find that interesting because this is about corporations and businesses, again, profits over people. And to Senator Vargas' point about what made this year so difficult, I don't think it had anything to do with less time with each other. I think it has to do with there's money on the floor, whereas, the first couple of years we were down here, Senator Vargas, if you had a fiscal note, it didn't come out. If you had \$100,000 fiscal note, it didn't come out. So it was easy to sit here and pass bills and nobody took offense because they were true policy debates, because there was no money involved. It was like, we're going to try to fix this or we're going to do this policy here. We're going to let students write about whatever they want. I mean, it was policy, right? It wasn't-- it wasn't dollars, where you feel the people you represent are getting left out over somebody else. And so it's harder, I think, just in groups, in norm-- in general, when there's dollars to be disbursed, to make sure everybody feels like they're part of the-- the system and the body. And our rules ensures that happens. Our rules ensure that we can take up as much time, as an individual, as we want. Now, as an individual, you can slow down the process, but all it takes is two senators to stop the process because you just tag team which bills you want to do and it's really simple. It's not that hard at all. And I think we're missing that point when we just continue to look at dollars and just send things across the line that, again, this is a tax break or a tax cut that costs more than serving kids. So I want to just give some background. There was an appropriation bill to help main-line kids who are already in the system for DD. There was a \$14 million ask. Only \$1 million was increased. Then there was this bill to help people outside of that list, so those who are actually on the list-- I mean, not on the list, at a lower cost. And somehow people took offense to that, at least some of the reasons I'm hearing, but that's no different than LB2 that you guys agreed with. There's already a property tax credit fund, but we're going to take a bill outside of that to serve a special group to make sure they get an additional break, are taken care of. It's the same logic. So that's where I'm a little confused. And I'm not going to rehash the whole entire bill, but what I am saying is, the rest of today and the rest of, I guess, the next day are going to determine a lot for me, just like last year. Last year, I-- I lost a lot of respect for some of my colleagues, and I can tell you our-- our relationship has been different. I'm not saying that's going to happen necessarily this

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

year. I think this year people have worked together on-- on a lot of things. But I also think people have been silent on a lot of things and that silence is just as bad as-- as speaking against or for whatever, whatever topic. So I do have an idea that I'm going to-- I'm going to bring a rules change next year that, if you're going to filibuster a bill, we're going to treat it like germaneness and dividing the question, that you got to do it on General File and go all the way through. We're not going to wait till Final Reading where you can just take two hours. You're not going to wait till Select where you can just take--

**FOLEY:** One minute.

**WAYNE:** --four hours. If you're going to hate a bill that bad, then do it from the beginning, just like we do with germaneness questions, just like we do with dividing the question. If you don't divide the question on General File, you can't divide the question on Select File, unless it's a new amendment. So that's going to be a rule. The second thing I'm going to do is I'm going to bring a bill to make sure we have extra funds. I think we should sell the Governor's Mansion as surplus property. I mean, why is it that he's the only branch of government that has a house? We're all three equal branches. Many of you guys are all paying for apartments, condos, and driving back and forth, so is our Supreme Court. Let's sell the Governor's Mansion. It could be a hotel. It could be somewhere where we do things. And whatever we make off of that, we'll put into the General Fund. I-- or we can do a long-term contract and make money and continue it going down. That way, the lobbyists can host whoever they want over there when they bring their corporations in. We can do it on Saturday football games--

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

**WAYNE:** --make a lot of money. Thank you. I'll-- I'm going to push one more time. This [INAUDIBLE]

**FOLEY:** Senator Wayne, you're recognized for your third opportunity.

**WAYNE:** Thank you. I just wanted to finish on this Governor Mansion idea. And if you look at, you know, how bad our foster care system is, we could turn it into a group home. We could pay ourselves to take care of kids. We could turn it into a halfway house for people who are getting out so we can actually see them every day, so maybe we can put a face with a name on the prison reform instead of just out of sight, out of mind. But there's ways for us, if we're-- if we're worried

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

about funds. I think right across the street is prime real estate that we could sell or do a long-term lease with corporations who will come in. I mean, I think the lobby, would-- would all pitch in and buy that or at least do the long-term lease. Think about the corporations they could host right there and they could-- we could all go over there for lunch. We could all have drinks over there. So I'm going to ask my colleagues to sign onto this. And because if we're going to be three equal branches of government, let's be treated equal. What I'm not going to do is make his salary or her salary \$12,000 plus per diem. I-- I think that might be a little too far. Oh, and our Supreme Court makes some decent money, although their-- I think their staff, personally biased because my wife works for them, could be paid more. But I think it's a great idea. And I see Friesen looking at me and I think he's nodding his head. I think it's a great idea. I'm just going to look. Erdman, you with me? Sell the Governor's Mansion? Bet. We'll give it to Game and Parks. [LAUGHTER] Thank you, Mr. President.

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

**ERDMAN:** Thank you, Lieutenant Governor. Good morning. Senator Wayne, you're starting to make more sense the longer I listen to you. So if you're a head of the committee that decides to sell the mansion, I have a real estate license, so I was wondering if I could be the agent that lists it. Would you yield to a question?

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

**WAYNE:** Yes, I will.

**ERDMAN:** Did you hear my question?

**WAYNE:** Yes, I think you should be the real estate agent or you can run the whole facility and it could be a dorm for senators when they-- instead of paying for hotels and stuff.

**ERDMAN:** OK. Well, I would like to be involved. I appreciate that. You know, you're talking about some of those things and you're trying to be facetious and I understand what you're trying to do here. But I watch a show on TV and they-- it's called "Love It or List It." And I think if we're going to sell the mansion, we-- first thing we ought to do is we've got to fix it up a little. And-- and once we get that fixed up, then I would be interested because what happens oftentimes when you are the first listening person and the property's not in a condition to sell, you don't get a chance to sell it. But then they

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

fix it up and list it with somebody else and they get then the opportunity to sell it, so.

**WAYNE:** I have one question for you back though.

**ERDMAN:** OK.

**WAYNE:** So your-- your time, are you going to paint the parking lot?

**ERDMAN:** I-- I can paint the parking lot. I still have some paint leftover from when I did the senators' parking lot, so I-- I can do that. Yeah. So thank you for your time.

**FOLEY:** Thank you, Senators Erdman and Senator Wayne. Senator Machaela Cavanaugh, you're recognized to close on your bracket motion.

**M. CAVANAUGH:** Thank you, Mr. Lieutenant Governor. Well, that was an illuminating conversation. Senator Wayne, I definitely support selling the Governor's Mansion and making it a group home. I think only Senator Wishart is authorized to be a foster parent at this point, but maybe we can all get training to do that. It's certainly a creative idea and I appreciate Senator Erdman's willingness to use his own paint to make lines. That conversation certainly went in a different direction than I was anticipating and I think most people were anticipating. So I-- I'm going to go ahead and pull this bracket motion. I have another motion up there, and so I-- I think I get ten minutes to speak on the next motion. So I will just pull this one and-- and start on the next one when that's up.

**FOLEY:** Thank you, Senator Cavanaugh. The bracket motion has been withdrawn. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, Senator Cavanaugh would move to recommit the bill.

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

**M. CAVANAUGH:** Thank you. So this is to recommit to committee. OK, so I'm going to say something about this bill. LB595 has a fiscal note. It is \$7.3 million this year in lost revenue and \$15.3 million next year in lost revenue, and apparently we can afford to do that. I wonder how many people in here who voted for this even know what this bill does. But we can afford-- we can afford this bill. I'm looking around to see. No. So now this is really important because we can afford to do this bill, this bill, and I believe-- well, let me just



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

double check. I don't want to misspeak. I believe that-- let's see here-- well, obviously, Senator Albrecht voted for this. Senator Bostelman voted for this. Senator Brewer voted for this. Senator Clements voted for this. Senator Erdman voted for this. Senator Geist voted for this. Senator Linehan voted for this. Senator Lowe voted for this. Senator Slama voted for this. Senator Briese voted for this. Senator Groene voted for this. Senator Halloran voted for this. Senator Moser voted for this. Senator Murman voted for this. And Senator Sanders vote-- yes, we have bingo. You all voted for this. You all voted for this and we can afford to do this, so now I'm going to let everyone know what it is we can afford to do over developmental disabilities. LB595-- I am reading the fiscal note-- seeks to exempt the gross receipts from the sale, lease, or rental of, and the storage, use, or other consumption in Nebraska of enzymes, yeast, and related products used in the process of manufacturing ethyl alcohol from sales and use tax under the Nebraska Revenue Act of 1967. It amend-- was amended with AM776, which incorporates LB672 and amended versions of LB502, LB350, and LB182. It was also amended by AM1079, which removes the provisions of LB502. The bill added-- the bills added do the following: exempt sales and use tax from gross receipts on the lease and use of towers or structures for the furnishing of Internet access; extends the sunset date relating to the diversion of sales and use tax-- use tax proceeds on the sales/lease of motorboats. Oh, did you all know that you were doing that? You extend-- you are extending the tax exemption on motorboats, personal watercraft, all-terrain vehicles and utility-type vehicles at the Game and Parks Capital Maintenance Fund. It pays to read the fiscal notes, everybody. LB672 seeks to amend the definition of depreciated agricultural machinery and equipment as it relates to the sales and use tax exemption allowed for gross receipts of the sale, lease, or rental of such property. LB672 defines agricultural machinery and equipment to be tangible personal property fulfilling one of the following purposes: cultivating or harvesting a crop; raising or caring for animal life; protecting the health and welfare of animal life; collecting or processing an agricultural product on a farm or ranch. LB672 provides examples of such property, which include header trailers, header-- head haulers, header transports, and seed-tender trailers, but is not limited to this list. The Department of Revenue estimates the following revenue impact to the General Fund, the State Highway Capital Improvement Fund, the Highway Allocation Fund, and the Game and Parks Commission Capital Maintenance Fund, based on the sales and use tax exemptions created with these bills. Well, I guess we don't care about the diversion from the Highway Capital Improvement Fund and the Highway Allocation Fund because we moved Senator Moser's

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

bill that helps with those bridges and roads that need to be fixed. So we're just moving money around willy-nilly here, but cutting taxes. This is just a sheer delight. How much time do I have?

**FOLEY:** 4:20.

**M. CAVANAUGH:** Thank you. I forgot to get in the queue. So I believe we take this until 11:12 for cloture, and I am going to take this to cloture. I haven't voted for this bill. I had a motion on this bill on Select that I pulled. I am going to take this to cloture because I really do think that this body needs to decide if this is really what we need to do at this point in time and you need to go on the record and say that we need to do this so much that we're going to go to cloture on this and we're going to move this forward, because this, this is our priority, and I want a record of that. So you can take the time to read this bill or not read this bill or whatever. I want to explain to those that are still listening what's happening here. So there was a conversation about-- about, like, the things that have been taken from me. And I've talked about that, the things that have been taken from me as a senator in this body, in this Legislature, over my two-and-a-half years here and-- I'm sorry, I'm looking for my note. There we go. I'm going to use a sports analogy to explain to everyone what's going on here, and I'm going to do a terrible job of it because I call sports the "sportsballs." But this analogy was said to me yesterday, and I think it's a fairly good one, so I'll try not to butcher it too much. So the group of people whose bills I've been taking time on, they did the equivalent of skipping a block, and now we all are running laps together as a result. So when some of your teammates cheat and the coach says, well, now everybody has to suffer so that nobody cheats again, that's what's happening. This body has a long-term memory when it wants to and a short-term memory when it suits it. And I am trying to emblazon upon 48 of my colleagues a longer-term memory. One of our colleagues said to me when their bill failed and only had 20 votes because they failed to actually talk to people about their bill and they blamed me for it and they told me that there were consequences for my actions, and then I wasn't put on my own committee because that senator was on the Exec Board. There are consequences for my actions and 48 people in here can decide what those consequences are. But there are also consequences for your actions, and 48 senators can decide what the consequences are for your actions. And we all can make our own decisions, and my decision-- and I said it after I didn't get my own committee--

**FOLEY:** One minute.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**M. CAVANAUGH:** --my decision is that, once you took away those threats, the threats that Senator Matt Hansen was talking about, the threats of retribution against me, once you took away the threats of retribution because you had already done it, you had already taken anything that I cared about away from me, once you did that, you now have to live with the consequences of your actions. And at least three of the senators that voted against my LB376 also voted to not put me on my own committee, so they got the ball rolling for you all-- oh, I'm sorry, four, four senators, four of the senators didn't vote to put me on my own committee and then they voted against LR-- LB376, so these are the consequences of their actions.

**FOLEY:** Senator Cavanaugh, that's time, but you're next in the queue. You may continue.

**M. CAVANAUGH:** Thank you. These are the consequences of those four senators' actions come to fruition for all of you. And I want all of you to remember this, to hold this day and yesterday and tomorrow in your hearts and minds when we come back next year. When we come back in the special session and when we come back next year, I want you to remember this, because when you treat your colleagues like this, there are consequences and you have to live with those consequences just as much as I do. And you are going to force me to force everyone else to live with those consequences because I will not tolerate this type of behavior without notice. I will speak out every single time. That is my promise to the citizens of Nebraska and that is my promise to this body. If you treat other senators as disrespectfully as you treat me, I will speak out and I will accept the consequences. Every single time, I will accept the consequences. I understand the consequences. The consequences for me are not a single leadership position, not a standing committee, not my own committee, not my own bills, my bills being IPPed. Those are my consequences and I live with those consequences. And you all are going to live with those consequences, as well, which is I have nothing but time. I have nothing but time and I can take that time. I can take us until 11:59 today and tomorrow, if I feel so inclined, because I have nothing but time and you have nothing but consequences to be living with. I'm going to get myself back in the queue. OK, so I'm pretty sure only like ten of you were listening to that, so you'll probably hear that speech again later today. But that's what's going on here. Like you all kept asking me, what's going on, what's going on, what's your plan, what are you doing, that's it. That's my plan: consequences. This is a lesson, a lesson that it appears to be very difficult for you all to learn. I tried to teach it to you when we were working on the budget and you didn't put me on my LR committee, but it is very clear that at least a

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

dozen and a half of you didn't learn the lesson. So here we are again. Here we are again. I see some people giggling because of somebody who just got in the queue. So I-- I have a feeling this is about to get entertaining, so I'll yield the remainder of my time.

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

**GROENE:** Thank you. I want to give the public out there a little civics lesson about how this place is run. Senator Vargas, you remind me of Senator-- President Obama, when him and Riley-- Ryan were negotiating Obamacare for days. They came out at a press conference and Senator [SIC] Obama said, they just won't listen. Senator-- Congressman Ryan came out and said, no, we listened, we just disagree. The problem with this body is too much collegiality in the wrong direction. During the Committee on Committees when-- when committees are set up, first part of the session every biennium, let me put it frankly, there was 32 registered Republicans this year, 17 Democrats. Because of collegiality, one senator sat in one caucus and said, a Republican senator, and said, I won't vote for you on Committee on Committees unless you promise you won't remove anybody from a committee, totally disrespecting the will of the people that a certain political philosophy should be reflected in our committees and in our body. Senator Vargas, you know why your bill died? Because the Business and Labor is a distorted committee, four Democrats, three liberal Democrats, three Republicans, when 60-some percent of the body is Republican. So what do you think is going to happen, surprise, surprise, when it comes to the floor? The Democrats voted it out of committee. Thirty-two Republicans rose up-- surprise, surprise. Senator Walz, why did your bill die, LB529? Five Democrats, three Republicans, 75 percent. You bring bills out, the majority of the political philosophy is going to say, no, no way. This ideal that we rubber stamp, being nice to everything that comes out of committee and the rest of us that are not on the committee or not Chairman are supposed to just not even show up and tape our green light down? We listen. We just disagree. Senator Cavanaugh, thank you for finally addressing this bill. People, this is a filibuster. They filibustered it on Select and they're filibustering it here. I understand that. I fully understand philosophy. I under-- fully understand your argument that I'm not going to give tax breaks-- I have even disagreed with some-- because I want that money to pay for disability benefits, fully understand that. So let's discuss that. Seven years here, I've never used a-- a motion to kill a bill, to jump the line. I've been very successful at filibusters. Somebody say it's because I project my voice too loud. Well, it's my voice and the good Lord gave it to me. Never had to jump the line because I fought the bills on principles,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

always talked about the bill. This is wrong. Either talk about the bill, be passionate about why you oppose it, or sit down. But there is a good reason these bills are killed. We have a problem on this collegiality thing that we can't remove somebody from a committee when the-- the people of Nebraska voted two more Republicans this last time. The majority is growing. But we can't remove somebody from a committee. We got to be nice. We're going to have a pull-- a suspend-the-rules motion here pretty quick from a senator--

**FOLEY:** One minute.

**GROENE:** --who was one of the advocates to make sure government was locked up 4-4 because we couldn't suspend the rule-- we couldn't remove anybody from a committee. People in Nebraska are outraged. No voter ID bill, no sovereignty bills, because politics-- collegial, foolish politics, were played on how we-- who-- how we set up our committees. That is why bills die on the floor. The committee is unbalanced and when it gets to the floor, the majority political philosophy kills it, simple, simple honesty of those of us who are elected by our constituents to represent a certain philosophy, no harm in that. It is the right thing to do. Thank you.

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

**SLAMA:** Thank you, Mr. President, and good morning, colleagues. I've been very quiet on the mike over the last two days, which I think surprised some people. But now that we know that this is for sure going two hours, I figured I might as well share my thoughts on what's going on on the floor, because I have had several people reach out to me over the last few days embarrassed at the conduct of some of the senators in the Nebraska Legislature over the last 36 hours. And I'm sure people will follow me and say that me saying that is somehow harmful to feelings, and my thoughts on feelings and expressing them in this body are this. Each one of us in this body represents 37,000 to 50,000 people in the state of Nebraska. When we walk into this Capitol, I know it's a hard thing to do, but we have to check our personal issues at the door and represent those people. We are representing those people, not ourselves, in this body. And right now, I-- I see a senator who is taking time, which is her right to do, because a bill of hers failed. Now if everybody in the body did that every single time a bill died-- we all have bills that die in this Legislature and we all think they're great bills, that they would do good things for a lot of good causes. And sometimes those bills pass; sometimes they don't. And it's hard to cope with sometimes, but that does not justify, in my mind, shutting down session. And you can

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

disagree with me. I'm sure there are plenty of people who will get on the mike and disagree with me. I see two people in the queue-- one is Matt Hansen, one is Machaela Cavanaugh-- who have both been very outspoken about their feelings over the last 36 hours about this. And I think it's a disservice to Nebraskans and to the people of my district to not get up and explain what's going on and to make it clear that the majority of the body, the overwhelming majority of the body, does not agree with what's happening right now. Trust me, we are just as frustrated as you, the people of Nebraska, who are waiting to see bills pass on Final Reading. And it's going to be another long day. It's their right to do, but I just wanted to make it clear that the majority of the body does not support the actions of these senators, just like the majority of Nebraskans, based on the responses I've been getting to my office, do not support the actions and the expressions of feelings that's going on right now. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Slama. Senator Matt Hansen.

**M. HANSEN:** Thank you, Mr.-- thank you, Mr. President. Colleagues, I want to be 100 percent clear. Senator Slama mentioned me by name. I didn't necessarily intend to address her. I intended to respond to Senator Groene's comments. I will point out, being dismissive of this as just feelings, when Senator Slama flat-out filibustered Senator Cavanaugh's bill because she doesn't like her, and I feel comfortable saying that because the policy reasons just simply weren't there, so you can't kind of-- let's have people don't throw stones in glass houses, I believe. If you're going to engage in petty politics on the floor, there occasionally are responses to that. So if you're-- if you're going to wade into the issues, you know, Senator Slama has very publicly fought with a number of senators, very publicly done a number of kind of motions that can't be characterized as anything other, including on filing some IPP motions that the public can go look up this year. That being said, I did want to rise. I initially punched in-- yes, Senator Groene, I think the committee structure has a lot of problems in this body. And you know what? One thing that's happened the entire time that's been-- that's repeatedly foiled all of your efforts, the reason all the Democrats end up in certain committees is because you won't put them on committees like Revenue. Revenue has had, at most, I think, one Democrat any given year I've been down here. It's had its first Lincoln senator in over 15 years just this session. And then all of a sudden you get unified opposition on a lot of Revenue bills from Lincoln senators? Like, no duh, and then we all end up in Government because you won't put us on Revenue. We all end up in Judiciary because you won't put us in Revenue. We all end up at

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

Business and Labor because you won't put us in Banking. Like, we have to serve on a committee somewhere. And because you guys rank some of these committees low because you don't want to deal with the subject matter, we end up there, because I certainly didn't get to pick. One of the harsh lessons I learned in this body is, my very first year, I made a trade for a Chairmanship. I was a decisive vote and I got screwed over because I was promised a certain committee. I was promised Business and Labor and I got General Affairs. And I've stood with that and I understand that's what happens. I understand that there was horse trading and all that. And literally my first day of a senator, I was in the coat closet of the country club trying to negotiate a trade on committee assignments because I had been promised multiple things by multiple people and they didn't deliver. And I didn't hold that personal. I worked with that senator on a number of issues. I worked on a number of things. But that's the kind of thing that comes on from your side that you're a leader on. So, Senator Groene, you talk about the Democrats stacking things, you talk about [INAUDIBLE] other things. It's in response to all the stuff you do. We don't have the power to do anything. We just end up on Government because we can't end up on Revenue. We end up in Business and Labor because we can end up in Banking. Like-- like, we have to serve somewhere. Our constituents elected us too. The city of Lincoln elected people too. And so if you want to dismiss anything I'm doing today on this floor as just dumping feelings out, we have to-- allegation-- Senator Groene certainly dumped a lot of feelings out a moment ago too. You could tell by his outdoor, linebacker voice, certainly is very, very a lot of feelings there. Now this is below the level that I wanted to get to today, but I think it's 100 percent disingenuous to re-- be repeatedly nasty, repeatedly threaten, repeatedly do personal, nasty politics, and then when somebody has the courage to stand up to you, you get up and you pretend like it never happened and they're overreacting-- pretend like it's never happened, you're overreacting, what are you talking about, we killed your unanimous committee priority on policy reasons, purely policy reasons that we just can't articulate--

**FOLEY:** One minute.

**M. HANSEN:** --and never said on the microphone, just money, money, something or other, even though the Appropriations Committee disagreed. So I can't help but take it as a direct shot at Senator Cavanaugh, who's also had, I think, among other times, a couple pocket vetoes, a fake Attorney General's Opinion, and a couple of other things happen to her that, I think, have literally happened to nobody else or certainly nobody else to the extent of her. I will say I have

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

had a pocket veto, so I know it happens to other people. But, colleagues, this stuff keeps happening us to-- happening to us and happening to us. And then all of a sudden when there's some frustration, it's, oh, well, this is all just feelings, you know, we defeated you on purely technical, strategic policy reasons. No, you didn't. No, you didn't. You might have won. I get that. But again, as-- as Senator Cavanaugh said, this is sometimes of this is a little bit coach makes you all run laps because one person's misbehaving, and I think that might be a little bit what we're doing for the last few days of session.

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

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

**FOLEY:** Thank you, Senator Matt Hansen. Senator Machaela Cavanaugh, your third opportunity.

**M. CAVANAUGH:** This is my third opportunity?

**FOLEY:** Yes.

**M. CAVANAUGH:** Thank you. Well, I'm thrilled that Senator Slama joined the conversation. She must not be listening because she completely missed the point, but that's OK. And I am intrigued to know that the majority of this body disagrees with what I'm doing. There must be a vote card on that one somewhere. So this, this bill, LB595 has a huge fiscal impact. And I don't understand why this bill is not worthy of a robust conversation about whether or not this is the priority of this Legislature and this state, but my bill on serving people with developmental disabilities was. This bill has no caps for those millionaires and billionaires that would abuse the Medicaid system, Senator Slama. Where is your outrage? Where is your concern? I'm deeply concerned about the lack of caps for millionaires and billionaires on buying boats. We all should be. But alas, that's not what you got up to talk about. You got up to talk about and disparage another senator. I am doing this because I can, because I can. I can filibuster Senator Albrecht's bill. I can filibuster any bill that I want to because I don't care about these bills. I do not care. I said this last night. I don't care about this bill. I don't care if this bill passes. I don't care if this bill fails. There's not a single thing left on this agenda that I care about. I do not care. I'm only putting motions on the bills for the people who didn't care about development-- developmental disabilities, because I'm trying to be at least slightly collegial towards the people that weren't complete bad



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

word, bad word, bad word on Tuesday. Just-- you-- people at home, you can fill that in with whatever you want. I can't even pretend at this point. I'm only filibustering or putting motions on-- I'm not even filibustering all of them, just putting motions on and taking time on the bills of the people that I feel deserve to learn a lesson. And, Senator Slama, I feel you deserve to learn the biggest lesson of all, that you cannot behave the way that you do in this body and expect people to be OK with it and to just take it. I'm not going to take your abuse. You relished in what you did, and I don't think that you are such a bad person that you relished in it because it was hurting people with developmental disabilities. I think you relished in it because it was my bill, and that is disappointing. I don't relish in any of this at all. I don't want to be here. I want to be home. I want to be home, away from all of you. I want to get a big-old snuggle from my Harriet, whose nickname is "snug-a-nug" because she's the "snuggliest" nugget of them all. I want to be with my kids. I want to be around joy and laughter. I want to play LEGOs and tea party. I don't want to be here.

**FOLEY:** One minute.

**M. CAVANAUGH:** I am not here because I enjoy it. I am here because it is important to the people who don't have a voice in this body, who didn't get their day because you took it away from them. That is why I am here. So you can criticize me as much as you want, but if you think that your abuse is going to go unanswered, it's not. This is the result. You took pleasure in not voting to put me on my own committee and you made sure I knew of it, made sure I knew that you took pleasure in not putting me on the Saint Francis Ministries committee. Others that didn't put me on that committee at least feigned, oh, it just wasn't the right fit, but not you. You made sure and you made sure that I knew that you took pleasure in killing the family support waiver, and you even brought along one of my committee members, which is--

**FOLEY:** That's time.

**M. CAVANAUGH:** --really devastating.

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

**WAYNE:** Thank you, Mr. President. We're no strangers to love / You know the rules and so do I / A full commitment's what I'm thinking of / You wouldn't get this from any other guy / I just tell you how I'm feeling / I gotta make you understand / Never gonna give you up / Never gonna

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

let you down / Never gonna run around and desert you / Never gonna make you cry / Never gonna say goodbye / Never gonna tell a lie and hurt you / We've known each other for so long / Your heart's been aching but you are too shy to say it / Instead [SIC] we both know what's been going on / We know the game and we're gonna play it / And if you ask me how I'm feeling / Don't tell me you're too blind to see / Never gonna give you up / Never gonna let you down / Never gonna run around and desert you / Never gonna make you cry / Never gonna say goodbye / Never gonna tell a lie and hurt you. I yield the rest of my time to Senator Cavanaugh.

**FOLEY:** Thank you, Senator Wayne. Senator Cavanaugh, 3:30.

**M. CAVANAUGH:** That was beautiful. Thank you, Senator Wayne. OK, so I oppose this bill. I'm not going to vote for this bill. I'm not going to vote for further tax cuts unless I think that they do something that is absolutely crucial and essential at this point in the session, because clearly I was mistaken in thinking that we had money, we don't have money, and anything with a fiscal note that isn't an essential function of government should not be passed at this point. That's the message I got from Senator Slama and Senator Linehan. So sorry, Senator Albrecht, but apparently your bill is on the hit list because we don't have money. I want to go back to the email that I was reading earlier. Shoot, there's so many. Let's see here. Dagnabbit, that's the one I already read. OK, well, I'll come back to that one once I find it. OK. Oh. Oh, a mom sent me an email that she lives in Omaha and has a seven-year-old child with drug-resilient-- -resistant epilepsy and profound developmental disabilities. Upon watching the news this evening-- that was last night-- I couldn't help but break down in tears watching you fight the way you have for our children. As you and I both know, there aren't a lot of people who go to battle for our kiddos. When I watch those poor parents fighting for their children to have medical marijuana approved for their children, it absolutely breaks my heart. To watch a child have ten-plus seizures a day and there's nothing that helps them is life altering. I will never understand-- in my life understand what in the world is wrong with our Governor. I pray his family has-- never has to endure having a child who struggles the way ours does. I could ramble on about this all night. I just wanted to reach out and say thank you. From the bottom of my heart, thank you. Your determination, heart, and sincere compassion-- and this is for my parents-- whoever raised you, they did an amazing job. I think they did, or at least they're amazing, whether or not they did an amazing job with me. Here's another one. I used to work as a respite care provider--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**FOLEY:** One minute.

**M. CAVANAUGH:** --thank you-- and it's really difficult work. I literally do not know how parents survive it, much less single parents. Every time I see a story in the news about a parent that has been arrested for neglect or stories of kids in dangerous situations, I wonder what pushed them there. I wonder if they got help, if they had any resources, if they ever got a break. Comments like that, I feel like, are really important for us to sit with and to understand and to hold in our hearts. When kids enter our system, our foster care system, our juvenile justice system, our discipline-in-school system, what brought them there? What made that happen? And that is not a question that is being asked nearly enough in the day-to-day. Why are our kids suffering the way that they are? What can we be doing to help them?

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

**M. CAVANAUGH:** Thank you.

**FOLEY:** Members, I'm just going to interrupt the debate for a moment. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB64. Continuing discussion, Senator Matt Hansen.

**M. HANSEN:** Good morning again, colleagues. Just a couple things for the record. I know we're taking some time here on Final Reading. I wanted to note that I did-- I have not voted for LB595 kind of all the way through. For me, that has been a bit of a principle thing in terms of genuinely priorities. Just as a sign of indicating what we're doing here, I have no intent to help kill LB595 today. And despite having not voted for it in prior rounds, I'll be voting for it today. Just to be very clear, what I'm doing is kind of divorced from the bill at hand. That being said, as I said before, there's-- I am on board with having us as a body hold ourselves to a higher standard. I've turned and tried to do-- turn the other cheek a number of times. I've worked with senators who we've vehemently disagreed on one bill and then come back in another. But as I said, there's been some very clear, kind of overt kind of things said to some of us on the microphone, not-- sorry, said to us who've been on the microphone, been on the microphone, and-- but the things that have been said to us have been said kind of off the-- off the-- off in the-- off in the wings, off of the floor. I think we're getting to the point where some of the avid watchers of the Legislature are already speculating on which bills are going to face repercussions for what a few of us have done today. And

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

I will just kind of post to the body, if we are really in the spirit of moving-- moving things forward, in the spirit of focusing on policies, not personalities, you have an easy opportunity here today. Senator Cavanaugh and myself have no more bills on the agenda for this year. We're-- we're out of it. My priority bill died. Her priority bill got gutted and isn't in a great spot. We-- we've taken our licks as a body. If we can make it through today, no surprises, everything that we expect to pass passes, everything we expect to pass with the emergency clause passes with the emergency clause, that'll be a good sign. And that'll be a good sign that some of what we meant today is intentional and that we do really want to put policy over people. And I don't necessarily have anything I want to retract from my last floor speech, but I do want to make sure that I recognize, Senator Slama, Senator Groene, I-- the tone I used was harsher than I intended, so I apologize. I do stand by. I think I've made accurate comments. But you're right. Emotions can get high sometimes and I want to make sure that I'm not too big to acknowledge that and apologize to you openly on the microphone that I took a harsher tone than I intended. I think some behavior is worthy of being called out, and I'm not going to back away from that. But that's probably something we could have done off the microphone or out of the public eye. That being said, I am giving us an opportunity, trying to shift forward to have us have as good of a rest of a day as we can. Those of you who know me, and those of who know her, know I can't control what Senator Cavanaugh intends to do for the rest of the day, so please don't come and ask me anymore. But with that, in the spirit of getting us to 11:12 and just finishing up this bill so we can move on to the next couple of items, I will yield the balance of my time to Senator Cavanaugh.

**HILGERS:** Senator Cavanaugh-- Machaela Cavanaugh, 1:10 seconds.

**M. CAVANAUGH:** Thank you. And everything that Senator Matt Hansen said in closing is 100 percent accurate. He has no control over what I do, nor do 47 other people in this building. The only person that has control over what I do and what I say is standing before you now on the microphone. So if you want to talk to me, I am here. I'll be here all day. Thank you very much. And if you don't want to talk to me, then don't talk to me. That's fine too. If you want to know what I'm planning to do, all you have to do is ask. And actually you don't have to ask. I will just tell you since I don't want people harassing my other colleagues about what I'm doing. So I have a motion on Senator Bostelman's LB84, I have a motion on Senator Hughes's LB336, and I have a motion on Senator Briese's LB139. I'm sorry, Senator Briese, because I'm double-dipping on your bills, but it is Senator Slama's priority bill and she has no other bills up. So that is what I am

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

doing. I don't know how much time I'm going to take on each of those bills, but we will just see how the day goes. And I don't care about anything else that's happening today. So we--

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

**M. CAVANAUGH:** Thank you.

**HILGERS:** Thank you, Senator Cavanaugh and Senator Hansen. Senator Morfeld, you're recognized.

**MORFELD:** Thank you, Mr. President. Colleagues, I just wanted to rise and say I'm certainly not trying to take time on this bill. I do want to note that I believe, and somebody can correct me if I'm wrong, I've been not voting on this bill because I have mixed feelings about it. There's things I like in it. There's things I don't like. So for me, I've always prided myself in supporting the bills that I support and opposing the bills that I oppose and not opposing bills because it's vindictive or anything like that. Senator Groene led the charge against my student journalism bill, which was very important to me, but I think you'll notice that I didn't go after any of his bills because, quite frankly, I supported his different priorities. And I-- I think that's in line and true this session and been true in previous sessions. So I just wanted to explain why I'm not voting on LB595, but I'm also not actively working to oppose it either. So with that, thank you, Mr. President.

**HILGERS:** Thank you, Senator Morfeld. Seeing no one else in the queue, Senator Cavanaugh, you're recognized to close.

**M. CAVANAUGH:** Thank you, Mr. Speaker. OK, so I think if I close on this, we still are two minutes shy, so I might have to pull this and put a new motion up so that we get to the time. Is that accurate, Speaker?

**HILGERS:** Let me double check. Senator Cavanaugh, if you go five-- your entire closing, we will be at cloture.

**M. CAVANAUGH:** OK. OK, so I kind of rushed through what I'm doing here. So LB84, I have to confirm, but I'm pretty sure I voted for that, so-- and if I didn't vote for it, just so everyone knows, I'm not taking LB84 to cloture, but I am taking time on LB84. LB336, I don't think it actually has a fiscal impact, if my recollection is correct, so I probably won't be taking that to cloture. And I haven't decided yet about LB139, but I do get four hours on LB139 because we didn't do anything on it on Select. So just "telepathing" that for everyone's

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

schedules. OK, I am going to go back to reading this story that I started earlier this morning. OK. This bill was a source of hope for so many families, including my own, who have a loved one with an intellectual disability but don't meet the low-income requirements to receive any help from the state for their child with a lifelong disability. My son is 13 and has Down syndrome and autism. He is functionally nonverbal. When he was younger, he had issues with chewing and swallowing and was able to attend feeding therapy in Omaha. While attending the therapy, his jaw muscles strengthened and his intelligibility exploded. Suddenly, there were words we could understand. Then my husband changed jobs. The new insurance didn't cover this type of therapy. We could not afford the \$400 per visit, plus the trip to Omaha that it would have cost us each week to continue the therapy. With three boys at home, we had to make a tough choice for our family. We had to give it up. I'm still haunted by the "what if" of-- on that situation. Maybe my son would be able to hold a two-way conversation now if we had been able to continue. The part that I can't understand is how Iowa is able to provide Medicare and therapies to every family who has a child with Down syndrome, but Nebraska cannot seem to figure it out. Sadly, I can't pick up my family farm and move it there. Access to therapies when a child is younger will help them be less of a burden on the state when they become adults. This will-- bill would have helped immensely. That's the problem. This bill would have helped immensely, and this is the furthest, apparently, that we've ever made it on getting a family support waiver and-- how much time do I have left?

**HILGERS:** 1:37.

**M. CAVANAUGH:** OK, I will save my comments. I am talking about the family support waiver because that not passing is what freed me up to not give two hoots about the rest of this. I'm taking time to teach you a lesson that I hope you won't forget when we come back to this body. I truly hope you will not forget this lesson. But based on history of Senator Ernie Chambers'--

**HILGERS:** One minute.

**M. CAVANAUGH:** --time in this body, I'm certain that you will. And we'll have to learn it all over again and it'll be painful again. But I'm not going to forget who this body is and I'm not going to let you forget who I am in this body. I am here to hold you all and myself accountable. And at least for another year, I'm not going anywhere. So if you don't want to be held accountable, then do better and be

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

better. Play fewer games and care about the vulnerable people of Nebraska above politics. Mr. Speaker, I believe that's probably it.

**HILGERS:** Ten seconds, Senator Cavanaugh.

**M. CAVANAUGH:** OK, well, hello, goodbye, farewell, so long. auf Wiedersehen. I don't know what else to say.

**HILGERS:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**HILGERS:** Thank you, Senator Cavanaugh. Colleagues, we're on Final Reading. Please, come check in. Senator Dorn, please check in. Senator Dorn, please check in. Senator McDonnell, Senator Geist, Senator Ben Hansen, please return to the floor. We're on Final Reading. All unexcused senators are now present. Mr. Clerk, for a motion on the desk.

**ASSISTANT CLERK:** Mr. President, Senator Albrecht would move to invoke cloture pursuant to Rule 7, Section 10, on LB595.

**HILGERS:** It is the ruling of the Chair that there has been full and fair debate afforded to LB595. Senator Albrecht, for what purpose do you rise?

**ALBRECHT:** To invoke cloture. And can I have a reverse-order vote, please, roll call?

**HILGERS:** You said roll call vote in regular order?

**ALBRECHT:** Yep, yep, reverse.

**HILGERS:** A roll call vote--

**ALBRECHT:** In reverse order.

**HILGERS:** Reverse order, Senator Albrecht?

**ALBRECHT:** Yes.

**HILGERS:** Apologize. Colleagues, the first motion is the motion to invoke cloture. A-- a roll call vote in reverse order has been requested. Mr. Clerk, please call the roll.

**ASSISTANT CLERK:** Senator Wishart voting yes. Senator Williams voting yes. Senator Wayne-- Senator Wayne not voting. Senator Walz not

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

voting. Senator-- excuse me, Senator Walz not voting. Senator Vargas not voting. Senator Stinner voting yes. Senator Slama voting yes. Senator Sanders voting yes. Senator Pansing Brooks voting yes. Senator Pahls voting yes. Senator Murman voting yes. Senator Moser voting yes. Senator Morfeld not voting. Senator McKinney not voting. Senator McDonnell voting yes. Senator McCollister voting yes. Senator Lowe voting yes. Senator Linehan voting yes. Senator Lindstrom voting yes. Senator Lathrop voting yes. Senator Kolterman voting yes. Senator Hunt voting yes. Senator Hughes voting yes. Senator Hilkemann voting yes. Senator Hilgers voting yes. Senator Matt Hansen voting yes. Senator Ben Hansen voting yes. Senator Halloran voting yes. Senator Groene voting yes. Senator Gragert voting yes. Senator Geist voting yes. Senator Friesen voting yes. Senator Flood voting yes. Senator Erdman voting yes. Senator Dorn voting yes. Senator DeBoer voting yes. Senator Day voting yes. Senator Clements voting yes. Senator Machaela Cavanaugh not voting. Senator John Cavanaugh voting yes. Senator Briese voting yes. Senator Brewer voting yes. Senator Brandt voting yes. Senator Bostelman voting yes. Senator Bostar voting yes. Senator Blood not voting. Senator Arch voting yes. Senator Albrecht voting yes. Senator Aguilar voting yes. Vote is 42 ayes, 0 nays to invoke cloture. Mr. President.

**HILGERS:** Motion to invoke cloture is adopted. Colleagues, the next vote will be on the motion to recommit to committee. All those in favor vote aye; all those-- oh, Senator Cavanaugh.

**M. CAVANAUGH:** I'll pull the motion.

**HILGERS:** The motion is withdrawn. Returning to Final Reading, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** 43 ayes, 0 nays to dispense with the at-large reading.

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

**ASSISTANT CLERK:** [Read title of LB595.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB595 pass? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, John Cavanaugh, Clements,



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Ben Hansen, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Moser, Murman, Pahls, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Not voting: Senators Machaela Cavanaugh, McKinney, Morfeld, and Pansing Brooks. Vote is 45 ayes, 0 nays, 4 present and not voting, Mr. President.

**HILGERS:** LB595 passes. We'll now proceed to LB51. The first vote is to-- to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** 45 ayes, 0 nays to dispense with the at-large reading.

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

**ASSISTANT CLERK:** [Read title of LB51.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB51 pass? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senator Groene. Not voting: Senators Albrecht, Clements, Erdman, Ben Hansen, Lowe, Sanders, and Slama. Vote is 41 ayes, 1 nay, 7 present and not voting, Mr. President.

**HILGERS:** LB51 passes. We'll now proceed to LB51A.

**ASSISTANT CLERK:** [Read LB51A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB51A pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Halloran, Matt Hansen, Hilgers,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Not voting: Senators Albrecht, Clements, Erdman, Groene, Ben Hansen, Lowe, Sanders, and Slama. Vote is 41 ayes, 0 nays, 8 present and not voting, Mr. President.

**HILGERS:** LB51A passes. We will now proceed to LB528e. The first vote is-- is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** 42 ayes, 1 nay to dispense with the at-large reading.

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

**ASSISTANT CLERK:** [Read title of LB528.]

**HILGERS:** All provisions of the law relative to procedure having been complied with, the question is, shall LB528e pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Not voting: Senator Erdman. Vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

**HILGERS:** LB528e passes with the emergency clause attached. We'll now proceed to LB561e. First vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** 36 ayes, 1 nay to dispense with the at-large reading.

**HILGERS:** At-large reading is dispensed with. Mr. Clerk, please read the title.

**ASSISTANT CLERK:** [Read title of LB561.]

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB561e pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senators Clements, Erdman, McKinney. Not voting: Senators Lowe and Pahls. Vote is 44 ayes, 3 nays, 2 present and not voting.

**HILGERS:** LB561e passes with the emergency clause attached. We will now proceed to LB561Ae.

**ASSISTANT CLERK:** [Read LB561A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB561Ae pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, Morfeld, Moser, Murman, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senators Erdman, McKinney. Not voting: Senators Clements, Lowe, and Pahls. Vote is 44 ayes, 2 nays, 3 present and not voting, Mr. President.

**HILGERS:** LB561Ae passes with the emergency clause attached. We will now proceed to LB572 and the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** 41 ayes, 3 nays to dispense with the at-large reading.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**ASSISTANT CLERK:** [Read title of LB572.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB572 pass? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, John Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senator Stinner. Not voting: Senator Machaela Cavanaugh. Vote is 47 ayes, 1 nay, 1 present and not voting, Mr. President.

**HILGERS:** LB572 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following LBs: LB595, LB51, LB51A, LB528e, LB561e, and LB561Ae. Next bill, Mr. Clerk.

**ASSISTANT CLERK:** [Read LB630 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB630 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Moser, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senators Clements and Erdman. Not voting: Senators Hunt, Lowe, and Murman. Vote is 44 ayes, 2 nays, 3 present and not voting, Mr. President.

**HILGERS:** LB630 passes. We'll now proceed LB630A.

**ASSISTANT CLERK:** [Read LB630A on Final Reading.]

**HILGERS:** All provisions of the law relative to procedure having been complied with, the question is, shall LB630A pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Higers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Moser, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senators Clements, Erdman, Groene, and Lowe. Not voting: Senators Hunt and Murman. Vote is 43 ayes, 4 nays, 2 present and not voting, Mr. President.

**HILGERS:** LB630A passes. We'll now proceed to LB39e and the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** 40 ayes, 2 nays to dispense with the at-large reading.

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

**ASSISTANT CLERK:** [Read title of LB39.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB39e pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Groene, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Not voting: Senators Clements, Erdman, Ben Hansen, and Slama. Vote is 45 ayes, 0 nays, 4 present and not voting, Mr. President.

**HILGERS:** LB39e passes with the emergency clause attached. We'll now proceed to LB39Ae.

**ASSISTANT CLERK:** [Read LB39A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB39Ae pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Groene, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Not voting: Senators Clements, Erdman, Ben Hansen, and Slama. Vote is 45 ayes, 0 nays, 4 present and not voting, Mr. President.

**HILGERS:** LB39Ae passes with the emergency clause attached. We will now proceed to LB406e.

**ASSISTANT CLERK:** [Read LB406 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB406e pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, John Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Mo-- Morfeld, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senator Moser. Not voting: Senator Machaela Cavanaugh and Senator Groene. Vote is 46 ayes, 1 nay, 2 present and not voting, Mr. President.

**HILGERS:** All provisions of law relative to procedure having been complied with-- I'm sorry, LB406e passes with the emergency clause attached. Need more coffee up here. We will now turn to LB406Ae.

**ASSISTANT CLERK:** [Read LB406A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB406Ae pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senator Moser. Not voting: Senators Clements and Groene. Vote is 46 ayes, 1 nay, 2 present and not voting.

**HILGERS:** LB406Ae attach-- passes with the emergency clause attached. We will now proceed to LB388e.

**ASSISTANT CLERK:** [Read LB388 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB388e pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Vote is 49 ayes, 0 nays, 0 present and not voting.

**HILGERS:** LB388e passes with the emergency clause attached. We will now proceed to LB388Ae.

**ASSISTANT CLERK:** [Read LB388A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB388Ae pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bost-- Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none: Not voting: none. Vote is 49 ayes, 0 nays, 0 present and not voting, Mr. President.

**HILGERS:** LB388Ae passes with the emergency clause attached. We will now proceed to LB452.

**ASSISTANT CLERK:** [Read LB452 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB452 pass? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lath-- Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Vote is 49 ayes, 0 nays, 0 present and not voting, Mr. President.

**HILGERS:** LB452 passes. We will now proceed to LB452A. Colleagues, with respect to LB452A, on Select File, there was an amendment that mooted this A bill. Unfortunately, for procedural reasons, we cannot pass over the A bill. The only way to treat the A bill is actually to vote it down on Final Reading. So the request, and I will confirm this with Senator McKinney as it's his bill, we discussed this with the Clerk beforehand, the request will be to vote no on LB452A. Senator McKinney, would you respond? Was that-- confirm your understanding?

**McKINNEY:** Yes, it does. So vote down and we'll get rid of it.

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

**McKINNEY:** No problem.

**HILGERS:** I intended to do this from the floor, but being in the chair, this is the only way to do it. Thank you, Senator McKinney. So Mr.-- Mr. Clerk, please read the bill.

**ASSISTANT CLERK:** [Read LB452A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB452A pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senator Wayne. Voting no: Senators Aguilar, Albrecht, Arch, Blood, Bostar [SIC--Bostelman], Brandt, Brewer, Briese, John Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen,



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Williams, Wishart. Not voting: Senators Bostar and Machaela Cavanaugh. Vote is 1 aye, 46 nays, 2 present and not voting.

**HILGERS:** LB452A does not pass. Turning to LB131e, the first vote is the vote to dispense with the at- large reading. All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** 40 ayes, 0 nays to dispense with the at-large reading.

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

**ASSISTANT CLERK:** [Read title of LB131.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB131e pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Murman, Pahls, Pansing Brooks, Sanders, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senators Clements, Friesen, Geist, Groene, Lowe, Moser, and Slama. Not voting: Senators Erdman and Hughes. Vote is 40 ayes, 7 nays, 2 present and not voting, Mr. President.

**HILGERS:** LB131e passes with the emergency clause attached. We will now proceed to LB131Ae.

**ASSISTANT CLERK:** [Read LB131A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB131Ae pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Gragert, Halloran, Hansen, Hansen, Hilgers,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

Hilkemann, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Murman, Pahls, Pansing Brooks, Sanders, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senators Friesen, Geist, Groene, Hughes, Lowe, Moser, and Slama. Not voting: Senators Clements and Erdman. Vote is 40 ayes, 7 nays, 2 present and not voting.

**HILGERS:** LB131Ae passes with the emergency clause attached. While the Legislature is in-- in session and capable of transacting business, I propose to sign and do hereby sign the following LBs: LB572, LB630, LB630A, LB39e, LB39Ae, LB406e, LB406Ae, LB388e, LB388Ae, LB452, LB131e, and LB131Ae. Mr. Clerk, for items.

**ASSISTANT CLERK:** Mr. President, I have an Explanation of Vote from Senator Arch regarding LB64. LR240, from Senator Geist, that'll be laid over. Excuse me-- an additional Explanation of Vote from Senator Ben Hansen regarding LB64 as well. Exec Board will have a meeting in Room 1524 at noon; Exec Board, 1524, at noon. Name adds: Senator Blood to LR194; Senator Pansing Brooks to LR195; Senator Lowe and Senator Brewer to LR218; Senator Geist, Senator Bostelman, Senator Sanders, and Senator Slama all to LR239. Finally, Mr. President, a priority motion, Senator Hughes would move to recess the body until 1:00 this afternoon, 1:00 p.m.

**HILGERS:** Colleagues, we will-- we will return at 1:00. You've heard the motion. All those in favor say aye. Opposed say nay. We are in recess.

[RECESS]

**HILGERS:** Mr. Clerk, please record.

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

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

**ASSISTANT CLERK:** I do, Mr. President. Bills read this morning [Re LB64, LB595, LB51, LB51A, LB528, LB561, LB561A, LB572, LB630, LB630A, LB39, LB39A, LB406, LB406A, LB388, LB388A, LB452, LB131, and LB131A] were presented to the Governor. That's all I have at this time.

**HILGERS:** Thank you, Mr. Clerk. We'll now proceed to the first item on the Final Reading agenda.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**ASSISTANT CLERK:** Mr. President, engrossed LB84, there's a motion on the desk. Senator Machaela Cavanaugh would move to bracket LB84 until May 21, 2021.

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

**M. CAVANAUGH:** Thank you, Mr. Speaker. It's a-- Mr. Speaker, it's a little loud. Would you mind?

**HILGERS:** Colleagues, we've begun Final Reading debate. Thank you.

**M. CAVANAUGH:** Thank you. You all don't have to listen to me. It was just a little-- a little loud to-- to talk. OK, so we are on LB84, which is Senator Bostelman's bill, and this bill-- at first blush, I was concerned about this bill because, as is no secret to anyone, I am not a fan of corporate tax incentives. And so I thought that this bill was-- and it is, but not in the way I originally thought-- expanding the ImagiNE Act. But it does do something interesting that I will only briefly touch on because I think others, if they want to talk about it, can in more detail than I-- I am able to. So it just adds the production of electricity using nuclear energy as a qualifying business activity under the ImagiNE Act. So it's an undetermined fiscal note, fiscal impact, and-- I believe, unless I'm conflating it with a different-- nope, I'm looking at the fiscal note. It's a long essay. Oh, no, they have a fiscal impact. I apologize. I don't believe this is necessarily something that we are doing at this moment, but it-- it certainly is an interesting proposition and nuclear power is a-- if done well, can be actually a really good thing for-- for the state. So I'm not opposing this bill. I am just taking time on this bill because of the introducer, and this is something that we've already discussed a fair amount this morning, about bills on their merits and not the introducer. And since that seems to not hold steady if the introducer has a "D" after their name, it's not going to hold steady today. So even if I like a bill, if the introducer didn't vote for cloture for DD, then we are where we are, and Senator Bostelman voted no, so that is why I am here today talking about LB-- not actually talking about LB84, talking on LB84. To clarify, I'm not talking about LB84. So I continue to have moms and dads reaching out to me, sharing their thoughts and their stories, and the more I share them here, the more they send me because they would like to have them shared with all of you. So here is one from a mom who wrote me over the lunch hour, actually. Senator Slama accuses some senators of bringing, quote, feelings into the debate. I, too, have been accused of bringing, quote, feelings into politics. I've been told by my own

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

family members that I make politics too personal. Let me ask you, Senator Slama, how would you feel if your child was denied therapy that could help them learn to walk? Would it be too personal to fight for legislation that could help your child talk? That's what Senator Cavanaugh is fighting for here and we cheer her on. Senator Cavanaugh is the messenger, but we, the parents of disabled children of Nebraska, are tired and angry. We are your constituents. We heard your patronizing words on Tuesday night and we have never felt more disrespected. Yeah, we have feelings. We have a lot of feelings about how our state senators, who are elected to serve us, have instead used our sick and disabled children as pawns in your game of politics. So that is from a parent of a disabled child. And every time I hear things from the parents of disabled children, just one cancels out all of the noise of-- of the disrespect and the political game-playing that happens in this Chamber because they are far more important than any egos in here. Let's see, I have another one. This is from Kendra. OK. Good morning, Senator Cavanaugh. Thank you for your fight and being a voice for the disabled community-- oh, sorry, this-- this font is really small, so I need to-- I need to make it bigger. OK. Thank you for your voice and being-- for being a voice for the disabled community. It may not sway-- sway votes today, but I have written a few thoughts from the perspective of a family impacted by the decisions on May 18. Today marks May 20. Today most will head into work like any other day. But today, for a family who has a child or children with special needs, today we continue to fight again. It is what our family has done from March 20, 2015, when our son was born. He just so happens to be born with Down syndrome. At days old, we were told, fill out this paperwork, he will get SSI, which is Social Security insurance. Nope. Sorry, your family wasn't in the NICU long enough. Believe me, 29 days was long enough. Fill out this form. Now you-- that you are home, he will get Medicaid. Nope. Sorry, your single-family household makes too much money. Oh, his heart condition worsened? Fill out this paperwork. Ding, ding, ding. You see, for my family, our child is just sick enough and just medically fragile enough to make the cut off-- to make the cutoff for the A&D waiver. So at night when I tuck my children into bed, I thank God for another beautiful day and quietly pray that he continues to keep L.J. healthy enough to be out of the hospital, but just sick enough that we continue to qualify for services to cover the medical care and therapies he needs. Let me ask you, is that what you pray for for your children, to be just sick enough to get coverage? Senators, that was a question to all of you, especially those of you that voted against LB376 because you thought it picked winners and losers. But LB2 doesn't pick winners and losers and LB595 doesn't pick winners and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

losers, but LB376 picks winners and losers. So do you put your children at bed at night or do you say goodnight to your grown children and your grandchildren at night and pray that they are just sick enough to qualify for Medicaid, or do you not have to worry about that? Do you pray that your children and your grandchildren remain healthy all of the time because you don't have to pray for them to be just sick enough? That's not a concern in your life. My daughter has asthma, which I have talked about. She's been hospitalized for it. We've had to go in an ambulance. It's been terrifying. I worry about her all of the time and I have never prayed for her to be just sick enough. I pray for her to be healthy every single day. I pray for her to not have to use her asthma multiple times-- her inhaler multiple times a day and the steroid inhaler. I pray that she's healthy enough that she can go days without using them. I do not pray for my daughter to be just sick enough and that is a gift for me. That question is put to all of us, but it is especially put to the senators that refused to vote for cloture and especially the two senators that led the charge, Senator Linehan and Senator Slama.

**HILGERS:** One minute.

**M. CAVANAUGH:** Do you pray that your family members are just sick enough to qualify for Medicaid? I don't think either one of them will respond. Oh, I need to get in the queue. I'm continuing on with Kendra's remarks: There are so many families that are not in the same boat, but in the boat of wanting and needing services, therapies, and a little extra medical care so that their loved one can reach their full potential. So many families are stretched thin; with medical costs and therapy costs, are having to choose between staying home to care for a loved one with a disability or going to work; are setting aside thousands of dollars because they have precisely calculated what it takes to give their children-- or children every op-- children every opportunity to succeed. Supporting this waiver--

**HILGERS:** That's--

**M. CAVANAUGH:** --gives families--

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

**M. CAVANAUGH:** Thank you.

**HILGERS:** Thank you, Senator Cavanaugh. Debate is now open on the motion to bracket. Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Mr. Speaker. Well, I'm rising, I guess, in opposition to the motion to bracket and in support of LB84. I was in support of this before. Senator Bostelman and I talked about it and this was-- kind of addresses an issue that I wasn't aware of, a-- a thing called-- I think Senator Bostelman could probably correct me. It's modular nuclear, which is an interesting idea. And I always tell people, you know, I'm an environmentalist, in favor of the environment, and a lot of environmentalists don't like nuclear for a number of reasons, and I always say, well, I-- I'm interested in nuclear, I'm in favor of exploring all of the options that we need to explore to get to, you know, carbon-neutral energy baseload power. And so I'm very interested in this subject matter, and Senator Bostelman and I have talked about it and I look forward to learning more about it. But I always like to tell the story about at the Air and Space Museum in Washington, D.C., they have a big tube full of microchips-- or I guess not microchips, but computer components that were in the space shuttle when they built the original space shuttles in the '70s. And it's, you know, ten feet tall and five feet around and it's full of all these chips and then on the wall next to it, they have a-- you know, a chip that is what replaced all of those chips today, what-- what it would take to do all of that computing power. And the last time I was at the Air and Space Museum, admittedly, we were still using the space shuttle, which was almost 20 years ago now, so the-- the technology has advanced much further since then, but the point is that we-- we're still operating with this technology that was so out of date when we've come so far in our technology that we needed to kind of-- ultimately, we stopped using the space shuttle and we've gone back to the drawing board and we're going through, you know, SpaceX-- and I don't-- I guess I don't know all the companies, but all of these other new rockets, reusable shuttles, and things. With the newer technology, more advanced, it's safer, more efficient, more reliable, which is all good, which the reason I'm talking about this is our nuclear technology in this country is similarly dated and actually more dated now because it was similarly dated 20 years ago and now we're still 20 years further down the road. And so technology that we are using in our nuclear plants, for the most part, when you talk about things like, well, the problems we've had in nuclear, Three Mile Island and Chernobyl and those sorts of places that people are all concerned about, that is technology that is from the '70s or earlier that we-- now we have updated, we've got better technology, we-- and it's-- it'd be important and fruitful to explore how we can improve the safety, reliability, usability of nuclear going forward with those advances in technology that we've-- we have accomplished in the last 40 years. So ultimately that's why I support LB84 and that's

why I think this is a good idea. It's an opportunity to invest in a future-looking technology that will, if successful, will allow us to have a reliable baseload power that we can distribute, that will be safe, efficient, clean-- or cleaner, I suppose. There's obviously environmental impact of everything and I won't go into all of the nuclear, but I just want to be clear that everybody-- that I recognize that there is some impact of nuclear. I'm just not going to go into it at the moment, but-- so I think this is a good idea, LB84. I think, if I recall, there was a fiscal note originally on it, but I think that might have had to do with a-- maybe a misconception of how it would affect the project going forward. And I don't see-- I'll look at the agenda here. Yeah, there's no A bill on here.

**HILGERS:** One minute.

**J. CAVANAUGH:** And so I-- I don't think that there is a fiscal impact going forward, so I would encourage a no vote on the bracket motion if we got to it and then a yes vote on LB84. And thank you, Mr. Speaker.

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

**M. CAVANAUGH:** Thank you, Mr. Speaker. I think I was finishing on reading Kendra's words. OK, so supporting this waiver gives families the chance to breathe, to give their children additional-- additional supports so they, too, can be contributing members of society, and gives our most vulnerable the opportunities to make the world a better place because it includes them. My family is lucky at the moment, so I will continue to speak and fight for the families that are not. I will continue to be a voice for those who may feel they have-- they may not have one, or maybe because they didn't get the additional services they were-- that were just taken from them, they could have been better equipped to speak for themselves. And Kendra is my constituent, and also our children go to school together and I have had the great pleasure of getting to know her. And her son is in my daughter Harriet's class and he is a sweet, darling little boy. He's actually a twin. He has a twin sister. And Kendra and I, on the days that I'm able to drop off the kids in the morning, we get to catch up in the parking lot and we've had a lot of conversations about this. She's been pretty active in the disability community. I met her even before all of this through that, through her work, and she's an amazing mom, she has a terrific spirit, and she just approaches life with her children with so much joy and compassion. And she has an older daughter and then the twins and then a-- a younger daughter and they're just really, truly a beautiful family and I am so grateful to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

know them. And my heart breaks reading these words that Kendra says that she prays for L.J. to be just sick enough because I know L.J. L.J. is in Harriet's class. L.J. is Harriet's friend. And those aren't my prayers for Harriet, and it just breaks my heart that those are her prayers for L.J. It really does. It really does. So I want to take a moment if I can get-- sometimes the Internet is a little slow. I might have to pull it up on my-- my phone. I apologize. I want to take a moment to say thank you to some of my colleagues. Senator Aguilar, thank you. Senator Arch, thank you. Senator Blood, thank you. Senator Bostar, thank you. Senator Brandt, thank you. Senator John Cavanaugh, thank you. Senator Day, thank you. Senator DeBoer, thank you. Senator Dorn, thank you. Senator Flood, thank you. Senator Gragert, thank you. Senator Ben Hansen, thank you so much, Ben-- Senator Hansen. Senator Matt Hansen, thank you. Senator Hil-- Speaker Hilgers, thank you. Senator Hilkemann, thank you. Senator Hunt, thank you.

**HILGERS:** One minute.

**M. CAVANAUGH:** Senator Kolterman, thank you. Senator Lathrop, thank you. Senator Lindstrom, thank you. Senator McCollister, thank you. Senator McDonnell, thank you. Senator McKinney, thank you. Senator Pansing Brooks, thank you. Senator Stinner, thank you. Senator Vargas, thank you. Senator Walz, thank you. Senator Williams, thank you. Senator Wishart, thank you. And if they had been here, I know that I'd be thanking Senator Pahls and Senator Wayne as well. Thank you, my colleagues, so much for your heart for these families. I'll get back in the queue.

**HILGERS:** Thank you, Senator Cavanaugh. You are next in the queue, so you may continue.

**M. CAVANAUGH:** Thank you, Mr. Speaker. I thanked all of you because I do want these families to know that there are people in this Legislature that cared, that cared about them. There just weren't enough. And it wasn't partisan because most of the names that I read were not Democrats. The only thing that made this issue partisan was the Governor and the fact that people allowed the Governor to take control of this body on this issue. And the repercussions of that are so much greater than just my bill and these families. The repercussions of allowing the Governor to have the influence that he wielded on this issue has been seen on so many other issues and it will be seen when he vetoes bills that we've passed today and we have to come back and see how many of us will stand up against him. I know that when the Governor was first elected, in his, I think, first year or first two years, he vetoed a whole bunch of bills and they were--



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

those vetoes were overridden by the Legislature and the Republicans that voted to override his vetoes were not reelected. The Governor put a lot of money into making sure that he had his hand in this Legislature, and those are important facts that get glossed over when families like Kendra's lose out. How much time do I have left?

**HILGERS:** 3:04.

**M. CAVANAUGH:** I'm going to pull this motion and sit down. Thank you.

**HILGERS:** Thank you, Senator Cavanaugh. The motion is withdrawn. Members, we are returning to Final Reading. Please check in. Mr. Clerk, the first bill is LB84.

**CLERK:** [Read LB84 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB84 pass? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Moser, Murman, Pahls, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senators Morfeld and Pansing Brooks. 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

**HILGERS:** LB84 passes. We will now proceed to LB366.

**CLERK:** [Read LB366 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB366 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

Senators Machaela Cavanaugh, Lathrop, Hughes, and Morfeld. 44 ayes, 1 nay, 2 present and not voting, 2 excused and not voting, Mr. President.

**HILGERS:** LB366 passes. We will now proceed to LB366A.

**CLERK:** [Read LB366A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB366A pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, John Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senator Groene. Not voting: Senators Machaela Cavanaugh, Hughes, and Morfeld. 45 ayes, 0 nays, 1-- excuse me, 45 ayes, 1 nay, 1 present and not voting, 2 excused and not voting, Mr. President.

**HILGERS:** LB366A passes. We will now proceed to LB682e.

**CLERK:** [Read LB682 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB682e pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all-- all those voted who wish to? Please record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senator Groene-- excuse me, voting no: none. Not voting: Senators Groene and Hughes. 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

**HILGERS:** LB682e passes with the emergency clause attached. We will now proceed to LB396.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**CLERK:** [Read LB396 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB396 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**CLERK:** Voting aye: Senators Albrecht, Arch, Blood, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senators Aguilar, Hilkemann, and Hughes. Senator Aguilar voting yes. Senator Hilkemann voting yes. 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

**HILGERS:** LB396 passes. We will now proceed to LB396A.

**CLERK:** [Read LB396A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB396A pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senator Hughes. 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

**HILGERS:** LB396A passes. We will now proceed to LB147e and the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**CLERK:** 37 ayes-- 36 ayes, 5 nays to dispense with the at-large reading.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**CLERK:** [Read title of LB147.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB147e pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Friesen, Gragert, Halloran, Ben Hansen, Matt Hansen, Hilgers, Hilkemann, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Pahls, Pansing Brooks, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senators Erdman, Groene, Lowe. Not voting: Senators Albrecht, Brewer, Clements, Geist, Moser, Murman, Sanders, Slama, Hughes. Senator Hughes voting yes. 38 ayes, 3 nays, 8 present and not voting, Mr. President.

**HILGERS:** LB147e passes with the emergency clause attached. We will now proceed to LB147Ae.

**CLERK:** [Read LB147A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB147Ae pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Friesen, Gragert, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Pahls, Pansing Brooks, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senators Erdman, Groene, and Lowe. Not voting: Senators Albrecht, Clements, Geist, Ben Hansen, Moser, Murman, Sanders, and Slama. Vote is 38 ayes, 3 nays, 8 present and not voting, Mr. President.

**HILGERS:** LB147Ae passes with the emergency clause attached. We will now proceed to LB185.

**ASSISTANT CLERK:** [Read LB185 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB185 pass? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Not voting: none. 49 ayes, 0 nays, Mr. President.

**HILGERS:** LB185 passes. We will now proceed to LB336.

**ASSISTANT CLERK:** Mr. President, first item on LB366, Senator Machaela Cavanaugh would move to bracket the bill until May 21, 2021.

**HILGERS:** Senator Machaela Cavanaugh, you are recognized to open on your bracket motion.

**M. CAVANAUGH:** Thank-- thank you, Mr. Speaker. OK, so taking some time on Senator Hughes's bill here, LB336. I'm not sure how much time I get to take on this, if it's two hours or four hours, but I won't be taking-- is it two? I'm sorry, the Speaker looks a little terrified by my question.

**HILGERS:** I'm sorry, Senator Cavanaugh. I was on the phone.

**M. CAVANAUGH:** Is it two hours or four hours on this bill?

**HILGERS:** Believe this one is two, but I'd have to check.

**M. CAVANAUGH:** That's all right. You don't need to check. We'll just-- we'll just see how-- how the afternoon goes. So I'm just going to share some information right now on the family support waiver-- oh, get in the queue too. Why do we need a new waiver? This bill would bridge the gap in coverage that exists in our state for children with disabilities due to our current waiting list, which prevent families from accessing services for their child with disabilities. Nebraska currently has no Medicaid waiver specifically designed to support children with disabilities and their family caregivers. There are currently 2,964 people on the developmental disabilities comprehensive waiver waiting list; 55 percent, 1,634, of the current waiting list children-- waiting list are children birth to 21; 53 percent of the individuals on the waitlist are not receiving any services and rely on natural supports provided by their family and friends. When the state changed the criteria for children under the-- under the aged and disabled, or A&D, waiver, this has exposed a significant gap for children who are not able to access services due to narrow

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

eligibility. The current seven- to ten-year waiting list and systems focus on supporting adults. I'm going to pause there to talk a little bit about the A&D waiver. We've heard about this a couple of times from comments from parents that I've been reading. So in 20-- I think it was actually at the end of 2018, beginning of-- but DHHS promulgated new rules and regulations when-- pertaining to the A&D waiver and they used a new tool assessment for qualifying for the A&D waiver, and this was under the previous Med-- director of Medicaid and Long-Term Care, Matthew Van Patton. And at that time-- so we started hearing from families in January, so I had, like, literally just been sworn in, just started on the HHS Committee. And families were contacting all of us in the Legislature, our constituents were contacting us, but especially if we were on the HHS Committee, we were hearing from lots of families that either were getting kicked off the waiver, had been kicked off the waiver, or were worried that they were about to be kicked off the waiver. And the complexity of this-- so they were kicked off the waiver because they didn't meet the standard to qualify, and this kind of goes back to Kendra's comments about LJ and praying for him to be just sick enough. So the HHS Committee had a meeting. We brought in parents and we heard from them and we heard from parents talking about that their children were-- they were told their children were kick off--kicked off because they-- they have a higher threshold for children to qualify because they're still developing. This is really important. They're still developing. So because a child is still developing, if they can't toilet themselves or feed themselves or walk, they're still developing, so that's OK that they can't do those things yet, that they don't have those tools yet. And so the-- the standard for care for qualifying for the A&D waiver is higher for children because they're still developing, which maybe in someone's mind makes sense if you don't think through the practicality of that, if you just look at it on completely face value, oh, you're still developing, you're still learning, you have the potential to learn to do those things at some point in the future, where an adult with these disabilities, if they can't toilet themselves, feed themselves or walk, and they're, you know, 30 years old, well, they're obviously-- that-- they're not going to learn those things. So on face value, that might make sense. The reality is, if you're five years old and you can't feed yourself without assistance and you don't get the services and the-- the therapies to help you learn to feed yourself without assistance, you are not going to be able to feed yourself without assistance when you're six years old or seven years old or eight years old or 25 years old or 50 years old. But we were kicking these kids off the waitlist because they were kids, literally because they were children. And that was, I don't even

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

know, my first couple weeks in the Legislature? When people talk about what is-- what's the best committee or the worst committee to be on in the Legislature, HHS, HHS, it's the best committee and it is the worst committee. It is where you can make the biggest impact in people's lives and where you are confronted all of the time with the inequities of society and the devastation of people's everyday lives, because of choices that policymakers make. OK, so the A&D waiver, the kids were getting kicked off it. Chairwoman Howard called a special meeting. We brought in DHHS. Poor CEO Smith had just been confirmed, I think, like I don't even know if we-- I don't think we had confirmed her yet. She's had-- she's had a rough time in Nebraska, so I actually don't think she had been confirmed yet and she came in front of HHS and we all sat down. We tried to figure out-- and Courtney Miller of DD at that time, Courtney Miller and Matthew Van Patton and CEO Smith, they all came into Chairwoman Howard's office with us and we talked through what to do. And Courtney Miller, I will say, was probably the savior of the day and she acted quickly and was able to get those families that were being kicked off the-- the A&D waiver and put them onto the DD waiver and not the waitlist. This is important distinction because everybody was freaking out, like we're just now going to add to the DD waitlist. That's not what happened. Because of the federal funds, that money followed those kiddos from A&D to DD. So, yes, they were getting lower-level services because the DD waiver is not as comprehensive as the A&D waiver, but they were still able to get services, very needed services. There were some gaps for some families, unfortunately, and some families, I believe, are still struggling with trying to get onto the DD waiver that were kicked off the A&D waiver, but it was kind of like this geyser came up and-- and DHHS did a-- did a fairly decent job of-- of-- of, you know, patching up the geyser. And I say that because I think it's really important. I know people hear me cri-- criticize DHHS. They are public servants and they do an excellent job on a lot of things that go unacknowledged. And I know that the people that work there, the people that work in the DD part of the agency, are so dedicated to the people that they are serving, and I just want to make sure that they know and that the citizens of Nebraska know that they are appreciated for that.

**HILGERS:** One minute.

**M. CAVANAUGH:** Thank you. So that's the backstory on the A&D waiver. When you've heard these stories about families that are talking about, well, I used to be on-- my child used to be on the A&D waiver and now my child's on the DD waiver, that's the backstory. And I would like to note for my colleagues that I-- these things that I'm telling you, I am telling you from my memory. I did not read notes. I did not read

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

notes between anything. This is my recollection of the timeline and the facts because I care so much about this that it is emblazoned in my brain. I will not forget those things. I will not forget the first time I met Bridget, who you all got an email from.

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

**M. CAVANAUGH:** Thank you.

**HILGERS:** Debate is now open on the motion to bracket and, Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you. I won't forget the first time I met so many of these parents and their stories and their stories about their kids because they matter to me. They matter to me. They matter far more to me than my relationships with any of you and I'm even related to one of you. OK, my relationship with him matters quite a bit, but-- but you get the point. OK, back to the waiver, which, by the way, none of you wanted to talk about when we had eight hours to talk about it, so-- research consistently indicate that providing services early during key periods of brain development can change the child's developmental path, improve lifelong outcomes for children and families, and decrease the need for future services and supports. There are 511 children, birth to 22, currently on the waiting list who aren't receiving Medicaid services, which typically offers more comprehensive benefits for children than most private health plans, and thus do not have access to the robust Medicaid benefits of Early Periodic Screenings, Diagnosis and Treatment, or EPSTD [SIC], to help remediate developmental delays. So those millionaires and billionaires that were going to profit off of this getting on Medicaid, apparently the 511 children that don't qualify for Medicaid-- I think the numbers now are actually 403 because people have moved out of the state to go to states that care to provide services for children with developmental disabilities. So the 403 families now in Nebraska that don't qualify for Medicaid, those millionaires and billionaires that have private health insurance, most likely, their private health insurance maxes out immediately, pretty much. The child that requires \$70,000 medication a month maxes out private insurance immediately. Families share the medical-- that medical expense for therapies and durable medical equipment are cost-prohibitive or are denied by employer-sponsored insurance, which means children are not receiving benefits of these services and equipment during critical developmental periods in childhood. So the message we send by not doing this waiver is we don't value you as part of the workforce in Nebraska, parents. You make too much money for us to care about helping your family and



your child get access to services and since you make too much money, we are incentivizing you to either get divorced or quit your job. That makes total sense to me based on how this state and this Legislature views systematizing poverty. That makes total sense. So we've got middle-class families that make too much money, so they have--

**HILGERS:** One minute.

**M. CAVANAUGH:** --the choice of becoming not-middle-class families so that they qualify for the waiver or using every single penny to their names to pay for the services out of pocket, which means that they can't do anything else. If you have to pay thousands of dollars extra a month for your child to get the services that they need, you can't do anything else. I mean, my childcare alone takes up my entire salary in this job for one child. It actually costs more than that. OK, I only have a few seconds left, I think, but I'm next in the queue. This waiver would offer the child access to Medicaid as a secondary coverage to their family's private insurance--

**HILGERS:** That's time-- time, Senator, but you're next in the queue. You may continue.

**M. CAVANAUGH:** --thank you-- as secondary coverage to their family's private insurance, thus eliminating the prohibitive costs many families experience for access-- accessing services. This program offers an upstream approach to prevent crises, which are typically much more costly. This waiver is a public health approach which supports families in their caregiving role and provides much less costly, minimal supports much earlier than the current system allows. Most states are moving to a family support waiver in an effort to stretch limited resources and offer more focused, essential services to more individuals. Well, Nebraska likes to be 49th or 50th to joining any party of progress in public policy, so if most states are doing it, we are going to certainly have to hold off. Are you proposing that we replace our current waivers? The family support waiver is a supplement to the state's current services. This is from The Arc. The Arc is not advocating changing current waivers, just seeking ways to serve individuals whose needs are not being met because they are not able to access services because they are on the DD waiting list. Comprehensive supports, such as residential services and job coaching, and the agencies that provide these through the current DD waivers are critical services necessary for lifelong health and well-being of individuals with disabilities. Not every individual needs intensive support offered by our existing waivers. This new waiver will offer other choices for services. The family support

waiver builds upon the natural supports of family caregivers. Current waivers are available to provide services for individuals whose needs are better met with more comprehensive options. Why not just appropriate money to eliminate our current waiting list? Excellent question. The bill, as introduced, would give the child with the disability access to Medicaid and a capped annual \$10,000 budget for long-term services and supports, respite, specialized care, home and vehicle modifications, etcetera. The family support waiver with the individual \$10,000 cap budget is much less than the average cost per individual on Nebraska's current Medicaid waivers. With the average budget of \$84,000 for an individual on the comprehensive DD waiver, up to seven individuals could be served on the family support waiver. Data provided by the state indicates a family support waiver with a capped \$10,000 for each individual is significantly less than the average LTSS budget-- I'm sorry, I don't know what that is-- long term-- thank you-- long-term budget-- sustainable budget [SIC]-- that an individual would receive under our other two DD waivers, which should allow us to serve more individuals on their needs, consequently freeing up waiver slots under the comprehensive waiting list. Why is this being proposed as a pilot? A pilot will allow us to develop the program as we want, test it, evaluate the effectiveness and satisfaction of the families and the program's impact to the state budget and other-- our other programs. If the pilot is deemed successful, there's no reason it could not, or, rather, should not, be made into a permanent program. Will this waiver have a waiting list? Perhaps, but it doesn't need to. The Arc has advocated to decrease, eliminate the waiting list, and this is a strategy to do so and also serve those who are not receiving any support services. However, the number of people who receive support demands on the number of slots-- depends on the number of slots that are allocated to the waiver application--

**HILGERS:** One minute.

**M. CAVANAUGH:** --and the funding provided by the State Legislature. I think in the future I'll make a rules-change motion that if you don't filibuster something on General for eight hours, when it gets to Select, it should be 12 hours. It should be the four hours of Select plus the eight hours, just like it is on Final, right? On Final, if we don't talk about it on Select, it's four hours on Final. If I want to filibuster and take a cloture vote on LB139 today, I have to take it four hours, not two. I have to take it four because we didn't talk about it at all on Select. But my bill, you all didn't ask any questions whatsoever on General.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**HILGERS:** That's time.

**M. CAVANAUGH:** You moved it to Select and then you filibustered it.

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

**M. CAVANAUGH:** Thank you.

**HILGERS:** Thank you, Senator Cavanaugh. Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Mr. Speaker. I would yield time if-- if Senator-- other Senator Cavanaugh wanted, but I was going to talk about this bill and why I like it, which it's LB336. Senator Hughes brought it and he actually brought to the Natural Resources Committee and we had a hearing and I learned-- I learned a lot in that hearing specifically about the cost of administering some of our state parks, including Lake McConaughy, and how we have this huge influx of folks over the big holidays and that it causes the-- an expense to police and-- and provide safety for folks. So one of the solutions was to increase the park fee for out-of-state people because about-- Senator Hughes could probably correct me, but I think it was 90 percent of people who come to Lake McConaughy on those big weekends are from out of state. And so the current statute is that out-of-state permits shall not be less than in-state permits, but it doesn't specify what they are. But under federal guidelines, I believe that you can charge up to twice as much for an out-of-state permit as you do for an in-state permit for your parks. And so what LB336 does is says that the out-of-state permit shall be \$60 or twice what the in-state permit is for an annual permit, which anybody who's been to the parks recently knows that the in-state permit is \$30. I was just talking to Senator Erdman that I got my park permit two weeks ago. I went to Platte River State Park and paid my \$30 for my annual permit for the Nebraska Game and Parks, and I intend to use it more this summer, but I'm a big fan of the state parks. I like to go. I took my kids camping at Indian Cave was the very first thing I did after winning my election last fall and decided to spend some time with the kids and took them down there. And I was just sitting here reading the Nebraska Magazine, which celebrates the 100th anniversary of Nebraska state parks, and they have pictures of Platte River State Park in here and Ponca State Park. I've been to both of those. And then there's actually a picture of Smith Falls, which I have aspired to go to and look forward to. But basically the reason I like this bill is that it will help us. It complies with regulation, the sta-- statutes, doesn't make us go afoul of the federal regulation. It helps bear the cost,

the true cost of administering our parks. And when it comes to good government policy, in my opinion, it is where we try to find ways where we bear the true cost of the actions that we're taking. And so this is one step in that direction where we are using the mechanisms afforded to us by federal regulation and state statute to increase the funding that's going to allow us to provide better safe-- safety, better services at some of our natural beauty and resources, and so it would, it-- I think it's a good idea in that regard. I think Senator Hughes actually went through a lot of work meeting with stakeholders. I think, if I recall, that Game and Parks Department came and testified against this bill as originally written because it caused some problems as it pertained to federal regulation. But Senator Hughes went back to the drawing table, met with them, met with the stakeholders, and made the-- the necessary corrections to-- to address the concerns and the problems that it presented and to-- to make the-- the bill still help increase funding for the state parks. So it's-- it's a-- a good bill, went through the process properly, responded to constructive criticism and concerns, addressed those concerns, brought it with an amendment that then was voted out of the Natural Resources Committee and is now here, and so it's-- checks all of those boxes of the way we should do things: finds a problem, addresses it, addresses concerns presented by the first solution, and then brings it here.

**HILGERS:** One minute.

**J. CAVANAUGH:** So I would encourage you-- I'm sorry, one minute?

**HILGERS:** One minute.

**J. CAVANAUGH:** Thank you. So I would encourage your green vote on-- on LB336 and-- oh, I'm-- and I would-- I would discourage you to vote on the bracket motion because I do think that not only will this help with the, I guess, exam-- example case of Lake McConaughy, but I think it'll help with funding for our parks going forward. So thank you, Mr. Speaker.

**HILGERS:** Thank you, Senator John Cavanaugh. Senator Matt Hansen, you're recognized.

**M. HANSEN:** Thank you, Mr. President, and good afternoon, colleagues. Colleagues, I didn't intend to rise, but I was asked to take a little time so a sidebar conversation could happen that hopefully will lead to some productive understanding. With that, I would rise to kind of follow the sentiments of Senator John Cavanaugh in terms of I do-- as I understand, this bill does seem a good way to kind of both support

our state parks, as well as making sure, you know, some of the areas are especially safe, especially when dealing with the influx of folks from out of state, out of town. You know, it's something we see at the state government, obviously, that there's state amenities that-- but at the end of the day, a lot of the services provided to them are, you know, municipal or county services and I think things we can do to make sure that we help, you know, counties who have maybe a disproportionate impact, you know, bigger state park, you know, the interstate, whatever it is that draws extra people to the-- to that area makes sense. As we know, we kind of ask our counties, ask our cities to do different things, some very directly unfunded mandates through statute, some just kind of more historical and, you know, geographical quirks in terms of where things come from or where things go. I do want to speak highly of our state park system. Actually, much like Senator Cavanaugh, I used-- I-- I asked for a state parks permit for my birthday. My parents got us a pair that-- I gave one to my wife, Jane, for each of our cars, and we are-- we've enjoyed going out to Branched Oak Lake and some places like that. This just past weekend, we went up to Ponca State Park, did the Corps of Discovery Trail, sat on the top of a bluff overlooking the Miss-- Missouri River, and did some of the-- some of the hiking and trails up there and just reminded that, you know, for the cost-effective nature, what the amenities could offer. And like I said, we were there, we just had a campfire, we grilled, we went on a hike, did really enjoy kind of sitting on the riverside as well, didn't bring a boat, didn't bring a fishing pole, maybe some things we can do in the future. We don't own a boat, but maybe we could befriend somebody with a boat. I imagine there's maybe people in this body who fit that category. With that, you know, it's been-- it's been-- it's-- it's-- it was a very enjoyable trip. And part of the reason I wanted to speak to it, an enjoyable trip, is, you know, it's the-- it's the-- it was a good opportunity because I went with both my parents, my sister and her partner, as well as my wife and I all went. And luckily enough, you know, all six of us have gotten to the point where we're vaccinated, per CDC goal-- rules and guidelines. You know, we knew it was safe to gather and outside of a brief birthday dinner earlier this spring, it was the first opportunity for us to really spend, you know, time at length, certainly the first time we all sat down and-- and grilled and cooked dinner and had a big dinner and enjoyed that family time. You know, it was something that I was really appreciative that the state of Nebraska could really enable and offer us and it was a really important time for my family and I. And as I said, I was just asked to fill a little bit of time so something could happen and I am now done. Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**HILGERS:** Thank you, Senator Hansen. Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Mr. Speaker. I was-- well, I mean, I just love talking about the parks, like Senator Hansen, but so I always take any opportunity to talk about my favorite parks. I don't know if-- I can keep talking unless somebody wanted me to yield them time. But when I went to Platte River-- and I'm just looking at this picture and I had this recollection. I had forgotten about the-- I guess you'd call it a teepee. It's kind of a skeleton of a teepee and I remember it from being a kid, going to Platte River State Park all the time. And, you know, that kind of-- those sorts of services that we provide, it's one of the things we can do as a state is provide these opportunities for people to get to these communities to go out and experience the state in different ways. I took my kids to Indian Cave. That was the first time I'd been there and then actually I-- shortly after taking my kids to Indian Cave, that was the first time I really talked to Senator Slama and I said, oh, I just was down in your neck of the woods with my kids. And so I-- that kind of, I think, helps build that rapport where you get to go to other parts of state. I look forward to, this summer, taking my kids out to some other parts of the state of Nebraska. I keep telling-- saying that I would very much like to go to-- Toadstool is high on my list of places, but I intend to go to Lake McConaughy as well. I know that Senator Mc-- McDonnell has the-- that-- I believe we just passed it today, LB406, which includes some study into how we can invest in Lake McConaughy, and I think that that is another important aspect of things we can be looking at, ways we can leverage our natural beauty and invest in these communities, invest in-- in destinations where people can go and have an experience, have a good time with the family and kids and-- and be able to see greater parts of Nebraska than they-- that's what's just in their backyard, because I grew up going mostly to Platte River and then Mahoney opened when I was younger and spent a lot of time at Mahoney since then and those are nice parks. They have the cabins and they have a lot of activities. But certainly there are many other beautiful spots in Nebraska that are opportunities for people to go visit and bring people into our-- tourism dollars into our communities. And so investing in our game and-- our parks is an important way that we can build that kind of connection for all parts of the state, and then obviously the reason for this bill is that-- the number of people we draw to our state from out of state, and capturing some of that opportunity and that revenue from those out-of-state folks is important as well. I guess one of the reasons that tourism is good, it brings in dollars that are not actually in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

the state of Nebraska or-- or the city or community that they're in and those are more dollars that then we can turn back and invest into our communities and pay for things that we need to pay for. How many times am I going to say communities, I guess? But so again, I would encourage your green vote on LB336 and no vote on the bracket motion and I think if-- once we pass this bill, we will be able to see the positive results going forward in these different parks and ability to invest. So with that, I would yield the remainder of my time back to the Speaker. Thank you.

**HILGERS:** Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator Machaela Cavanaugh, you're recognized to close.

**M. CAVANAUGH:** Thank you, Mr. Speaker. I would like to say that I am absolutely aghast that Senator John Cavanaugh would encourage you to vote against my bracket motion, but I guess that's where we're at: dark days at Christmas. I hope I don't get your name. We do draw names. He'll get coal in his stocking. So-- OK, I-- oh, I'm tired and I think everybody else is tired. And my brother just made an impassioned plea for parks, and even though he will be getting coal in his stocking, just like the last time he made an impassioned plea, I-- if I'm going to give anyone grace, it's going to be Senator John Cavanaugh, so I am going to pull my motion and sit down.

**HILGERS:** The motion is withdrawn. Members, we are on Final Reading. Please return and check in. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following LBs: LB84, LB366, LB366A, LB682e, LB396, LB396A, LB147e, LB147Ae, and LB185. The next bill is LB336.

**ASSISTANT CLERK:** [Read LB336 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB336 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no:

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

none. Not voting: none. 49 ayes, 0 nays, 0 present and not voting, Mr. President.

**HILGERS:** LB336 passes. We will now turn to LB26 and the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** 41 ayes, 3 nays to dispense with the at-large reading.

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

**ASSISTANT CLERK:** [Read title of LB26.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB26 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Arch, Blood, Bostar, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Flood, Friesen, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none-- excuse me, voting no: Senators [SIC] Groene and Senator Moser. Not voting: Senators Albrecht, Bostelman, Erdman, Geist, Hughes, and Lowe. Vote is 41 ayes, 2 nays, 6 present and not voting, Mr. President.

**HILGERS:** LB26 passes. We will now proceed to LB274e. The first vote is the vote to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** 38 ayes, 3 nays to dispense with the at-large reading.

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

**ASSISTANT CLERK:** [Read title of LB274.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB274e pass with the emergency



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

clause attached? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh-- excuse me, John Cavanaugh, Clements, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Not voting: Senators Machaela Cavanaugh, Erdman, Groene, and Hilkemann. Vote is 45 ayes, 0 nays, 4 present and not voting.

**HILGERS:** LB274e passes with the emergency clause attached. We will now proceed to LB274Ae.

**ASSISTANT CLERK:** [Read LB274A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB274Ae pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Breise, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Not voting: Senators Groene and Hilkemann. Vote is 47 ayes, 0 nays, 2 present and not voting, Mr. President.

**HILGERS:** LB274Ae passes with the emergency clause attached. We will now proceed to LB544. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** 42 ayes, 2 nays to dispense with the at-large reading.

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

**ASSISTANT CLERK:** [Read title of LB544.]

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB544 pass? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Vote is 49 ayes, 0 nays, 0 present and not voting.

**HILGERS:** LB544 passes. We will now proceed to LB544A.

**ASSISTANT CLERK:** [Read LB544A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB544A pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: none. Not voting: Senators Erdman and Hughes. Vote is 47 ayes, 0 nays, 2 present and not voting, Mr. President.

**HILGERS:** LB544A passes. We will now proceed to LB108e.

**ASSISTANT CLERK:** [Read LB108 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB108e pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Blood, Bostar, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Friesen, Gragert, Halloran, Matt Hansen, Hilkemann, Hunt, Kolterman, Lathrop, Lindstrom, McCollister, McDonnell, McKinney, Morfeld, Pahls, Pansing Brooks, Stinner, Vargas, Walz, Wayne, Williams, Wishart.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

Voting no: Senators Albrecht, Arch, Clements, Erdman, Geist, Groene, Hilgers, Hughes, Lowe, Sanders, and Slama. Not voting: Senators Bostelman, Ben Hansen, Linehan, Moser, and Murman. Vote is 33 ayes, 11 nays, 5 present and not voting.

**HILGERS:** LB108e passes with the emergency clause attached. We will now turn to LB108Ae.

**ASSISTANT CLERK:** [Read LB108A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB108Ae pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Blood, Bostar, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Friesen, Gragert, Halloran, Matt Hansen, Hilkemann, Hunt, Kolterman, Lathrop, Lindstrom, McCollister, McDonnell, McKinney, Morfeld, Pahls, Pansing Brooks, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senators Albrecht, Arch, Clements, Erdman, Geist, Groene, Hilgers, Hughes, Lowe, Sanders, and Slama. Not voting: Senators Bostelman, Ben Hansen, Linehan, Moser, and Murman. Vote is 33 ayes, 11 nays, 5 present and not voting, Mr. President.

**HILGERS:** LB108Ae passes with the emergency clause attached. We will now turn to LB566e.

**ASSISTANT CLERK:** [Read LB566 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB566e pass with the emergency clause attached? All those in favor aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Arch, Blood, Bostar, Brandt, Brewer, Briese, John Cavanaugh, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senators Albrecht, Bostelman, and Clements. Not voting: Senators Machaela Cavanaugh, Hughes, Hunt, and Murman. Vote is 42 ayes, 3 nays, 4 present and not voting, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**HILGERS:** LB566e passes with the emergency clause attached. We will now proceed to LB566Ae.

**ASSISTANT CLERK:** [Read LB566A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB566Ae pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senator Aguilar, Arch, Blood, Bostar, Brandt, Brewer, Briese, John Cavanaugh, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Halloran, Ben Hansen, Matt Hansen, Hilgers, Hilkemann, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: Senators Albrecht, Bostelman, Clements, Groene. Not voting: Senator Machaela Cavanaugh, Erdman, Hughes, Hunt, and Murman. Vote is 40 ayes, 4 nays, 5 present and not voting.

**HILGERS:** LB566Ae passes with the emergency clause attached. We will now proceed to LB428e.

**ASSISTANT CLERK:** [Read LB428 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB428e pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Ben Hansen, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Vote is 49 ayes, 0 nays, Mr. President.

**HILGERS:** LB428 passes with the-- LB428e, excuse me, passes with the emergency clause attached. We'll now proceed to LB428Ae.

**ASSISTANT CLERK:** [Read LB428A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB428Ae pass with the emergency

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: none. Not voting: Senator Groene. Vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

**HILGERS:** LB428Ae passes with the emergency clause attached. We will now proceed to LB103e.

**ASSISTANT CLERK:** [Read LB103 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB103 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: Senators Bostelman, Geist, and Sanders. Not voting: Senators Bostar and Clements. Vote is 44 ayes, 3 nays, 2 present and not voting, Mr. President.

**HILGERS:** LB103e passes with the emergency clause attached. We'll now proceed to LB18e.

**ASSISTANT CLERK:** [Read LB18 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall L-- LB18e pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Brandt, Briese, Day, DeBoer, Dorn, Flood, Gragert, Hansen,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

Hansen, Hilkemann, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Slam-- Slama, Stinner, Vargas, Walz, Williams, and Wishart. Voting nay: Senator Machaela Cavanaugh, Clements, Erdman, Friesen, Geist, Groene, Hilgers, Hughes, Lowe, and Wayne. Not voting: Senators Bostelman, Brewer, John Cavanaugh, Halloran, and Sanders. Vote is 34 ayes, 10 nays, 5 present and not voting, Mr. President.

**HILGERS:** LB18e passes with the emergency clause attached. We will now proceed to LB306e.

**ASSISTANT CLERK:** [Read LB306 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB306e pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk,

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Gragert, Hansen, Hansen, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Moser, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: Senators Albrecht, Clements, Erdman, Groene, Hilgers, and Lowe. Not voting: Senators Arch, Friesen, Geist, Halloran, and Murman. Vote is 38 ayes, 6 nays, 5 present and not voting, Mr. President.

**HILGERS:** LB306e passes with the emergency clause attached. We will now proceed to LB306Ae.

**ASSISTANT CLERK:** [Read LB306A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB306Ae pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Gragert, Hansen, Hansen, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Moser, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: Senators Albrecht, Clements, Erdman, Geist, Groene, Hilgers, and Lowe.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

Not voting: Senators Arch, Friesen, Halloran, and Murman. Vote is 4--38 ayes, 7 nays, 4 present and not voting, Mr. President.

**HILGERS:** LB306Ae passes with the emergency clause attached. We'll now proceed to LB649. First vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** 37 ayes, 7 nays to dispense with the at-large reading, Mr. President.

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

**ASSISTANT CLERK:** [Read title of LB649.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB649 pass? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: Senators Bostelman and Groene. Not voting: Senator Erdman. Vote is 46 ayes, 2 nays, 1 present and not voting, Mr. President.

**HILGERS:** LB649 passes. We will now proceed to LB649A.

**ASSISTANT CLERK:** [Read LB649A on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB649A pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: Senator Groene. Not

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

voting: Senators Bostelman and Erdman. Vote is 46 ayes, 1 nay, 2 present and not voting.

**HILGERS:** LB649A passes. We will now proceed to LB139e.

**ASSISTANT CLERK:** Mr. President, Senator Machaela Cavanaugh would move to bracket the bill until May 21, 2021.

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

**M. CAVANAUGH:** Thank you, Mr. Speaker. Well, this is the last bill on the agenda for the day and I just haven't decided yet how long I'm going to talk, so, well, keep us all on our toes, including myself. I-- I said earlier, when people asked if-- others in the body, if they could get me to do something. Sometimes-- I'm going to call it the "Brad Ashford"-- I don't know what I'm going to do until I'm doing it. OK, so I have some things left to get into the record here, but I wonder how many people here know what the income eligibility is for Medicaid for these families. I'm just looking around to see if anyone knows. I'm seeing some head shakes. Anyone? No? Looking up--no? Well, I assume Senator Slama does, since this was her big point about millionaires. She's not shaking her head one way or the other, so I can't confirm that, but I assume she knows that a family of four, to qualify for Medicaid-- and I actually-- this is-- I'm going to raise my voice just a little bit here. I really want everyone to listen to this one point. I won't raise my voice again. Please, Senators Brewer, Moser, everyone please listen. This was the point. This was the millionaires/billionaires point. A family of four, their child cannot qualify for Medicaid if they make over \$36,000 a year. That is \$17.58 an hour. Senator Slama, that is what you were talking about. If a family of four makes \$38,000 a year, they make too much money to qualify for Medicaid. Now you can go about your business. Thank you. I'm going to continue on with my other points. I just wanted to make sure that everyone knew about these millionaire, "thousandaires" that we were condemning. Hmm? It doesn't matter. It's the Medi-- it's the-- sorry, I was asked if that family has a-- a family with a developmental disability. That's the eligibility, financial eligibility, which the waiver would waive that eligi-- the-- that eligibility. So when we hear families talking about how they might have to get divorced so that they can get their kid on the Medicaid, it's because they make too much money, like they make \$38,000. Man, it's like I just want to give away the farm here to every rich millionaire/billionaire in Nebraska. Folks, line up with your hands out. If you're a millionaire and you make too-- you clearly make too



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

much money-- heck, I make \$12,000 a year and my husband works for a nonprofit. I make too much money. My household income is, not my personal income, but my household income makes too much money, so thank God I don't need my child to be on the DD waiver or the family support waiver because I am not income eligible, which, considering when people talk to me about my clothes, I always am wearing clothes that I've gotten from family members who are deceased because that's how much money I have, is that I have to get fam-- clothes to wear here from family members that are no longer with us. I have to be extremely frugal in pretty much everything that I do every single day, and I couldn't be income eligible for Medicaid for my children, so bravo, Nebraska Legislature. We stuck it to the rich people. We made sure that they did not abuse Medicaid while also passing Senator Albrecht's bill that allows a tax exemption on motorboats, sales tax exemption. Yeah, like 40-some of you voted for that. OK, so the people watching at home, the people watching out in the Chamber, what they want to hear about are the families, these greedy families that make over \$38,000. Celeste is a beautiful, happy, fun-loving three-year-old. She loves books, knocking down block towers, and going to the swimming pool. When you see her, she will most likely have one of her award-winning smiles for you. Her disability doesn't define her, but it is a huge factor in her life. Her diagno-- her diagnoses include: a brain cyst, agenesis of the corpus callosum, hypotonia, aberrant subclavian artery, malrotation, hearing loss, exotropia, oral aversion and, previously, failure to thrive, but now tube fed. This is going to be a note for their revisers. I am reading from pages 4 and 5 in The Arc of Nebraska's report because I clearly just butchered all of those words, and you can ask my office for that. Nearly 100 percent of her calories are put through the tube. She is also suspected, not yet confirmed, to have a tethered spinal cord. Her family is also currently awaiting approval for further genetic testing because even with the feeding tube, she's very petite. All these diagnoses together make it difficult for Celeste to live the life of a typical three-year-old. She doesn't stand on her own, walk or talk, and is nowhere near ready for potty training. She can't consume enough calories on her own to sustain herself. She can't have normal bowel movements without medications to help her. She's at high risk for bowel obstruction or life-threatening volvulus in her intestines. Celeste's family has private insurance. They must be millionaires. But without the waiver, her family would be paying nearly \$1,400 a month just for the necessary medical supplies and specialized formulas. This doesn't even include the necessary therapies Celeste requires in order to reach her maximum potential or the childcare necessary for her parents to maintain their teaching careers. Without the waiver, her

parents would have to work additional jobs to cover nearly \$2,000 worth of bills. But that would add additional stress, fitting in nearly 40 hours a week on top of teaching and getting Celeste to her therapies, exposure to stress that Celeste doesn't need or deserve. Another option would be for them to quit their careers and move to lower-paying jobs in order to meet the income requirements to qualify for Medicaid, move out of state, or take on an astronomical amount of debt. The idea of losing the waiver has led to a great deal of stress and even the consideration of keeping Celeste out of therapy for fear of making her too much progress. The waiver for Celeste has meant more than medical bills being paid; it's more time with her parents at home helping to extend what she does in therapy. It has meant time for her parents to use respite care and invest in their marriage, son, careers, and community. I mean, don't these people sound horrible?

**HILGERS:** One minute.

**M. CAVANAUGH:** I can't believe we-- I ever contemplated trying to help them. Thank God the bill was filibustered. Developmental disabilities waiver: Erin is a powerful self-advocate, works for Super Saver, has a second job with People First of Nebraska, and is engaged in her community. This was not the case ten years ago when she was placed on the waiting list for people with developmental disabilities to get access to residential services. While in school, she had made great strides towards independence and self-sufficiency. Without that support, she slid back. Obviously, this led to a great amount of frustration for Erin. Eventually, she got the call that she had made it to the top of the list. This has helped her be the fun, happy individual we see today.

**HILGERS:** That's--

**M. CAVANAUGH:** Sixty years ago, people with developmental dis--

**HILGERS:** That's time, Senator, but you're next in the queue. You may continue.

**M. CAVANAUGH:** Thank you. Sixty years ago, people with developmental disabilities were forced to segregate-- into segregated institutions, unable to live with their family-- their friends, families and communities. Now, 2,332 people qualify for services under the developmental disabilities service-- services waiver but are not receiving funding. Instead, they have been forced onto a waiting list that will require them to wait years to access vital services. This means that they are being supported by their families, many of whom

are aging. Many individuals with IDD, which is intellectual developmental disability, who are nearing retirement age themselves, are still being cared for by their aging parents. Children with IDD and behavioral issues, health issues, who may pose a risk to themselves or others, cannot access support. Young adults with IDD who do not have the necessary support frequently encounter police. Rather than providing more preventative and less-intensive home-/community-based services, we are now-- we are supporting these individuals through foster care placements, prison, juvenile detention, and nursing facilities. Unfortunately, these are much more closely-- costly to taxpayers, and it is also at a significant cost to both the individual and family. Over a decade ago, the LR156 report said Nebraska is at a crossroads with its obligation to Nebraska citizens with developmental disabilities. Several Nebraska senators recognize the urgent need to develop a strategic plan to address the current and future needs of citizens with DD and their families. It seems that we have still failed to take short, serious action needed to help fam-- people with disabilities. It's time to ensure that we fully fund the waiting list. This was from-- this was from 2019, so this is-- this is two years old, two years old. I want to go back to part of this. These individuals that are on the waiting list and not receiving services, the way that they're getting supports now is through foster care placements, which in the Eastern Service Area in Omaha, Sar-- Douglas and Sarpy County would be through Saint Francis Ministries, through Saint Francis Ministries which is so severely understaffed and undertrained that they are not appropriately informing foster parents of the disabilities and the medications that the children that are being placed in their care need, which is why the courts have started to remove Saint Francis Ministries as the case managers for some of these kids, so they're going back into the state or they're going into prison and juvenile detention and nursing facilities. Institutionalized care costs over \$200,000 a year. A family could make their child, even their grown child, a ward of the state, and then that child would have to go into institutionalized care, because this Legislature decided that making over \$38,000 a year was-- you were too rich. You were too rich, the billionaire break, so as a result, families have to make really tough decisions.

**HILGERS:** One minute.

**M. CAVANAUGH:** Thank you. Families have to make really tough decisions. They have to decide if they should stay married. They have to decide if they should stay in a job. They have to decide if they should stay in Nebraska. Families have to make really difficult decisions because we thought that \$38,000 of income was too wealthy, too wealthy. That

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

means that we think that an administrative assistant in this building, who's the sole breadwinner for their family, who has a child with a disability, is making too much money. When I look at the staff in front of me, I don't think a single person in this Chamber right now makes too much money to have a child cared for if they have a disability.

**HILGERS:** That's time, Senator, but you're next in the queue. You may continue.

**M. CAVANAUGH:** Thank you. I think this is my last time. Is that correct?

**HILGERS:** You have your close remaining after this, yes.

**M. CAVANAUGH:** Thank you. We made a mistake this week. We made a lot of mistakes this week, but we made a mistake this week. We got further than we've ever been in this state to help these families. I didn't get greedy. We had the money. We had the money for \$15 million shovel-ready, which I didn't vote for even though it most likely will directly go into my community. The only thing I voted for today on Final Reading that I hadn't previously voted for was Senator Dorn's bill. And I didn't vote for Senator Dorn's bill previously because, as I have said over and over and over again, is that if we have money on the floor, we need to be serving developmental disabilities. These families have been waiting and waiting. There was a study over 10 years ago, 12 years ago. These families need us to react and respond. So I didn't vote for those things, but I voted for Senator Dorn's bill today, first out of immense respect for Senator Dorn; and second, out of immense empathy for the people of his district and the people that were incarcerated for something they never did. That's why I voted for Senator Dorn's bill. And if it's vetoed, I will vote for it again. This body made a mistake, and that mistake can't be fixed in the next few days. It can't be fixed until, at the very earliest, next year. It is just-- I get-- I get that people get mad about votes on things. I get mad about votes on things. Clearly, I get mad about votes on things. But never, ever-- if this had just failed, if this had just not gotten the votes, that would have been one thing, but that is not what happened here. This was moved quickly from General to Select, and then the Governor called individuals in this body and said that he did not want to sign or veto this bill, and people took up the mantle for him. That is what is infuriating about this. And that is actually why I ran when I did, because the person who held this seat stood on the floor and spoke out against the Governor when he line-item vetoed Senator Walz's bill for developmental disabilities funding, spoke out

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

against, went to her office, got a phone call from the Governor, and did not vote to override that veto. That is why I ran when I ran against an incumbent who was a Republican in a Republican district. That is why I ran for this office at the moment in time that I did.

**HILGERS:** One minute.

**M. CAVANAUGH:** And that is why I spend every minute that I can talking about developmental disabilities, because there is nothing that I care more about, there is nothing that I am more passionate about, and I'm not going to stop until 48 other people are as passionate as I am, even you, Senator Slama. I think someday I will get you to be as passionate about these individuals and these families as I am. OK, so I think I'm on to my close now. I'll just move on to my close.

**HILGERS:** You have 15 seconds left. Would you like to start your--

**M. CAVANAUGH:** I'll just take a sip of water and start my close.

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

**WAYNE:** Thank you, Mr. President. I was just allowing you to get some drinks and take a little break. I'll wait till tomorrow to give my yearly reflection on how the senate work functions while everybody's here, and we'll have a long, interesting conversation, not a conversation just how wonderful things are and how, when we come back for redistricting, it'll be so much fun and we'll sit down and talk about how we're going to all work together and get this done. But I already saw the first paper in the first meeting kind of turned into something, so we'll all need a break, take a break. The other reason is, is I'm not sure if we should just go till 4:45. That leaves us time to go to the traditional sine die, or if people gotta go home and shower and then go, I'm just-- I'm trying to figure out what the-- what the body wants. I want to make sure I-- I figure out what the body wants. Ah, good times. But I-- I do want to know-- let you guys know that if I run for Governor, the first thing I'm going to do is take down the "No Firearms" sign outsi-- outside the Governor's Office-- I mean Governor's Mansion. I just think I am a real 2A person and I'm going to make sure that any public property that is owned by the state should, you know, have a firearm if they want to go in there, whether I live there or not as-- as the Governor. We've started the process. We're working with the city on the surplus of the Governor's Mansion. It's blighted, extremely blighted. We're going to do some model homes there, build it up a little bit. We'll keep the actual mansion the way it is. We're going to build on top of it

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

because we're going to consider it a historical entity. We also have the Ferguson House. What's going to happen is we haven't figured out if it's me or Groene who's going to be the actual Governor and the Lieutenant Governor. We'll flip a coin after the election to figure out who's the Governor. But the second person, the Lieutenant Governor, has to stay in the Ferguson House, so it'll kind of be like President/Vice President. And so we're just going to kind of build this little-- I think we're drafting Lathrop into the process as a second co-Lieutenant Governor. We've never done that before, but we were talking about it. And he can have the other house that we own next to the Ferguson House. It's going to be quite-- quite an election. We're going to have-- and unlike any other Governor we have, when I come to lobby you, I won't do it a phone call. I will be in the Rotunda. You can come out, talk to me. We can have a conversation about it. We'll save money because I'll get rid of the PRO because I will do my own lobbying. I will be here every day working with you as a team to destroy legislation or pass it, whichever one I-- I like. With that, I'll let Senator Cavanaugh finish what she's doing.

**HILGERS:** Thank you, Senator Wayne. Seeing no one else in the queue, Senator Cavanaugh, you're recognized to close on your motion.

**M. CAVANAUGH:** Thank you, Mr. Speaker. Senator Wayne, you certainly have enchanted everyone today. One moment. There-- there are a lot of memes or GIFs-- I can never remember which is which-- on-- on the social medias of you singing-- what where are they calling it, Rick-roll, you're Rick-rolling it? That was quite entertaining. I am really looking forward to this new housing project endeavor. And since downtown Omaha is super blighted, I don't know why the Governor's Mansion can't be too. You and Senator Groene could probably work on that together. I know how much he loves TIF too. OK. I-- I think I just submitted a new motion, so I'm going to pull this motion and we can go to the next motion.

**HILGERS:** The motion is withdrawn. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, Senator Cavanaugh would now move to bracket LB139 until May 26.

**HILGERS:** Senator Cavanaugh, you are recognized open on your motion.

**M. CAVANAUGH:** Well, thank you, Mr. Speaker. May 26, I think that's next week, which we have days left. We're on day something, 30-- 81. I was going to say 31. So I also appreciate Senator Wayne's interest in wanting to know if people want to go home and shower before sine die,

so-- also, as though you had control, Senator Wayne, over how late we're going today. Maybe you're throwing up a motion. OK. I'm going to get back to The Arc of Nebraska report. Vocational rehabilitation waiting list: Many individuals with disabilities want to obtain competitive jobs and a career path. Unfortunately, there are systems issues that are preventing them to access the support they need to do so. Nebraska has one of the lowest unemployment rates across the United States. This means that employers-- this is-- I-- I want to couch this. This is 2019. This-- this means that employers are having a difficult time finding individuals to fill their needs. This is now the most pressing economic issue to-- in the states, stated Barry-- Bryan Slone, president of the Nebraska Chamber of Commerce and Industry. It doesn't get a lot of attention, but we are on the cusp of this becoming the thousand-pound gorilla. This is according to an Omaha World-Herald article. In contrast, many Nebraskans with disabilities have difficulty finding employment, keeping acceptable benefit levels, and ensuring employment stability. It seems that one of the best opportunities to address this workforce crisis is by ensuring people with disabilities can work. However, the system is built so-- so that they can't do so. While developmental disability waiting list is a decades-old issue, we have seen a more recent waiting list pop up. The vocational rehabilitation waiting list is now even larger than the DD waiting list. Although the only affects employment-- this only affects employment issues, it seems that this is an-- antithetical to the current Nebraska workforce crisis. OK, let's see here, gonna skip ahead. Oh, I also, from yesterday, I misplaced it. There are some things with the FMAP; coming up in the new federal funding, there's another FMAP bump of 10 percent. FMAP is the federal match, the federal Medicaid match, so that, that 10 percent bump, could actually have lowered the cost of passing this waiver even more than the fiscal note indicated, if, you know, you pay attention to such things, as I do. Nebraska system issues: In the past few years, many national consultants have been hired to conduct comprehensive needs assessments to identify gaps and barriers to the delivery of long-term services and supports and ways to decrease Medicaid expenditures in Nebraska. Many of these studies identify similar systems issues. These include: lack of comprehensive vision of care regarding age, level of care; barriers between accessing services of those having both intellectual disabilities and mental health; gap in coverage for applied behavioral analysis; barriers to accessing specialized childcare for children with disabilities; lack of insurance or limitations; does not pay for diapers and formula; lack of funding or access to transportation; insufficient payment and insufficient providers for respite care; insufficient

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

providers/specialized providers for intensive needs; little to no transition supports for families having youth with disabilities leaving school; lack of autism supports and services. Nebraska needs a comprehensive and a continuum of services and supports that support individuals with disabilities and their families. It also needs to develop a work plan with systematic-- which systematically addresses the gaps and barriers. Mr. Speaker, what time did we start on this bill?

**HILGERS:** Senator Cavanaugh, I'll get that information and--

**M. CAVANAUGH:** Thank you.

**HILGERS:** --let you know.

**M. CAVANAUGH:** Cutting programs to reduce Medicaid and state expenditures may decrease the state expenditures in short term; however, history and time have demonstrated that this is likely not the most financially responsible response, nor leads to improved health outcomes. Increasing Medicaid expenditures are concerns across all states, and our aging population adds additional urgency and concerns. To address these issues, some states are starting to implement programs that deter institutional placements and support family caregivers in efforts to decrease Medicaid expenditures. So what we're saying here is that states are doing things like family support waivers to divert the inevitable of individuals having to go into institutionalized care, which, again, costs over \$200,000 a year per person. This is an extraordinarily complex issue, one in which I have only begun to really, truly learn about. I have so much more to learn when it comes to Medicaid waivers for disabilities. I'm starting from behind the ball. I don't have the same expertise as the wonderful Senator Lynne Walz does, who has worked in this arena for quite some time, and I am grateful to her for helping me learn so much in our time together. And Senator Sara Howard has also helped me a great deal, as has the department. Both Courtney Miller and Tony Green have been very gracious with their time and their staffs' time, and Edison McDonald with The Arc of Nebraska. I say all of this to acknowledge that I am not an expert, but I do know at least a bit about how all of this works, and I know enough to know why it was important to bring the family support waiver and why it was important to try and get more appropriation funds for the overall waitlist. I know enough for that. And if I truly were a respected colleague by those who didn't vote for it, they would have tried to talk to me about it or, at the very least, tried to talk to the Chairman of the committee, not on the mike when you were having a-- a filibuster reading about consumption tax,



but actually tried to talk about it. But that's just another issue with this Legislature, is the lack of respect for the institution and process and good public policy. I am certain that what I am doing today, what I did yesterday, and what I will be doing tomorrow seems petty to so many people. I'm not going to say that I don't delight in holding people accountable, because I-- I do. I do delight in it. Be better and I won't hold you accountable. But I'm not doing this because I enjoy it. I'm starting to lose my voice. I'm tired. I want to relax. I'm doing this because it is, in my view, necessary; it is necessary to not let this type of thing stand. And I'm not going to do this on Senator Var-- because of Senator Vargas's bill because that's his bill. And I'm not going to do it on Senator Walz's bill because that's her bill, though the things that I witnessed the day, on Tuesday of this week, on all of those bills--

**HILGERS:** One minute.

**M. CAVANAUGH:** --was very discouraging, very discouraging for the people of Nebraska. I'm doing what I'm doing because of what happened on my bill and not because it was actually my bill, because I did offer to give it up. I checked with the Clerk's Office. I could have taken my name off of it, but I was told that it wasn't about my name, it was because the Governor didn't want it, because I would have taken my name off of it in a heartbeat if that was the reason, but apparently that wasn't the reason. The hand of the Governor in the Legislature was the reason. You said one minute?

**HILGERS:** I did say one minute, Your time just expired.

**M. CAVANAUGH:** OK,

**HILGERS:** And, Senator Cavanaugh, the bill started-- I'm sorry, the motion started-- I'm sorry, the bill started at 3:18.

**M. CAVANAUGH:** Thank you.

**HILGERS:** Thank you, Senator Cavanaugh. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. I have to provide a quick update for those who were out there tweeting on social media. Senator Lathrop declined. Senator Groene declined to help this dream team that we were trying to form. So if anybody wants to tweet about that, it did not happen. They declined. I asked Senator Walz, but she says she's too busy studying TEEOSA this summer, so that was declined. So right now, I'm negotiating with Senator Brewer. We're trying to figure out a

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

dream team. Problem is, he has two guns at the table. It's kind of hard to negotiate under fire, but we'll-- we'll figure it out. I just wanted to provide that update because I don't want Twitter and Facebook to start going crazy about the Groene and Wayne team. That would be an interesting conversation at the-- I think we would literally yell-- we would yell at-- we yell at each other here. That'd be fun. But anyway, just wanted to provide that update. Thank you, Mr. President.

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

**M. CAVANAUGH:** Not gonna lie, I wish that update was a little bit longer. Also, I mean, Senator Wayne, we could be a dream team. And if you're looking for two Lieutenant Governors, you could have double Cavanaugh. There we go. Or you could have the ultimate dream team of Wayne and McKinney. OK, well, I-- phew. I almo-- I almost cur-- I almost cursed. My apologies. A Saint Francis Ministries employee in Kansas distributed nude photos of a foster child's stepmom. The child welfare organization is currently under investigation in Nebraska due to gross financial mismanagement. Oh, the hits just keep coming. The hits just keep on coming with this place, for crying out loud. Yeah, that's just breaking news on the Kansas Reflector. Bucket, just bucket, bucket, bananas, with cashews and almonds. OK, so we started at 3:18 and I can take up to four hours on this if I feel so inclined, which would be 7:18. Phew. That is in 3 hours and 23 minutes. I-- I don't know. I guess we'll just see how the afternoon goes. OK. Nebraska system issues-- if you don't want to listen to me, you might want to look up the Kansas Reflector story about Saint Francis Ministries, our illustrious child welfare contract for Douglas and Sarpy County. Thank goodness I'm not on that LR committee. We might actually-- I don't know. OK. Aged and disabled-- disabled waiver issues, I think I'm going to skip this one since I've already given you all sort of a top-line overview of that. But if you want to read it, it's on pages 10 and 11 in The Arc of Nebraska's report. OK, so I'm going to read the numbers that are in this, but of course, this report was put out two years ago and the numbers wouldn't have even been fresh when it was put out, so, you know, it-- it's-- it's fluid. But this is the vocational rehabilitation waiting list. As it stands today, over 3,000 people across the state are on a waiting list for VR services, vocational rehabilitation. These services include, but are not limited to, job development, job placement, job coaching, benefits planning, and assistive technology. I think if I had a magic wand and I could redo LB1107, the ImagiNE Act tax incentives, I would have put

something in there to incentivize working with the vocational rehabilitation waitlist--

**HILGERS:** One minute.

**M. CAVANAUGH:** --thank you-- and doing job development for individuals that are on that waitlist that want to be working. And maybe we could have done something that way, but maybe that's something we can do in the future if the body has an appetite for it. But as I have been informed many times, just because I care about it, doesn't mean anybody else does. In 2017, vocational rehabilitation went into an order of selection, meaning that adults seeking support would be addressed based on need and placed into one of three priority groups. I think I'm about to be cut off, so I'll stop. But I'll just stop with a note of-- I mean, they probably picked winners and losers, so that's concerning. Maybe we should revisit that waitlist. Thank you. Mr. Speaker, I yielded the remainder of my time.

**HILGERS:** I'm sorry, Senator Ca-- Cavanaugh. What did you--

**M. CAVANAUGH:** Well, you said I had one minute. I talked and I yield the remainder of whatever time I had left.

**HILGERS:** Which apparently is none. Thank you, Senator Cavanaugh. But you are next in the queue, so you may continue.

**M. CAVANAUGH:** Fantastic. Is-- is this my last time?

**HILGERS:** You have your close remaining.

**M. CAVANAUGH:** OK, thank you. Oh, I think the people watching at home can probably tell that we are all a little weary. OK, so I was saying that the vocational waitlist has priority groups, picking winners and losers, something we should reevaluate for sure. I also think that, as I am going through this report, that we have a missed opportunity and I hope that we can all work together next year to work on this missed opportunity of job development, the vocational rehabilitation waiting list, and getting jobs with companies that qualify for ImagiNE Act tax incentives. I think, and I realize that I am-- have like three other people that agree with me on this in the body, but I think that if companies are receiving tax incentives from the state of Nebraska, they should be the best of the best, including working with us to help employ individuals with developmental and intellectual disabilities when appropriate jobs are available to them. So, I don't know, maybe they can help work at the-- the mansion-- I don't-- condo situation across the street that Senator Wayne is working on. OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

Recommendations: Make Employment First a priority with state-- with a state proclamation. Employment First is an initiative that works to bring competitive employment opportunities, fair wages, and career advancement for people with disabilities. Nebraska is the only state without an Employment First proclamation. Well, terrific. We're 49th, or 49 other states have done it. This is-- this is perfect timing, everybody. We like to be the last one. Here's our opportunity. We can do an Employment First proclamation. Allow individuals with disabilities to access both DD funding and VR funding. Prevocational services is a significantly lower cost method to address vocational VR funding. Prevocational services have hit a roadblock in Nebraska. The State Department of Disabilities has put a restriction on who is able to access the funding. They have made an interpretation that in order to utilize the prevocational service through the home-/community-based service waiver, an individual must first be deemed ineligible for services through VR, vocational. This is not the best practice. The four questions to determine eligibility addressing the following: Does the person have an impairment? Does the person's impairment impede his or her ability to work? Does the person require VR services? Will the person benefit from VR services? From these four questions, one could infer that most, if not all, people with develop-- with disabilities should be eligible for VR services and, therefore, ineligible for prevocational services. If the state were allowed-- were to allow individuals access to these types of programs, it would be more cost-effective for the provider as well as the state. For the state, it would ultimately lead to employment, which greatly reduces the amount of waiver supports needed for most individuals. For the provider, less-- less one-on-one job coaching support would be needed for most individuals, leading to serving a greater number of people. Modify the milestones: The VR mi-- VR milestones should clearly and def-- definitively state what services are and are not provided through the milestones. This is to expel any confusion in regards to the pray-- payer of last result [SIC] ruling.

**HILGERS:** One minute.

**M. CAVANAUGH:** Thank you. The state needs to interpret the regulations in the same way that Missouri does. In many bordering states, it is a requirement that you have an individual plan of employment, or IEP-- IPE, sorry, through the state VR agency in order to access pro-vocational programming. The next is the developmental disabilities wait-- waiting list, and I think I am almost out of time, so I will just wait till my close. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**HILGERS:** Thank you, Senator Cavanaugh. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. And, colleagues, this is my last time talking on this, but I think we've-- we've just secured the new ticket. Senator Bostelman has agreed we will be running mates and it'll be the Bruce/Wayne ticket [LAUGHTER] and we will challenge the STAR FORCE [SIC] Committee anytime, anywhere-- STAR WARS Committee, anytime, anyplace, anywhere. I have all faith in the Bruce/Wayne ticket. Now, with that being said, there is something that was always said on this floor that I do-- because it means something to me, I do want to say it, and it's a-- a poem that Senator Chambers used to always read. It's called "Invictus," and we obviously believed in it for two different reasons, but "Invictus" was-- it starts: Out of the night that covered me, / Black as a pit from pole to pole, / I thank whatever gods may be / For my unconquerable soul. / In the fell clutch of circumstance / I have not winced nor cried out loud. / Under the bludgeonings of chance / My head is bloody, but unbowed. / Beyond this place of wrath and tears / Looms but Horror of the shade, / I have-- yet the menace of many years / Finds and shall find me unafraid. / It matters not how straight the gate, / How charged with punishments the scroll, / I am the master of my fate, / I am the captain of my soul. That is a poem that was ingrained in me in my fraternity, Kappa Alpha Psi, and anytime I have a jacket on, you'll see my pin because oftentimes people forget their history or where they come from when they kind of start getting older and this fraternity is the reason that I'm here today. There were some young men who, when I was in second grade, took me in a youth sports program called Kappa, and it was a Kappa team in basketball. And it was Judge Lowe, Elmer Crumbley, and Arvin Frazier, and they helped guide me to who I am. And when I was hit by a drunk driver and couldn't play basketball no more, and although I tried to walk on the University of Kansas for two years, 1998 to 2000, my back locked up and when I transferred back to here, it was these individuals who guided me through Creighton and guided me through law school and really where I'm at today. But the reason why that's important, because it gives context, because when you talk about context, Kappa Alpha Psi was founded in 1911 at a all-white university, in Indiana University, in Bloomington, Indiana, and to imagine what it was like for a African American to go to school in 1911 at a all-white university. And then sometime around 1916, Eta Chapter, the eighth-- Eta Chapter was formed here in Lincoln. It wasn't officially recognized by our-- by the fraternity until 1927. But imagine in 1916, in 1927, or even 1950s, being a student at the University of Nebraska at Lincoln and the struggles and the things

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

that you had to go through to be where you are today, I say that because we haven't a lot this year. I focused on economics a lot this year, but next year we'll have some different bills on social issues. I say that-- that I hope those who are listening understand that I am truly one generation removed from some of the most darkest, deepest racist times in our history. And when you talk about-- I didn't speak on LB51 a lot, but when we talk about what that's doing with training and helping what I think we need in our community, you often have to remember that it was my father who police and the Ku Klux Klan were equal to in the '60s and '70s. There was no separation. So my interaction with police--

**HILGERS:** One minute.

**WAYNE:** --is based off of my father's interaction, who wasn't the best. So when you think about those, the kind of-- those situations and how the past is truly still linked today, and that's part of the reason why I wear this pin, it's to remind me that I'm not that far away, we're all not that far away, and those individuals who have been struggling to get help from our government or just to lay-- level the playing field have been going on for a long time. And at some point somebody has enough and says that's enough, and I just hope we bear that in mind when we come back next session and have conversations from now until next session to hopefully work together on some of these big issues like DD and TEEOSA and everything else. I know I'm about done, Mr. Speaker. I just wanted to make sure that Senator McDonnell and the STAR WARS Committee knows that the Bruce/Wayne committee is coming after you and we will-- we will not only win this election, we will build bigger and better lakes. Thank you.

**HILGERS:** Thank you, Senator Wayne. Seeing no one else in the queue, Senator Cavanaugh, you're recognized to close.

**M. CAVANAUGH:** Thank you, Mr. Speaker. I am excited for the Bruce/Wayne ticket. I-- I don't know how Senator Wayne got second billing, but I guess it just sounds better. And I missed a lot of the other comments or-- and/or couldn't quite follow what exactly he was discussing, so I'll just leave my comments to-- to what he said to Bruce/Wayne 2022. OK. Developmental disabilities waiting list: Currently there are over 2,300 individuals who are eligible for the state's developmental disabilities comprehensive waiver, but because there is insufficient funding, they are waiting for these services. Again, this is 2019. According to the Nebraska Department of Health and Human Services, as of 7/20-- July 22, 2019, there are 2,326 individuals on the waiting list for Medicaid home- and community-based waivers for the

developmentally disabled. Of these, 586 are receiving services on the DD adult day waiver and are waiting for residential services on the DD comprehensive waiver; 262 are receiving services on the aged and disabled waiver and are waiting for services on the DD adult day waiver and/or the DD comprehensive waiver. There are 1,087 individuals under the age of 21 waiting for services. Because of the waiting list and the lack of support for youth with intellectual developmental disabilities in Nebraska programs, there are significant gaps. For example, "Douglas County juvenile judge Elizabeth Crnkovich said juvenile judges struggle to find appropriate placements for youths who are seriously mentally ill and dangerous. There is literally no safe private placement in the state of Nebraska to keep said child and the community safe until a suitable treatment facility may be located outside the state," describing one of the youths she placed at the Regional Center as having a profound intellectual disability and being mentally ill, highly sexually assaultive and physically assaultive and aggressive. So Nebraska has a lot of issues facing the disability community, and we haven't done a very great job of addressing those issues. We have done a really great job of investing in Corrections and setting aside millions of dollars to build new prisons. And we've done a really great job of criminalizing mental illness. And we've done a really great job of criminalizing being a black and brown person. And we've done a really great job of marginalizing black and brown women who are pregnant and having disparate health outcomes. And we've done a really amazingly terrific job of intergenerational poverty and perpetuating it. But when it comes to doing strategic cost-saving measures, we fail the people of Nebraska time and time again. In 2016, Senator Kathy Campbell and Senator Heath Mello, I bel--

**HILGERS:** One minute.

**M. CAVANAUGH:** --thank you-- I believe, at the time, were Chairs of HHS and Appropriations. I could be wrong. I know they both were those Chairs of those positions, but maybe not at that time. They did the Intergenerational Poverty Task Force report. It's available online. You can read it. I've read it. I've also brought together groups, stakeholders to talk through and try to address some of the things. Some of my policies that I've brought forward are directly lifted out of that bipartisan report, especially my maternal health policies. Fortunately, we did just pass SNAP and LIHEAP, which is the heating fund in Omaha, so those are things that we did do and we should celebrate those, that we did those things, and those are going to really help people. And yesterday we chi-- we passed the childcare subsidy.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

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

**M. CAVANAUGH:** Thank you. Yeah, let's go to a vote on this.

**HILGERS:** Thank you, Senator Cavanaugh. Members, we're on Final Reading. Please check in. Senator Cavanaugh, did you want a machine vote or a roll call?

**M. CAVANAUGH:** Machine.

**HILGERS:** Thank you. Senator Ben Hansen, please check in. Senator Wishart, Senator Morfeld, Senator Bostar, Senator Flood, McCollister, and Brewer, please return to the floor. We're on Final Reading. Colleagues, the question before the body is the adoption of the bracket motion. A machine vote has been requested. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** 3 ayes, 40 nays on the motion to bracket.

**HILGERS:** The motion to bracket is not adopted. Mr. Clerk.

**ASSISTANT CLERK:** Senator Cavanaugh would move to recommit LB139 to the Judiciary Committee,

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

**M. CAVANAUGH:** Thank you. Oh, I could just hear the excitement in everyone's voices. OK. I have just stated I am not going to get in the queue. I'm going to open and I'm going to close and we can vote on this. If people want to talk, they can talk; or if people want to go to the party, we can go to the party. But I am going to read this article. OK. Kansas foster care employee distributed nude photos of child's stepmom and kept her job. This is in the Kansas Reflector, Topeka, Kansas, today. Saint Francis Ministries' employee at the nonprofit's Hutchinson office distributed nude photos of a foster child's stepmother and avoided discipline for the personal attack. I have to make this a little bit bigger. Sorry. Saint Francis, the state's largest foster care contractor, also Nebraska's largest foster care contractor, didn't deny that Keighla Belote, an attendant care worker, sent the photos. The organization investigated the situation in early January and concluded her private actions on social media are constitutionally protected free speech. I am going to ask a lawyer to yield to a question on this in a minute, so, lawyers, be-- be ready. Belote connected with the-- the stepmom on Facebook after visiting the woman's house with a case manager. Belote then sent three nude images



she had obtained from a mutual friend to the stepmom's contacts. Kansas Reflector doesn't identify victims of sexual harassment without their consent. In emails to Kansas Reflector, the woman said Belote's attack made her feel unsafe. She provided evidence of the attack and other now-deleted images that Belote posted on social media. I can't believe they'd allow people like that to work for them, the victim said. They should have morals in and outside of work. She sent two emails on January 5 complaining about the situation to Saint Francis's human resources department and said she didn't get a response from the organization. In the emails to HR, the woman described Belote's actions as revenge porn and malicious. She said, the attack has caused so much chaos for my family, I do not believe she is being a mature adult professional whatsoever and I truly fear she will eventually affect my stepson or his siblings involved with Saint Francis, the woman wrote. She provided a screenshot of a selfie Belote had posted on Snapchat, in which the employee was wearing a Saint Francis lanyard while flipping off the camera with the caption "F\*\*\* today!" The woman wondered how Belote's actions reflected on the faith-based organization's values. What she has done does not portray any of those qualities, she wrote to HR, especially since my photos did not involve her in any way other than she came across them and thought everyone should see them. Belote did not-- didn't respond to a Facebook message seeking comment for the story, and Saint Francis declined to coordinate a statement from her. Morgan Rothenberger, a spokeswoman for Saint Francis, said the organization doesn't support the distribution of porn. Oh. I'm just going to pause in reading the article for a moment and just say, great, our child welfare contractor doesn't support the distribution of porn, everyone. I didn't even know that needed to be stated, but OK, back-- back to the article-- sorry, that just like-- some of what you're discussing would be the employee's freedom of speech or decision making and would not impact Saint Francis or our clients if the employee was not involved in the case in question. Some of what you mentioned, obscene gestures on-- in an SFM uniform, does violate our social media standards, and an employee could expect discipline for such violation. Rothenberg said Belote was in training with a caseworker when they visited a client's house where the victim lived. Belote didn't realize she knew the family before she arrived at the house, Rothenberger said. The employee was never involved in the case again. Because of her position shadowing the caseworker, it was not considered a conflict-of-interest situation. OK. Mike Deines, spokesperson for the Kansas Department of Child-- Children and Families, said any action that may have a negative impact on children and families is of utmost concern. The agency expects its case management providers and their staff to treat

families with dignity and respect and, if that does not happen, to take the appropriate action to ensure the behavior does not continue. Our providers should do everything possible to prevent inappropriate fraternization and ensure that workers maintain professional boundaries at all times. The victim in the case said she didn't know Belote before the visit and that Belote sent her a friend request on Facebook immediately after the visit. She said Belote's complicated motivation for revenge invol-- involves accusations of infidelity. Kansas law prohibits transmission of nude images without permission. The victim said she never reported the crime to the police. I was going to, but after Saint Francis Ministries did nothing, I was just over it and felt defeated, she said. She added, I didn't want to relive this all over again, but I definitely feel Saint Francis needs call-out on their actions. The woman's sister was among the contacts who received a message from Belote with the nude photos. The sister threatened to tell Belote's supervisors: Unless you want to lose your Saint Francis job, sending out other people [SIC] nude photos that aren't yours, I'd probably stop, wrote the sister. Belote responded: LOL-- which is laughing out loud-- OK, what are you going to do, call my boss and tell her I-- that I proved that somebody else was cheating? That's fine. We just had to-- had this talk. Once it hits the Internet, it's public information. Thank you. After the incident was reported to Saint Francis, Belote posted another selfie on Snapchat: I'm still here, B\*\*\*\*, still doing just fine, kiss emoji, shrug emoji. Is there a lawyer that I could ask to yield to a question here? Well, Senator Wayne-- Senator Lathrop, would you mind yielding to a question?

**HILGERS:** Senator Lathrop, would you yield?

**M. CAVANAUGH:** Well, it's look-- yeah, please?

**LATHROP:** Sure. Sure.

**M. CAVANAUGH:** Thank you. OK, so I-- I don't know how much you heard of what I just read, but our Saint Francis Ministries employee in Kansas is distributing nude photos of a stepmom of a child that's in the system.

**LATHROP:** You brought that up earlier, and I actually went to the website and looked at it, yeah.

**M. CAVANAUGH:** And they-- they-- the HR in Kansas runs-- is in charge of Nebraska as well. Is there anything that we can do to ensure that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

this doesn't happen in Nebraska? I mean, I feel like this is illegal, but maybe I'm wrong.

**LATHROP:** So we did--

**M. CAVANAUGH:** Sorry.

**LATHROP:** It's hard to tell how serious you are about this, but--

**M. CAVANAUGH:** Oh, no, I'm serious. I just don't know--

**LATHROP:** --we-- we do have-- we passed laws about two years ago dealing with the-- what you referred to as revenge porn, which is passing along something that somebody gave you during an intimate relationship and then sharing it.

**M. CAVANAUGH:** So there could be criminal charges brought.

**LATHROP:** There could be.

**M. CAVANAUGH:** Would-- can there be criminal charges brought if-- if this were to happen in Nebraska, could there be criminal charges brought against Saint Francis Ministries for not--

**LATHROP:** No.

**M. CAVANAUGH:** OK.

**LATHROP:** No, that-- so a crime is something you intend to do yourself. And so almost by definition, the-- whoever you work for, it's outside the scope of your employment.

**M. CAVANAUGH:** Can there be noncriminal charge-- or can there be a lawsuit against Saint Francis?

**LATHROP:** Well, not under the-- they would have to-- they-- no, probably not.

**M. CAVANAUGH:** Oh, OK. Thank you, Senator Lathrop.

**LATHROP:** Like all lawyers, a lot of it depends, you know, on the facts, but probably not, because when you start doing stuff like that, it's outside the scope and course of your employment, like the boss doesn't endorse this stuff. And so if it's outside the scope of your employment, generally, the-- the business isn't responsible. Is it good? Are there problems if you leave somebody like that in your

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

employ? Well, next time somebody does it, you can't fire them because you let the last guy get away with it, so--

**HILGERS:** One minute.

**LATHROP:** --there are-- there are problems for them for allowing that person to remain there that are more in the HR realm.

**M. CAVANAUGH:** OK, thank you. Sorry to put you on the spot. And I only have a few seconds left, so I will just sit down until my close. Thank you.

**HILGERS:** Thank you, Senator Cavanaugh and Senator Lathrop. Senator Wayne, you're recognized.

**WAYNE:** OK, thank you, Mr. President. And I know this is the last day, and I just want us to leave on some better, happier terms. So this is my last update on the Governor's race. The Bruce/Wayne ticket is still in effect. We've designed the "Bat Boat." Senator Moser gave us a great idea. It'll have big wings in the back. It'll be ran off of the little nuclear energy prototype things that we just passed that was yours. We'll have a specific satellite to make sure he has Internet the entire time no matter where we go. We're not going to have an Internet issue, so we're going to take care of that. And we are going to build better lakes than STAR WARS. At the Governor's Mansion we are going to have a firing range, since it's open to 2As now underneath our leadership, and we're going to make sure that happens. And to make sure Senator Erdman endorses this Bruce/Wayne ticket, we are going to do the consumption tax. We're going to do a pilot program on medical marijuana where we'll do the consumption tax on medical marijuana just to make sure, see how it works, make sure it's OK. And if it comes back, we will fully endorse the consumption tax in the Legislature in two years. And Senator Brewer will be head of security. He's accepted that position. He is the only one who will be immune-- we're going to pass a bill next year-- of everything, just no matter what he does, he's immune. So that is the ticket. That's what we're running on. That's how we're going to move forward. It's a-- it's a bipartisan ticket, Bruce/Wayne. For those who don't know, that is Batman. We are going to have-- Friesen wants in on it, but, you know, I'm just having a hard time. He can't get over this rural schools getting funded and I-- I'm trying to-- we'll sit down and negotiate. Maybe we'll make him Department of Education Commission. Oh, we can do that, Education Commissioner. OK, he didn't like that idea. So we're still working out the details. I just want people who are watching to understand that this-- this is how we "unitify"-- "unitify," is that a word?-- unify

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

Nebraska. We are going to the Bruce/Wayne ticket, Bostelman and Wayne. After the election, we're going to flip a coin to figure out who's Governor, who's Lieutenant, because we are not going to start dividing ourselves before the election. We will build better lakes than STAR WARS. We are actually looking at damming around Kearney. We are-- we are going to save water and we'll-- we are going to make a difference. And who will be our fiscal agent? Yes, you just agreed to it. Thank you, Senator. He's a-- he is a banker, he knows it all, and he is going to be making sure that our budget is-- is perfect. We will only bank in Williams' and Senator Stinner-- Stinner's banks, so that way we just keep everything in house. Oh, crypto, forgot about crypto. We will-- we will do something with crypto, Senator Flood, but we have to first move Nebraska Media to Norfolk-- Norfolk-- Norfolk. Oh, see, this is why we can't talk about all this. We're starting to divide the body again. So what we're going to do is we're just going to focus on big tickets: damming at Kearney, creating a huge lake, We have our Bat-- our Bat Boat, powered by nuclear energy, with solar panels, no windmills, Senator Brewer, [LAUGHTER] consumption tax on marijuana. We are going to change Nebraska. See you all tonight. Have a great day.

**HILGERS:** Thank you, Senator Wayne. Senator Friesen, you're recognized.

**FRIESEN:** Senator Wayne, you have now brought out the best of me. You know, the other day, when you were talking about selling the Governor's Mansion, I was already a little upset because I already had my eyes on that. Now you want to go a step further. I'm afraid the "Hughesen" ticket has got a jump on you. You're kind of behind the times here. You may think you have a platform all laid out, but you won't stand a chance. So if we want to start this debate here tonight before the party, we can, but this is a serious challenge. We're taking you on. I don't know if there's room in our administration for you or not, but we might find a spot. We'll see. With that, thank you, Mr. President.

**HILGERS:** Thank you, Senator Friesen. Senator Wayne, you're recognized.

**WAYNE:** I just want to point out to everybody who's watching, there's a reason that they've always sat behind me, because they're always following what we do. [LAUGHTER] There's no difference then today. It's easy to play quarterback on Monday, but when it's Sunday and game time, Bruce/Wayne always gets the job done. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Wayne. Senator Kolterman, you are recognized.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

**KOLTERMAN:** Thank you, Mr. President. Well, I-- I just have one question to ask these two leaders. Whichever one comes up, are you going to need any apostles? Because Matthew, Mark, and John would really-- we're going to be looking for work in another year or two and we're kind of hoping that maybe there's some room in this cabinet for one of the three or all three of us. Thank you.

**HILGERS:** Thank you, Senator Kolterman.

**KOLTERMAN:** I'll yield my time-- I'll finish my time off here too. Well, maybe they can debate which one gets the time.

**HILGERS:** I'm sorry, Senator Kolterman, what exactly did-- are you doing?

**KOLTERMAN:** Well, I-- I'm going to yield my-- I'm going to yield my time to one of these two so they can debate whether or not-- I guess we'll go with Wayne since he was the first one up.

**HILGERS:** Senator Wayne, you're yielded some time.

**WAYNE:** Like Jesus, you were a carpenter. I know you sell insurance now and I won't hold that against you. But as a carpenter, you will have a place in my administration. You will take over all operations regarding the building and maintenance of all city-owned property. That is a full-time, paying job, and I'll allow you-- you can still work a second job. I have no problem with that. If you want something more, talk to me off the mike so I don't go to jail. Thank you.

**HILGERS:** Thank you, Senator Wayne and Senator Kolterman. Seeing no one else in the queue, Senator Machaela Cavanaugh, you're recognized to close.

**M. CAVANAUGH:** It's going to be really hard to follow that. But, Senator Wayne, Senator Bostelman, Senator Friesen, Senator Hughes, I am sorry to crush your dreams, but I am here now to announce the 2022 Cavanaugh/Cavanaugh ticket, which Cavanaughs I can't say, but there will be two, leave you all guessing. I yield the remainder of my time to the Chair. I pull my recommit to committee. Thank you and good day.

**HILGERS:** Thank you, Senator Cavanaugh. The motion is withdrawn. Members, we're on Final Reading. Please come back and check in. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative bills: LB336, LB26, LB274e, LB274Ae, LB544, LB544A, LB108e, LB108Ae, LB566e, LB566Ae, LB428e, LB428Ae, LB103e, LB18e, LB306e, LB306Ae, LB649, and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate May 20, 2021

LB649A. Thank you. Senator Clements, please check in. Mr. Clerk, please read the bill.

**ASSISTANT CLERK:** [Read LB139 on Final Reading.]

**HILGERS:** All provisions of law relative to procedure having been complied with, the question is, shall LB139e pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** Voting aye: Senator Aguilar, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Machaela Cavanaugh, Clements, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Groene, Halloran, Ben Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pahls, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: Senator Hunt. Not voting: Senators Albrecht, John Cavanaugh, Matt Hansen, McKinney, Pansing Brooks, Briese, and-- and Erdman. Vote is 41 ayes, 1 nay, 5 present and not voting, 2 excused and not voting, Mr. President.

**HILGERS:** LB139e passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB139e. Mr. Clerk, for items.

**ASSISTANT CLERK:** Series of items, Mr. President: I have a Reference report from the Executive Board regarding various study resolutions. New resolutions: LR241, by Senator Hilgers, congratulates Bobbie Ehrlich for being named the Scottish Rite Teacher of the Year; LR242, by Senator Brewer, provides for encouraging the congressional delegation to support legislation for farmers, ranchers, and small meat processors without compromising food safety standards; accompanying that, a letter from the Speaker referring, pursuant to Rule 4, Section 8, referring it to the Reference Committee to be referred to an appropriate standing committee. New resolution: LR243, by Senator Day, congratulates the Gretna High School girls soccer team. Additional new resolutions: LR244 and LR245, both by Senator McDonnell, those will be laid over. And an explanation of vote from Senator Day and also an explanation of vote from Senator Bostar. An announcement, Mr. President: the Transportation and Telecommunications Committee will hold an Executive Session on Friday, May 21, at 8:45 a.m., in Room 2022. Name adds: Senator Pansing Brooks to LR197, Senator Matt Hansen to LR239. Finally, a priority motion, Senator Vargas would move to adjourn until Friday, May 21, 2021, at 9:00 a.m.

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