

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate April 17, 2023

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the sixty-third day of the One Hundred Eighth Legislature, First Session. Our chaplain for today is Reverend Dr. Mary Kay Totty, Seward United Methodist Church. She is a guest of Senator Raybould, and from Senator Hughes' District. Please rise.

REVEREND TOTTY: Take a deep breath. And let it out. Another deep breath. And let it out. Together, let us incline our hearts to God. God of many names, God of all people, make us aware of your presence here, now, in this place where laws are created, where Nebraska is given shape and priorities. Thank you, holy one, for each senator and their commitments to lead this state into the future. Over the main entrance of this capitol, the virtues of wisdom, justice, power, and mercy stand watch. May the work and decisions of this Unicameral embody the best of these four. Oh, God, grant these senators wisdom to sort through the cacophony of competing views and discern what is true. Guide the decisions made here, that they may reflect your will for a justice that restores community and creation. May power be held with compassion and employed for the equitable good of Nebraska's citizens. Let mercy triumph in each interaction, from the simplest hallway greeting to the most complex legislation. Holy one, may every decision made, every bill that is passed, every law enacted be in keeping with your will for the good of all. Amen and amen.

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

BOSTELMAN: I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

KELLY: Thank you. I call to order the sixty-third day of the One Hundred Eighth Legislature, First Session. Senators, please record your presence. Roll call.

KELLY: Mr. Clerk, please record.

CLERK: There's a quorum present, Mr. President.

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

CLERK: There are no corrections this morning, Mr. President.

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

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CLERK: There are. Mr. President, your Committee on Revenue, chaired by Senator Linehan, reports LB524 to General File with committee amendments. Additionally, new LR: LR96 from Senator Briese. That will be laid over. And an announcement. The first district caucus will meet at 10:00 in room 1525. First caucus 10:00, room 1525. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Ibach has guests in the north balcony: students from Maywood High School. Please stand and be recognized by your Nebraska Legislature. And Senator Raybould has a guest under the north balcony: Reverend Stephen Griffith, spouse of Mary Kay Totty. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk for items.

CLERK: Mr. President, first item on the agenda: LB227, issued by Senator Hansen. It's a bill for an act relating to the Medical Assistance Act, provides for reimbursement to certain hospitals for providing nursing facility level of care services. Bill was read for the first time on January 10 of this year and referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments. When the Legislature left, Mr. President, the first division of the committee amendments had been adopted-- excuse me-- the first division of AM1332 to the committee amendments had been adopted. A second division was pending. There are other motions and amendments pending, Mr. President.

KELLY: Senator Hansen, you're recognized for a two-minute refresh.

HANSEN: Thank you, Mr. President. Well, good morning, colleagues. Hope everyone had a great weekend, well rested and looking forward to another productive and totally noncontroversial week. So with that, I will update everyone just really briefly about what we ended on last week. We are on LB227, which is the Health and Human Services Committee priority bill. I went through the amendments and the committee amendments previously, and the update from the Clerk helps as well. And we had all the senators that had bills included in this lot of bills-- stand up for a little bit and describe each one. And so right now, if you remember correctly, Senator Cavanaugh divided the question. And we previously went through LB227, passed that. And now we are on LB434, which is Senator Jacobson's bill that has to do with DHHS to enroll long-term care hospitals in Nebraska as providers eligible to receive Medicaid funding. So we will continue this conversation and go from there. So with that, I will yield the rest of my time. Thank you.

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KELLY: Thank you, Senator Hansen. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR86 and LR87. Mr. Clerk for some items.

CLERK: Mr. President, priority motions: M0948 and M0947 from Senator Hansen with-- both with notes that he wishes to withdraw. In that case, Mr. President, returning to debate on FA43, the second division of AM1332.

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

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I hope you had a nice short two days off. It goes very quickly. So this is an article on March 14 in the Nebraska Examiner commentary. Nebrash-- Nebraska's cash assistance program is failing to reach families in need. Nebraska's \$131 million TANF rainy day fund must be invested in families. It's By Diane Amdor. In 2019, an average of 4,640 Nebraska families received monthly assistance through Aid to Dependent Children, Nebraska's direct cash assistance program, funded by the Temporary Assistance for Needy Families federal block grant. In 2022, only 2,766 families received ADC. So that's down from-- I'm just pausing here in the article. So in 2019, an average of 4,640 families were re-- receiving the assistance. In 2022, it was 2,766. And that first number is pre-pandemic. So we know that it's not that that number was maybe inflated because it was at the height of the pandemic. It was pre-pandemic and we're at-- getting close to 50 percent less families receiving this money. In 2014, Nebraska had a TANF rainy day fund balance of more than \$55 million, which was described by State Auditor Mike Foley as a significant deficit-- deficiency in Nebraska's handling of the funds. That balance has ballooned to \$130 million as of November 2022. Nebraska families are struggling and our state is sitting on millions. What on earth is going on? There is no reason to believe that only 2,766 families are living in poverty in Nebraska. In fact, in 2021, American Community Survey census numbers showed 10.2 percent poverty rate for families with children. That jumps to 21.7 percent in a single family, and jumps even higher to 44 percent in a single parent family with children under five. The low number of families receiving ADC is due to various state and federal policies which result in very few families actually being eligible to receive assistance through the program. An interim hearing held by the Legislature's Health and Human Services Committee last fall, a report from the Legislative Fiscal Office here, and this article in The Reader, which-- both things I'll be reading later-- both address how misguided policymaking in the

state level has made cash assistance unavailable to families in poverty even when those families are working and trying to become economically independent. First among these policies is an eligibility standard so low that a family has not only-- has to not only be in poverty, but in deep poverty. In order to begin receiving cash assistance, the net earning income for a family of three must be no higher than 100-- or, \$881 per month. Net income for a family of three must be lower than our income here at the Legislature. Which requires-- which equates to only 43 percent of the federal poverty line for 2023. These struggling families also qualify for a very low monthly benefit. The maximum amount to a family of three can receive is \$485 per month. And that is only if the family has no other income. As the family brings in more earnings, their benefit decreases. That \$485--

KELLY: One minute.

M. CAVANAUGH: --maximum ADC benefit-- thank you, Mr. President-- will only cover 52 percent of rent for a modest two-bedroom dwelling in Douglas County, and no more than 64 percent of rent in any of Nebraska's 93 counties. Section 8 housing subsidies are largely unavailable to most families who qualify due to limited funds and long waiting lists. For a family with no other income, ADC cash assistance must cover not only housing costs but clothing, school expenses, transportation, personal care, and many other monthly expenses. Food is subsidized by the Supplemental Nutrition Assistance Program, SNAP, for which all families receiving ADC are categorically eligible, though SNAP often does not offer enough to cover families' entire monthly grocery needs. On top of these eligibility and benefit level challenges--

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

M. CAVANAUGH: Thank you, Mr. President. On top of these eligibility and benefit level challenges, before a family can receive ADC benefits, they are required to cooperate with child support enforcement and turn over their rights to child support payments to the state. The phrase "child support" seems to refer to money that will always go towards supporting a child, but in Nebraska, that's not always the case. Most of the child support paid on behalf of families receiving cash assistance is kept by the state and shared with the federal government. Does it really make practical or moral sense to pay such a low monthly benefit that families still have trouble meeting their basic needs? Does it make sense to take money away from these families to reimburse the government when the state is still

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sitting on \$130 million in unused TANF funds? Three bills being considered by the Nebraska Legislature this session, LB233, LB290, and LB310 would take the first steps towards addressing these issues. LB233 would ensure that child support funds are distributed to families receiving ADC benefits, not kept by the government. LB290 would increase the ADC eligibility limit and benefit amount. And LB310 would make a modest increase to ADC maximum benefits. It's time for the Legislature to act. Over 50,000 Nebraska children are living in poverty. Approximately 21,827 are living in extreme poverty, below 50 percent of the poverty line. Bringing Nebraska's cash assistance program up to date would help more of them receive temporary relief. That's the end of the article. I'll get back in the queue. I'm just going to be talking a lot about TANF today. I know as we get closer to having the budget that there's a lot of proposals in the budget and in leg-- and in committees to take money out of the TANF rainy day fund for various projects. However, the three bills mentioned in this article are not part of the conversation. The three bills that would directly impact and serve our most economically disadvantaged families are not being given any consideration by this body. We are embarking on historic-- I think is the word that's been used-- historic tax cuts, historic revenues, historic rainy day fund, Cash Reserve, yet we still are not discussing policies or moving forward policies that will help those most economically in crisis right now. And we could be. We could be. I've had members of the Appropriations Committee come up to me very happy about the fact that we're going to be taking something, doing something with TANF rainy day. And I've countered to every single one of them. No, you're going to be starting programs and projects. You're not going to be helping people with direct cash, cash assistance that need it the most. A parenting program is great, but you know what's better? Feeding your children. That's better. Paying your rent so that your children have a warm place to stay. That's better. Being able to buy clothes for your kids. That's better. So all the programs in the world are nice, warm fuzzies, but we could be actually giving direct cash assistance to the most needy families. And we are not.

KELLY: One minute.

M. CAVANAUGH: And I'm the one that's obstructing us from doing good things? This body has made a choice to do nothing for needy families. And we have so much within our power to do. And we are actively not doing it. The schedule of the Legislature is reflective of those values. The bills on the worksheet order are reflective of those values. And our budget, which is a moral document, will be reflective of those values. This body should take a hard look at what we're

doing. It's never too late to change course. It's never too late to start helping those most in need. We could start doing it today, and I would encourage this body to consider that. I am going to continue to spend time talking about TANF today. I think that it's an important issue--

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

M. CAVANAUGH: Thank you, Mr. President. OK. So I am going to continue talking about TANF today. I'm going to go to the interim hearing. There was an interim hearing held by HHS back in-- at the end of last year. Nebraska lawmakers question \$131 million fund built with unused public assistance money. A state fund-- this is in the Omaha World-Herald-- a state fund holding money intended to help Nebraska families in poverty topped \$131 million last-- this year, despite claims by state officials that they had planned-- plans to use the money. Stephanie Beasley, director of Children and Family Services for the Department of Health and Human Services, said the money represents the accumulation of unused portions of Temporary Assistance to Needy Families federal block grant. The block grants provide public assistance to families and help pay for a number of programs. Beasley revealed the October 1 reserve total at a legislative hearing Friday, prompting frustration from a pair of Omaha lawmakers who said the state has not done enough to make use of the money. We have people who are hurting in our communities across the state and we're sitting on \$131 million, and that does not sit OK with me, said Senator Machaela Cavanaugh. We are in crisis. I've been saying we're in crisis for months now. She said, HHS officials have told the committee several times before that they have a plan for using the reserve funds to help children and families. Yet every time they come back, the reserve fund has grown instead. Senator John Arch of La Vista, the committee Chairman, expressed similar concerns. He said the issue has been ongoing despite the department's past promises and lawmakers past questioning. See? Senator Arch and Senator Cavanaugh on the same side of an issue. We just see an opportunity here, he said. We want to see those dollars well used and within the federal guidance. We have some opportunity to improve services and create some innovative services. Beasley said the department launched a work group in March to study-- quote, study how more funds can be distributed in accordance with federal and state guidelines, end quote. The group, which includes people who have received TANF assistance, is working to assess needs in Nebraska communities, evaluate current programs, and recommend additional programs. So far, she said, the group has identified family support coaching, emergency housing stability, and kinship childcare

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assistance as priorities. The work group-- sorry. It jumped around, so I lost my spot. The work group is expected to make its initial report in a couple of months. Beasley said the group is not looking at eligibility levels for families to get cash assistance, which she said is a legislative decision. It is a legislative decision. There are three bills around this sitting in HHS. This bill would be a very reasonable vehicle for any one of them, and we're already attaching 16 bills into this bill. What's a little cash assistance for the most needy in our state? Just something for people to think about. If we're looking to do something good for the people of Nebraska, LB227 is actually an opportunity for us to attach TANF assistance, something that the department has specifically said we can only do. They can't do-- we have to change the eligibility in order for people to get the cash assistance that they so desperately need. She noted that fewer families are qualifying for help even though the number of Nebraska families with children in poverty has not shrunk. Meanwhile, average benefits were not keeping up with the cost of living. Average benefits are not keeping up with the cost of living. Guess what? We have a bill for that.

KELLY: One minute.

M. CAVANAUGH: It's sitting in HHS, a bill that would have increased the amount of benefits to account for the cost of living because we have not increased the benefits in such a long time. Enough is enough, she said. People-- oh, I don't know what this is. OK. Meanwhile, the number of people qualifying has not shrunk. Meanwhile, average benefit levels were not keeping up with the cost of living even before the recent spikes in inflation. Enough is enough, she said. People need direct assistance so they can afford basic necessities, not a spectrum of new programs and initiatives. Concerns about the size and uses of TANF reserve have been raised for a number of years. In 2014, then-State Auditor Mike Foley questioned the reserve, which was then \$55.8 million. He said it could have been used to reduce the use of state tax dollars for assistance. Well look at that.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

KELLY: Seeing no one else in the queue, Senator Hansen, you're recognized to close on floor amendment. And waives. Members, the question is the adoption of FA43, the second division. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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CLERK: 31 ayes, 0 nays on adoption of FA43.

KELLY: FA43 is adopted. Mr. Clerk for items.

CLERK: Mr. President, next division, the third-- FA44, the third division of AM1332, containing Sections 54 to 57, containing the contents of LB219.

KELLY: Senator Hansen, you're recognized to open on the floor amendment.

HANSEN: Thank you, Mr. President. Again, this is a-- the portion of the omnibus bill, LB219, Senator Ibach's bill, requires DHHS to provide for rebasing inpatient interim per diem rates for critical access hospitals. DHHS shall rebase the rates every two years, and the most recent audited Medicare costs report shall be used as the basis for the rebasing process within 90 days after receiving the cost report. LB219 as amended was advanced to General File with a 7-0 vote. And that's pretty much what this section with the floor amendment is pertaining to. And with that, I will yield the rest my time back to the Chair.

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

IBACH: Thank you, Mr. Chairman. I would just point out, as Senator Hansen just mentioned, that LB219 is a bill which directs the division of Medicaid and long-term care to rebase those inpatient interim per diem rates, which have not been, been done for a while. And as I iterated before, we did meet with Chairman Bagley-- or, Director Bagley, and he agreed that they could do that within their department. It doesn't anticipate a fiscal note because rebasing simply just increases that per diem rate. So I appreciate Senator Hansen packaging this together. It's a very important bill for rural Nebraska and critical access hospitals. Thank you. I yield my time back.

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

M. CAVANAUGH: Thank you, Mr. President. I was almost done with this article about the HHS Committee hearing last year around TANF concerns. And it's in the-- yeah, Omaha World-Herald. Concerns about the size and uses of TANF reserve have been raised for a number of years. In 2014, then-State Auditor Mike Foley questioned the reserve, which was then 5-- \$55.8 million. He said it could have been used to reduce the use of the sales [SIC-- state] tax dollars for assistance.

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A Legislative Fiscal Office report presented at the Friday hearing said that Nebraska has had a reserve fund since the federal government started the TANF block grant program in 1996 as part of welfare reform. The block grant program gave states flexibility in using the money as long as it went towards specified goals. These included helping needy families so children can remain in their homes, promoting job preparation, work and marriage, preventing out-of-wedlock pregnancies, and encouraging two-parent families. Clearly, the goals of the TANF program are dated. I've always been curious how the-- preventing out-of-wedlock pregnancies became a goal of a government program. Beasley said Nebraska uses 29 percent of its TANF funds for cash assistance and 16 percent for Employment First Program, which aims to help parents move from cash assistance to work. Block grant funds also help pay for child welfare programs, childcare subsidies, emergency assistance for families, a fatherhood initiative, and other programs. According to the Fiscal Office report, the TANF reserve built up largely because block grant amounts were based on the number of families getting public assistance in 1994, when caseloads were at an all-time high. About 15,000 Nebraska families were getting cash assistance that year. As of August, there were 2,787 families getting cash assistance. So, want to unpack that a little bit. There were 15,000 because of the eligibility. We have not changed the eligibility requirements since 1994. So, cost of living has gone up. Incomes have gone up. So with inflation, we are not accounting for that, which is why our numbers are going down. So 2,787 families in Nebraska are this same amount, dollar amount cash poor as 15,000 families were in 1994. Not inflation accounted for, just dollars and cents cash poor. So we actively have not increased the eligibility to keep up with inflation, cost of living, et cetera. And our block grant has remained based on those numbers, which is, in a lot of ways, a gift to us as a state. The problem is-- and I think it's by design, at least the last eight years it seemed to have been by design-- to not fully spend the Cash Reserve so that the federal government eventually cuts our block grant. So for anyone, my dear colleague and fiscal hawk, Senator Riepe, anyone who believes--

KELLY: One minute.

M. CAVANAUGH: --as we do, that we should be maximizing our federal dollars, this is a problem because it is by design to ensure that the federal government sends us fewer dollars and we're still paying the same amount in federal taxes, but receiving less of that money back to our state. And that is problematic. And it should be problematic for this entire body. And I would like to think that this new administration cares about that in a different way than the previous

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administration does. I do believe, based on what I've been told by the Governor, that he does believe that we should be maximizing federal programs and not trying to make sure that we are losing out on federal dollars. Because when we lose out on federal dollars, it costs us more at a state level. So it would be great if we could find a way to attach one of the TANF bills or all of the TANF bills--

KELLY: That's your time, Senator.

M. CAVANAUGH: --to this bill. Thank you.

KELLY: And you're next in the queue.

M. CAVANAUGH: Thank you, Mr. President. So it would be great if we could find a way to attach the TANF bill to this bill or to another HHS bill. These are not controversial bills. They're not controversial at all. And we have-- we have the money. We have so much money that we could be giving to these families. So, I'm not going to do it because, first of all, that would just tank it to begin with. But also, I'm doing this. So maybe others can work with the committee Chair and other members of the HHS Committee to see if we can get TANF attached to this bill or another HHS bill. But we do have an opportunity, and it's a huge opportunity. And it should be a biparti-- bipartisan effort to get TANF rainy day funds out the door to those most needy. That \$130 million is just sitting there. And it could be doing so much good. And just think about it. Think about money in the pockets of the most needy in our rural communities that are struggling financially. If the people in the communities who are struggling financially get money, cash assistance to help them live, that's going to help those communities. That's going to help those communities, just like increasing SNAP eligibility helps those communities. Food banks, food pantries are an amazing asset to the state, but they don't help-- economically address food insecurity and they don't help financially the communities that the people live in. Because when people don't have money for food and they get them-- they get food from a food pantry, all of that is insular within the nonprofit community. But when the state gives them SNAP benefits, that cash assistance goes into the grocery stores in our small communities. And that is an important thing that shouldn't be lost in the process of all of this. So back to this article about TANF. Oh, I think I have one more time. I think I'm on my second time right now. Is that correct, Mr. President? Yes. I'm seeing head nods. Yeah. OK. One more time after this. OK. So, according to the Fiscal Office report, the TANF reserve built up largely because block grants-- grant amounts were based on the number of families getting public assistance in 1994, which

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caseloads-- when caseloads were at an all-time high. About 15,000 Nebraska families were getting cash assistance that year. As of August, there were 2,787 families getting cash assistance. Beasley said Nebraska's low unemployment rates have reduced participation in the program. She said the number of families getting assistance this year is less than in 2021. And that is the end of that article, so I'm going to move on to the next. That was-- OK. See, the article in the Nebraska Examiner has lots of links, which I very much appreciate, to other resources cited within this article. So one was that article about the hearing and here is-- described by State Auditor Mike Foley. So this is the Auditor's report from December 10, 2014. It's to then-CEO Kerry Winterer, another bipartisan effort.

KELLY: One minute.

M. CAVANAUGH: Mr. Winterer came and helped me a lot when, when I was working on the special investigative committee into Saint Francis Ministries. As a former CEO of DHHS, he was very knowledgeable on our child welfare system-- also the fact that he was there during the initial privatization pilot. So, just thank you to the-- to Mr. Winterer for that. I also like to point that out because I do think that we've lost sight a lot of bipartisan work and the importance and significance of it and how, how we can accomplish really good things when we work together. So this is a letter from then-Auditor Mike Foley. It's so funny to see then-Auditor Mike Foley because Mike Foley is the Auditor again. So, current Auditor and then-Auditor with a hiatus as Lieutenant Governor Mike Foley. Dear Kerry, this letter is provided--

KELLY: That's your time, Senator. You're next in the queue. And that's your last time on the floor amendment.

M. CAVANAUGH: Thank you, Mr. President. OK, so this is a letter. This letter is provided pursuant to AICPA Auditing Standards-- don't know what those are-- AU-C Section 265.A17. It's always interesting. We always reference these kinds of things in let-- in official letters like "pursuant to" whatever the-- FOIA. We call it FOIA. It's not actually FOIA in Nebraska, but everybody knows when you talk about FOIA, everybody knows that you mean a records request or public records request, open records requests, and so we just say FOIA. But when you actually put it in an official letter to an entity, you don't write FOIA. You write "pursuant to Nebraska statute" blah, blah, blah, blah, blah, blah, blah. And let me just tell you, if you write it wrong, they charge you \$64,000, so. By the way, I'm still working on that records request, which-- I did get some information on Friday

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that I need to circle back to DHHS about. So that's the records request on the managed care organization's bid this last year. Our MCOs, managed care organizations, that were bidding. Anyways. I'll come back to that probably later today. I've got a few hours to kill. So this is to Doc-- Doctor-- isn't Kerry Winterer a doctor? I know he's an attorney. Anyways, Mr. Winterer, we'll go with. I apologize if you're a doctor. Annual Financial Report, CAFR, and Statewide Single, in parentheses, Single, audits. This communication is based on our audit procedures through October 20, 2024 [SIC-- 2014]. Because we have not completed our audits for the fiscal year 2014 CAFR or Single, additional matters may be identified and communicated in our final reports. In planning and performing our audits of the financial statements, we considered the state's internal control over financial reporting, parentheses, internal control, as a basis for designing audit procedures for the purpose of expressing our opinions on the fiscal statements of the state, but not for the purpose of expressing an opinion on the effectiveness of the state's internal control. Accordingly, we do not express an opinion on the effectiveness of the state's internal control. Our consideration of internal control was for the limited purpose described in the preceding paragraph, and that was not designed to identify all deficiencies in internal control that might be material weakness or significant deficiencies. And therefore, material weakness or significant deficiencies may exist that were not identified. However, as discussed below, we identified a certain deficiency in internal control that we consider to be a significant deficiency. We noted certain internal control or compliance matters related to the activities of the Nebraska Department of Health and Human Services, DHHS, or other operational matters that are presented below for your consideration. The following comments and recommendations, which have been discussed with the appropriate members of DHHS and its management, are intended to improve internal control or result in the operating efficiencies. A deficiency in internal control exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions to perf-- to prevent or detect and correct misstatements on a timely basis. A material weakness is a deficiency or a combination of deficiencies in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented or detected and corrected--

KELLY: One minute.

M. CAVANAUGH: --on a timely basis. Thank you. We did not identify any deficiencies in internal control that we consider to be material

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weaknesses. A significant deficiency is a deficiency or combination of deficiencies in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider Comment Number 5, TANF Cash Reserve Funds to be a significant deficiency. This comment will also be reported in the state of Nebraska's Statewide Single Audit Report-- Schedule of Findings and Questioned Costs. Draft copies of this letter were furnished to DHHS to provide management with an opportunity to review and respond to the comments and recommendations contained herein. All formal responses ha-- received have been incorporated into this letter. Responses have been objectively evaluated and recognized, as appropriate, in the letter. Responses that indicate corrective action has been taken--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

KELLY: There's no one in the queue, so I recognize Senator Hansen to close on FA44. He waives. Members, the question is the adoption of the third, third divisi-- third division, FA44. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 35 ayes, 0 nays on the FA44.

KELLY: FA44 is adopted. Mr. Clerk for next item.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote just taken on FA44.

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

M. CAVANAUGH: Thank you, Mr. President. OK. This is the State Auditor then, Mike Foley. He's the State Auditor again. His letter to DHHS about the TANF fund, rainy day fund. And he said: We consider Number 5, TANF Cash, Cash Reserve Fund, to be a significant deficiency. So, Overall Summary. There were 6,441 individuals who received Employment First, or EF, supportive services payments of \$4,024,694 for fiscal year end-- oh, thank you-- ended on June 30, 2014, FY '14-- 2014. These individuals were also included among 13,491 individuals who received Aid to Dependent Children, or ADC, payments of \$25,626,034. The APA conducted detailed testing of 20 cases-- one case may have more than one individual if they live in the same household-- with payments totaling \$141,678, which resulted in \$71,337 of questioned costs as described below. OK. EF Supportive Services. Type of Issue: Unreasonable, Not in Compliance with Regs, Lack of Documentation, and

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Eligibility. Questioned Costs: \$61,817. ADA [SIC-- ADC] Cash Assistance Programs [SIC-- Payments]: Not Eligible Due to Income, Resources, Waivers, or Unit Size. ADA [SIC-- ADC] Cash Assistance Program [SIC-- Payments]: Sanctions Not Properly Imposed. OK. So then we go-- There was also a lack of monitoring of the contractors by DHHS to ensure compliance with program regulations. Eligibility reviews were not completely timely-- completed timely, contractor monitoring was inadequate, and numerous other issues were noted during the detailed testing. Also, even after DHHS was notified of allegations of fraud on cases, the cases were not followed up on. Additionally, as of June 30, 2014, DHHS had a total of \$55,862,935 in federal TANF funds that were authorized for use but not expended. Of that amount, DHHS could have used \$14,743,235 in federal funds over the previous two years, FY 2013 and FY 2014, which would have reduced the use of funds-- of state funds and the burden of the Nebraska taxpayers.

Background Information. Temporary Assistance to Needy Family, TANF, is a federal program meant to assist in providing essential care to enable dependent children to remain in their own home and allow for health, growth, and development. Nebraska's TANF cash assistance program is also known as Aid to Dependent Children and provides monthly cash assistance to individuals who have dependent children and fall within the income and resources-- resource limitations. The resource limitation is generally \$6,000, and the income limitations vary depending on the size and circumstance of the household. The maximum amount of cash assistance is \$222 per month for the first individual, increasing by \$71 for each additional person included in the household unit. This is the maximum amount. So if the household has no income, the maximum amount that they can get is \$221 [SIC-- \$222] a month for the first individual, adding \$71 for the additional individuals. No other money. That's it. So a single parent with one kid could have less than \$300 a month to live off of. And we have \$130 million sitting in the rainy day fund going unutilized because we have not done anything to change the eligibility requirements. But we could. We could today. We could on this bill. We won't mostly-- well, maybe not mostly. I hope the reason that we won't do it today is that we legitimately don't have enough time to get an amendment drafted before we go to cloture on this bill, but I fear that we won't today because we just don't care. That's my fear. I hope I am wrong. I really hope I'm wrong. I really hope that we collectively as a body do care and do see this as an opportunity to do something really positive for the people of Nebraska that are in economic crisis. We have the power to change lives. I hope that we use that power. OK. Prior to the receipt of ADC cash assistance, any work-eligible individuals in the household unit are required to participate in Employment First, or EF,

activities, including employment, job searching, education, vocational training, or community service. Each work-eligible individual must complete an EF orientation and assessment, sign a self-sufficiency contract, and agree to a service plan defining the participant's EF activities and requirements. Once these steps towards Employment First enrollment have been completed, the individual can begin receiving monthly ADC payments. Nebraska work-eligible individuals include all adults up to age 64, excluding individuals medically unable to work-- for example, those who are disabled, ill, have an injury, or are in the third trimester of pregnancy. Other exemptions include those who are needed in the home to provide care to a disabled family member or child less than 12 weeks old. Children ages 16 to 18 are excluded only if enrolled and attending school on a regular basis. Single parent households are required to participate at least 30 hours per week, 20 hours per week if they have a child less than 16 [sic-- 6] years of age, while two-parent households are required to participate either 33-- 35 or 55 hours per week, depending on whether they receive federally funded childcare. I want to pause and talk about the minimum wage issue here. So children ages 16 to 18 are excluded from the work requirement only if they are enrolled in school on a regular basis. And even if kids 16 to 18 are enrolled in school, this implies-- and I, I think I'll have to look for clarification on it-- but it implies that if they are working, that their income, that a teenager's income in their household is going to count towards the household income benefit for TANF. So they should be paid the same minimum wage as a working adult because we as the government are acknowledging that they are financially responsible and part of the financial security of the household in which they reside. So we should not have a different minimum wage for them, because we are treating their income as income into that household for government services and benefits. So they should be treated the same as anyone else getting minimum wage. The Employment First Program also provides certain payments for supportive services, including gas, vehicle insurance and registration, clothing, vehicle repairs, and bus or cab fares in order to facilitate full participation in the program. The following table shows a breakdown of the total ADC and EF expenditures for FY 2014 per the Nebraska Information System. EnterpriseOne, E1, there were 2-- 2-- 6-- there were 6,441 individuals who received EF supportive service-- services payments.

KELLY: One minute.

M. CAVANAUGH: Thank you-- services payments. And these individuals were also included among the 13,491 individuals who received ADC payments. Source of Federal Funds-- Source of Funds: Federal and

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State. ADC Cash Assistance: \$14 million from the federal, \$11 million from the state. EF Supportive Services: \$3.5 million from the federal and \$400,000 from the state. This is totaling \$29.6 million. Our block grant is \$54 million, I believe, so. EF supportive services are paid with 90 percent federal funds and 10 percent state funds-- although in certain instances, such as household that qualifies as a two-parent family or cases in which the family--

KELLY: That's your time, Senator. Senator Linehan has some guests in the north balcony: AIM Homeschool Group from Omaha, Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're next and recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I think I have one more time and then a close because I-- yeah. OK.

KELLY: Yes.

M. CAVANAUGH: Thank you. OK. EF supportive services are paid with 90 percent federal funds, 10 percent state funds. Meanwhile, ADC cash assistance payments are paid primarily with 80 percent federal funds and 20 percent state funds-- although in certain instances, such as households that qualify as a two-parent family or in cases in which the family is exempt from EF participation-- the AD payment-- ADC payment is 100 percent funded by the state. The following table shows the total FY 2014 EF supportive services broken down by the type of service. OK. Type of EF supportive services: motor vehicle gas, motor vehicle repairs, transportation commercial, insurance premium for vehicle, clothing, motor vehicle taxes, motor vehicle repair estimate, motor vehicle purchase, motor vehicle licensing fee. Oh, somebody is talkative. I-- so Christmas Eve mass, one of my favorite things that the priests would say growing up, because Christmas Eve mass is for the kids. Really, it should be for the kids. It all should be for the kids. But the priest would always say, let the children be heard. And it is delightful to hear whatever child that is up there today and to remind us who we are here to serve and work for. Tui-- motor vehicle licensing fees, tuition, other costs, interpreter, student fees, motor vehicle inspection, motor vehicle loan payment, driver's license fee, operational [SIC-- occupational] exam and licensing fee, tools, work supplies, books, personal care, rent, assessment-adult basic education, school or work physical, office examination and treatment. So those are all things that EF Employment First supportive services, which are great. It's hard to believe that we only spend \$4 million on those services a year. And perhaps that's another thing that we should be looking at, is increasing how much we are investing in those

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services, because certainly if we want people in the workforce-- I think I talked about this a little bit last week-- transportation. We are not a multi-mobile state yet. We certainly are always working towards it with our mass transit systems. But until we have greater infrastructure in our mass transit, in our urban cores, we are going to need to rely on individual motor vehicles. OK. Back to the audit. DHHS has-- oh. Am I on my second time or my first time?

KELLY: You'll have one more time and then-- and your close.

M. CAVANAUGH: OK. Thank you. I lost track of where I was. OK. DHHS has two contracts that provide case management and program services for the EF Program. Policy Studies Inc., acquired by Maximus in 2012, provides services in the eastern service area, and Arbor E&T LLC d/b/a Wes-- Reesker-- Rescare Workforce Services provide services throughout the state. OK. So these are the companies that are-- we're outsourcing the Employment First services to. The amounts paid to these contractors are not included in the amounts above. For FY--

KELLY: One minute.

M. CAVANAUGH: Thank you-- for FY 2014, DHHS paid these contractors the following. Oh. Holy moly guacamole. What? We paid-- the companies that we hired to provide \$4 million in services, we paid one of them \$9.9 million and the other one \$3.7 million. I am in the wrong business. What? Senator Riepe, let's look up a new business model, shall we? During FY 2014, the only monitoring of the EF contractors by DHHS was a monthly random sample review to determine if the work participation rates were properly calculated. The APA selected 20 cases for detailing testing from a total of 6--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

KELLY: You're next in the queue. And then you'll have your close after that.

M. CAVANAUGH: Thank you, Mr. President. The APA selected 20 cases for detailed testing from a total of 6,441 individuals who received EF supportive services during fiscal year 2014. Exhibit A includes a summary of the questioned costs for each of the 20 cases tested. Additional details on the testing performed and the issues noted are included in the Comments and Recommendations section below. I'm still hung up on how much we paid these companies. So I am-- I have read parts of this before. I've never read this entire audit before.

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Mostly, I just focused on the fact that we have such a massive rainy day fund, but-- well, I guess we're on this journey together. Comments and Recommendations. Employment First Questioned Costs. The APA performed a detailed review of the EF supportive service payments made during the fiscal year for 20-- for the 20 ADC cases selected for testing. The 20 cases received \$79,251 in EF supportive services. The review consisted of ensuring the payments were in accordance with regulations, policies, and other guidance. The APA also considered the reasonableness and necessity of the supportive service payments. As a result, the APA identified a number of issues that led the APA to question a significant portion of the \$61,817 out of the \$79,251 of the supportive service payments tested. The following table provides a summary of the questioned costs for the EF supportive service payments. And there is a summary. [YAWNS]. Sorry. Improper registration/insurance costs, improper repair costs, documentation of fuel payments limits, Employment First eligibility, transportation not limited to first pay period. Note: dollar amounts-- no dollar amounts are included because the payments have been previously questioned in one of the above categories. Unreasonable or Unnecessary Supportive Services. The APA found unreasonable or unnecessary supportive services were provided for five cases, resulting in the total questioned costs of nearly, nearly \$28,000. Case 12, questioned supportive services was \$11,753. Over \$11,000 in cab fare was incurred in June 2013 and December 2013 through April 2014. the individual acquired a 2000 Pontiac Montana on February 10, 2012, which was properly titled and registered from February 2013 to February 2014. The individual also had a valid driver's license issued December 2010, which did not expire until April 2015. Vehicle repairs on the vehicle were also paid in July 2013. The vehicle was sold in January 2014. It appears unreasonable to pay for expensive cab rides rather than pay for gas, gas vouchers for the vehicle during this period of time. Not arguing that, but also, \$11,000 in cab fare for June and then-- December, January, February, March, April-- five months, six months? Maybe. I guess six months is a long time. All right. There's more explanations of concerns over the Employment First Program, and then--

KELLY: One minute.

M. CAVANAUGH: --the-- thank you-- Office of Management and Budget, OMB, Circular 8-- A-87 discusses-- I wonder what the circular is-- discusses general principles for determining allowable federal expenditures and requires the spending of federal grant funds to be reasonable. Specifically, Attachment A, Section(C)(2) states, in relevant part: A cost is reasonable if it is-- if, in its nature and amount, it does not exceed that which would be incurred by a prudent

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person under the circumstances prevailing at the time the decision was made to incur the cost. The question of reasonableness is particularly important when government units or components are predominantly federally funded. Additionally, Title 468 NAC 1-008 describes the Prudent Person Principle as-- well. I'm going to wait. How much time do I have left?

KELLY: That's your time--

M. CAVANAUGH: Great.

KELLY: --Senator. And you're recognized to close on your motion to reconsider.

M. CAVANAUGH: Great. I did not want to be interrupted as I read the Prudent Person Principle because I am fascinated as to what that is. OK. The Prudent Person Principle, described as: When the statements of the client are incomplete, unclear, or inconsistent, or when other circumstances in the particular case indicate to a prudent person that further inquiry must be made, the worker must obtain additional verification before eligibility is determined. The client has primary responsibility per-- for providing verification of information relating to eligibility verification. Verification may be supplied in person, through the mail, or from another source (as an employer). If it would be extremely difficult or impossible for the client to furnish verification in a timely manner, the worker must offer assistance. Improper Registration and Insurance Costs. Appendix 468-000-309 contains the EF Supportive Services Guidelines, including a section entitled, quote, Automobiles; Purchases, end quote, which states, quote, A maximum of \$500 is allowable to pay the tax, licensing, insurance-- typically the first three months of insurance-- end quote. Although the regulation is related to the purchase of new vehicles, in discussion with DHHS policy staff, the APA was advised that this limit should apply to all tax, licensing, and insurance payments. Under the, quote, Automobiles, colon-- semicolon, Licensing, comma, Insurance, comma, Driver's License, section-- end quote, section, that same appendix provides (i) the cost of licensing or insurance not related to the purchase of automobiles is allowed if it determines that transportation is required for participation in the client's Self-Sufficiency Contract. Again, typically, the insurance allowed is for three months. (ii) the vehicle must be registered in the participant's name. (iii) the participant must demonstrate that she or he can pay for subsequent insurance costs. The APA found 15 cases in which the registration and insurance costs paid exceeded the \$500 limitation. Additionally, for 9 of 18

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cases tested, there was a lack of documentation to determine whether the insurance costs complied with the above regulation. In all nine of the cases, there was no documentation to indicate that subsequent insurance costs could be paid. In fact, in two cases, the insurance policies were canceled immediately after the coverage paid by DHHS has-- had lapsed. Additionally, the documentation for the insurance coverage often did not identify the coverage period or which vehicle was being insured. The APA questions the total of \$13,354 in registration and insurance costs paid due to payments either lacking requirement documenta-- required documentation or being in excess of the specified \$500 limit-- limitation. Documentation of insurance coverage did not identify coverage period or vehicle. That part I find really odd, because I mean, I have car insurance. It says the time period and the name of the car and the VIN number and all that stuff on my, on my car insurance, so how there wouldn't-- the documentation wouldn't indicate that is kind of confusing to me. OK. So then it's-- goes through the cases, explaining them in more detail. I'm not going to read that right now. Sorry. [YAWNS] Oh, sorry.

KELLY: One minute.

M. CAVANAUGH: Thank you. Shouldn't be tired. We didn't have any soccer games this weekend. The Saturday game was canceled because of all of the rain on Friday. And then the Sunday game didn't happen because first communions were happening at the, at the parish, so. Didn't want to have soccer conflicting with first communion. OK. Improper Repair Costs. I'm going to skip down a little bit again. Information-- informal DHHS written policies appear to allow for repairs in excess of the trade-in value of the vehicle if approved by the DHHS Policy Unit. This contradicts 468-000-309, which states that the cost of repairs should be based on the vehicle's trade-in value. Additionally, it appears there is no lifetime limit on repairs; instead, they are considered on a pre-request basis regardless of previous repair costs incurred. My first year, there was a bill to tax car repair.

KELLY: Thank you, Senator.

M. CAVANAUGH: Thank you.

KELLY: That's your time. Members, the question is the motion to reconsider. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 0 ayes, 24 nays, Mr. President, on the motion to reconsider.

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KELLY: The motion to reconsider fails. Mr. Clerk.

CLERK: Mr. President, next Amendment: FA48, consisting of the fourth division of AM1332 Sections 51 and 52, which contain the contents of LB548.

CLERK: Senator Hansen, you're recognized to open on FA48.

HANSEN: Thank you, Mr. President. You know, I learned earlier today that I always referred to you as Mr. Lieutenant Governor, and I guess the appropriate way to do it is, Mr. President, when you're up in the chair, so. Every time I've done that, I apologize. I didn't realize. Somebody just told me that this morning, one of the staff. So, thank you, Mr. President. All right. So, FA48, like the Clerk mentioned, is consistent of LB548, which is Senator Ballard's bill, and allows an applicant for the pharmacist license to no longer need to obtain a grade of 75 on the pharmacy jurisprudence examination. Also, any person authorized to compound do so in compliance with the standards of the US Pharmacopeia and The National Formulary. LB548 was advanced to General File with a 7-0 vote. And I would encourage everyone to vote green when it comes up. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Just trying to fix my podium thing here because it is killing my back to bend over here. So I'm just checking all my binders. I'm a real binder person to begin with, but, they're coming in handy at this moment. Oh my gosh. That's so much better. Still probably not high enough for my colleague over here who's about a good foot taller than me. OK. FA48. And I think we have an hour and 20 minutes left-ish. Looking up front like somebody-- phone a friend, maybe. So, we have this one and then I think we have three more after this. And I'll talk on this for 15 minutes, and then the next two for 15 minutes. And I have amendments to the bill, but I don't want to submit them because it's kind of a pain for staff when I submit a bunch of amendments that we then don't use. So I'm trying to just keep them on my desk in case I need them. And instead of putting ame-- filing the amendments, I'm filing the motions to reconsider the vote. I honestly don't know if that is easier for staff or not. It is. It is. We're just going to go with it is. I'm seeing head nods up front, so. Most of what I do is a pain for staff. So when I can make it ever minutely less painful, I attempt to. OK. Back to TANF. I'm on page 12 of this 30-page audit. Too bad it's not, like, 10:00 at night. This would be great bedtime reading for a lot of people because I'm

kind of putting myself to bed with this, but. OK. I'm skimming down to there's all these explanations of the costs, and it really is pretty fascinating, but it's not fascinating to read out loud, so. Here we go. This is on page 14. Without proper monitoring and controls overpayments approved by contractors-- over-- without proper monitoring controls over payments approved by contractors, there is an increased risk that payments made by DHHS will not be in compliance with acceptable rules and regulations. We recommend DHHS review its contracts to ensure the services provided by the contractors are performed in accordance with DHHS rules, regulations and guidelines covering the program. Based on the findings contained in this report, DHHS should consider additional training of those employees and contractors involved in the EF Program to ensure: payments are reasonable and necessary given the circumstances. The \$500 limitation for registration and insurance cost is adhered to. Documentation supporting issue-- insurance costs is on file and provides sufficient detail-- details, including the vehicle being insured and the coverage period. Documentation is available to ensure the ability to pay subsequent insurance costs. Payments are not made for vehicle repairs when the estimated repair cost exceeds the trade-in value of the vehicle. Consideration is given to prior repair costs when approving payments for vehicle repairs. Documentation is maintained to identify the miles from his or her home to any of his or her component activities to ensure fuel payments are calculated in accordance with the \$0.25 per mile limitation. I do wonder if that \$0.25 per mile limitation is tied to--

KELLY: One minute.

M. CAVANAUGH: --inflation because, like, we get our mileage reimbursement and it's tied to what the government reimbursement is. Supportive service payments are appropriately terminated when no longer eligible for ADC or transitional services. Transportation costs are properly limited to the first full pay, pay period of employment. Oh, I need to get in the queue. I keep kind of losing track. I'm like, oh, we're just going to go to a vote. And then I realized we just went to a vote, and here we are. OK. Transportation costs are properly limited to the first full pay period of employment. DHHS has a response to this. In May 2014, Temporary Assistance to Needy Families, TANF, policy staff began to review EF supportive services claims. These reviews begin-- began as a result of concerns similar to those identified in this review. Using a statistically valid sampling tool, staff reviewed selected paid--

KELLY: That's your time. And you're next in the queue.

M. CAVANAUGH: --staff reviewed selected paid claims every month. The claims are reviewed to ensure-- to assure services were authorized within established guidelines and additions and regulations. In addition, vendor payments are now made online through Onbase, so the reviews include assessing documentation in support of the paid claims. I find that so fa-- like, you can't-- anybody who's had to, like, file an insurance claim, whether it's car insurance or getting reimbursed for healthcare insurance or anything like that, it's, like, super rigmorole. Lots of steps. So the fact that, like, we had systems in place that were not as robust as that are kind of surprising. But we also were paying the companies that were administering the program, like, three times as much as we were spending on the individuals within the program, so. Not, in my opinion, the best steward of the dollars, but I guess that's fine. OK. So I'm going back to the underlying article. I might come back to this audit report later. Sorry. OK. We've got the report from the Legislative Fiscal Office, which I believe was drafted-- yep-- by Liz Hruska, who was in the Legislative Fiscal Office and she retired at the end of last year. And it's a big loss for the state because she was really the TANF expert. That's not to say-- we have amazing people working in the Legislative Fiscal Office. Just, you know, Liz had decades of institutional knowledge. So her TANF report-- and this was for the interim-- [YAWNS] sorry. I am so sorry. The interim hearing that we had last year. She prepared this report. TANF Report. Temporary Assistance for Needy Families is a federal block grant-- oh, I need to get in the queue-- is a federal block grant program to states for time-limited and work-conditioned income maintenance assistance and other supportive services for low-income families and children. I feel like that is important when I am trying to convince you all-- and I know I'm failing-- but I'm still trying to convince you all that we should consider amending TANF onto one of the HHS bills. It is important to remember that it is time-limited and work-conditioned. So we're not-- this isn't just a giveaway for people to stay home and do nothing. I know that's always, like, the primary concern. We don't have that concern about corporate giveaways or massive wealthy tax cuts. But when we're talking about really, really impoverished people, we want to make sure that we're making it difficult. We are. Don't worry. It's hard. It's hard being poor. Nobody wants to be poor. OK. In Nebraska, the TANF block grant is used for cash assistance, employment-related services, childcare, child welfare, and administrative costs. Nebraska receives approximately \$56.6 million a year from the TANF block grant. States are allowed to carry over unspent funding for a subsequent year. The carryover funds may be used for any allowable TANF purpose. The carryover balances are referred to as "rainy day" funds.

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Legislation is often introduced with the intent to use the rainy day funds. This report is to assist senators in understanding the federal requirements and the flexibility allowed for the use of the TANF funds to better assess uses of the fund when proposed. Background.

KELLY: One minute.

M. CAVANAUGH: Thank you. In 1996, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, or PRWORA. That doesn't seem like a word. P-R-W-O-R-A. Pro-war-uh? We'll just say PRWORA. PRWORA of 1968. The Federal Aid to Families with Dependent Children Program changed from federal/state match program to a block grant. The change to a block grant gave states greater flexibility in designing programs and providing services, but also came with new requirements and a major focus on work requirements and incentives for those receiving assistance. Again, the whole premise of this program is focused on work requirements. We are not just giving money to abject poverty. We are giving money to people in abject poverty that are required--

M. CAVANAUGH: That's your time, Senator.

M. CAVANAUGH: --to jump hoops.

KELLY: And you're next in the queue. And that's your last time on the floor amendment.

M. CAVANAUGH: Thank you, Mr. President. OK. So, Federal Requirements. All uses of TANF funds must be met-- one-- must meet one of four purposes: Assist needy families so that children can be prepared for their own home-- cared for in their own homes. Reducing the dependency of needy parents by promoting job preparation, work, and marriage. Preventing out-of-wedlock pregnancies. And encouraging the formation and maintenance of two-parent families. Those last two just get me every time. Like, the federal government is getting-- like, that is bedroom politics, if you ask me. Preventing out-of-wedlock pregnancies? What might be more appropriate is preventing or supporting-- no. No, I can't think of how it would be more appropriate. I think it's probably just not appropriate to-- for the federal government to say that they're working to prevent out-of-wedlock pregnancies. OK. So-- especially the irony of that is when this was created in 1996, same-sex marriage was not a thing. And so if you were a pregnant individual in a relationship, a same-sex relationship, you could not have an in-wedlock pregnancy. Like, the federal government prohibited you from having an in-wedlock pregnancy.

But they were trying to prevent out-of-wedlock pregnancies. And we also weren't-- we were discriminating against who could get married, so. Buy guns, though, right? Although four purposes are-- although four purposes are broad in nature and allow states great flexibility in designing programs and delivering services, there are also specific requirements that states must meet to continue to receive their full block grant allotment. In order to maintain the block grant funding, the state must meet certain other financial and pro-- programmatic requirements. OK. Sorry. Family group text always is distracting. It's a 17-person group text, so it's, like, a lot of random things: basketball scores during March Madness, football scores during football season. I should just say sports balls scores randomly come on my phone, mostly from my dad. Sometimes my brothers' across the country. My niece does not weigh in very often. Those of you that know her, she doesn't weigh in very often in the family group text, but she's on it. I hope she has it muted because there's, like, 500 texts a day. That would be very disruptive when she's in class. OK. State may be penalized for the following: Use of funds in violation of the purposes. Failure to meet the maintenance of effort, or MOE. Failure to satisfy minimum work participation rates. Failure to participate in the Income and Eligibility Verification System. Failure to enforce penalties requested by the child support agency. Failure to comply with the five-year time limit on assistance. Maintenance of Effort. Nebraska receives approximately \$56.6 million a year. The state is required to meet maintenance of effort, which is based on the 1995 spending levels for cash assistance and work programs. To meet the MOE obligation, a state must report spending an equal to at least 80 percent of its--

KELLY: One minute.

M. CAVANAUGH: --historic spending level. This minimum share falls to 75 percent for any year in which states meet-- state meets its TANF work participation rate requirement. In Nebraska, the MOE is approximately \$28.4 million. The state must meet all federal requirements to be subjected-- or, may be subjected to penalties of reduction of \$1 for every \$1 below the MOE. The chart below shows the expenditures for the MOE from FY 2019 through FY 2020. OK. HHS Programs, Tax Credits. During the two federal fiscal years, the Earned Income Tax Credit, EITC, and the Child Care Tax Credit were 72 percent and 9-- 69 percent of the MOE. State expenditures in December-- state expenditures in, in DHHS programs alone do not--

KELLY: That's your time.

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M. CAVANAUGH: --meet the MOE. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Hansen, you are recognized to close on FA48. And waive closing. Members, the question is the adoption of FA48. All those in favor vote aye; all those opposed vote nay. There's been a request for a call of the house. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 14 ayes, 4 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Blood, Raybould, Conrad, Wishart, Dover, Clements, Bostelman, Hughes, Ballard, Moser, Dungan, Sanders, and Bosn, please return to the Chamber and record your presence. The house is under call. Senator Hansen, we're missing 12 members. How would you like to proceed?

HANSEN: [INAUDIBLE] proceed.

KELLY: Will you accept call-in votes?

HANSEN: That'd be a yes, right? Yes.

KELLY: Mr. Clerk.

CLERK: Senator Wayne voting yes. Senator John Cavanaugh voting yes. Senator Fredrickson voting yes. Senator Bostelman voting yes. Senator Sanders voting yes.

KELLY: Record, Mr. Clerk.

CLERK: The vote is 27 ayes, 0 nays, Mr. President, on adoption of the amendment.

KELLY: FA48 is adopted. Mr. Clerk for items. I raise the call.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote just taken on MO9-- with MO951.

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

M. CAVANAUGH: Thank you, Mr. President. I actually didn't vote for this bill out of committee, the-- which is FA48. OK. I was reading the

report from-- the TANF report from our Fiscal Office. Ooh. My, my fool-proof stacking, very tenuously, of, of binders is not holding up here. Let's see. What else can I put here? I've got a lot of binders. They're not full of women, but. The time when Mitt Romney said that, binders full of women, and it seemed like such a ridiculous statement, now it actually is, like, that's really smart. You had binders full of women so that you were making sure that you were looking for more qualified female candidates. Like, what a great thing to do. Mittens. That's his nickname. Mitt Romney, Mittens. OK. Is this-- no, that's the other document. Sorry. Let's see here. It's a policy brief. Ooh, geez. Interim study report. OK. There we go. State-- Separate State Programs and Solely State Programs. TANF funding is a-- is not allowed for all assistance programs serving low-income families. There are two categories of programs not allowed to be paid from TANF Funds. Those are the Separated-- Separate State Program and the Solely State Program. The Separate State Program counts toward meeting the state's MOE, but the participants are not counted towards the state's work requirements. Solely State Program expenditures do not count toward the state's MOE and the participants are not counted toward the work requirements. The programs are paid from state general funds. Separate State Programs. Nebraska has two Separate State Programs. One exempts single-parent families or minor parents receiving ADC from work requirements if they meet the following criteria: (1) pregnant women beginning the first of the month before the month of the mother's due date are exempt. (2) parents or needy caretaker relatives, guardians, or conservators of a child under the age of 12 weeks. The other allows parents to pursue post-secondary education in lieu of work. Post-secondary education is not allowed to count towards meeting the federal work requirements. Solely State Programs. In Nebraska, those exempt from the work requirements and federal time limit under the Solely State Program are those where the adult or minor parent is in-- incapacitated with a medically detrimental [SIC-- determinable] physical, mental, or emotional impairment or those who have significant barriers to participation in approved work activities. Those barriers include a parent who is needed to provide continuous care for a family member with a disability, victims of domestic violence, single parents who are unable to obtain childcare, and parents over age of 65. Work Requirements. The state's work participation rates are 50 percent overall and 90 percent for two-parent families. States can reduce the target-- the targets through caseload reduction credits. For every percentage point the state reduces its caseload below the FY 2005 level, the credit reduces the state's target participation rate by one percentage point. Excess MOE spending serves as a caseload reduction credit. Nebraska has

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claimed child welfare TANF [SIC] funds, tribal TANF, respite care expenditures, the Earned Income Tax Credit, and early childhood grants in the excess MOE calculation. Failure to meet the work participation rates would result in penalties. The first year a penalty is assessed, the block grant is reduced by 5 percent, approximately \$2.9 million in Nebraska, and by additional-- and by an additional 2 percent, approximately \$1.2 million in Nebraska, for each subsequent year of noncompliance. The state's MOE would also increase the percentage decline in the bo-- block grant. In FY [SIC-- FFY] 2006, the state barely met the work participation rate, placing the rock-- block grant funding at risk. Excess MOE has helped to eliminate the likelihood of a penalty being assessed against the state, especially the Earned Income Tax Credit, which provides the majority of the offset to the work participation rates. Allowable Transfer. Federal law allows transfers of the TANF block grant up to 30 percent to the Child Care and Development Block Grant, \$16,988,170, and up to 10 percent to the Title XX Social Services Block Grant, \$5,662,726. The combined amount cannot exceed 30 percent of the grant, the \$16,988,170. Programs Supported by TANF. Administration funds are used for staff and overhead expenses for administering assistance programs. These funds support ACCESSNebraska and related administrative expenses based on a cost allocation plan. Administrative costs are capped at 15 percent of the block grant. Childcare assistance is available at no cost to families receiving ADC cash assistance or those whose gross income and earned-- unearned income is at or below 100 percent of the federal poverty line, FPL. Families whose incomes are above the current income standard for childcare subsidy may be eligible for a partial subsidy if their gross earned and unearned income is at or below 185 percent of FPL. On October 1, 2023, the income limit reverts to 130 percent. Not with this bill, right, Senator DeBoer? Senator DeBoer's bill, which is in LB227, takes care of this very issue that I am talking about with the childcare eligibility. If we were to not pass LB227, which I don't think is going to be a problem, then what is being outlined here would take into effect, and that would be a problem. Information systems are used to support information systems used for eligibility, client activities, and payment processing. Information systems costs are not included in the 15 percent administrative cap. OK. Aid to Dependent Children, ADC, provides cash assistance as part of the TANF program to low-income families with children 18 or younger. ADC income is used to pay for family living expenses like rent, utilities, food, clothing, and other necessities. Child welfare funds an array of safety and in-home services are provided to tho-- to families whose children have been determined to be unsafe in their family homes or to the community. Eligibility is based on the family's

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eligibility for one of the following programs: Aid to Dependent Children, Supplemental Nutrition Assistance Program, or Medicaid. The target population is: children ages 0 through 18 who are involved in a proceeding in the juvenile court system and placed in the custody of the department for reasons of abuse, neglect, status, offense, or delinquency; as well--

KELLY: One minute.

M. CAVANAUGH: Thank you-- as well as families who are not involved in court proceedings but who agree to participate in safety services. The following services are provided: an in-home safety services, intensive family perv-- pres-- preservation services, family support services, family peer and support and respite services. Employment First provides assistance for people through the transition from the Aid to Dependent Children to the workforce. Home visitations supports pregnant and parenting families of children from birth through age five who may struggle with significant life stressors such as poverty, exposure to violence and substance abuse, parenting teens, or military families with one or more parent in the service. Families must be at or below 250 percent of poverty. So for services like home visitation, we have the inc-- the pov-- the eligibility limit at 250 percent. So you can participate in the programs, but you can't get--

KELLY: That's your time, Senator.

M. CAVANAUGH: --the direct assistance.

KELLY: And you're next in the queue.

M. CAVANAUGH: Thank you, Mr. President. So you can participate in the home visitation program if you're at 250 percent of poverty, but you can't get aid to dependent families cash assistance if you are 50 percent poverty. You have to be below 50 percent of poverty. And as I said at the onset, the monthly income has to be less than our monthly income. That's very little. You have to make less than we as state legislators make to qualify for direct cash assistance. So you can understand how this program is so underutilized and why our rainy day fund continues to grow year after year, because we have not changed the eligibility in decades. And because we have not changed the eligibility, we are making this problem ourselves. So we can create new programs to spend money or we can increase eligibility to help families directly. My first couple of years, when I was working on the family support waiver, I kept being told that the reason that we couldn't do a family support waiver for children with developmental

disabilities was it was a new program. I had to fight for years to get a, a family support waiver for developmentally disabled children because it was a new program. And this year, instead of changing the eligibility to help more individuals with cash assistance, we're going to create new programs to spend that money and take it away from their pockets and give them programming. Programming is fine. It's not as good as food. It's not as good as housing. And it's not as good as clothing. So before we do any new programming, let's take care of the basic essential needs, and let's increase TANF eligibility and access to the cash assistance for Aid to Dependent Children. OK. Oh. One more time in the queue. And then my close. And then we go to a vote on this motion, and that'll fail. And then we go to the next FA49. And I get 15 minutes on that. So I've got 5, 5-- 10 minutes here. 15 on that. That's 25 minutes. Then I'll have to do another motion to reconsider. That'll be 25 minutes. And so 25 to 50 minutes. So I probably don't need to do a second motion to reconsider because we have two more amendments. And even though I picked out a number of bills to have divided, I'm not, I'm not targeting any of them. I mean, I think I made my point very clearly on Friday that I am displeased with hospitals and the Hospital Association and Children's Hospital with their lack of advocacy on behalf of their patients and their primary interest in their pocketbooks over patient care. If I haven't, I hope I just made that clear now that I am displeased with the hospitals, the Hospital Association and Children's Hospital for those reasons, that they show up to the Legislature, but only to advocate for their pocketbooks and not to advocate for policies that directly impact the care and well-being of their patients--

KELLY: One minute.

M. CAVANAUGH: --that, to me, is problematic and infuriating. But that said, I still believe in healthcare in Nebraska, and so I don't want any of these bills-- bills to specifically fail. I just divided the question and picked bills out kind of at random just to take time, so. I-- all of that is to say that I probably don't need to do another motion to reconsider if we are going to 11:45 on this bill. No? 11:25? Oh my gosh. That was the best, like, numbers up front for me ever. That means I only have 30 minutes left. Hoo. Definitely not going to do another motion to reconsider then. We can do this one and then we can do the next floor amendment--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

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KELLY: Senator Ibach has visitors in the north balcony: fourth graders from Overton Public School. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to speak. This is your third time on the reconsider.

M. CAVANAUGH: Great. Is this my close?

KELLY: No. You'll have--

M. CAVANAUGH: Oh.

KELLY: --your close also.

M. CAVANAUGH: OK. Fantastic. I'm just super pumped about the 30-minute warning that-- that just, like, great. OK. So-- and then after that, we get to the Exec Board bill that poor legal counsel for the Exec Board has been attempting to have us show up for late nights numerous times. So I'm glad we're starting on it earlier in the day, because I've been feeling pretty bad about that one. OK. TANF. Oh, my-- I got locked out of my computer. There we go. That, that was not an IT problem. It's just that I-- my computer locked out and I just had to wait a moment for it to be logged back in. And we're all good. OK. So this is the interim study report and-- Employment First, Home Visitation-- where was I at? Child Welfare. SNAP Training and Employment. This is in part-- this is a partnership with the Department of Labor. I believe this is actually a program that Speaker Arch maybe passed the employment partner-- training and employment with SNAP. I think that came out of HHS since I've been here, and I think it was Speaker Arch's bill, but I, of course, always stand for correction. Anyways, SNAP Training and Employment. This is a partnership with the Department of Labor. SNAP recipients in certain areas of the state who are not receiving ADC or Employment First benefits are eligible. They are provided with work preparation training such as job search and on-the-job training and supportive services such as transition-- transition, sorry-- transportation and clothing for interviews. Emergency Assistance. Financial assistance to low-income families to address an emergency situation that threatens the well-being of an eligible child or family. The assistance must be used to help turn a family to a stable environment which they will be able to maintain. Alternative Response. Alternative response is an approach to work with families with allegations of abuse or neglect to safely care for children in their home and communities. Families are connected to services and/or informal supports to improve parents' ability to protect their children. Fatherhood Initiative. The Fatherhood Initiative Project exists to serve Nebraska fathers who are

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wanting to better connect or reengage with their children and learn how to be better parents. The Fatherhood Initiative staff of case managers, supervisors, trainers, and employment specialists assist fathers in their efforts to overcome struggles and improve their lives for the overall betterment of the family. JAG Program. Affiliated with the national organization Jobs of America Graduates, JAG, collaborates with United Way and participating school districts. JAG Nebraska helps students overcome challenges to achieve personal and career success after high school. Certified career specialists teach a minimum of 37 skills during regular classroom hours to students interested in participating. The JAG curriculum prepares students for future jobs. Then the following chart shows TANF expenditures by federal fiscal year from FY 2016 through FY 2021. It's got a list. Oh gosh. This is a little small.

KELLY: One minute.

M. CAVANAUGH: Thank you. OK. So it has the TANF Grant Spending by Federal Fiscal Year, and-- it starts in 2016, goes to 2021: Administration, Child Care, Information Services, Work Activity Admin-- that has ended-- Cash Assistance, Pandemic COVID FY '20, Child Welfare Services, Work Activities, Employment First, ARRA Spent on Work Act-- that ended-- Home Visitation, Women's Health Alternative has ended, Subsidized Employment has ended, Family Focused Case Management, SSBG Transfer (Bridge)-- I don't know what that means-- St. Monica's Women are Sacred, SSBG Community Response, SSBG Child Care Fingerprinting, SNAP Employment and Training--

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

RAYBOULD: Thank you, Mr. President. Good morning, colleagues. Good morning, fellow Nebraskans watching on TV. I stand in opposition to the reconsideration motion and in support of LB227 and the amendments attached to that. I, I know that Senator McKinney did a, a wonderful job speaking about criminal justice reform and his opposition to funding and building a new prison. And I just want to point to the Nebraska Criminal Justice Reinvestment Working Group and their final report. And I'd like to send a copy to each of my colleagues on, on just how important it is that we revisit this issue when it comes to funding a, a new prison. You know, this-- the discussion on funding a new prison has been going on since Governor Heineman, Governor Ricketts, and now under Governor Pillen. And instead of doing a lot of the recommendations that were presented in this final report first, before we go-- undergo that extraordinarily expensive facility,

building, we, we really need to take some of these recommendations seriously that was done in the good spirit and working with the Justice Reinvestment Initiative that was designed. And so, I'm just going to read a couple of the things that we all know, about the overcrowding in the prison, that the, the sentences are increasing. And when we're looking at the sentences, why are those sentences increasing? The Omaha World-Herald did a great report last year talking about those. And it said, you know, there-- and Senator McKinney has said this very clearly. We've introduced some bills this legislative session that talks about more programming-- more programming while we have those individuals in the penitentiary and the county jails. That is essential, to make sure that they get the programming they need. For the last several years, there has been no programming in the penitentiary and other corrections facilities, and this is something that we need to address immediately so that when those individuals have completed their sentence and they're out in the community they have a semblance of understanding how certain actions that they took led to where they are and-- so we reduce the likelihood of them to recidivate. So we know that programming in the jail is essential. But also, looking at the communities that have those high incidents of reincarceration, what are we doing in those communities? And one of the things that they talked about is a reinvestment there is essential, to make sure that those individuals, once they leave the facility, have the school-- the skill set and the tools they need to succeed. And as a former county commissioner, we advocated heavily that they looked at making sure that those individuals that were getting behavioral health treatment and treatment for their addiction would be qualified and set up on Medicaid. And why is that important? Because once they leave the facility, they will have a, a likelihood of continuation of the treatment that they need, for their behavioral health issues and their addiction, and that's so fundamentally important. And that's where the funding should go. You've heard me talk about this before, that we really need to invest in our regional center. We need to be highly active in recruiting more psychiatrists to assist in that facility to make sure that those individuals are restored of their competency so they can serve out their term or they can actually get the care and treatment they need to be a better citizen once, once they're released. So these are funding mechanisms we should be focused on. Think of it, this: if we spent \$1 million, \$1 million, to recruit at least--

KELLY: One minute.

RAYBOULD: --thank you, Mr. President-- two or three amazing psychiatrists and psychiatric nurse support staff, we could go a long

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way in reducing the backlog that is in county jails and those that are sitting in our penitentiary with no programming and no assistance once they leave. And we'd also need to look at probation and parole. You know, once you are assigned parole and probation, you go down to the county level. But there is no funding at the county level to make sure that they have the facilities that can house the additional parole and probation officers to follow up on those individuals that have been given probation and are now back out in the county. So, these are some things that I know Senator McKinney has talked so eloquently about, but we really need to look at these actions first before we start funding a new correction facility.

KELLY: That's your time, Senator.

RAYBOULD: Thank you, Mr. President.

KELLY: Thank you, Senator Raybould. Senator Raybould, you're next in the queue.

RAYBOULD: Thank you, Mr. President. And I just want to read some of the policy options that were done in the Criminal Justice Reinvestment support. And I know that the Legislature last year took up some of these, but some of the most critical and most impactful ones were clearly overlooked. You know, they said focus corrections resources on violent and high-risk individuals. And that makes sense. It said, Option 1: Establish a streamlined parole process for certain eligible individuals. Option number 2: Increase investment in assistant probation officer positions who can provide direct support to the probation officers supervising high-risk caseloads. Option 3: Establish supportive housing programs for individuals on supervision in the community. And Option-- and I want to just address that one. When it comes to housing, that is the most critical need for any individual as they leave the correction facility, is that they have adequate housing and the resources to help them find a job. The next category is Address Regional Inconsistencies in Outcomes Across the State. Option 4: Create statewide standards for the use of early probation discharge. Option 5: Narrow broad sentencing ranges-- ranges by tailoring punishments to specific levels of seriousness. Option 6: Reduce jamming out releases. Option 7: Increase education for stakeholders about young adults involved in the criminal justice system. Option 8: Expand problem-solving courts. And we know, certainly in Lancaster County, how fundamentally important the problem-solving courts are. They have demonstrated that they have lower recidivism-- recidivism rates. So the-- these in-- those individuals go through a rigorous counseling, treatment, and

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retraining process. So I can speak directly to the adult court program that we have in Lancaster County. Those individuals that qualify for the program-- and this is done with the County Attorney's Office. And if they go through drug court, it's up to a two-year program, where you have intensive treatment and counseling and therapy and-- over that long period of time. And it is not an easy program. Every day, you have to report for duty to give a urine sample to make sure that you are staying clean and sober. That's, that's adult drug court. But we also have expanded to the veterans adult program. And that has been so fundamentally important for a segment of our population that has struggled to, to be reintegrated in, in our communities after serving in our military forces. And so, that's essential. And we're looking at mental health courts now, to be able to do the same thing, where they get the behavioral health treatment they need to, to succeed. And lastly, DUI diversion. That is so fundamentally important with those individuals who clearly have a drinking problem, that they are going through this process of diversion that helps them succeed. And the great-- the beauty of the problem-solving courts is they're restored back to their families who are overjoyed to see that they've kicked their addiction and all the demons that have been plaguing them for all these years. And lastly, I just want to, to give an explanation of my vote, that I voted on last week, on LB73 [SIC-- LB753]. That's the scholarship funding for nonpublic schools. And I have to say, I, I owe many people an explanation for my vote on the cloture motion on LB753 that took place last week. In short, I voted wrong. And I apologize. You know, I, I tell my staff and--

KELLY: One minute.

RAYBOULD: --thank you, Mr. President-- folks that work in our company: if you mess up, fess up. And that's all you have to do. And I have to say, as, as the body quickly proceeded throughout the evening to cloture motion and advancement of the bill and in my ho-- in my own haste and fatigue, I voted yes for cloture when my intention all along had been to, to vote no. And I, I even told that to the, the Catholic chancery, I was going to vote yes for the amendment, but no on the bill. And I do not support LB753, and believe strongly that public tax dollars should be used to support public schools. I know that this has created a lot of concern and confusion. And again, I am sincerely sorry to those who felt disappointed in my action. Additionally, I apologize to anyone who was given a false sense of hope that I support LB753. I cannot support legislation that will in any way take public funding away from public schools. Thank you, Mr. President.

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KELLY: Thank you, Senator Raybould. Senator Machaela Cavanaugh, you're recognized to close on the motion to reconsider.

M. CAVANAUGH: Thank you, Mr. President. I just have to get logged back into my computer. So, I think we have 24 minutes left on this bill, so I'm not going to do motions to reconsider on the next two. OK. I was reading from-- proper monitoring and controls. Oh, we already did that. Nope. The interim. Sorry. I keep accidentally going back and forth between the interim report and the 2014 audit report. Rainy Day and Carryover Funding. States may use the unused TANF balance in subsequent years to carry over balance. The carryover balance could only be used for ADC payments in the past, but that restriction has been lifted. The carryover funds are also referred to as rainy day funds. Nebraska has had a carryover balance since the start of the TANF block grant. The block grant amount was determined using the base year of 1994, when public assistance caseloads in Nebraska and all states were at an all-time high. As welfare reform measures were implemented, caseloads declined significantly. Cash assistance covered approximately 15,000 families in 1994. And as of August 2022, 2,787 families were receiving cash assistance. The following chart shows annual TANF balance projections as prepared by the Department of Health and Human Services. So, TANF available, September 30, 2021, \$108 million. TANF Grant Award, \$56 million. Estimated expenditures, 40-- \$54 million. And a-- then that brings us to a balance of \$110 million. And then FY '23 grant expenditures, \$56 million. Estimated expenditures, negative \$70 million, coming from our unobligated funds of \$110 million. That brings us to \$96 million in the rainy day. And it goes on from there and takes us down eventually, in 2028, to \$4.6 million in the rainy day fund. So the estimate of annual grant expenditures-- it lists programs. That's the end of the report. So that might sound like, oh, great, the TANF block grant. Like, the expenditures that they're estimating is going to spend down the rainy day fund. They have literally been giving us this since my freshman year. And I'm pretty sure they've been giving this since pretty much 2014. And they have not spent down the grant funds that are in the rainy day fund. And so, I think it really is time to change the eligibility because right now the eligibility is under 50 percent of poverty. So again, in order to be eligible for the rainy day fund-- for the direct cash assistance, Aid to Dependent Children, you have to make under-- well, it's \$881 plus \$71 because you have to have one child for the Aid to Dependent Children. So \$881 plus \$71-- you--

KELLY: One minute.

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M. CAVANAUGH: --I-- thank you. \$881 plus \$71 is \$952. Still less than we make a month. Take that times 12, and we are talking-- you have to make \$11,424 or less to get the Aid to Dependent Children cash assistance. That is-- and it's \$71 for each additional child. You can make \$71 more for each additional child. We have not increased the eligibility for this program in decades. And we have three bills that address this issue in various ways. All of them would be very impactful to people living in poverty. And I am asking, colleagues, that we find a way to get that moved forward this year. This bill could be a vehicle for that. Thank you, Mr. President.

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

CLERK: 0 ayes, 29 nays, Mr. President, on the motion to reconsider.

KELLY: The motion fails. Mr. Clerk for the next item.

CLERK: Mr. President, next item: FA49. It's the fifth division of AM1337, consisting of Section 64, which contains the contents of LB611 as amended by the committee amendments.

KELLY: Senator Hansen, you're recognized to open on FA49.

HANSEN: Thank you, Mr. President. Yes, this floor amendment, FA49, consists of LB611, which is introduced by Senator Riepe. It changes medication requirements of the administration of drugs for hospital and ambulatory surgical center or healthcare practitioner facility. When a provided medication is ordered at least 24 hours in advance for surgical procedures and is administered to a patient, any unused portion of the medication shall be offered to the patient upon discharge when it is required for continuing treatment. The prescriber is responsible for counseling the patient on its proper use and administration. The unused portion of such medication shall be labeled by the prescriber or a pharmacist consistent with the current labeling requirements. LB611 as amended was advanced to General File 7-0. And that is, again, one of the divisible bills that we're going to be discussing here as a part of the assortment of bills. With that, thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Let's see here. OK. Oh, I finished. I finished reading the TANF interim study report. OK. So I'm

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going to close that so I don't keep getting confused about where I'm at. I still have the TANF audit report from 2014. Let's see here. As mentioned previously, Nebraska's ADC cash assistance program provides monthly cash assistance to those who have dependent children and fall within the income and resource limitations. In order to determine if the case is selected for testing, met the ADC requirements, including income and resource limitations, the APA performed a detailed review of each case. Many components can affect eligibility, so the APA focused primarily on ensuring that cases-- the cases were needy by considering the income. Just thinking. I think there's one more after this, FA50. Let me see. Let's see here. We are on FA49. So if you go to the UniNet, you can-- on the right-hand side, there's like a, a tab. This is for my colleagues, not for people at home. If you go to the Uninet, on the right-hand side, it has amendments proposed by priority. And if you click on view details, because sometimes it's hard for me to figure out so I just click on details, and then it has up top what is, like, the up-- the next priority. And it looks like we have two more divisions. So I am going to sit down so that we can vote on those. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Seeing no one else in the queue, Senator Hansen, you're recognized to close on FA49. And waives closing. Members, the question is the adoption of FA49. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of FA49.

KELLY: The amendment is adopted. Mr. Clerk for next item.

CLERK: Mr. President, the next item: FA50. It's the sixth division of AM1332 in Section 30-- excuse me-- 63, containing the contents of LB402 as amended by the committee amendments.

KELLY: Thank you, Mr. Clerk. Senator Hansen, you're recognized to open on FA50.

CLERK: Thank you, Mr. President. FA50 is the portion LB402 in the block of bills. And that is Senator Ballard's bill, which defines home health agency that does not include a person or legal entity which engages only in social work practice. LB402 as amended was advanced to General File with a 7-0 vote. So with that, I'll yield the rest of my time back to the Chair. Thank you, Mr. President.

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

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M. CAVANAUGH: Thank you. I-- woo. Got shocked. I think that there's more pending, so-- and we-- no, there's not more pending. There is more pending. Yes. OK. I am going to yield my time. Thank you.

KELLY: Seeing no one else in the queue, Senator Hansen, you're recognized to close on the floor amendment. And waives. Members, the question is the adoption of FA50. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 36 ayes, 0 nays, Mr. President, on adoption of FA50.

KELLY: The amendment is adopted. Senator McKinney has some guests in the north balcony: OPS students visiting the Capitol with Voices for Children in Nebraska. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk for the next item.

CLERK: Mr. President, next item: FA51. It's the seventh division of AM1337, consisting of Sections 65 and 66, containing the contents of LB458.

KELLY: Senator Hansen, you're recognized to open on the amendment.

HANSEN: Thank you, again, Mr. President. I'm starting to think Senator Machaela Cavanaugh enjoys hearing my voice because she's making me repeat myself with all these bills. And then she doesn't talk after that, so. It's all good. All right. This is FA51-- again, which is the portion of the, the package of bills that includes LB458-- I believe it's LB458. And that's Senator Ballard's bill, which provides that if the dispensing and central fill pharmacy are under a common ownership, the fill pharmacy can deliver to the patient on behalf of the dispensing pharmacy. LB458 was advanced to General File with a 7-0 vote. And I would encourage everyone to vote green on FA-- OK. All right. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Well, of course, I do enjoy hearing Senator Ben Hansen speak and even more so when it means I don't have to. But you have a lovely voice. And I'm happy to hear you speak on this fine Monday morning. I think we are just about at cloture, so I'm really just now taking time for cloture. I hope everyone had a lovely weekend. It was a bit chilly in Omaha. Didn't do too much myself. Hung out with my kids, saw the movie Mario Brothers or Mario Kart. My youngest did not go, which ended up being really good, because it was a little-- it had some scary parts to it that

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were not-- probably a four-year-old-- or at least my four-year-old-- would have been scared by, but. The soundtrack, excellent. Some great, like, '80s ballads in there, reminiscent of Frozen II, for those of you that have seen that movie. Also a great soundtrack, with some great '80 ballads in it. So, yeah. That was kind of my weekend. I didn't get as much yard work done as I had hoped because it was kind of cold and I was really tired. I did get my oldest kid to help me with the hasta. I've been meaning to separate my hasta. Hasta is a great plant because it's really hearty. It's hard to kill. It grows back itself every year. And years ago when we bought our house, I got hasta from my parents' house. Never buy hasta. If you have to buy hasta, you don't have friends. Because everybody has hasta and hasta is the easiest thing to divide and replant. And so, my sedum and my hasta are from my parents' house. Super hearty, lovely plants. The sedum are a great pollinator plant that is-- we always have some really lovely bumblebees flying around our sedum. I'd like to have more of a pollinator garden. I think-- did I just get a thumbs-up? No. Yes. OK, great. Well, I'll talk more about the garden maybe at 10:00 tonight. Thank you, Mr. President. I yield the remainder of my time.

KELLY: Thank you, Senator Cavanaugh. Mr. Clerk, you have a motion on your desk.

CLERK: I do, Mr. President. Senator Hansen would move to invoke cloture on LB227 pursuant to Rule 7, Section 10.

KELLY: Senator Hansen, for what purpose do you rise?

HANSEN: Call of the house.

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

CLERK: 28 ayes, 4 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. All those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused members are now present. Members, the first vote is the motion to invoke cloture. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 44 ayes, 0 nays, Mr. President, to invoke cloture.

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KELLY: The motion to invoke cloture is adopted. There's been a request for a roll call vote, and the question is the adoption of AM1332. Mr. Clerk.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. Vote is 45 ayes, 0 nays, Mr. President, on adoption of AM1332.

KELLY: The amendment is adopted. Members, the next vote is on the adoption of AM848. All those in favor vote aye, all tho-- request for a roll call vote. Mr. Clerk.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Ha-- Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting

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yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. The vote is 45 ayes, 0 nays, Mr. President, on adoption of the committee amendment.

KELLY: AM848 is adopted. Members, the next question is the advancement of LB227 to E&R Initial. All-- there a request for a roll call vote.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. The vote is 45 ayes, 0 nays, Mr. President, on advancement of the bill.

KELLY: LB227 advances to E&R Initial. I raise the call. Mr. Clerk for items.

CLERK: Thank you, Mr. President. Amendments to be printed, Senator Bostelman to LB565. New LR from Senator Lowe: LR97. Those will both-- and LR98. Those will both be referred to the Executive Board. Next item on the agenda, Mr. President: LB254. Introduced by Senator Brewer. It's a bill for an act relating to the Legislature. Amends Sections 50-114, 50-402, 79-1312, 79-1313 and 79-1316; requires the Legislative Council, through the Executive Board of the Legislative Council, to develop and maintain a publicly accessible, digital internet archive of closed captioned video coverage of the Legislature

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as prescribed; change provisions of the Nebraska Educational Telecommunications Act; change powers and duties of the Nebraska Educational Telecommunications Commission; harmonize provisions; provides a duty for the Revisor of Statutes; repeals the original section. The bill was read for the first time on January 10 of this year, referred to the Executive Board. That committee placed the bill on General File with committee amendments. Mr. President, when the Legislature left the bill, committee amendments were pending, as well as a bracket motion from Senator Machaela Cavanaugh.

KELLY: Senator Brewer, you are recognized to open.

BREWER: Thank you, Mr. President.

KELLY: Refresh, I should say.

BREWER: Refresh, yes. And I will keep it short. Again, this came out of committee 8-0. It's prioritized by the Exec Board. LB254 is simply a digital library, a public, public accessible online archive, video recordings of floor debate and of committee hearings. Just as a reminder too, the video archive will be created and will belong to the Executive Board of the Legislative Council and will be administered by the Clerk of the Legislature. With that, I'll ask for your support on LB254. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. OK. So this is the motion to bracket until June 1. And last-- when we last had this bill up, I think it was last week at some point, I said that I was unsure about how I was going to vote for the bill. And I think that I am probably going to be in support of the bill. I appreciate any opportunity and strides that this body takes to improve government oversight and transparency. Having a digital library of our hearings available I think is a good step in that direction. The-- my hesitation only comes from not fully knowing the, the ins and outs of, of the mechanisms for all of this. And of course, as always, concern about staff time and how this is going to impact the staff because this does seem like a pretty large undertaking. And I'm assuming it would go to the Clerk's office, so hopefully we are making accommodations for staffing needs if that's the case. But I do welcome that we are giving the public a greater opportunity to see our, our public proceedings and to make them more easily accessible. One thing I have found with public hearings outside of the Legislature, specifically with the Omaha City

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Council, is it's hard to find-- or maybe it's just hard for me to find-- but it's hard to find the hearings online. And then if you do find them, it's hard to find them later. And of course, our hearings are hard to find later because they're streamed live. But there have been outside groups that have started streaming them and archiving them themselves on YouTube and Facebook. And I've utilized those resources when I've missed a hearing within the Legislature that I wanted to see-- on a bill that I really wanted to see. I have gone to an outside group's YouTube or Facebook page to find the video recording to see the, the conversations that I missed. Yeah. So I think-- inherently, this feels like a really good bill and a really good move. One of my concerns with, with this-- and it's not a significant concern-- but it is a concern of how our proceedings are used for political purposes. But I guess we all use them for political purposes anyways, so this just makes it an official record that-- I mean, we're still going to see-- even if we didn't enact this, we would still see clips of digital footage from committee hearings or floor debate on campaign ads. Whether they're supporting ads or attack ads, we're still going to-- we are going to see that regardless of if this bill passes. So maybe this bill passing changes the utilization of that a bit. I actually-- I wonder if Senator Brewer would yield to a question. I'm going to ask the question before I ask you to yield. So the question is going to be, if we do this, will it then require any usage of our footage to be licensed so people can't pirate it off of and, and splice it how they want for, like, campaign commercials?

KELLY: Senator Brewer, would you yield to a question?

M. CAVANAUGH: And maybe you don't know the answer. That's OK too.

BREWER: Yes. To answer your question, it, it will be the property of the--

KELLY: One minute.

BREWER: --Exec Board. And so, obviously, if it's their property, then you would have to, you know, request-- I mean, just like you would anything that was the ownership of someone else, so. When we, when we were designing the bill, the, the issue you brought up earlier was a concern too as far as the amount of time it would take to prep this. But because we're going through a digital process, it's, it's much quicker and cleaner in order to take it from live to in the digital library.

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M. CAVANAUGH: OK. All right. Well, thank you. I appreciate that. I might have some further questions that I can ask legal counsel over our lunch break. Very brief. Not to take up their lunch hour, but very brief questions. Again, always want to be mindful of staff time. And when we have a lunch break, it's also their lunch break.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

KELLY: And you're next in the queue.

M. CAVANAUGH: Thank you, Mr. President. Do I just have this time and then a close or do I have two-- this time and another time and a close?

KELLY: One more time, plus close.

M. CAVANAUGH: OK. Great. OK. So, LB254 is the digital library and-- I'm actually, interested in who attended the hearing. And I do always-- whenever I ask questions on the mike, they're normally because I've just thought of something as I'm talking. If I don't ask you in advance, it's because I just thought of it as I was talking. And I'm a curious, I'm a curious person. This happens to me a lot. And so, I try to tell the question so that you can be prepared to say, I'll get back to you with that answer, or, or not accept answering the question. But I just like people to know that I am trying to ask questions to, I guess, assuage my own curiosity. OK. So I'm looking up the, the hearing itself. And I wanted to see who was in support: the Platte Institute, Nebraska Civic Engagement Table, Media of Nebraska, Civic Nebraska, Common Cause Nebraska, and the Legislative Study Group. And then neutral was the Clerk of the Legislature. I've never seen the Clerk testify anything other than neutral, so I am kind of curious. Was it a neutral positive? Was it a neutral negative? Or was it actually a neutral neutral? They're indicating that they believe it was a neutral neutral. I do like that the Clerk testifies in neutral because the neutral position, whether it's the Clerk or a state agency, really, that's what the neutral position is for, is for those entities to come in and tell us the feasibility of what we are attempting to do or the practicality of what we are attempting to do. And we've had this issue a lot with state agencies-- and I think this has been a-- across committees. I think this has been a frustration across committees. I know it has been a frustration in HHS across years, is having the state agency come and testify in opposition to our bills when, in reality, they should be testifying neutral. And

their role in testifying is to come and inform the committee that the bill is in front of, how the bill would function in practicality or how it would not function in practicality. And that is how we get better policy. Having a state agency come and testify in opposition to a bill because the Governor's Office is philosophically opposed to the bill is not appropriate. The Governor's Office can come and testify in opposition to a bill for that reason, but it really diminishes the relationship with the Legislature when state agencies come and testify in that capacity, because we should be looking at them as a partner and a resource. So when a bill comes in front of HHS and they testify in opposition, well-- and the committee and maybe the entire Legislature is in unanimous support of moving forward, whatever that legislation is, we are now in the position of, OK, but you opposed it for a philosophical reason, but is it practical? If we are going to pass this piece--

KELLY: One minute.

M. CAVANAUGH: --of legislation, regardless of your feelings about it on its merits, does it function? And if not, how can we write it and redraft it so that it will function? And that is a disconnect that I have seen over the last several years-- I'll get back in the queue-- I have seen over the last several years, is that we aren't doing legislation appropriately for it to function when we have agencies not partnering with us. That is problematic. I think Senator Wayne had a bill-- I don't know if he had it this year. I know he's brought it previous years-- to require state agencies to only testify neutral. I saw him walk through here a moment ago, so I might ask him over the lunch break about that. And I see them discussing something up front, that maybe I don't have another time in the queue and it's my closing. I do have another time in the queue. I'm in the queue regardless. I figure you will tell me if I have to stop talking. So, yeah.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

KELLY: And Senator Cavanaugh, you're now recognized for your close on the bracket.

M. CAVANAUGH: Fantastic. OK. So this is my last time on the-- in the queue, my close, et cetera. Yeah. So having state agencies come and testify in opposition or even in support of a bill is not really the function. That's not how it should be working. What we should be seeing from state agencies is that they come and they testify in

neutral on the mechanics of the bill, that they come and they tell us, if you implement this bill as written, it has flaws and we believe it needs to have these changes, and also come with proposed language changes. That is really, really helpful. When I pass-- when we passed my bill, the family support waiver, there were some fundamental things within the bill that needed to be changed so that it worked. And the agency came in opposition to the bill, but not because of those reasons. They came in opposition to the bill because the Governor opposed new programs-- this was the previous Governor-- opposed new programs and didn't want to see that bill move forward. That is a problem. And we had to find a way through that problem because this body wanted to pass that bill. It was, like, 44 senators voted for it. And Speaker Arch used the committee priority for it. People in this body wanted to pass that bill. And so we as a body and as a committee had to find a path forward through the agency's opposition to the premise of the program. We were able to. I think it would have been much cleaner, expedient, if we had started at that place, if we had started at the place of, if we do this, how should work? And sometimes, we ask that question, if we do this, Agency X, how will it work in practicality? And then we end up not doing it because we come to make the decision ourselves, as is our job and our purview, that we're not going to move a piece of legislation forward. But it is not the job and the purview of state agencies to tell us that. It is their job to help us create policies that they can then implement and to create them in a way in which they can then implement them. I've seen a mix of that this year with the new administration, some of the sort of old tendencies of coming in opposition and, and not really working on, on strong public policies. But I've also seen an improvement of showing up and having the conversation and partnering with various senators to strengthen the legislation. I hope that we move more in the direction of strengthening the policy and the conversation because I, I do think that we all benefit from that. We all benefit from that bipartisan or nonpartisan work. Really, it should be-- it shouldn't be bipartisan when we're talking about working with state agencies. These are civil servants. It should be nonpartisan-- this nonpartisan opportunity to create strong public policy. And when we do that, when we all partner together, that's when we really see some great things happen in our state. And so I hope that, as the years go on in this administration, that we continue to see the departments, the state agencies show up in a neutral capacity. And--

KELLY: That's your time--

M. CAVANAUGH: --thank--

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KELLY: Excuse me. One minute. One minute.

M. CAVANAUGH: OK. That's all right-- show up in a neutral capacity so that we can start building a partnership relationship with the state agencies. It, it feels like the last eight years were, were much more adversarial than was probably healthy or productive. And so, I do hope to see more of that partnership attitude when working on public policy for the betterment of the people of Nebraska. I have a whole nother thing to say about fiscal notes and, and how that plays into this conversation as well. But, probably I will entertain you all with my fiscal note analysis after the lunch break. Thank you, Mr. President. I'd like a call of the house and a roll call vote.

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

CLERK: 17 ayes, 6 nays, Mr. Pres-- President, to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Cavanaugh, may we proceed? And I understand you're requesting a machine vote.

M. CAVANAUGH: Yes. Thank you.

KELLY: The question before the body is to bracket the bill. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 0 ayes, 36 nays, Mr. President, to bracket LB254.

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

CLERK: Mr. President, motion to be printed--

KELLY: The call is raised. Raise the call.

CLERK: Mr. President, a motion to be printed-- or, excuse me-- amendment to be printed to LB256, from Senator Cavanaugh. Notice that the Government Committee will hold an Executive Session today at noon in room 1507. Executive Session, Government, today, room 1507 at noon. And the Revenue Committee will be holding an Executive Session at 1:00 under the south balcony. Revenue Committee, 1:00, south balcony.

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Finally, Mr. President, a priority motion: Senator Albrecht would move to recess the body until 1:00 p.m.

KELLY: Senators, you've heard the question to adjourn-- or, recess. All those, all those in favor vote aye-- state aye. All those opposed, nay. We are in recess.

[RECESS]

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

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

KELLY: Thank you. Do you have any items for the record?

ASSISTANT CLERK: One item: the Business and Labor Committee will hold an Executive Session at 1:30 under the south balcony. And in addition to that report, that Congressional District 1 caucus has met and recommends Senator Ballard to fill the vacancy from Senator Geist's resignation. That's all I have at this time.

KELLY: Thank you. We'll proceed to the first item on the afternoon's agenda. Mr. Clerk.

ASSISTANT CLERK: Mr. President, returning to LB254. Next motion: Senator Machaela Cavanaugh would move to recommit the bill to committee.

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

M. CAVANAUGH: Thank you, Mr. President. Did we vote on the bracket motion? I had a motion to reconsider the vote on the bracket motion. I didn't? It's not one that I wrote? Well, I can open on this if that's-- I didn't open-- I did not have one for reconsider on the bracket? I did. I'm fine with, like, just chatting here. No? Yes? OK.

KELLY: Mr. Clerk for an item.

CLERK: Mr. President, Senator Machaela Cavanaugh, Machaela Cavanaugh would move to reconsider the vote taken on the bracket motion prior to recess.

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

M. CAVANAUGH: Thank you, Mr. President. My apologies for my confusion to the Clerk's office. I appreciate you all continuing to tolerate me. I, I guess you-- that's-- you, you don't really have a choice. So I apologize for the fact that you are required to continue to tolerate me. But I also appreciate that you do it even if you are required. So there is an article about-- I'm just going to take some time to go back on TANF for a minute because there was more to be said. But this bill is Senator Brewer's bill for the digital library of our hearings and I think floor debate. I don't think it's just committee hearings. I think it's all of our-- all of the live streaming of the legislative business to create a digital library. I actually had a rules change this year around committee briefings. So when we have a committee briefing-- there's lots of different types of committee briefings that you can have. But when we have a committee briefing that is for-- that we hold in the public hearing room and is open to the public-- like, we might have a briefing lunch with a state agency. We've done that many times. But when we have, like, a specific committee briefing that is open to the public, it's not necessarily live streamed. It's usually-- I think it's always streamed in, in the building, like, in the inner circ-- circuit in the building, but not live streamed on Nebraska Media. And so I had a rules change that would require that they all be live streamed. They can be live streamed at the request of the Chair of the committee. And I've never known a committee Chair to oppose it being live streamed, but I have had committee Chairs not request it being live streamed, mostly because they were not aware that that was a request that they needed to make. So I wanted to have a rules change that they essentially were automatically live streamed instead of the committee Chair having to request it. It's not one of the rules that got out of committee, but maybe something we can revisit here with this bill. Not right now. I don't mean to do a rules change right now. I just think if we were to move this bill forward and enact this, then maybe we would want to consider next year that rules change where committee briefings that are streamed on the internal-- internet, web-- whatever the term is-- in the internal channel-- closed circuit. Got it. Took me a while. Took me a minute or two. They are on the closed circuit TV. It would be great if they were live streamed for the general public because they are informative and part of our business. And so if we are going to have them as briefings that are open to the public, it would make sense for them to not only be open to the public but be made available in the same format as the rest of our open-to-the-public course of business, which is live

streaming. Sorry. It took me a minute. I got there eventually. It's, you know, post-lunch. That food coma feeling. Although, in fairness, I had a salad, so I don't know that I'm having a food coma. I did get some thing-- some bar things, like, granola bars delivered to my office. And I tried one and it just wasn't for me. So-- OK. I think-- did I write-- now I'm just wondering if I wrote down the right numbers. Recon-- reconsider, motion 9-- OK. Sorry. There, there's a lot of internal dialogue happening here. Back to the bill at hand. How much time do I have left, Mr. President?

KELLY: 5:30.

M. CAVANAUGH: Thank you. OK. So this is a policy brief from March 8, 2023. "To Strengthen Economic Security and Advance Equity, States Should Invest More TANF Dollars in Basic Assistance." And this is from the Center on Budget and Policy Priorities. States only spend a little over one-fifth of their combined federal and state Temporary Assistance for Needy Families, TANF, dollars on basic assistance for families with children, our analysis of the latest data from fiscal year 2021 shows. See Table 1. States continue to use their considerable flexibility under TANF to divert funds away from income support for families and toward other often unrelated state budget areas. By redirecting the funds back towards cash assistance, however, states could do more to strengthen economic security and promote racial equity and child well-being. Cash assistance to families struggling to make ends meet can improve children's long-term outcomes while also providing parents with the cash they need to afford necessities such as rent, utilities, personal hygiene products, and school supplies. Over time, however, TANF has significantly declined in performing this core task. Core task. Fewer families in need have access to the program. In 2020, for every 100 families living in poverty, only 21 received TANF cash assistance, down from 68 families when TANF was created. Benefit-- benefits leave those who do have access far below the poverty line. And as this report explains, states are spending a shrinking portion of their TANF funds on basic assistance. Just going to pause there. I am talking about this a lot. I'm going to keep talking about it a lot mostly because I think it's really, really important. But also, hopefully, the more I keep reiterating this point, the more this body starts to think about what it is that I am talking about. We have \$130 million in TANF rainy day funds. We have not increased eligibility for this program in decades. It is the same eligibility as it was in 1994. But inflation has played a huge role in the last 20 years, 30 years almost. And we should be reevaluating that. We have the opportunity. We could be doing something important and significant here. We could be giving direct

cash assistance to the most needy families. A family-- a single parent with one child that makes less than we make, that's what qualifies for TANF. That's what qualifies for TANF. That is not a very robust program, and we could do something about that. We could do something about that this session. We could do something about that with one of these bills and amend a TANF bill onto, most ideally, an HHS package bill, like we just moved forward this morning. And it is the recommendation from entity after entity after entity that we invest the money in the initial purpose of the TANF program, which is aid to dependent children, cash assistance to families to aid dependent children. Programming, again, is fine. But investing money in creating new programming above investing money in direct aid to dependent children is not fine. It is not fine for us to create new programs with the TANF money while also refusing to give cash assistance to those most in need. They cannot afford food. They cannot afford housing. They cannot afford, afford utilities, essential goods, transportation. All of these things could be impacted by increasing eligibility and increasing payments for the TANF Aid to Dependent Children Program.

KELLY: One minute.

M. CAVANAUGH: It doesn't have to be an either or, but it shouldn't be just programming. If we are to do programming, we first and foremost should be taking care of the essential needs. The essential needs are going uncared for. And all the programming in the world is not going to address that immediate, essential need of food in bellies, period. So-- I need to log back in. I keep timing out. It is a deficiency of myself, and I need to figure out how to stop timing out of my own computer. OK. So, back to the budget. All right. I can't remember the name of this entity, but their report. So, Table 1: Total TANF Spending by Category, Fiscal Year 2021.

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

M. CAVANAUGH: Thank you, Mr. President. Basic Assistance is 22 [SIC-- 22.6] percent; Work, Education, Training Activities, 7.6 percent; Work Supports and Supportive Services, 2.4 percent; Child Care, 16.2 percent. Again, childcare is another essential, essential need to help families. Refundable Tax Credits-- another excellent use of the funds-- 8.5 percent; Pre-Kindergarten/Head Start, 9.7 percent; Child Welfare, 9 percent; Program Management, 10.5 percent; and then Other, 13.5 percent. The child welfare piece is kind of what they were talking about previously, in that TANF dollars are being diverted from the core purpose of TANF to offset some of our own work. So instead of

direct cash assistance, we are using funds for, for child welfare programming, which the state should be doing. And while it is allowable, it's not entirely appropriate. And there's a big difference between things being allowable and appropriate. It is allowable to use the funds for these programs. It is allowable to use the funds for many of the programs that have legislation introduced this year. Allowable does not equal appropriate. It just means that it is permissible under the letter of the law. But it is up to us to use our best judgment as to how to be good stewards of all dollars, including TANF. And right now, it feels like TANF is being used to not serve its intended purpose. It is being used to create programs to make us feel good about the fact that we are attempting to address poverty. But we're not using the Intergenerational Poverty Task Force report and its recommendations as a roadmap for how we're doing that. We're not being thoughtful and using the Criminal Justice Institute's, CJI, Institute's report on how to address criminal justice reform, to help address poverty. These things are interconnected. Instead, we are just throwing spaghetti at the wall and having projects funded through TANF that, while permissible, while allowable, are not appropriate to meet the needs of what we are attempting to do. They are just ideas. They are not rooted in research, data, the fundamental building blocks of strong public policy. They are ideas for additional programs. And not even government, government programs. Private programs run by private entities funded by the state. When we get to the budget, you'll hear me talking about this a lot. As long as there are TANF programs that are not direct cash assistance, I am going to be talking about the misuse and abuse of TANF. So-- I was reading this report. Again, timed out. Sorry. There we go. Now, we are-- State Spending on Basic Assistance has Plummeted Since TANF's Creation. TANF provides a vital support to families with the lowest incomes in the form of cash assistance. Families with little or no cash income don't have the funds they need to pay their bills or to buy essential items such as diapers--

KELLY: One minute.

M. CAVANAUGH: --personal hygiene-- thank you-- hygiene products and household cleaning supplies. Cash assistance is crucial for stabilizing families who are facing crisis, such as those fleeing domestic violence, and can promote racial equity and improve child well-being. However, cash assistance has weakened significantly under TANF, with potentially devastating long-term consequences for children growing up in families with little or no cash income to meet basic needs. Colleagues, I'm going to keep going on this and then the next and the next and the next. I will say that it's just me taking time

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here. If anybody wants to get in the queue and yield me time, I will happily take it. The more people do that, the fewer times everybody is called back into the Chamber who is out doing meetings or Executive Sessions to run and vote on the various things.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

KELLY: This is your last time before closing, Senator.

M. CAVANAUGH: Thank you, Mr. President.

KELLY: Excuse-- could I excuse you?

M. CAVANAUGH: Yep.

KELLY: Mr. Clerk for an item.

CLERK: Thank you, Mr. President. Notice that the Appropriations Committee will hold an Executive Session at 1:30 under the north balcony. Appropriations, 1:30, under in the north balcony.

KELLY: Thank you, Mr. Clerk. And now Senator Cavanaugh.

M. CAVANAUGH: Thank you. Yes, thank you. To, to my point at hand that the-- there are going to be committee Executive Sessions happening. And when I run out of times to speak, then we go to a vote and everybody has to come and vote. And it is disruptive to your meeting process, and I get that. So if you're not in a meeting and you feel so inclined, feel free. I will take your time to talk about TANF. And now you know what I will talk about if you yield me time. It's totally cool if you don't want to if you feel like somehow that means that you are helping me. I get that. I'm just letting you know. I'm making that offer to the whole body so that people who aren't on the floor don't have to keep coming back to the floor. OK. That said-- and this is my last time on this one, and everybody's about to start a, a Appropriations whatever, over here to the side, so. What am I-- Executive Session-- Appropriations whatever. Meeting. Executive session. OK. State Spending on Basic Assistance Has Plummeted Since TANF's Creation. I read that part. States only spend a little more than one-fifth of their federal and state TANF funds on basic cash assistance. When TANF began, basic assistance was the single biggest use of TANF funds in all states. In 2021, states spent just \$6.9 billion, or 22.6 percent, of their total funds on basic assistance. This is down from \$14 billion in 1997, which would be \$23.5 billion in

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2021 dollars. So if we had kept up with spending, it would be-- \$23.5 billion would have been us keeping up with the rate from 1997. And we are at \$6.9 billion. That is significant difference. The amounts to 70-- this amounts to 71 percent drop in basic assistance spending when adjusting for inflation. The share of federal and state TANF funds spent on basic assistance varies across states, ranging from 4 percent to 75 percent in 2021. 14 states spent 10 percent or less on basic assistance, while 13 spent more than 30 percent. Underinvestment in TANF cash assistance is worse where black children are likelier to live. Well-- I'll put on my shocked face by that revelation, that we're doing something disproportionately impacting negatively black children. That tracks. In 2020, 41 percent of black children lived in states that spend 10 percent or less of TANF funds on basic assistance, compared to 34 percent for both Latinx and white children. When controlling for other factors, states with higher concentrations of black residents dedicate less of their TANF funds to cash assistance, in 2019, a study found-- a 2019 study found. This is just one example of the longstanding racism in U.S. cash assistance policy that continues to result in racial disparities. A closer look at Texas, the state with the largest black child population, illustrates many of the issues with TANF spending. In 2021, Texas spent only 4 percent of its TANF funds on basic assistance, one of the smallest percentages of any state. In Texas, TANF now reaches just 4 out of every 100 families experiencing poverty, down from 47 in 1996. Today, benefits are just \$312 a month for a family of three, or about 16 percent of the poverty, poverty line. Well, I think we are doing dollars better than--

KELLY: One minute.

M. CAVANAUGH: --Texas, but not many dollars. OK. Thank you, Mr. President. There's another piece to this article. It's the-- HHS Spending Data Provide Only Partial Picture of State Basic Assistance Spending. But I don't want to have that be truncated in the conversation. And I also, frankly, need to just quickly grab a throat lozenge, so I think I will yield the remainder of my time. Thank you, Mr. President.

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

HUNT: Thank you, Mr. President. I have some thoughts to share on this item, but I'm in Executive Session right now, so I'll yield my time to Senator Machaela Cavanaugh.

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

M. CAVANAUGH: Thank you, Mr. President. I'm just getting a tutorial on how to get my computer to not go to sleep right away-- so it goes to sleep right away. I'm just going to let our IT expert here help out with that. OK. Thank you, Mike. I, I will-- we'll be voting on this soon. If you're able to hang out, then we can work on my computer. Our IT people are fantastic. And, you know, Mike is a good steward in this building. Not just of IT, but he's real-- I see him. I see how he treats Cameron the Cat. He might be the reason that Cameron the Cat keeps coming back because he's so kind and such a good-hearted person, so. Thank you, Mike, for all of that-- all of your work, including the building mascot. If you don't know who Cameron the Cat is, google "Cameron the Cat, Nebraska Capitol." He has his own Twitter. He-- I actually don't know Cameron's pronouns. I assumed a he. If you have the closed circuit TV here, sometimes when we have, like, a dead screen-- I don't know if it's IT that does this or who's in charge, but there's a picture of Cameron in front of the Capitol. So, Cameron the Cat has a, a lot of fans in this building. I think I divulged this once, that we were having-- it was late night hearings. It was Judiciary. And I was waiting for my ride home, my brother, and-- he had a hearing in there. And so I was over at a restaurant across the street that you all know. And I brought in leftover ribs for another family member that was here. And I walked in and there was Cameron the Cat right inside, getting all warm and cozy, hanging out, waiting for, for the day to end. So, anyways. Cameron the Cat. OK. HHS Spending Data Provide Only Partial Picture of State Basic Assistance Spending. While state spending data reported to the federal government provide an overall reliable picture of TANF and maintenance of effort, MOE, spending, some states have made changes in spending configurations that can obscure their actual spending on children and families with low incomes. These changes are precipitated by the Deficit Reduction Act of 2005, which made it harder for states to meet their TANF work preparation [SIC-- participation] rate, WPR, requirements and thereby threatened states with a loss of federal TANF funds due to penalties. This was in 2005. I wonder what-- I would love to dig in more on, on the intentionality of the Deficit Reduction Act of 2005 with the work preparation [SIC-- participation] rate, WPR, requirements, what the thinking was there. Federal law requires state TANF programs to engage 50 percent of all work-eligible families and 90 percent of two-parent families in a set list of work activities for a minimum number of hours each week. To meet their WPR, about half of the states have created solely state-funded, SSR-- SSF, programs not funded by federal TANF or state MOE dollars to provide cash assistance to families who either have significant--

KELLY: One minute.

M. CAVANAUGH: --barriers to employment-- thank you-- such as disabilities, or would otherwise count toward those states' WPR for two-parent families. Because no TANF or MOE funds are used, these families are not included in the work rate calculation. While most SSF programs are relatively small-- are a relatively small share of a state's cash assistance caseload, in a few states, they provide assistance to a significant share. States do not include spending on SSF programs in the data they report to the Department of Health and Human Services, so those data can understand-- understate a state's spending on cash assistance to families with children. Illinois is a prime example. HHS data shows that Illinois spends only 4 percent of its TANF and MOE funds on basic assistance, but the state's large SSF program--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

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

HUNT: Thank you, Mr. President. I will yield my time to Senator Machaela Cavanaugh.

KELLY: Senator Cavanaugh, you have 4:45.

M. CAVANAUGH: Thank you, Senator Hunt. Mike, when we get to a vote on this bill, I'll hand you my computer real quick. OK. SSF, Illinois. HHS data shows that Illinois spends only 4 percent of its TANF and MOE funds on basic assistance, but the state's large SSF program assists roughly as many families as its TANF program. The two programs together, however, only provided cash assistance to 16 out of every 100 families in poverty in 2020, below the national average of 21. A state's spending can also be skewed when it spends much more than its minimum MOE obligation to obtain "caseload reduction credits" to lower its WPR. For more on this "excess MOE strategy," see Appendix 1. However, the data states-- the data states report to HHS are still the best source of comparing spending across states over time. How States Spend the Rest of Their TANF Funds. Instead of investing in helping families meet their basic needs, states use a large share of TANF funds in other areas. In 2021, state spending on work activities ranged from less than 1 percent to 34 percent of total TANF spending, with 8 states spending less than 1 percent and 22 states spending

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between 1 and 10 percent. Similarly, states in 2020 spent just \$727 million, or 2.4 percent, of their federal and state TANF funds on direct work supports such as transportation or on supportive services such as mental health or domestic violence services. 11 states spent less than 5 percent of their funds on work activities and supports combined. In 2021, states spent 16 percent of their federal and state TANF funds on childcare. The share varies tremendously across states, from 0 to 47 percent. 11 states spent more than 30 percent of their TANF funds on childcare, while 14 states spent less than 5 percent. Refundable tax credits for working families with low incomes are another important support and a permissible use of federal and state TANF funds, although this approach typically keeps families with the lowest incomes from receiving assistance in this form. In 2021, 22 states and Washington, D.C. spent \$2.6 billion of TANF funds on refundable tax credits, most commonly a state Earned Income Tax Credit, EITC, amounting to 8.5 percent of federal and state TANF spending nationwide. Additionally, TANF-funded work programs and supports are often poorly targeted and often serve families with incomes above the poverty line instead of those with the most need. As I was mentioning, when I was reading the TANF report, that the programs serve people outside of the eligible-- the financial eligibility requirement for the direct assistance. Fine. Programs are fine, but we're taking money, money that is meant to support the lowest income families, and we are using it for others. That is not appropriate. Permissible, yes, but not appropriate. OK. The greatest funding areas and categories beyond those mentioned above are child welfare services--

KELLY: One minute.

M. CAVANAUGH: Thank you-- and pre-kindergarten/Head Start. While these are worthy and important investments, states should use funding sources other than federal and state TANF funds for them-- yes. Just yes. That's my commentary-- particularly when states spend so little on providing cash assistance and supporting work for families with the lowest incomes. In 2021, states spent \$5.6 billion on the following-- I think I am just about out of time, so I'm going to hand my computer to poor Mike so he can fix it. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Hunt, you're recognized to speak. This is your third time.

HUNT: I'd like to yield my time to Senator Machaela Cavanaugh.

KELLY: Senator Machaela Cavanaugh, that is 4:45.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Hunt. So, TANF, Temporary Assistance to Needy Families. I think we're all going to dream about TANF tonight. I-- there was once a point in my time where I used to do fundraising for nonprofits. And I'm big on spreadsheets. And there was literally a time where I had dreams about spreadsheets, and that's when you know that you really need to take a break and go on vacation, is when you start dreaming about spreadsheets. But when it comes to TANF, we do have these bills. We have not increased eligibility for TANF for decades. And we also have not increased the payments, the disbursements that you get. If you do qualify for TANF, we, we don't increase the amount of money that you get. We have the money to do it. We have the money to increase eligibility. We have the money to increase payments. We could be providing greater relief to those the most in need. We are not focused on that, however. We are focused on creating new programs. And the programs that we are focused on creating have not come out of some robust analysis of what we need. They're not based on the recommendations out of the Intergenerational Poverty Task Force report from 2016, which has clearly delineated recommendations on how to address intergenerational poverty. And those that are qualifying for TANF are very much part of the intergenerational poverty cycle. We are not taking recommendations or policies out of the Criminal Justice Institute's recommendations for criminal justice reform, which also includes investments in communities. So we are creating programs-- thank you, Mike. We are creating programs spending TANF money that is permissible. It is permissible. But is it appropriate? Is it appropriate to continue to create more bureaucracy, more programming, more requirements when we aren't funding the essential and primary reason TANF exists? We should first do the first tenant of TANF, which is to support needy families and give aid to dependent children. And I've got great news for you, colleagues. We can. We don't have to have another hearing. We can just get an amendment and attach it onto an HHS bill and move forward with TANF. And it would be life-changing for families in Nebraska. And it would also be an investment in the communities that these families live in because they would be able to parn-- participate in their communities more fully. So, that's TANF. Mr. President, how much time do I have left?

KELLY: One minute.

M. CAVANAUGH: Thank you. And then after this, I have a close. And then we'll go to a vote. And then we'll go to the next motion that I sort of flummoxed after lunch and had us almost going to the next motion. I did adapt my podium thing here and got a, a box top from the back, paper box, because I was using bind-- multiple binders and I was

trying to have them go inward to each other so that they weren't sliding all over the place. If anybody else in, in the body is looking to have their podium raised up higher-- because it really does hurt my back to have it down lower. And I'm not very tall. Some of you are real tall. I suggest taking a top off of one of the paper boxes. It seems to work pretty well. Unless the Clerk's office tells me to stop. It would be nice to find a really lovely, royal-colored purple maybe or blue navy, a dark navy--

KELLY: That's your time, Senator. And you're recognized the close on the motion.

M. CAVANAUGH: Thank you, Mr. President-- dark navy, like, just-- I don't know, fabric to just drape over this lovely box from Boise Paper, which-- sometimes when I think about paper, I think about the show, *The Office*. I don't know how many of you remember that show, but the whole business of *The Office* was they were a paper company. They sold paper. What an interesting concept. I do wonder if there are companies that solely sell paper to other companies. Perhaps there are. I oftentimes just go to an office supply store to buy my paper, but maybe there's a better way of doing it, that person-to-person paper exchange. Anyways, TANF. TANF-funded work programs and supports are often poorly targeted and often serve families with incomes above the poverty line instead of those with the most need. For instance, several states spend most of their work activity funds on college scholarship programs that are available to families with incomes up to 350 percent of the poverty line, not on programs to prepare TANF participants for or connect them to work opportunities. Wow. I wonder if we do that. The greatest funding areas in categories beyond those mentioned above are child welfare services and pre-kindergarten/Head Start. While these are worthy and important investments, states should use funding sources other than federal and state-- oh, I think I read all of that already. OK. In 2021, states spent \$5.6 billion on the following: child welfare. 42 states used \$2.7 billion in federal and state TANF funds for child welfare services. This represents 9 percent of total national TANF spending. 12 states spent more than 20 percent, and 3 states spent more than 50 percent of their TANF funds for child welfare services. Pre-K/Head Start. 27 states used \$2.9 billion in federal and state TANF funds for pre-K/Head Start in 2021. This represents 9.7 percent of total national TANF spending and 12 percent of spending for those states. Seven states spent more than 20 percent of their TANF funds in this category. The rest of TANF spending, \$4.1 billion, goes to a range of areas such as nonrecurrent short-term benefits, which are used to help low-income families in crisis situations, 2 percent of total TANF spending; transfers to the Social

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Services Block Grant, 4 percent; services for youth and children, including after-school programs, 3 percent; pregnancy prevention and two-parent family programs, 1 percent; juvenile justice and emergency payments and services authorized under prior law, 1 percent, meaning they are not within the four TANF purposes, but were in the state's Aid to Families-- but were in the state's Aid to Families with Dependent Children, AFDC, Emergency Assistance Plan when TANF replaced AFDC. The share of spending going to other areas varies greatly across states, ranging from less than 1 percent to 45 percent. Many States Have Unspent Funds, Some Exceeding Their Annual Block Grant. I do see the Appropriations Committee has broken up. And you should definitely thank Senator Hunt for yielding me her time so that we didn't have to go to a vote and be disruptive to your committee process. In 2021, states had \$8 billion in unspent TANF funds, equaling 49 percent of the total annual block grant--

KELLY: One minute.

M. CAVANAUGH: --allocation. Thank you, Mr. President. 5 states had no unspent TANF funds, while 16 states had unspent funds equal to or exceeding 100 percent of their annual block grant. The majority of these funds-- \$6 billion, or 85 percent of the funds-- are unobligated, meaning that the state has not committed to use them for any specific purpose. OK. So I'm almost done. And I'm just going to tell you, colleagues, that I'm probably going to do calls of the house to take up more time, but I really don't want to do roll call votes because I think that it is irritating to the Clerk to have to do them all the time. So I would appreciate votes for calls of the house. I get it. Not your jam, what have you. But I am trying to just, you know, take, take a little bit of extra time--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you. Call of the house.

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

CLERK: 8 ayes, 4 nays to place the house under call.

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

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present. Members, the question is the motion to reconsider. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 1 aye, 38 nays on the motion to reconsider, Mr. President.

KELLY: The motion fails. Mr. Clerk for the next item. And I raise the call. Raise the call.

CLERK: Mr. President, the next item: Senator Machaela Cavanaugh would move to recommit LB254 to committee.

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

M. CAVANAUGH: Thank you, Mr. President, colleagues. OK. Oh, I got to get in the queue. So, this is the TANF Total Unspent Funds 2021. OK. So this is-- how is this sorted? I can't tell how it's sorted. First, I thought it was by-- oh, it's by percent. OK. So Nebraska is-- has the fourth highest percentage in the country of unspent TANF. Tennessee has the highest, then Hawaii, Oklahoma, Nebraska. We have 214 percent unspent of our block grant. 214 percent. That is quite the rainy day fund. What, what rainy day are we waiting for if not a pandemic, inflation, economic insecurity? Costs of everything has gone up. Gas, eggs, milk, all really expensive. I think I spend most of my salary-- well, no. My salary all goes towards childcare, and it doesn't even cover childcare for one kid. But if it didn't go entirely to childcare, it probably would go entirely to milk and eggs and-- yeah. Mostly milk and eggs. My kids love milk and they love scrambled eggs. And they also like pancakes, which I use milk and eggs to make. So, yeah. That's probably where most of my money would be going. And as it stands, it all goes to childcare. So, great. OK. So, Changes Needed to Redirect TANF Funds to Families. Cash assistance to low-income families with children is a good investment. The National Academies of Science, Engineering, and Medicine's 2019 report on reducing child poverty concluded that income support to families experiencing poverty can improve children's health and academic achievement, which, in turn, can lead to better health and higher earnings in adulthood. If states maintain their current TANF spending practices, millions of children experiencing poverty-- disproportionately black children-- will continue to be left without critical cash assistance. But if they instead reinvest in basic assistance, they can provide opportunities for all children and their families to thrive. Yes. We could do that. And I had just-- the Appropriations Committee was meeting. And I know that they're talking about TANF a lot. And none of it-- none, zero, zilp, zilch-- none of it is about direct cash assistance to families. How do I know? Because

those bills are in HHS. That's how I know. I know that every single solitary bill related to TANF that might become part of an appropriations package is a misuse of funds until we address the TANF bills that are in Appro-- in HHS. We are not providing direct cash assistance to those most in need, but we [INAUDIBLE] programs to pilfer the fund. I'm just telepathing for the Appropriations Committee that when that comes to the floor, I will be actively fighting it unless we can somehow get on board with TANF and direct cash assistance to families. In which case, you do you. I'm fine with new programs as long as we're taking care of people's essential needs before we're giving scholarship grant training to children at 350 percent of the poverty level. So, just things to consider as you are formulating policies that are going to come for debate to the floor of the Legislature, that maybe it is not a good use of funds to pilfer the TANF rainy day fund for programs that serve those who are not the intended population to be served by TANF. We should maybe first and foremost use TANF for the intention that it was meant for: temporary assistance to needy families and to the direct assistance to children, so. Not that I think the Appropriations Committee is paying attention. But if they are, if they happen to be paying attention, I would highly recommend getting involved in the conversation of aid to dependent families before you get involved in creating new programs that do not benefit those families, that do not put food in the bellies of those children, do not put them in housing, do not put them in clothes, do not get them to-- safely to and from school. Before you do things that don't do that, let's do that. Let's take care of these kids. Let's address intergenerational poverty, starting with direct cash assistance to those most in need. Again, programming is great. Food is better. While states have the flexibility to ensure families have enough to afford necessities, they have a long history of providing inadequate assistance, especially states with higher shares of black residents. To ensure that no family falls below a certain income level, federal policymakers must direct states to spend a majority of the existing federal TANF and state MOE dollars on basic assistance. Kind of like what I'm recommending we do. Let's use the federal-- let's use the dollars to address basic assistance. Let's do that before we do other things. Require states, require states to target their funds towards families with the lowest income. What a great idea for Temporary Assistance to Needy Families, to target families with the lowest income. Under current law, states must generally spend funds on, quote, needy families, end quote, but there is no national definition of needy or income eligibility limit for TANF-funded programs. As a result, TANF funds often go to families with incomes well above the federal poverty line even though poverty and deep

poverty remain widespread, especially in states where TANF benefits are low and reach few families. So in Nebraska-- again, we have not changed eligibility for families. So right now, income eligibility is, like, 48 percent of poverty. So, again, you have the poverty line. And when we talk about eligibility for things like SNAP and childcare, it's like, OK. You have poverty, that's 100 percent. 100 percent of poverty. And then eligibility for those programs is, like, 165 percent, 185 percent of poverty. So you can have an income above poverty that's 185 percent. TANF eligibility is 48 percent. That means 52 percent below, 52 percent below poverty. Because we have not increased eligibility in decades, we are at 52 percent below poverty to be eligible for Temporary Assistance to Needy Families. This is part of the reason that the fund continues to grow, because it is so restrictive. So restrictive. Because we have not taken action. So before we start investing in programs that benefit people-- because again, there's no income eligibility requirement, just needy-- so we can have programs that benefit people who are 500 percent the poverty limit--

KELLY: One minute.

M. CAVANAUGH: 600 percent, whatever. Or we don't have to have an income limit, probably. We are not directing these resources to those who need them the most, first and foremost. We are creating additional programs. We are inflating and creating additional bureaucracy and government without directly assisting the people most in need. It is problematic. All of the TANF bills this year that are gaining traction because we have all this money in TANF are problematic because they are alleviating this burden of, we haven't spent this money. We should spend it. You are alleviating it without addressing the essential needs of people in poverty. That is problematic. Problematic.

KELLY: That's your time, Senator. Thank you, Senator Cavanaugh. Senator Lowe has three guests under the south balcony: educators Jason Mundorf, Kathy Gifford, Drew Blessing from Kearney Public Schools. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Just getting more information on TANF. It's a-- there's a font of information on TANF. So, let me see here. I am on Appendix 1: Background on Methodology and Funds Available to States. Federal TANF Funding. Each state receives a fixed annual amount of federal TANF funding, technically known as the State Family Assistance Grant, but generally referred to as the TANF block grant. The total amount of federal block grant funds available to all

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states each year is \$16.5 billion. The TANF block grant allocations for each state are set in accordance with the 1996 law that created TANF, based on the amount of federal funding that the state had received in AFDC and related programs before 1996. Each state's annual block grant allocation has generally remained unchanged since TANF's creation, Appendix 3-- we're on Appendix 1-- and thus has declined by-- in value by 47 percent due to inflation. In 2021, each state's allocation was reduced by 0.33 percent as a set-aside for research funding. Because states can carry over unspent TANF funds to use in future years, the amount of federal TANF funds that a state spends in a given year may vary. In Nebraska, we do not spend a lot of it. In 19 states, the annual block grant is further reduced by a certain amount as set-aside for tribal TANF programs. The set-aside for tribal TANF programs varies by state. In 2021, set-asides for tribal TANF programs ranged from just over \$70,000 in Nevada to \$87 million in California. In total, \$208 million in federal TANF funding was set aside for tribal programs in 2021, about 1 percent of total federal funding. I wonder how much we have set aside in Nebraska. I don't know if that's part of-- unclear to me if that's part of our TANF or-- by set-aside, it's a different line item. I don't see tribal set-aside on, on here. So it might be a separate line item in our budget for the tribal set-aside TANF, which is good because I would hate to think we would pilfer that. But I wouldn't put it past us. OK. A state can transfer up to 30 percent of its block grant funds per year to the Child Care and Development Fund and up to 10 percent to the Social Services Block Grant, SSBG, as long as the total amount transferred doesn't exceed 30 percent. And as-- I'm sure you all recall. I'm sure you were hanging on to every word. When I was reading the 2022 update on TANF funds, we have a combined 40 percent. So that's kind of something we probably need to look at so that we don't get a penalty. Maybe I'm reading it wrong. I could be reading it wrong. Anyways. Funds transferred to SSBG must be spent on programs and services for childrens or families with incomes below 200 percent of the poverty line. In addition to the basic block grant, some states can receive additional federal TANF federal funds--

KELLY: One minute.

M. CAVANAUGH: --from the TANF Contingency Fund. A state can access the TANF Contingency Fund if it meets a monthly economic hardship or "needy state," quote, needy state, trigger and spends more MOE funds than is otherwise required. See below for more on MOE. Congress created this \$2 billion fund when it created TANF to provide additional help to states in hard economic times. States made little use of it until the Great Recession, but they began to draw on it in

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20-- or, 2008, and nearly half of the states have done so since then. Since the original \$2 billion provided was depleted early in fiscal year 2010, Congress has added limited funds, \$608 million, for each year. Qualifying states have received less than half of the amount for which they qualified each year since 2010.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

KELLY: Senator Hunt, you are recognized to speak.

HUNT: Thank you, Mr. President. I have some things to say on LB254, and I'm not quite ready yet. So I'd like to yield my time to Senator Machaela Cavanaugh.

KELLY: Senator Machaela Cavanaugh, that's 4:45.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Hunt. I was really hoping I was going to get a chance to talk about the maintenance of effort funding. So, hoo. Should probably get in the queue as well. I think-- Mr. President, do I have two more times or one more time and a closing? One more time and a closing. I ask this, like, everything single time.

KELLY: One more and closing.

M. CAVANAUGH: Thank you. I feel like I-- you should have placards up there so you can just, like, signal me. OK. State Maintenance of Effort Funding. Each year, states are required to meet a MOE obligation under the TANF block grant or face a fiscal penalty. Well, that sounds very ominous. A fiscal penalty. The statute refers to the spending as "qualified state expenditures," but the common usage is "state MOE." Each state's MOE amount is based on its historical spending, defined as its 1994 financial contribution to AFDC and related work programs. To meet its MOE obligation, a state must report spending at least 80 percent of this historical spending level. This minimum share falls to 75 percent for any year in which a state meets its TANF work participation rate requirement. The fact that the MOE requirement is only 75 percent or 80 percent of a state's historical spending, rather than 100 percent, allowed states to withdraw part of the funds they had spent on AFDC and related programs. Moreover, a state's MOE requirement is based on its 1994 expenditure level, with no adjustment for inflation over the years since then. Since the Deficit Reduction Act of 2005 made it harder for states to meet their TANF work participation rate requirements, threatening states with the

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loss of some federal TANF, some federal TANF funds due to penalties, a number of states have found it advantageous to claim as MOEs certain existing expenditures they hadn't previously claimed. States with MOE spending exceeding their minimum MOE can obtain a "caseload reduction credit" that lowers their work participation rate requirement. Claiming excess MOE also helps the state qualify for additional federal money from the TANF Contingency Fund. I'm assuming we don't do that since we don't need additional TANF funds because we're not using our TANF funds. Thus, since 2006, total MOE spending across states has risen above the minimum required levels. In 2021, 32 states reported spending over 80 percent MOE, with 21 of these reporting spending of more than 100 percent. This increase does not necessarily represent an increase either in underlying state spending or in benefits or services for families with low incomes. Some of the reported MOE may represent existing state spending or existing third-party spending that the state hadn't previously counted as MOE. In analyzing the state's TANF and MOE expenditures, it is important to understand the extent to which there may be part of an "excess MOE" strategy in effect. Also, when a state has a particularly high MOE, percentages of total spending in various categories can be skewed. Expenditures that qualify as MOE include state and local government spending--

KELLY: One minute.

M. CAVANAUGH: Thank you-- or third-party spending that benefits members of needy families and meets one of TANF's four purposes. Examples of qualifying third-party expenditures include spending by food banks or domestic violence sho-- shelters on TANF-eligible families. Third-party MOE can also include in-kind contributions such as volunteer hours or employer-provided supervision and training for people in subsidized jobs. Going to pause there for a second. I do think that probably I should start talking about our food banks because they are not getting the money that is owed to them by the state that we authorized. So, that might be a conversation I pivot to at some point. Oh, maybe they're starting to. Well, we should get an update on that then. I'll figure that out at some point in the next however many hours I have here.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

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

HUNT: I'd like to yield my time to Senator Machaela Cavanaugh.

KELLY: Senator Machaela Cavanaugh, you have 4:50.

M. CAVANAUGH: In phoning a friend, Senator Wendy DeBoer, they may be getting their reimbursements starting in March. We'll definitely dig in on the food banks more later. I phone a lot of friends here. Sometimes I phone a friend up front, sometimes just to the next to me, sometimes Mike from IT. There's a lot of friends. OK. TANF, MOE, third-party expenditures. Third-party MOE-- sorry. I did not mean to be that loud. I'm all of a sudden like, woo. Real loud in the microphone. I'll take a step back. Third-party MOE also can include in-kind contributions such as volunteer hours-- how can volunteer hours be an expenditure? OK-- or employer-provided supervision and training for people in subsidized jobs. While a number of states have reported third-party MOE in order to boost MOE to obtain caseload reduction credits or a portion of the TANF Contingency Fund, not all third-party spending is excess MOE spending. Some states claim third-party expenditures toward their minimum MOE obligations. The financial data that states report to HHS do not identify what reported spending arises from third-party MOE. MOE expenditures must occur during the year for which the state claims them. States cannot carry them over to a future year. MOE expenditures can come from an area of the state budget and are not limited to spending by the TANF agency. That is very confusing. MOE spending, however, must be an actual expenditure, not simply foregone revenue. Thus, a state can count the refundable portion of a state EITC as MOE, but not the portion that simply reduces the amount of income tax owed to the state. I think I'm going to have to read that, like, six more times before I understand whatever it was that I just read. OK. It sounds like creative accounting, and I'm not great at accounting to begin with. By the way, taxes are due tomorrow, speaking of accounting. April 18. Tomorrow, taxes are due. Don't forget to claim your state property tax, income tax credit when you file your taxes. OK. That's my public service announcement. Methodology. Throughout the analysis, percentages are used to describe portions of total TANF funding spent in a particular year. Because federal funding can be carried over into future years and due to variation in state MOE from year to year, percentages across years use different denominators and may not always be comparable. Appendix 2: CBPP Groupings of Federal TANF Reporting Categories. OK. CBPP Category, Basic Assistance. And the Federal Reporting Categories: basics existence-- assistance, excluding relative foster care maintenance payments and adoption/guardianship subsidies; relative foster care maintenance payments and adoption-- it

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says that twice. Oh, OK. Basic assistance and then also relative foster care maintenance payments--

KELLY: One minute.

M. CAVANAUGH: Thank you-- and adoption/guardianship subsidies. Work, Education, and Training activities is a category. The Reporting Categories is subsidized employment, education and training, additional work activities. Well, this isn't that interesting. I know I'm trying to take up time, but this chart is not interesting, so I'm going to skip ahead. Ha. Here's an interesting chart. Appendix 3. I think I referenced it in Appendix 1. It referenced Appendix 3. Federal TANF Funds Allocated to Each State in 2021, in the millions. OK. So we've got the Block Grant Allocation, the Block Grant Received, Contingency Fund, and Tribal TANF. Ooh. This will answer the tribal TANF question. OK. Nebraska. We do receive tribal TANF: \$1.2 million. We also-- our block grant allocation-- oh. OK. All right. Our block grant allocation is \$58 million. We receive \$56.6--

KELLY: That's your time, Senator. And you're up next in the queue. This is your last time before your close.

M. CAVANAUGH: Thank you, Mr. President. We rec-- our allocation is \$58 million. We receive \$56.6 million. I was going to say that's probably because \$1.2 million goes to the tribal. But if you add 1.2 to 56.6, you do not get 58. You get 57.8. Where's the 200-- there's a discrepancy of \$200,000 in our allocation in what we receive according to this report. Maybe they had a, a rounding error or a typo. Block grant allocation minus the 0.33 percent research set-aside as well as any tribal TANF set-asides or penalties. OK. So maybe, maybe that \$200,000 is 0.33 percent set aside. I'll do that math at another time. OK. So that is the end of this policy brief. Now, for transcribers-- because I can only imagine how delightful it is to transcribe my speeches-- this is the Center on Budget and Policy Priorities' "Policy Brief: To Strengthen Economic Security and Advance Equity, States Should Invest More TANF Dollars in Basic Assistance." It was updated on March 8, 2023, by Aditi, A-d-i-t-i, Shrivastava, S-h-r-i-v-a-s-t-a-v-a. I'm certain I mispronounced that, but there you go. So when you are transcribing and you're like, what is she talking about? What do these tables look like? Hopefully that helps. I don't know if it does or not. Mr. President, how much time do I have?

KELLY: 2:55.

M. CAVANAUGH: Fantastic. So back to the TANF article, commentary from the Nebraska Examiner that I was reading this morning. There is additional materials in there. So it has the-- first among these policies is an eligibility standard so low that a family has not only to be in poverty, but in deep poverty. OK. 43 percent. I had the number wrong. It's 43 percent of the federal poverty line for 2023. That's where we are at with TANF. OK. So this chart-- there's a chart linked into there, and it's the chart ADC-- Aid to Dependent Children-- ADC Standard of Need and Payment Maximum [SIC]. Number in unit: 1. Current standard of need: \$601. Maximum payment: \$331. 100 percent poverty lev-- FL-- FPL, federal poverty limit, is \$1,132.50. Standard of need as a percentage of FPL: 53 percent; Maximum payment as FPL: 29 percent. So standard of need. The initial income test in ADC-- Aid to Dependent Children-- if a household's net earned income is lower than the standard of need for their household, then the household is eligible for ADC benefit. So the current standard of need is 53 percent of the FPL, federal poverty limit. That is \$601 for an individual. OK. The standard of need is supposed to represent the monthly combined cost of food--

KELLY: One minute.

M. CAVANAUGH: Thank you-- cost of food, clothing, sundries, home supplies, utilities, laundry, and shelter, including taxes and insurance. As shown in the chart above, the current standard of need is well below 100 percent of the federal poverty limit-- yes-- compared-- compare this to other public benefit programs like SNAP and childcare subsidies-- subsidies, which currently have eligibility levels at 165 percent and 135 percent FPL. The current standard of need is \$601 for one individual, plus an additional \$140 for each additional member of the household. That implies that a child only costs you an additional \$140 a month. I can tell you that is not true. My children definitely cost more than \$140 a month.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

KELLY: Thank you, Senator Cavanaugh. Senator Hunt, you're recognized to speak. This is your last time on the recommit.

HUNT: Thank you, Mr. President. I'll yield my time to Senator Machaela Cavanaugh.

KELLY: Senator Machaela Cavanaugh, you have 4:55.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Hunt. OK. Yes. \$140 for each additional member in the household. So I'm just thinking about, like, my kids: feeding them, school-- so I pay for their school meals, and I think it's, like, \$40 a month, I think, that I'm charged every month for their school meal account, roughly. So that takes us down to \$100. That's just their lunch. Just lunch. So that would be just lunch. And then there's just feeding them in general, groceries. You know, if I were to be generous and say that I only spend \$25 a month on groceries-- or, a week on each of my kids, then I'd be at \$140 for the month. That would be, like, a lot of ramen for them, but. I could spend \$25 a month for groceries for them. I do like to attempt to, you know, torture my children with things like broccoli and apples. So I probably spend more than \$20 a month. I did make my kids-- I made them broccoli last-- yesterday for dinner-- broccoli and-- steamed broccoli. And then we had spaghetti and meat sauce, a classic for-- when I was growing up, my mom would make that all the time: broccoli and spaghetti and meat sauce. And she has a very firm stance on that-- on broccoli being served with spaghetti and meat sauce. And I think-- and if she's watching, I'm sure she will correct me. But I think this notion of broccoli being served with spaghetti with meat sauce for her came from watching the movie Moonstruck with Cher. So my childhood meal staple is based on my mom's love of the meal being portrayed in the movie Moonstruck with Cher. Right? Cher. Cher's in Moonstruck. And they have spaghetti with meat sauce and broccoli. But it is a classic combination, I think. So we had spaghetti with meat sauce and broccoli. I do not like overcooked, steamed, boiled broccoli, but my kids do. So I did overcook it. And, and by they do, I mean my oldest will eat it. The other two really wanted to have dessert last night, and so I told them they had to eat all of their broccoli to get dessert. And they did. My middle kid complained about it for a good long while, saying that they didn't want to eat broccoli. They couldn't stand it. It was going to make them just physically ill. And when I said, well, if you don't eat your broccoli, you're not getting dessert. All of a sudden, she was in love with broccoli. It was her new best friend. She ate it all, an entire bowl. I actually didn't expect her to eat it, but she ate an entire bowl. A kid's bowl, but an entire bowl of broccoli. Anyways, watch the movie Moonstruck. It'll turn you on to spaghetti and meat sauce and broccoli as a side, apparently. I don't actually know if I've ever seen the movie. I just know that that's what my mom always talks about when she talks about spaghetti with meat sauce and broccoli. It all came for her from the movie Moonstruck. I think it's probably more that it is an easy, economical meal when you have eight children.

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KELLY: One minute.

M. CAVANAUGH: Thank you. OK. So, back to ADC's standard of need and payment maxi-- maximum. I said "maxium" previously. Maximum. OK. So I got on that whole broccoli thing because \$140 for each additional member of the household is not very much money. And I don't know how I could feed my children balanced meals with \$140 a month for them and pay for things like-- well, I have a mortgage-- but rent or mortgage, housing costs, electricity, you know, utilities. I don't know how I could do any of those things with just \$140 more a month for each of my kids. That would be very, very challenging. I mean, I do have a garden. Though right now, it doesn't have anything in it where I can grow fruits and vegetables. Once my brother gives me the-- my seed starters from the, the seed library, which I have previously talked about--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

KELLY: And you're recognized for your close on the motion to recommit.

M. CAVANAUGH: Thank you, Mr. President. So I suppose with a garden, if you're really, really frugal and you have the space and ability to have a garden, and then you-- when you harvest the things from your garden and you are forward thinking enough that you can a lot of your food, maybe you could live off of this amount of money. But it would, it would be challenging. And part of the challenge that we're trying to avoid and part of the thing that we're trying to address when we're trying to address intergenerational poverty and how we can get people out of the perpetual system of poverty is the trauma attached with economic insecurity and how that mentally really affects children who grow up in poverty, that there's a lot more anxiety and trauma because of the poverty, because of the uncertainty of their lives. And so if we can do something to help with that, like direct cash assistance to the most needy families, that could potentially help alleviate some of that anxiety and the un-- the fear of the unknown of what your living situation is. Not just for a child. I mean, parents really try to protect their kids from that fear of the unknown, but sometimes you just can't. But for the parents-- and if the parents are having the anxiety, it's going to-- the kids are going to see it. If parents have the anxiety over how they're going to care for their children, the kids are going to see it. So, aid to dependent children, standard of need payments. In Nebraska, we have an opportunity to do more good with our TANF program to help those the most in need of assistance. We

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just have to choose to do it. We just have to choose to do it. And I am challenging you, colleagues, to choose to do it. We just have to choose to amend a bill onto an HHS bill that increases access and eligibility to aid to dependent children. And it would be life-changing for these families, for the most economically challenged families. So, maybe we will. Maybe somebody is working on it right now. Maybe somebody is getting an amendment drafted right now to go on LB227 on Select File. Maybe the Health and Human Services Committee is. I haven't spoken with anybody since this morning, so maybe somebody is doing it. And what a gift that would be to the most vulnerable people in the state of Nebraska. I hope that we look for opportunities to do the most good, and increasing eligibility for TANF and access to TANF is doing the most good and it is mitigating some really significant harm that can be experienced in poverty and economic insecurity. So, maybe we'll have that. Maybe we'll see that this year. Kind of feels like today is a new day. The sun is shining, I think. I haven't been outside since this morning. People seem like they're-- even though it was a short break-- seem like they're in a decent mood. I haven't really talked to anyone, but-- I guess I talked to Senator Brewer on the mike. He seemed like he was in a good mood. Senator Hansen on the mike. He seemed like he was in a good mood. I'm in a good mood. Be in a better mood if I was taking a nap, but I'm in a good mood. So-- OK. Mr. President, how much time do I have left?

KELLY: 0:35.

M. CAVANAUGH: Oh. Ooh, what am I going to do with that? I will do a call of the house. And I'm just going to ask for a machine vote. Thank you.

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

CLERK: 15 ayes, 2 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those senators unexcused outside the presence-- outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused members are present. Senators, the question is the motion to recommit. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 1 aye, 41 nays, Mr. President, to recommit the bill.

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

CLERK: Mr. President, Senator Slama amendment to be printed to LB92 and Senator McDonnell to LB531. Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote just taken on the recommit motion.

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

M. CAVANAUGH: Thank you, Mr. President. I'd just like to say that I am oftentimes just as surprised as to whatever motion I put up next as the rest of you are. One moment. So part of the reason that I like to use motions is that it is easier for staff, which, you know, kind of goes back to why I was disappointed that we put a restriction on motions because if I'm going to be doing this anyways, I'd prefer that it not be as much of a burden on staff. And so-- not just the Clerk's staff, but also Bill Drafters. Like, if I don't have motions, then I have to have amendments, and that means that I have to have amendments drafted. And-- so that's what I do. I'm constantly getting amendments drafted in case I run out of motions, in case I run out of times to talk on motions. So I'm-- I am a creative thinker and I am a planner, so I do those things. But if I can just do motions and I don't have a restriction on the motions, it was much easier for staff. And I get it. Bygones. Move forward on the motions situation. I just wanted to explain why I usually would rely on motions because-- and then also, you don't have to do a vote. If you have a-- if you can do the motions and withdraw them and file another, that's-- you can only do that with a bracket motion, when you change the date. But when you do that, you don't have to have a vote every time, which is-- for people who are doing other meetings and committee work, that is also a-- I don't-- just more accommodating to the business that's happening while I'm filibustering. So, that's OK. We are where we are. I'll do what I'm going to do. Just, you know, it just is more disruptive to everyone else except for me to do it this way. OK. So this bill-- oh. Got to get in the queue. So this, this bill is, in a lot of ways, a government transparency, government access bill, LB254, because it creates a digital archive of all of our public hearings and et cetera, which is great. So I want to talk a little bit about government transparency. So-- OK. I got a few different things on government transparency. I've introduced some bills this year-- LB408, LB409, LB410. Those are all accountability and disclosure bills specifically related to the Omaha Public Library Board, but really to library boards period. I think they're-- so the reasoning behind it is that it-- it became very evident that our library board in Omaha was making

very important, if not outright decisions, recommendations for the sale and movement of property. And as such, when something significant, substantial and in the real estate realm is involved, I think it is important for the utmost transparency and to ensure that there is not a financial impropriety taking place. So that is the reason for that. I have no basis to believe that there is any financial impropriety happening. I just believe that something of that significance should have transparency. And without that transparency, it is very difficult to know when something improper is happening. See what's happening at the federal level in our court of the highest level. Having transparency is very important and it holds us all accountable. And we should be held to higher standards. Well, we should-- everyone should be higher-- not higher standards. Everyone should be held to a high moral standard of how you conduct yourself in business. Should not be immoral. That's probably-- you don't have to be an elected official or appointed to a board to hold yourself to a high standard of morality in how you conduct yourself in business. OK. So that is those bills, the LB408, LB409, LB410. And then I have an eminent domain bill, which-- that one's not really transparency so much as it was stated numerous times by former Senator Mike Hilgers, now Attorney General Mike Hilgers, that when we passed legislation last session around creating a lake near Ashland, that we would not use eminent domain. That was said time and time and time again. So I introduced a bill that would prohibit the use of eminent domain specifically for that project because I thought, if we are going to not use it, let's codify it into law so that we can protect the landowners. And it's not going anywhere. None of these are going anywhere. But then another Senator Cavanaugh introduced a different eminent domain bill. I think it was eminent domain. Something-- and I wish I knew the bill number. And I'm probably going to butcher it, so I'm going to give the smallest of synopsis because I don't want to misstate what the bill does, but it's something around open meetings and requiring eminent domain proceedings to be subject to open meetings. Something along those lines. I'm sure I have butchered it, but-- and I don't remember what the bill number is, so. OK. So other government transparency. Another bill that I introduced that's government transparency is creating a new Inspector General for Procurement. We have had significant issues with procurement just in my tenure in the Legislature. I know historically there have been significant issues with procurement, and we have not fully addressed those issues. We are working on it. But even with trying to address the issues of procurement, the lack of transparency and accountability in our procurement process is clearly leading to malfeasance. Clearly leading to it. We saw a significant amount of that with the contract

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with Saint Francis Ministries. And now I am pursuing trying to get some level of transparency around the contracting process for our managed care organizations. I have been requesting this for months now. You may recall, in January, at the start of January, like, day three, maybe day two in January, where I had received a bill for \$64,000 from DHHS for my records requests around the managed care organization's contract process. And I still haven't received the documentation. I am working with DHHS on it, but, frankly, it shouldn't take this long to find out if there was impropriety in the contracting process. Now, of course, there's going to be a court case because they already saw-- sought an injunction and received it from the judge on the managed care organizations. But, gosh, it would be nice if we had an inspector general that worked for the Legislature that would conduct these investigations--

KELLY: One minute.

M. CAVANAUGH: --on behalf of the Legislature. Not on behalf of me. Because let's be clear: the inspector generals do not conduct investigations based on my wishes as a senator. Not at all. Their work is independent entirely. And if we had an inspector general to look into contracts, then I probably would get my nose out of those FOIA requests all the time. I'd be making a lot fewer FOIA requests because I wouldn't know that we had an inspector general that looked into and ensures the proper oversight of contracts, and they would issue us a report like the Inspector General of Child Welfare, like the Inspector General of Corrections. And like those inspector generals, they work with a committee Chair. The Inspector General of Corrections works with the Judiciary Committee Chair, and a report is not released to the Legislature until it is approved and worked on--

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

M. CAVANAUGH: Thank you-- until it is worked on with the committee Chair. So if we were to create an Inspector General of Procurement, I would assume that that inspector general would be directly tied to the Committee of Government. Maybe not. Maybe the Exec Board. But it would be tied to a-- it would be committee specific and it would be working directly with one of our committees, not with me. This would not be Senator Machaela Cavanaugh now has an inspector general to look into thing-- contracts that she is interested in looking into. No, not at all. Not even possible. Would be really inappropriate for me to do. So that's why I introduced that bill because I think that oversight is the-- is part of the function of the Legislature, but I don't think that we have the capacity as citizen legislators who are supposed to

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only work 60 or 90 days a year to do the level of oversight that is necessary to ensure that things are happening the way that they should and are intended. And that's why I think that we should have an Inspector General of Procurement. I think it would be a huge benefit to the, to the Legislature and to the state as a whole. And it also would make the contracting process looking-- oversight of the contracting process, at least on the surface, appear less political. Because as much as I don't want it to, as much as I try to avoid it happening, I know that it looks political when I look into contracts. I know that it does just because I'm in a different, different political party. It is not my intention to make these things political. I try very hard to just try and figure out answers to what's going on. A way to minimize the politicalization of our contracting is for us to have an Inspector General of Procurement. So, that is the goal with that bill. That is to provide additional layers of accountability and oversight, much like this bill. OK. How much time do I have?

KELLY: 2:38.

M. CAVANAUGH: Thank you, Mr. President. So I'm trying to think through what other bills have layers of accountability this session before I go back to TANF. Because I can talk about TANF for several more hours. No problem. But I did want to spend some amount of time speaking a little bit more to the issue at hand, which is government transparency and oversight. OK. And-- oh. Nope. Wrong way. Sorry. I thought I found Senator John Cavanaugh's bill, but I didn't. OK. Well, then I will just go back to TANF because why not? OK. So we got all this TANF money, rainy day. It's raining TANF. And, you know, we really should consider how we're utilizing it. There are the four pillars. One of them, the one that I think is kind of hilarious, is to address unwedlock pregnancies, which I previously discussed. I mean, this has been a tenant of TANF for decades, unwedlock pregnancies, when we have-- had previously had a prohibition on same-sex marriage. So if you were pregnant--

KELLY: One minute.

M. CAVANAUGH: --and in a same-sex relationship, you automatically were unwedlock in your pregnancy. So at least we've addressed that. We've addressed that aspect of unwedlock pregnancies. Same-sex marriage has helped to reduce the number of unwedlock pregnancies. So, kudos to us, America. I don't know by how much, but I know friends who are in-- well, Senator Fredrickson. They didn't have a pregnancy. But I have friends who were pregnant in same-sex relationships. And if we hadn't

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had the over-- or, the allowance of same-sex marriage, their child would have been born out of wedlock. So, thank God for that. Thank goodness we have a government TANF--

KELLY: That's your time, Senator.

M. CAVANAUGH: --program.

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

HUNT: Thank you, Mr. President. I yield my time to Senator Machaela Cavanaugh.

KELLY: Senator Cavanaugh, you have 4:52.

M. CAVANAUGH: Thank-- [INAUDIBLE]. Thank you, Senator Hunt. OK. So this is from The Reader, which is a news publication based out of Omaha. And they have an article: "The Fund Just Keeps Getting Bigger: Nebraskans Denied Help as State Stockpiles \$108 Million in Federal Funds." So this is from August of last year. And in October is when this-- the DHHS reported to the HHS Committee that the stockpile had gone from \$108 million to \$130 million-- \$131 million. I have no idea what it is right now. And I'm a little terrified to find out, but I'm sure it is more than \$131 million. I don't think that it has gone down. OK. So-- and this is by Leah Cates. And it was first written on July 11, 2022, and then updated on August 19, 2022. And there is a lovely photo of a family. It is, Morghan Price poses with her son, Ezra, 13, and her daughter, Jada, 5, at their north Omaha home on June 8, 2022. Price recalls the emotional toll of living in poverty. It's-- quote, It's like, OK. I have to stay here all my life and look at depression, anxiety, stress on top of raising my kids in it and teaching them to look at that too, she said. And that's all that you can see. And the photo was by Chris Bowling. OK. So this story closes out a series published in The Reader and on OmahaJobs.com from September 21-- 2021 to June 2022 that spotlights the experience of low-income, working families in Omaha. This is also part of a larger series about inequity in Omaha titled (Dis)Invested. And it's-- parentheses, D-i-s, end parentheses, Invested. (Dis)Invested. OK. In 2010, Melinda Jacobs was a 20-year-old single mom struggling to make ends meet as a certified nursing assistant. Working night shifts to boost her wages wasn't enough to support her family. And Jacobs, whose story was featured in the April 2022 edition of The Reader-- so she applied for Aid to Dependent Children, ADC, a public benefit program providing cash assistance to low-income families with kids. Jacobs was

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denied because her income was over the state cutoff level, which, as of July 2021, was \$741 per month, or \$8,892 per year, for her family of two. Despite inflation, that amount has increased by only \$74 in six years. More than a decade after being denied assistance, Jacobs learned she was permanently disqualified from ADC, this time because, she said, she'd been to prison on drug offenses. Anyone convicted of possessing, using, or distributing a controlled substance is permanently ineligible for assistance, according to the Nebraska Department of Health and Human Services, DHHS. It was hard being a single mom, having the weight on my shoulders and being by myself, said Jacobs, who told The Reader she still can't get ADC despite completing drug--

KELLY: One minute.

M. CAVANAUGH: --treatment and getting sober. When I was disqualified, I felt like giving up, going back to the streets and selling drugs. But I took a step back and realized, I'm pregnant. I need to be healthy and sober for this baby. I need to get my kids back. It's not uncommon for public benefit denials to perpetuate poverty, poverty and crime, according to-- oh. That was according to me-- who said people turn to crime to support their children's basic needs. Aditi Shivarasta [PHONETIC--Shrivastava], a senior policy analyst at the Center on Budget and Policy Priorities in Washington, D.C., told The Reader the drug felony ban is counterproductive. Quote, When we see families struggling, that tells us they need more help, not less, end quote, she said. Stories like Jacobs' are common in Nebraska--

KELLY: That's your time, Senator. Thank you, Senator. And you're next up in the queue. It's your third time. And then you'll have your close.

M. CAVANAUGH: OK. Thank you. Mr. President, this time sometimes goes by really slowly and sometimes it goes by really fast. When you say that it's my last time and my third time, I was like, whoa. I spoke that many times on this motion to reconsider already. Just flies by. OK. Stories like Jacobs' are common in Nebraska, where being denied ADC is the norm for families that apply to the program. In 2020, around 90 percent of families that applied for ADC were denied, according to federal data. Nebraska's denial rate for applications to get direct cash assistance surpasses that of all but three states in the nation. All but three states. And actually, there's a chart down here. Let me just-- oh, boy. I'm going to have to zoom in here. This chart. The states that have a higher denial rate than us, than Nebraska, are Texas, Mississippi, and Arkansas. OK. Yeah. We are, we

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are leading the pack. OK. So, in 2020, around 90 percent of families that applied for ADC were denied, according to federal data. Nebraska, Nebraska's denial rate for applications to get direct cash assistance surpasses that of all but three states in the nation. Denials happen because of a drug conviction, incoming-- income slightly above the ultra-low cutoff, time on the program exceeding the lifetime limit of 60 months, or because applicants just didn't cross their T's and dot their I's when filling out the 23-page application, according to Jenamine [PHONETIC-- Jenaime] Besley, who works with underserved families at the Child Saving Institute. And I am pretty sure I just pronounced your first name wrong. I am sorry. But the rules and red tape don't mean Nebraska is strapped for ADC cash distribution. ADC comes from the Temporary Assistance for Needy Families, TANF-- ooh. Sorry. I just need to take a sip of water-- TANF, an annual federal block grant given to each state to support low-income families. The state can use the money for programs such as Jobs for America Graduates, JAG-- which I always think of as JAG, like, the JAG for the military. There was a show called JAG, I think, that was about the military and their court system. OK. Anyways, Jobs for America Grads-- America's Graduates, which helps young people secure quality jobs, or for direct cash assistance via ADC. Or the state can decide to allocate the money to a rainy day fund. Guess what we do? Yeah. The balance of Nebraska's rainy day fund was more than \$108 million as of September 2021, according to the state's Legislative Fiscal Office. By September 2022, the amount is projected to exceed \$110 million. Spoiler alert, it did. The balance decreased between 2013 and 2017, when it was around \$52 million. But since then, it's ballooned upward by an average of \$14 million each year. \$14 million. \$14 million. We could be giving direct cash assistance to the tune of \$14 million more than we currently are. OK. Yearly Change in TANF Rainy Day Fund Balance. The chart below shows how the Temporary Assistance for Needy Families, TANF, rainy day fund has grown over the past several years. Some advocates and legislators are concerned that allowing the balance to balloon and not spend down the fund leaves underserved families in a lurch. OK.

KELLY: One minute.

M. CAVANAUGH: Thank you. As of 2020, Nebraska was just-- was one of just 11 states with a TANF rainy day fund that contains more money than its annual TANF grant of around \$57 million, according to the CBPP. Advocates and legislators on both sides of the political aisle are concerned about the bloated balance and the families that aren't being served. The level-- quote, The level to which the fund has grown year after year is just inappropriate when people are struggling, says

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James Goddard, senior director of programs at Nebraska Appleseed, a social justice nonprofit in Lincoln. And James does have red hair, but no, he is not related to me. We-- quote, We need to get the dollars in the hands of low-income folks in Nebraska instead of sitting on the fund, funds, end quote. Goddard said he can only speculate as to why the number has ballooned--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

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

HUNT: Thank you, Mr. President. I yield my time to Senator Machaela Cavanaugh.

KELLY: Senator Cavanaugh, you have 4:55.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Hunt. I was just quickly looking at what I have left on this bill, and I think I've got this motion, MO954, to reconsider. And then we have the committee amendments. Did I submit a floor amendment that was really poorly written? So I might have to get, might have to get cracking on that then because I'm out of motions, I believe, after this unless-- did we do an IPP motion? No? I could do an IPP motion still. I have one. Fantastic. There's a whole pantomime happening here. I'm sure that the staff-- like, the staff over-- the legal counsel, committee counsel for various bills have been, like, pantomiming answers to me. And then the, the staff up front has been as well. Very much appreciate everyone's patience. That probably means that I-- yeah. OK. Clear as mud. Back to the Reader article. Goddard said he can only speculate as to why the number has ballooned. But he believes part of the reason is fewer families are being served due to strict eligibility rules and work requirements. In 2021, Nebraska served an average of 3,451 families per month. In 20-- or, in 2000, it served nearly three times as many, according to federal data. That doesn't mean the needs-- need isn't there, though. According to the CBPP, Nebraska has experienced the fourth-steepest drop of any state in the number of families receiving cash assistance. 52 families out of every 100 living in poverty got cash assistance-- got assistance from 2005 to 2006. By 2019 to 2020-- the year 90 percent of ADC applicants were denied-- it dropped to just 20 out of 100. 20 out of 100. From 52 to 20. That is a 32 percent drop in families receiving assistance. Quote, Nebraska is in a position to provide so much more with those reserves.

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This is a policy choice that state-- the state could make, Shivarista [PHONETIC-- Shrivastava]-- I'm saying it wrong. I apologize-- said. The fact that 90 percent of families are being turned away is also an active policy choice. More families should be served, end quote. Nebraska isn't the only state not spending hundreds of millions intended for underserved families. According to a ProPublica article published in December 2021, states aren't using \$5.2 billion worth of TANF money. And not using money of the-- more of the money is a fiscal fiasco for Nebraska, Cavanaugh said. We really make poverty a full-time job in Nebraska. When we don't utilize these programs and people commit crimes to get the essentials they need, it's costing the state money to the tune of increased incarceration, and it takes people out of the workforce because they are incarcerated. Oh, sorry. This is a quote, and I think it's a quote from me. It takes people out of the workforce because they are incarcerated. It's very illogical circle we as a state are perpetuating by not using these dollars, she said, also noting that people quit work to apply for benefits full-time--

KELLY: One minute.

M. CAVANAUGH: --because the process is so time-insensitive-- intensive and their incomes are slightly above the ultra-low cutoff. We really make poverty a full-time job. We really make poverty a full-time job. The benefits like ADC do boost the state's economy. Just look at COVID-19 relief efforts. Quote, The poverty rate has been measurable-- measurably impacted because of COVID-19 assistance going out, said Shivvravista [PHONETIC-- Shrivastava], who believes states should focus TANF spending on direct cash assistance programs like ADC. Quote, When families have their basic needs met, they are better able to plan for the future, including looking for work and participating in education and training programs that will increase their earnings in the future, she said. That is good. That is good for the state as a whole. Yes, it is.

KELLY: That's your time, Senator. Senator Hunt, you are recognized to speak. This is your third time on the motion.

HUNT: Thank you, Mr. President. I'll yield my time to Senator Machaela Cavanaugh.

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

M. CAVANAUGH: Thank you, Senator Hunt. Thank you, Mr. President. Continuing in the article-- I realize maybe I'm reading too fast. I

get notes from senators that I'm reading too fast. I get notes from senators I'm reading too slow. Just right. This porridge is too cold. This porridge is too hot. This porridge is just right. OK. Continuing with The Reader article. I'll slow it down a little. It's also good for children, according to advocates and legislators. After all, individuals with minor children get the money, which is intended to help make sure kids thrive. And when families are denied, kids don't get their physical, social, and intellectual needs met, according to Besley. For example, school's out and mommy may not have enough money to send them to extracurricular activities, she said. So kids stay home all day, every day during the summer and don't get stimulation. It's prudent to have some money in reserve for when disaster strikes. For example, keeping six months worth of TANF spending, which is around \$28 million, in the rainy day fund acc-- in the rainy day fund, according to Goddard. But in 2020, when COVID-19 ravaged the world, the rainy day balance swelled from over \$92 million to more than \$108 million. Advocates asked, what kind of rainy day is Nebraska waiting for before it draws down the funds? Again, in 2020, 2020, when COVID hit, the balance was \$92 million. It is now \$131 million. What are we waiting for? How impoverished do the people of Nebraska have to be before we take action? Now would be a great time. Just a wonderful time. We could start right now. OK. Next subject line there is Pointing Fingers and "Gaslighting." In February 2021, Cavanaugh called the rainy day fund a "slush fund" while testifying in support of a bill to expand eligibility for the Child Care Subsidy Program. Quote, I am concerned that DHHS is starting programs without any input or insight from us, this legislative body, she said, and that you continue to come in opposition to programs that various senators have introduced to support families and children, end quote. Cavanaugh and other senators wanted to use TANF to fund the Child Care Subsidy Program. But Stephanie Beasley, director of the Division of Children and Family Services in DHHS, insisted the department was adding new programs to underserved families and, if the allocated amount was spent each year, the state would spend down the rainy day fund by fiscal years 2024 and 2025. Guess what, everybody? This is what we are told every time we try to do anything that would tap into more funds. And we did.

KELLY: One minute.

M. CAVANAUGH: We did pass Senator DeBoer's childcare subsidy bill. And guess what? We went from \$108 million to \$131 million with that bill passed that they testified in opposition to because it would spend down the fund. We cannot spend it fast enough on the things that we want to spend it on, mostly because we are not changing the

eligibility. Also, the reason that this department opposes us doing anything is because they have the flexibility to use the fund for programs that they want to use it for without our authorization so long as we don't change the eligibility--

KELLY: That's your time, Senator. And you're recognized to close on your motion to reconsider.

M. CAVANAUGH: So long as we do not change the eligibility for TANF in Nebraska, DHHS has control over that money. It is our job to take control over that money and it is our job to address the eligibility issue with TANF. OK. So, Cavanaugh and other senators wanted to use the TANF to fund the Child Care Subsidy Program. But Stephanie Beasley, director of the Division of Children and Family Services in DHHS, insisted the department was adding new programs for underserved families. And if the allocated amount was spent each year, the state would spend down the rainy day fund by fiscal years 2024 and 2025. Goddard isn't convinced the state will spend the rainy day fund any time soon. Well, that's good. You shouldn't be, because we haven't. Neither is Aubrey Mancuso, deputy-- deputy director of the Women's Fund of Omaha, who used to be the executive director at Voices for Children in Nebraska, where she argued for the state to use more TANF funds during COVID-19 crisis. They-- quote, They've been saying they'll use more funds for a decade. The fund just keeps getting bigger, end quote, she said. Quote, When we think about what Nebraska has been doing with TANF money, item A is they're not spending it, end quote. Historical Versus Projected Rainy Day Fund Balances. The chart-- this chart compares historical Temporary Assistance for Needy Families rainy day balance to DHHS' projections for the rainy day balance in the coming years. Although advocates would like for the balance to decrease, which would indicate the underserved families are getting assistance, they are skeptical of whether it will do so, given the rainy day balance history of continually ballooning upward. OK. So part of the reason that I'm not concerned about us increasing eligibility depleting the rainy day funds is that we aren't spending our block grant annually. So we would have to have our block grant of-- I think it was \$58 million. We would have to spend the \$58 million before we even tap into the rainy day funds. And we're not spending the \$58 million. If we increased the eli-- eligibility, we still won't be spending the full \$58 million. So we still won't be tapping into the rainy day funds. And the rainy day funds will still be growing because we aren't spending the full block grant. We aren't even to the point of spending the full block grant, which is part of the problem. We should not be withholding resources from the most needy Nebraskans on a technicality. And that's what we're doing. The

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technicality is the eligibility. We have the money. We have the money to provide the resources that these individual families need. And we're not doing it on a technicality. So. Mr. President, how much time do I have left?

KELLY: 1:15.

M. CAVANAUGH: Thank you. OK. So this chart has the historical rainy day balance and then the projections by DHHS. DHHS has it projected--

KELLY: One minute.

M. CAVANAUGH: Thank you-- that, by 2028-- so four, five years, five-ish years from now-- that the rainy day balance would be diminished to almost nothing. The reality is that we would first have to stay-- pay-- or, spend the full amount of the block grant and then some. We can not deplete the rainy day balance until we start spending, bare minimum, the full amount of the block grant. And besides just putting money into random programs or creating new programs, the best way to spend the block grant is to give the cash assistance to the needy families, something we could do, something within--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you. Call of the house.

KELLY: Thank you, Senator. Senator Briese has some guests in the north balcony: third and fourth graders from the New Hope Christian School in Cairo, Nebraska. Please stand and be recognized by your Nebraska Legislature. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 12 ayes, 4 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please report to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Dorn, Armendariz, Vargas, Clements, Hughes, and Hunt, please return to the Chamber and record your presence. The house is under call. All unexcused senators are now present. The question is the motion to reconsider. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 0 ayes, 39 nays, Mr. President, to reconsider the vote.

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

CLERK: Mr. President, the Revenue Committee notice will hold an Executive Session at 4:00 under the south balcony. Revenue, 4:00, under the south balcony. Mr. President, next motion: Senator Machaela Cavanaugh would move to indefinitely postpone LB254.

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

M. CAVANAUGH: Thank you, Mr. President. OK. This is my last motion. I-- well, I'll reconsider the vote after this one, but this is my last motion. So-- and then I'll do a-- reconsider the vote on this one. And then after that, I have a floor amendment that I drafted to attach to this that is really consequential, folks. Very, very consequential. I do have some amendments being drafted to other bills that are on the agenda that are more conversation pieces than anything else. But I don't want to jump ahead of myself. We'll stick with where we're at for today. I also don't know how late we go on this. I think when we started, we had seven hours. And we started at, like, 1:15. So assuming if we went right through, that would be 8:15. But we usually take a 30-minute dinner break. So maybe 9:45. I don't actually know. I am making up numbers right now on the time. But if I-- we're what? We have Final Reading at 7:30? What? Oh my gosh. Well, look at that. I totally missed that. We have Final Reading at 7:30. Cool beans. Oh, good. LB376. I haven't talked about that one enough. Senator Lowe. I was not even prepared for that. I missed that. Thank goodness. Is this the one about fish fries? No? Darn it. Can I make it about fish fries? I'm getting a headache. No, I cannot make it about fish fries. I bet I can find a creative way to make LB376 about fish fries, though we were out-- we are out of the fish fry season. You know what-- a great conversation about fish fries is TANF. TANF. Who doesn't love a good fish fry? TANF can help support families that maybe like to go to a fish fry once a year during Lent at their local church. So, there you go. I knew I could make something about fish fries today. All right. I was reading an article, and I'm going to get back to that. So this is The Reader. OK. Now, I do want to be clear that this article is from 2022. So when it's talking about the administration, it's the previous administration, not the current administration. So, there we go. OK. The Reader reached out multiple times to DHHS and the Governor's Office about this story but was not granted an interview. DHHS was, however, responsive to numerous records requests. Well, that's good to hear. I hope they didn't charge you an arm and a leg. If they did, however, that's-- there was a court case. I think the Nebraska Supreme

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Court decided on the side of our media about records requests from the state and being charged an exorbitant fee for them. So-- but I'm glad to hear, in this particular instance, that they were responsive to records requests. According to its TANF plan, DHHS intends to gradually increase spending on ADC in addition to other resources and programs for underserved families. Whoa, whoa, whoa. Hold up. Hold the phone. Stop the bus. What? According to its TANF plan, DHHS intends to gradually increase spending on ADC, Aid to Dependent Children? Fascinating. I'd love to know more. How are they going to do that without the Legislature changing the eligibility? That seems like quite the conundrum for people who come in opposition to changing the eligibility. So they had it as part of their plan to increase spending in the Aid to Dependent Children. But they oppose increasing eligibility or payments in the Aid to Dependent Children Program. How are they going to increase the spending? Are they going to stop finding reasons to reject 90 percent of the applicants? That is something to ponder, for certain. Back to the article. The department says it will reduce the fund to less than \$97 million by September 2023; less than \$79 million by September 2024; and approximately \$4.5 million by September 2028. But Goddard doesn't think DHHS's plan for how it'll spend the money shown on the table below is as granular as it could be. And Cavanaugh said, despite her best efforts to get more information about the expenditures listed, she doesn't understand what many of the expenditures mean. It's a circular conversation-- this is a quote, sorry. Quote, It's a circular conversation that ends with the same outcome, which is we don't know what they're doing, we don't know what their plan is, and they insist they've told us what their plan is, end quote, Cavanaugh told The Reader. Quote, Have you heard of the term "gaslighting?" end quote. Yes. I stand by that comment. I very much feel like the conversation around TANF and the rainy day fund with DHHS has been a series of gaslighting conversations, where they tell me they have a plan-- they tell the committee they have a plan. We ask what the plan is. They tell us they've given us the plan. We say we don't have the plan. They say, we sent you the plan. Then we look at what they sent us and we say, that's not a plan. And they're like, well, that's the plan. And we sent it to you. It's like, if I gave you a turkey sandwich and you were like, I would really like a slice of pizza. And I say, well, I gave you a slice of pizza. And you're like, no, you didn't give me a slice of pizza. And I'm like, yeah, that, that, that right there in your hand, that's a slice of pizza. And I'm like, no, that's a turkey sandwich. And then you're like-- I say, no, that's, that's a slice of pizza. You're like, no, it's clearly a turkey sandwich. Nope. Slice of pizza. And I would just, like, walk off. Like, that's what's happening here. They're not

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giving us what they say that they are giving us. They are insistent that they are giving us what they say that they have given us, and they haven't. And we know that they haven't. So it feels like gaslighting. OK. DHHS Estimate of Annual TANF Grant Expenditures. This is DHHS's plan for spending Temporary Assistance for Needy Families, TANF, money. Some state senators and advocates say the plan is not specific enough for a clear understanding of how the money is used. Here is how the money is used. It's estimate of annual grant expenditures. TANF Administration, \$3.45 million; TANF Child Care: \$5 million; TANF Information Systems: \$500,000; TANF Cash Assistance, Aid to Dependent Children: \$18.5 million; TANF Child Welfare Services: \$7 million. That's-- OK. What is that? TANF Work Activities, or the Employment First: \$9.3 million; TANF Cash Assistance, LB89, Aid to Dependent Children Standard of Need: \$823,000; TANF Home Visitation Program--

KELLY: One minute.

M. CAVANAUGH: Thank you, Mr. President-- \$2 million; TANF Family-Focused Case Management: \$450 million; TANF Social Services Block Grant, Mommy and Me: \$850 million; TANF Social Services Community Response Program: \$1.7 million; TANF Supplemental Nutrition Assistance Program Employment and Training: \$550,000; TANF Emergency Assistance: \$250,000; TANF Support Services and Work Supports for Child Welfare Families/TANF Alternative Response: \$480,000; TANF Fatherhood Initiative: \$1.25 million; TANF Crisis Pregnancy Program: \$1 million with an increase to \$2 million; TANF Jobs for America Graduates--

KELLY: That's your time, Senator. Senator Brewer, pursuant to the rules, you have five minutes to respond to the motion to indefinitely postpone.

BREWER: Thank you, Mr. President. Well, we're going to take a whole lot less than that. Just to bring everybody back to reality, LB254 is simply a digital library of the proceedings here on the floor and on our committee hearings. And I would just ask for a red vote on IPPing it. Thank you, Mr. President.

KELLY: Thank you, Senator Brewer. Senator Erdman, you're-- excuse me. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I didn't even realize I was still on my opening. Senator Brewer, next time, feel free to take the full five minutes. I feel like the, the tone of my voice is maybe

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lulling some people into a nap, so. OK. TANF Jobs for America's Graduates, JAG, Program: \$850,000; TANF Program Route-- Work Group Recommendations, in parentheses, TBD: \$300,000, with an estimated \$2 million in the future and then \$4 million after that. OK. Cavanaugh said lawmakers could raise the income requirement so more people are eligible for assistance and/or increase the monthly amount families receive. But they haven't done any of that yet because, according to Cavanaugh, they don't have the votes. Yeah. Maybe we do, though. I would love to be wrong. If ever I were wrong, I would love it to be about having the votes to increase eligibility for TANF. That would be awesome. I mean, I'm happy to be wrong about a lot of things, but I really would like to be wrong about that one. OK. Because-- but they haven't-- OK. Yeah. That's where we are. A bill introduced by Senator Kathy Campbell in 2015 to increase the maximum ADC payment and let families continue to get some benefits even if they get a small raise so they don't have to choose between ADC and their jobs did get the votes in the Legislature, but it was vetoed by Governor Pete Ricketts, who called it "unsustainable," saying it would drain the rainy day fund and Nebraska would ultimately incur the cost. A lower cost version later passed as an amendment to another bill. And in March 2021, the Heritage Foundation said, Unsustainable entitlement programs are a primary driver of the federal government's failing fiscal health. I'm not sure what the connection is. OK. The Reader reached out to multiple senators who might vote against expanding ADC access, as well as the Platte Institute-- a conservative think tank-- and did not get any interviews. But conversations about TANF might be on the legislative horizon. At the end of the 2022 session, State Senator John Arch introduced a resolution, LR407, calling for an interim study of Nebraska's past and future use of TANF funds. The resolution is co-sponsored by both Democratic and Republican members of the Health and Human Services Committee. The state's use of TANF funds is a bipartisan concern. In December 2014, then-State Auditor Mike Foley, who's now Lieutenant Governor-- now, this is in the past. He's now State Auditor again-- wrote a report to Kerry Winterer, then-DHHS CEO, pointing out a, quote, significant deficiency, end quote, in Nebraska handling of TANF cash reserve funds. At the time, the rainy day fund totaled more than \$55 million, according to Foley's report. I did start reading Foley's report this morning. I have not finished reading Foley's report. We can, of course, always go back to reading Foley's report at a later date. Even when Nebraska puts some TANF money to use, however, community members, legislators, and advocates say it doesn't necessarily help, and sometimes perpetuates poverty. Kind-- quote, Kind of an Insult. That's the next headle-- header. During the first winter of COVID-19, Jen Miller--

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KELLY: One minute.

M. CAVANAUGH: Thank you-- whose name has been changed for this story to protect her identity, spent 30 hours a week taking resume-writing courses on LinkedIn and attending Zoom meetings about local job opportunities. I just have to finish some classes, the single mother told her nine-year-old son, who was in remote schooling. Miller never mentioned to her son that those classes were required for her to stay on Aid to Dependent Children. Quote, I was embarrassed, said Miller, who, who said she previously earned \$27 an hour at Facebook, where she installed and term-- terminated fiber optics be-- before being laid off in December 2020 and applying for every public benefit program she could. There was a feeling you were a bit looked down upon by the people running the program, she said. A stigma. Miller also felt uncomfortable with the 30 hours per week work requirement for single-parent families--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

KELLY: Senator Erdman, you are recognized to speak.

ERDMAN: Question.

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

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch. Senator Armendariz. Senator Ballard. Senator Blood voting yes. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese. Senator John Cavanaugh. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting no. Senator Day. Senator DeBoer not voting. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan not voting. Senator Erdman voting yes. Senator Fredrickson. Senator Halloran voting yes. Senator Hansen. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould not voting. Senator Riepe voting yes. Senator Sanders voting yes. Senator

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Slama. Senator Vargas. Senator von Gillern voting yes. Senator Walz. Senator Wayne. Senator Wishart. Vote is 26 ayes, 2 nays, Mr. President, to cease debate.

KELLY: Thank you. Debate does cease. Senator Machaela Cala-- Cavanaugh, you are recognized to close. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 12 ayes, 12 ayes, 8 nays, Mr. President, to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Cavanaugh, you may continue on your close.

M. CAVANAUGH: Thank you, Mr. President. As I previously stated, part of the reason that I do motions is because it's easier on staff. Calling the question is fine. Voting for calling the question is fine. I will just do more floor amendments, which is fine. And so there'll be more votes. So, again, all fine. All good. I am taking this to cloture. I'm taking everything to cloture. If you want to vote more often, call the question all the time and I'll keep calling the house and we'll keep doing this dance. That is fine. I just want to be clear about that because I am prepared to put up amendments and motions as much as necessary on everything. So I'm trying to do what I'm doing and not inconvenience people more so than already I'm inconveniencing people, including my colleagues and staff. But if you want me to do more of this, I will do more of it. It's fine by me. So what we're doing now is a call of the house on the IPP motion because Senator Erdman called the question to cease debate and the question prevailed. And so now we're taking of-- going to take a vote on the IPP motion. And then I'll have a motion to reconsider the motion. And I'm sure Senator Erdman now is angling to call the house some more-- or, not call the house-- call the question some more, so I'll start writing up more floor amendments because I didn't write a bunch of floor amendments because I was trying to avoid-- or write any amendments-- because I was trying to avoid taking up more staff time than necessary. And-- so I will just-- I will do that. And I have amendments drafted for other bills, but I'm really just trying to give staff a little bit of a break since they had a really hard week like the rest of us last week. And I didn't want to be putting more on all

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the staff, including Bill Drafters, my staff, the Clerk's staff. I wanted to have fewer things that had to be done and just take the time by talking. But if you want to minimize the amount of time I talk on a specific issue by calling the question, that is fine. I'm still going to talk. I'm still going to talk and talk and talk and talk. I'm just trying to be a little bit more considerate in my approach today. That's it. I'm talking about TANF today. People seemed to not appreciate me talking about LB574 all of the time, so I'm trying to talk about other issues as well. And if people want to be unkind and call the question and vote for calling the question, you are hurting staff, and that does irritate me. That does irritate me. But that is your problem, not my problem. So we are where we are. And I still am trying to give the Clerk's office a little bit of a reprieve by not doing a roll call vote on every single vote because that does take more time. And it's really not the Clerk's responsibility to help me take more time. So I don't want to be forcing them to do a roll call vote constantly, so. Mr. President, how much time do I have left?

KELLY: 1:23.

M. CAVANAUGH: OK. Thank you, Mr. President. So after this vote, we're going to have a motion to reconsider. I'm going to open. If people get in the queue and call the question, I'm going to call the house and we're going to do this all over again. If people don't get in the queue and call the question and people just want to yield me time, you all can go about your merry business for as long as I have times to speak and that people yield me time. It's neither--

KELLY: One minute.

M. CAVANAUGH: --here nor there for me because I'm standing here doing it regardless. You all might care to have less time where you keep getting called back to your seat. I will leave it there. And unless somebody else asks for it, I'm fine with a machine vote. Thank you, Mr. President.

KELLY: Thank you, Senator. Senators Fredrickson and John Cavanaugh, please return to the Chamber and record your presence. The house is under call. All unexcused senators are present. The question is the motion to indefinitely postpone. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

M. CAVANAUGH: 0 ayes, 41 nays on the motion to indefinitely postpone.

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

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CLERK: Mr. President, your Committee on Natural Resources, chaired by Senator Bostelman, reports LB599 to General File with committee amendments. Additionally, Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote taken on the indefinitely postpone motion.

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

M. CAVANAUGH: Thank you, Mr. President. All right. We will take a little break from TANF, the TANF conversation. Is it a conversation if it's one-sided with myself? Probably not. The TANF monologue. There we go. Who wants to buy tickets to go see the TANF monologues? Ooh. The reviews are in. Senator Machaela Cavanaugh's Temporary Assistance for Needy Families monologues is a sensation. It's a showstopper. It's almost as good as when she had the whole conversation for a couple of weeks about the Oxford comma. You never know what you're going to get with your Nebraska Legislature. OK. So, LB254. Let's talk about it. LB254. Comments from online about LB254. I-- a little housekeeping issue with myself. So I've got this cardboard box top here so that I could have my, my podium up a little bit higher so my back wouldn't hurt so much, but my light doesn't go up any higher. So I have no light unless I do that, which is a little bit blinding, and it only lights up the top of my page. I guess I could turn it like that. Maybe. Ooh. What if I turned it like this and then read like that? Ingenuity right there. OK. This is a proponent. So, Thank you, Senator Brewer, for bringing LB254 to the floor. Thomas Jefferson said, quote, If we are to guard against ignorance and remain free, it is the responsibility of every American to be informed, end quote. While it is most effective to be in the Capitol and directly see and hear all testimony, that is virtually impossible for most people. In fact, even if one is in the Capitol, they wouldn't be physically able to attend all hearings. However, if all hearings were available through digital internet archive of closed-captioned video coverage of the Legislature, including all floor debate and public committee hearings indexed by the legislative bill or resolution number or by date, this would make it possible for those who want to see and hear what is going on in the State Capitol. It is our statehouse. As citizens of the state, we should be able to have the right to access all proceedings. I remind everyone on the committee that many people are unable to attend due to work or physical ability in the case of seniors. Closed captioning [INAUDIBLE] sessions would allow all people, regardless of the reason, to have access to these sessions if they chose to. I'm going to turn this podium back around because it's, it's still not helpful for my back, so. I will just read it in semi-darkness. Thank you for the opportunity of this testimony. And

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that is from Liz Abel and District 31. OK. And then we've got-- the next one is from Mary Barton from District 30. Ooh. And I should note, if any of the people whose things I am reading-- people ask about the online testimony. I love to look at the online testimony. So when you submit it-- I don't know-- I can't speak for 48 other people, but I can speak for myself. I do look at it, though I do know that others look at it as well because I've heard them reference online testimonies during other committee hearings. OK. So-- I'll just drink some water. OK. Mary Barton: Dear Senator Briese and the Executive Committee. My name is Mary Barton. I'm a retired University of Nebraska at Kearney librarian who has lived in Lincoln for 15 years. As a professional university librarian, I strongly support LB254. It will allow access to the digital internet archive of the video coverage of the Legislature, which will serve researchers, the media, and others for years to come. While some cost will be involved, it will serve as an important record in the future. Please forward LB254 to General File and passage by the Legislature. That is-- Sincerely, Mary Barton, District 30. Patrice Beckman-- Beckham of District 45 in Bellevue: I am writing in support of LB254. Given that the Legislature works for Nebraska citizens and we are entitled to easy access to see what our elected officials are doing, it is only reasonable that there be a digital record accessible to the public of the activity at the Unicameral. Current access is very limited. Basically, the general public has access to a live stream through Nebraska Public Media only. The citizens are becoming more involved and want information on the actions of our elected officials, but the process is difficult at best. More dedicated Nebraskans have taken the time to screen recorded-- record-- screen-record hearings and share on YouTube. Only a select few are aware there is a process to request legislative hearings, and even a vast majority of the employees/officials in the building are unaware. This process requires an email with your name, address, specific hearing being requested. There's a wait of three-plus days. And there's a \$10 fee for the flash drive. The flash drive also includes a very specific disclosure of permitted use of the hearings. It's a cumbersome and slow process. The reality is, in this day of technology, the capabilities exist to create a seamless process for citizens to have access to this material and be able to share the content with others. It would be extremely beneficial in helping to promote civic engagement from all Nebrask-- from all Nebraskans and would drive web traffic to the Legislature's website, increasing the likelihood individuals look at things other than the initial reason they came to the site. We, the people, are the second house in Nebraska, and this is key for citizens to get more involved. Please support LB254. Thank you for your service to our state. Well, thank

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you, Mary [SIC-- Patrice]. OK. This is from Sandra Black, District 30, Hickman, Nebraska. The citizens of Nebraska are the second house of the Nebraska Legislature. As such, it is imperative that they have access to what transpires within the body. Creating a publicly accessible internet archive of all video recordings of the Legislature and its committee hearings will provide greater government transparency to the public. Thomas Blanton, representing self, District 29, Lincoln, Nebraska: Hello, Chairman Briese and members of the Executive Board. My name is Thomas Blanton. I don't know. I'm just going to say with an accent, Blawn-tawn. Kind of like Gas-tawn (Gaston). And I'd like to voice my support of LB254. While I do support Senator Brewer's reasoning for this bill and the need to increase accountability, I also support this bill because I believe it is also-- it will also increase accessibility to the legislative process. I attended high school in Alliance, Nebraska. It's about a six- to seven-hour drive from Lincoln. It's a long drive to make to be able to give three to five minutes of testimony on a bill. And I believe most people faced with that kind of barrier would sooner tune out the Legislature and the legislative process than try to get past it.

KELLY: One minute.

M. CAVANAUGH: Thank you. I know there is the option to submit comments online, but I would argue the reason I use this tool so often is because I'm able to occasionally come and be part of the process by participating in person in a hearing with relative ease. A lot of Nebraskans do not have the opportunity, and they don't have the opportunity to watch hearings. I believe if they did, more Nebraskans would become interested in government and being informed. For that reason, I ask members of the board to support this bill. I'd like to thank Senator Brewer for introducing and all the co-sponsors for supporting it. I also ask members of the board to continue to think of ways that might help increase accessibility to the legislative process for Nebraskans who don't live nearby. Thank you for your time. OK. I think that I am about out of time. Thank you, Mr. President.

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

HUNT: Thank you very much. I support LB254. Senator Brewer opening during the committee hearing on February 10, said, quote, We live in a world where folks are working multiple jobs and it is physically, in many cases, impossible to come here and be a part of that second house. What the video archive does is essentially a library where they

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can come in, they can see committee hearings to listen and see at the time of their availability to what has happened and then also to hear floor debate on bills. The idea of having a Unicameral in the second house of the people I think is weakened when we don't give them the ability to see what we do. Senator Machaela Cavanaugh spoke about how, you know, in the last four or five years there have been so many kind of ad hoc, different groups pop up to try to live stream the Legislature, whether it's committee hearings or floor debate. You can watch these things live, but there's a lot of groups that have started recording them and putting them on YouTube or recording them and putting them on Facebook. And I know that a lot of people who do this work-- which is volunteer work, obviously-- they, they see it almost like a job. They take it just as seriously. And it, it matters as much to them as a job that they're doing because they're doing it out of the goodness of their hearts and because they have a deep-seated passion for transparency and making sure that people who can't be here in person, like Senator Brewer said in his opening on this bill, to make sure that they can somehow feel like they're involved. And I think that we've seen that reflected through the degree of contact we've received from the public in the last four or five years and the nature of that contact. It's not just people who are, you know, unemployed, watching NET all day long like, like perhaps it was 5, 10 years ago. Now, there are people who are watching specific issues, who are paying attention to specific bills. And they have families. They have jobs. They're busy. But because other people are putting recordings of our work online, they can catch up with what we're doing at a time that works for them. However, you know, not everybody is tech savvy or aware or has the means or ability to join these Facebook groups or find these YouTube channels. And it's one of those things that-- you know, they're not, they're not official and so they're not promoted by the Legislature or the Unicameral Update or anything like that. So it's hard for them to find information about what it is we're doing. I hear so often from constituents who read about what we've done in the newspaper and then contact me frustrated that it kind of happened without them really knowing about it. Like, oh, if I had known that you were voting on this, I would have come and testified. Or, if I had known you were going to vote on this, then I would have contacted more senators. And there's really a feeling sometimes among people that they could have done more, that they wished they could have done more to impact the levers of government and impact the decisions that we're making as lawmakers. And, you know, that's a feeling that I relate to absolutely. Every time something doesn't go my way, I think-- I didn't solve the puzzle, right? Like, there's,

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there's always something more I could have done to make people see things my way or to make the outcome better for everybody involved.

KELLY: One minute.

HUNT: Thank you, Mr. President. Many people are working multiple jobs because their wages are so low. And the rising cost of living is very serious. And Senator Brewer is correct that sometimes it's physically impossible for folks to actively participate in the legislative process. Not everybody who would like to be involved is given paid time off, and many have to choose between their hourly wage and their advocacy. That's why paying our workers a living wage is essential to democracy. In the 2022 election, nearly 60 percent of voters in Nebraska approved a minimum wage increase. Multiple counties, including those as far west as Senator Hardin's District 48 and as far south as Senator Slama's District 1, passed the initiative with over 50 percent support. And I'll continue this on my next time on the mike. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. OK. So, I was at-- let's see here. The public comments. Let me go down to ones that aren't just one sentence. This is from Amy Bordersen [PHONETIC-- Brodersen] from District 14, Papillion, Nebraska: It is only reasonable that there be a digital record accessible to the public of the ongoings of the Unicameral outside of live streaming. This current process to access archived data is cumbersome and slow. We need a simple, easily accessible process for citizens to have access to this material and be able to share the content with others. It is in the best interest of Nebraskans. Let's see here. OK. This one's from Amy Codr from District 19, Pierce, Nebraska: I fully support LB254. We are a nation and state governed by, quote, the people-- of the people, by the people, for the people, end quote. Why should the people, in caps, have full transparency when it comes to the dwelling-- dealings, not dwellings-- the dealings of government issues? We need to be able to hold you, our elected officials, accountable. How can we do that if so much is done behind closed doors? Let's see LB254 passed. Thank you, Amy Codr. Walta Sue Dodd and-- no district listed. Omaha, Nebraska. OK. This is-- Senator Tom Briese, Chair, and members of the Executive Committee, State Capitol, Lincoln, Nebraska. RE: LB254, parentheses, Brewer. Require the Legislative Council to develop and maintain a publicly accessible and digital internet archive of closed-captioned video coverage of the Legislature and change powers and duties of the

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Nebraska Educational Telecommunications Commission. Support. Please include this letter from the League of Women Voters of Nebraska as part of the record in support of LB254. Dear Senator Briese and members of the Executive Committee, the League of Women Voters of Nebraska supports LB254 because the second house of the Legislature should have access to the legislative sessions and hearings. Many Nebraska citizens are unable to attend legislative sessions and hearings and have daytime obligations that prevent them from watching or attending legislative activities. Having access to the legislative sessions and hearings will give the second house the opportunity to be involved and better educated in the process. In addition, these official video recordings should be easily accessible, free, searchable, and close captioned, which will help Nebraskans keep a better eye on their Legislature. Many will talk about the cost-- e.g., what does it cost to store proceedings now? How much storage space is utilized? And how much time and labor does it take to research information? So, yes, setting up a digital internet archive of video coverage has costs. But once it is done, the historical data will help educate and enlighten our voters and preserve information for future generations. Please vote LB254 out of committee to General File for debate. Sincerely, Walta Sue Dodd, voter services co-director, League of Women Voters, Nebraska. And MaryLee Moulton, president, League of Women Voters of Nebraska. Andrew Dunkley--

ARCH: One minute.

M. CAVANAUGH: Thank you-- of Lincoln, Nebraska, representing the Nebraska Farm Bureau, Nebraska Pork Producers, Nebraska Soybean Association, Renewable Fuels Nebraska, Nebraska State Dairy Association. It's February 8, 2022. Executive Board, Nebraska Legislature, room 1525, State Capitol, Lincoln, Nebraska. Chairman Briese and members of the Executive Board, I write today in support of LB254 on behalf of the Nebraska Farm Bureau, Nebraska State Dairy Association, Nebraska Corn Growers Association, Nebraska Pork Producers, Nebraska Soybean Association, Nebraska Wheat Growers Association, and Renewable Fuels Nebraska. I think I'm out-- about out of time, so I will come back to reading the rest of this letter. Thank you, Mr. President.

ARCH: Senator Erdman, you are recognized.

ERDMAN: Question.

ARCH: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all

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

ASSISTANT CLERK: 11 ayes, 1 nay to go under call, Mr. President.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Fredrickson, Armendariz, Ibach, Hughes and John Cavanaugh, please return to the Chamber. The house is under call. Senator Armendariz, please return to the Chamber. The house is under call. All unexcused members are now present. The question before the body is the motion to call the question. All those in favor-- roll call has been requested. Mr. Clerk.

ASSISTANT CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch not voting. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood not voting. Senator Bosn voting yes. Senator Bostar not voting. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Conrad? I'm sorry. Voting no. Senator Day. Senator DeBoer not voting. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan not voting. Senator Erdman voting yes. Senator Fredrickson not voting. Senator Halloran voting no. Senator Hansen. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney not voting. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould not voting. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz. Senator Wayne. Senator Wishart. Senator Halloran voting yes. Vote is 30 ayes, 4 nays, Mr. President.

ARCH: The question to call the-- the motion to call the question was successful. Senator Cavanaugh, you, you are recognized to close on your reconsideration.

M. CAVANAUGH: Thank you, Mr. President. Colleagues. So this is the last of the motions. We'll be moving on to floor amendments after this

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and other amendments that might be filed. So, yeah. That's fun. OK. So I was reading the comments on LB254 that were submitted online. And this one is from Andrew Dunkley. And he is representing-- support on behalf of Nebraska Farm Bureau, Nebraska State Dairy Association, Nebraska Corn Growers Association, Nebraska Pork Producers, Nebraska Soybean Association, Nebraska Wheat Growers Association, and Renewable Fuels Nebraska. Yes, we're still under call because we did-- there was a call of the house and the vote to call the question. And now we're going to have that vote on the underlying motion at hand. So, generally speaking, the call of the house isn't usually lifted when somebody is closing and you're all about to take a vote, in case people are wondering. I mean, it can be lifted, but since you have to be here in about three and a half minutes anyways to vote, you may as well just stick around, I guess, especially if we do a roll call vote. As you-- back to the letter. As you all well know, the Legislature takes place most times during prime work hours. This is especially true for farmers and ranchers who are often in the middle of calving, prepping, and planting seasons during legislative sessions. With the amount of importance placed on so many of the bills debated and heard in the Unicameral, we are in favor of making the change to allow archiving of broadcasted legislative sessions and committee hearings so those tied up with other important matters during the regular hours of the Legislature can watch the proceedings when it works best in their schedules. While there is a process now to request past footage, this process is prohibitive for the everyday Nebraskan trying to keep up with the Legislature yet working throughout the day. This action would open up the legislative process and allow for more-- a more involved and committed constituency. We ask for the passage of LB254 and thank Senator Brewer for bringing this bill. Andrew Dunkley, The Nebraska Farm Bureau. There is Bruce Ediger of Aurora, Nebraska, District 13. And his note says: I am a proponent of this bill. Well, thank you, Bruce. Nancy Fox of Lincoln, Nebraska, District 26: This bill sounds like a very good idea. Transparency is vital in government. This would benefit everyone. Thank you, Nancy. Tiffiney Fox of Lincoln, Nebraska, District 25: I support a digital record of the Legislature available to the public. This aids in transparency. Thank you, Tiffiney. Angie Gallegos, Omaha, Nebraska, District 39: Please allow for transparent and open records between our Nebraska citizens and their representatives. The accessibility of digital video coverage would allow all Nebraskans the opportunity to create trust with our senators. Thank you, Angie. Twyla Gallino of Valentine, Nebraska, District 43: Public access to the Legislature is of vital importance to the public. I try to watch live, but many times this isn't possible. I would like to be able to access and hear what

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happened at any time. Please vote yes to video archiving of all committee and Legislature hearings so they are available for public access. Thank you for your time. Well, thank you, Twyla.

ARCH: One minute.

M. CAVANAUGH: Thank you, Mr. President. Timothy Hanley [PHONETIC], Kearney, Nebraska, District 37: Keep the Legislature accountable to the, quote, second house/the people, end quote, by providing video documentation of the proceedings. Thank you, Timothy [PHONETIC]. I will say that I always watched the Legislature before I was here, and I was always very fascinated watching the Legislature and listening to floor debate and committee hearings. And I didn't realize how much people watched it until I was running for office. People would tell me all the time when I was knocking on doors that they watched the Legislature. And it just seems like it's grown in-- I don't know if "popularity" is the right term to use, but it certainly has-- seems like it has grown in viewership. It would be interesting to get the media metrics from the Nebraska Public Media and see if it actually has-- viewership has increased.

ARCH: Time, Senator.

M. CAVANAUGH: Thank you. Roll call vote, Mr. President.

ARCH: Motion before the body is the reconsideration. Mr. Clerk, please call the roll.

ASSISTANT CLERK: Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting no. Senator Bosn voting no. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting no. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson voting no. Senator Halloran voting no. Senator Hansen. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt not voting. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting no. Senator Slama

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voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz. Senator Wayne. Senator Wishart. Senator Wishart voting no. Vote is 0 ayes, 42 nays, Mr. President.

ARCH: The motion to reconsider fails. Raise the call. Mr. Clerk, next item.

ASSISTANT CLERK: Mr. President, the next amendment to the standing committee amendments, offered by Senator Hunt: AM1259.

ARCH: Senator Hunt, you're welcome to open on AM1259.

HUNT: Thank you, Mr. President. What this amendment does-- let me pull it up. What this amendment does is, on page 1, line 11, after the period, it inserts, quote, Closed-captioned video coverage shall include closed captioning in both English and Spanish. On page 7, line 28, after the period, insert, quote, Closed-captioned video coverage shall include closed captioning in both English and Spanish. I debated whether to include languages other than Spanish, but English and Spanish speakers make up the majority of speakers in Nebraska. In Nebraska, 88.78 percent of residents speak only English, 7.4 percent speak Spanish. And there's a ton of other languages, but number three jumps down to only 0.39 with Vietnamese. This is a great thing for transparency and increasing public participation in the legislative process. If we're going to do it, we must consider the second-most dominant language speaking group. Not to include Spanish captioning would leave a significant portion of the population out. But if the body has the will to include more languages, I would definitely be supportive of that. My amendment also doesn't prohibit Nebraska Public Media from offering other options. I just feel it's important to specify the legislation's intention that at least Spanish be included. Speaking more about the way that the rising cost of living is affecting people's access to the second house, many people are working multiple jobs because their wages are so low that it's required to meet the rising cost of living. Senator Brewer is correct that it is sometimes physically impossible for folks to actively participate in the legislative process. Not all folks who would like to be involved are given paid time off, and many have to choose between their hourly wage and their advocacy. This is why paying our workers a living wage is an essential part of democracy. In the 2022 election, nearly 60 percent of voters in Nebraska approved a minimum wage increase. Multiple counties, including those as far west as Senator Hardin's District 48 and as far south as Senator Slama's District 1 passed the initiative with over 50 percent support. Notably, Senator Raybould's District 28 led the way, with 75 percent of voters voting for the

initiative. There are bills in this Legislature that work to undo the will of the people and to limit the wage increase. This subverts democracy in the sense that the bill's sponsors would undo a ballot initiative while also limiting the ability of hourly workers to take time off for participation in our legislative process, which would be made easier through LB254 and even easier if we adopted AM1259. For those Nebraskans who are able to come to the Capitol building, either because their job affords them the opportunity or because they are able to go without the paid hours, participating in hearings is an important part of their civic engagement. We had many committee hearings this year that ran past 5:00 p.m., and some of our Chairs were diligent in ensuring that every person who waited to speak was given the opportunity to do so. Unfortunately, we had two committee Chairs who limited testimony to the point that hundreds of hopeful testifiers were left out of the process. The committee hearings for LB374 and LB575 in the Education Committee were cut short due to an arbitrary process that was adopted by Senator Murman, in which total testimony was limited despite multiple testifiers remaining after the cutoff point. Similarly, the HHS Committee adopted a blanket rule that testimony for either side be limited to three hours, leaving many, especially opponents of LB626 and LB574, out of the process despite waiting in the hallways or in the stuffy overflow room for the entire afternoon and evening. This bill with this amendment is an important step to providing more transparency and accessibility in our legislative processes. But we still have a long way to go in improving the processes we already have. When folks are waiting for over six hours to share their testimony and go home without ever being able to share it with us, we as a legislative body have failed the second house. Senator Brewer in the hearing in response to Senator Geist's question about the fiscal note said, I think there needs to be a look at the Nebraska Public Media what we're currently paying in-- currently for that. What did the state's military department pay Deloitte and Touche for ERA1 contracts? ERA1 was a federal rent and utility assistance program established during the pandemic to grant financial assistance to low-income individuals and families. Deloitte built an internet-based portal to receive applications, but it was rife with issues such as only allowing one application per computer. Think about public spaces such as libraries, schools, social service agencies, caseworkers, et cetera. It was not connected to the local social service agencies, and rerouted calls to the call center located in Texas. As a result, many applications were denied. And those that were accepted often waited multiple weeks. This was for emergency rental assistance. The Emergency Rental Assistance Program allowed for 10 percent of funds to be used for administration costs. So out of our

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\$158 million allotment, \$15.8 million could be allocated to Deloitte. However, Treasury guidance stated that if 30 percent of the initial allocation was not spent by September 30, 2022, then 10 percent of the administrative fees are not attributable to the actual costs of the program. Because of how clunky and slow our application process was, we did not meet the September 30 deadline, and \$96,416,548 was reallocated. The audit report states that Deloitte should only have received \$6,215,603 due to the reallocation. However, due to a lack of oversight on the hourly rates that charged as high as \$350 an hour, Deloitte was paid \$12,563,227 of our \$26,339,517 emergency rental assistance disbursement. The audit report found that, as of January 17, 2023, the agency has spent \$1 in administrative costs for every \$2 spent in aid. We paid about half of our accepted federal rent and utility assistance to fund the firm that made the application so inaccessible that we had to return over \$130 million to the federal government in the first place. This is not because there was no public need for these funds. Ask Senator Aguilar how his district has fared without the additional emergency rental assistance funding. People all over the state are having to choose between their monthly rent payments and their groceries. There was a recent article in the Nebraska Examiner in which the Food Bank of the Heartland stated it is seeing the most, quote, sustained hunger crisis, unquote, in its 40-year history. Senator Day has a food access bill that would extend the sunset on eligibility for families in the federal Supplemental Nutrition Assistance Program. It's currently sitting in the HHS Committee, and the committee Chair is refusing to exec on it. We are on the precipice, if not in, an economic crisis. Senator DeBoer has a childcare subsidy bill that would extend the sunset on eligibility for families who have already been receiving childcare for the past two years. Allowing both our federally subsidized childcare and food access programs to sunset would signal that this legislative body is ignoring the economic pressure caused by inflation and cost of living increases throughout this country. It would also signal that we are choosing to ignore the very real barriers that keep everyday Nebraskans from participating in the second house. I fully support efforts at accountability, in part because accessibility leads to accountability.

ARCH: One minute.

HUNT: Thank you, Mr. President. The more access the second house has to the work that we're doing here in the Legislature, the better it is for democracy. Because if they have a clear view of what it is that we're doing for them or not for them or doing to them, they're able to make better decisions at the ballot. They're able to make better

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decisions about which bills they're going to advocate for and get involved in. And when citizens know what the Legislature is doing, they are just better informed voters. There are two additional important points to consider when we're talking about accessibility for citizens. One, is all the ways-- not just, you know, through video recordings and things-- but all the ways that citizens are denied access to the Legislature and all of the ways that the Legislature has denied access to citizens. Thank you, Mr. President.

ARCH: Senator Hunt, you are next in the queue. You're recognized to speak.

HUNT: Thank you, Mr. President. Two additional, important points that we need to consider when we're talking about accessibility for citizens is, first, language access, which I address through AM1259. Next, all the ways that citizens are denied access to the Legislature and that the Legislature denies access to the citizens. And then finally, the economic security that's necessary for citizens to even have the time to take off to engage with the Legislature. I'm just letting Senator Lippincott's computer have the floor here for a second. OK. One thing we can do is limit hearings. When Chairmen limit hearings, that seriously impacts the ability of the second house to take part in conversation to feel like they matter. I want to share this post that I saw on social media this morning from a woman who's been very active coming to the Legislature to testify, organizing people to come. One person said, I've seen more ordinary citizens at the-- so this, this post, by the way, has over 19,000 views and 264 likes. And so that's honestly quite a bit of reach. It may even be more reach than we get through the broadcast of this session, actually. But she says, I've seen more ordinary citizens at the Capitol this session trying to interact with their senators. And I think the majority of those citizens has found themselves disabused of any notion that they will be heard or their lives valued by their elected officials. She continues, I'm really proud of you for showing up, though, for what it's worth. I will also say that I have seen truly incredible and important moments of compassion from a handful of senators that have meant the world to citizens experiencing all of their worst fears in that building. A lot of people have responded and, and chimed in here. One person says, This is so true. I took my daughter and her friend to testify against LB575. And we were some of the people who didn't get to testify. Her first interaction with our state government was to not be heard. Someone said: It was devastating to see the young people who are turned away, and I will never forget it. I was also denied the opportunity to testify. Please let your daughter know that I spoke about Nebraskans' rights to be heard

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whenever I testified at the rest of the hearings I attended. Someone responds: My state senator rarely, if ever, chooses to interact with constituents that disagree with her. I still try to be present at the Capitol for the support of others. Someone said, At the Capitol tour on Thursday, during fourth grade tour, a brave fourth grader asked our local state senator why senators are trying to take away people's rights. The senator stammered, and then his aide tapped him on the shoulder. And with no apology to the students, he turned and left. To add to that, consider the many people who can't practically get to the Capitol from, say, Omaha during business hours. Nearly everyone in my life is beyond livid with conservatives in office. So this is something that LB254 and also AM1259 would help address. Someone else said: We go and we get ignored. We don't go because of work and we feel powerless. The system is functioning as designed, to keep the greedy and evil in power. I'm not reading the ones that have personal attacks against my colleagues. Honestly, I-- until we figure out--

KELLY: One minute.

HUNT: --what's happening with LB574, I really can't say the things on the record here that need to be said. Throughout the entire session, I've said nothing wrong. I've said nothing out of line. And I meant everything I said. And all of you deserved much worse than I've said. But we are in the last stages of possibly being able to block the passage of this bill. And this session has made me sick, disgusted. And that doesn't move anyone, of course. It's just, it's just broken me. So the things that need to be said cannot be said. I'll put it that way. Thank you, Mr. President.

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

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

ARCH: Senator Brewer, will you yield?

BREWER: Yes.

M. CAVANAUGH: So we, we talked about this a little bit off the mike. But Senator Brewer, it's my understanding that you are supportive of this amendment.

BREWER: Yes. I, I would consider this a friendly amendment. I think it is just an idea that we, we overlooked when we wrote the bill, but it makes sense.

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M. CAVANAUGH: Terrific. So-- and we kind of talked about this because this is a new idea that wasn't initially part of the conversations with Public Media, that even if we go to a vote to this today, it might be best to reintroduce it on Select File.

BREWER: And that, that is the problem that we're asking-- essentially a tasker of them that we haven't had any communications with them about. We have talked about the process to take it and digitalize it. And, and the cost is not that great in the big picture if you look at the, the figures we looked at. The A bill right now is about \$280,000. This would probably add in the neighborhood of, of \$18,000 to it. But it's more the mechanics of how we do that that is our challenge right now. But the idea of the bill I think is a good idea. It's just being able to do it in a way so that we coordinate with NPM first.

M. CAVANAUGH: Fantastic. So, I-- I mean, it's not my amendment. It's Senator Hunt's amendment. I personally would want to go to a vote on it just because I'm taking time, but I would not vote for it today. I would vote for it on Select File so that we can make sure it's worked out with NPM, correct?

BREWER: Correct. And, and I'll fully support it for Select File also.

M. CAVANAUGH: Fantastic. Thank you very much, Senator Brewer. Thanks for answering my questions. So, so I am going to-- I, I hope. It's up to Senator Hunt if she wants to keep her amendment on the board or not. But I hope we take it to a vote today just because it takes more time, and, again, less of a burden on staff to have to take more time on more motions and amendments and things like that. So if we can take this and take it to a vote on this amendment-- but, again, I would encourage people you don't have to vote against it today. It needs 25 votes to be adopted. But I do think that there's a great opportunity here. It sounds like Senator Brewer is interested in working with Senator Hunt on the opportunity of bringing this back on Select File after it's been worked out with the Public Media, which is terrific. And I'm appreciative to staff, legal counsel, the Clerk's office for all flagging that this is an important conversation, but one that we might want to slow down ever so slightly. And that's what we can do. That's the great thing about how our body works, is that we can work something out between General and Select. And isn't that a wonderful thing, when we have good ideas that didn't come up during the committee hearing that are brought forward on the floor? And if it hasn't been worked out yet, to, to kind of go through the logistical side of what the implications are. We have that opportunity. Of course, that takes trust. It takes trust with one another, trust that

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we will work something out. And, and I, I take Senator Brewer as a man of his word that he is interested, that he likes the amendment and that he is willing to work it out. So I think that, that, today, that trust is there, that, that trust on working on, on legislation in good faith. When it comes to LB254--

KELLY: One minute.

M. CAVANAUGH: --I think that that very much exists, and it's, I think, a good reminder to us all that we can continue, even though we have hurdles-- and I would say significant hurdles when it comes to trust in the body. But we can continue to work on it. We can continue to work together to build trust and to regain lost trust. So, that's kind of a nice-- at almost 5:00 p.m.-- silver lining to this day that-- I don't know how this day feels for everyone else, but it has felt a little bit long for me. Don't know why. But I've got my hot tea and my lozenges, so. And I've got my Sketchers shoes on. Oh, sorry. I didn't mean to endorse a specific brand. I have on comfy shoes. So, yeah. Thank you, Mr. President.

ARCH: Senator Vargas, you are recognized.

VARGAS: Thank you. I rise in support of AM1259, or whatever the form is going to take to be able to implement this into this bill. I think we need to make sure we have more accessibility for Spanish language individuals within this bill. I also think we need this in general. And I realized this last year when we had several people come and testify in hearings that were Spanish language speakers-- it was their primary language-- that we actually have a lot more that we can and should be doing within the process to make sure that we are being accessible to more languages being spoken so people can voice their concerns, can testify in hearings, and can also be able to access this audio/video, archived recordings. So I hope this isn't where the conversation ends. I hope, I hope we also do more, even within our hearing process, that committee Chairs are, are also doing more to be more accommodating to Spanish language speakers, that we even-- and that I'm bringing this up, and I will talk with Executive Board-- are doing more to talk about what we need to do to make sure that we have interpreters that are available if we can request it and have a process for doing that early on. But I-- this isn't confined to just this bill. I think we need to do more to have more language accessibility for our predominant languages that are spoken across the state-- Spanish language being the primary one right now-- or, the second-most spoken. So with that, I do support the bill, the concept. I know there'll be more that's worked on between-- at least what I

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heard-- between General and Select-- or, sorry-- Select and Final Reading. But this is something that we should be doing more to make sure the Legislature is accessible to all types of languages and, and cultures. And this is one step in the right direction. Thank you.

ARCH: Senator Erdman, you're recognized. Senator Erdman waives. Senator Machaela Cavanaugh, you're recognized.

M. CAVANAUGH: Thank you, Mr. President, colleagues. OK. So, where we're at. We-- people are speaking in support of AM1259. We're going to work on it between General and Select. Building some trust. And we're still going to go to a vote on the amendment tonight. But even if it does get adopted, we can still work on it. But it probably is a more kind partnership with Nebraska Public Media to not adopt it until interested parties are able to come to the table and talk it through. Don't want to throw them for a loop. And I-- they are probably watching since they stream us and they're like, you're talking about us a lot, aren't you? Yes, we are. And we appreciate you, Nebraska Public Media. OK. This is Jose Jaimes representing ACLU of Nebraska in support: For over 50 years in Nebraska, the ACLU has worked in courts, legislatures, and communities to protect the constitutional and individual rights of all people. With a nationwide network of offices and millions of members and supporters, we take up the toughest civil liberty fights beyond one person, party, or side. We, the people, dare to create a more perfect union. The ACLU of Nebraska submits its testimony in support of LB254 and asks that its testimony be included in the public record. The ACLU works to ensure that all Nebraskans have access to and can participate in their government. This begins with ensuring all Nebraskans are equipped with the tools they need to have meaningful access regardless of any disability they may have. Individuals who identify as deaf or hard-of-hearing make up approximately 20 percent of the population of Nebraska. This means about 306,192 Nebraskans are reliant on video captioning or technology similar to video captioning. And there's a-- they have a, a DHHS link on reports on disability. While the use and importance of video captioning is obvious for deaf or hard-of-hearing individuals, video captioning technology is also useful for individuals who do not identify with the aforementioned conditions. Then there's a link to ncbi.nlm.nih.gov. And it's an article. Providing recordings and video captions will greatly help breach the barrier of access for other groups, including individuals who are neurodivergent, those with difficulty in comprehension, or non-native English speakers, and allow more people the opportunity to get involved with their government. Furthermore, providing a digital internet archive would also increase transparency and trust in the Legislature. A digital archive would

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allow constituents to review and analyze issues before the Legislature on their own time, which leads to a more thorough and robust understanding and analysis as well as more accurate indexing of information. See automaticsync.com/closed-captioning-benefits. By providing a digital internet archive-- the closed-captioned video coverage of the Legislature, LB254 will ensure all Nebraskans have access to their state government--

ARCH: One minute.

M. CAVANAUGH: Thank you-- no matter any disability that might affect them. State government is an essential foundation in our country, and providing greater access for all Nebraskans will only diversify and strengthen our state. For these reasons, the ACLU of Nebraska asks-- thanks Senator Brewer for introducing LB254 and urges the committee to advance this legislation to the floor. I would like to just note: I watch, like, all TV with closed captioning on. Otherwise, I would have to have the TV turned up really loud during action films. When there's dialogue, you can never hear the dialogue unless you have it turned up really loud. But then it's an action film, so you've got it turned up really loud. And if you ever want to watch a movie with any amount of action with small children sleeping, you need closed captions. I'm going to get back in the queue. Thank you, Mr. President.

ARCH: Senator Hunt, you are recognized. And this is your last opportunity before your close. Senator Machaela Cavanaugh, you are recognized.

M. CAVANAUGH: Thank you, Mr. President. Is this my third time?

ARCH: Yes. This is your last opportunity.

M. CAVANAUGH: Thank you. That is shocking that I remembered that it was my third time, since, most of today, I haven't known if I'm opening, closing, or on one of my turns. OK. Yes. So I'm a big fan of closed captioning. And my kids don't particularly like it because I have all the settings on all of my devices, all the-- like, Roku device or whatever on the TV-- I have it set for closed captioning and, and so they, they're not particularly crazy about it. But I do feel like maybe they're getting-- learning to read a little bit more. I don't know. OK. So this is Daniel Lancaster from Lincoln, Nebraska, District 27: I strongly support this legislation. As someone following the legislative process and seeking to better understand the work of the Legislature and give feedback on proposed legislation, being able to review video of legislative activity would have great value to me

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and support government transparency to the public. Thank you, Daniel. Tina Lassek of District 36, Bellevue, Nebraska: Please vote yes and pass LB254. We need more transparency and easier access to what is talked about. OK, Tina. Todd Miller of District 21, Lincoln, Nebraska: I would personally really like to be able to go back and see committee hearing testimony as well as votes on the floor. All too often, I am unable to get off work to see or even watch it via PBS, and I'm stuck with the news media interpretation of what happened. Please see your way to creating this archive. All right, Todd. Jim Mo-- Mode-- Mow-dree-- Moudry, Bellevue, Nebraska, District 45: LB254 requires the Legislative Council to develop and maintain a publicly accessible digital internet archive of closed-captioned video coverage of the Legislature. There's absolutely no reason the citizens of Nebraska should not have this level of transparency to assess digital internet archives of video coverage of the Legislature. Well, there's-- I mean, there are-- when you say there is absolutely no reason, the practicality and the implementation of it are really the reasons. But we're going to get there. We'll get there. OK. Ruth Peters of District 33, in Hampton, Nebraska. Where is Hampton, Nebraska? I have not heard of Hampton, Nebraska. Who is District 33? I don't know who represents District 33 off the top of my head. Senator Halloran does, so I'm guessing it is somewhere near Hastings. OK. I'll look it up on a map. Learned something new, Ruth Peters: where Hampton, Nebraska is. I am a proponent of this bill, as it is important for the public to be able to watch the proceedings if we cannot attend in person. That being said, it would be my hope that this bill would pass. Thank you. Well, thank you, Ruth Peters. Isaac Remboldt of Lincoln, Nebraska, District 28: Part of the success of the Unicameral lies in the importance it places on the second house, the public. This would be a fantastic way to get citizens, children, schools, those in rural areas, and those who cannot travel to the Capitol to participate in Nebraska politics. There are few downsides to this service, and I fully support my taxes going to fund this endeavor. Well, thank you, Isaac. Jodi Smalley, Smelley [PHONETIC]. Sorry, Jodi [PHONETIC]. I'm mispronouncing your last name. District 26, Lincoln--

ARCH: One minute.

M. CAVANAUGH: --Nebraska. Thank you, Mr. President. I am in support of LB254 for the following reasons. I will admit, I do not follow the work of the Legislature. For most of my life, I have lived in Nebraska all of my life and love to brag about our Unicameral Legislature. In recent years, certain bills propo-- certain bill proposals caught my attention and got me into watching the Unicameral work. I started by watching the streaming floor debate. During the next session, I began

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streaming committee hearings. That was when I discovered a timing issue. Multiple hearings are usually scheduled at the same time and can have multiple bills I'm interested in hearing about being discussed at the same time. I'm doing more looking around. I discovered hearings and floor debate are streamed live but have no recording available to go back to review. This means I have either to be very selective about what I'm streaming or attempt to go back and forth between two hearings at one time, which means you can miss interesting comments and raised points. To be totally honest, I am a state employee and am lucky enough to be--

ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: Senator Hunt, you are recognized. This is your last opportunity before your close.

HUNT: Thank you, Mr. President. I will yield my time to Senator Machaela Cavanaugh. Thank you.

ARCH: Senator Machaela Cavanaugh, 4:50.

M. CAVANAUGH: Thank you, Senator Hunt. This was a long letter that I was in the middle of reading, so. OK. Multiple hearings are usually scheduled at the same time and can have multiple bills I'm interested in hearing about being discussed at the same time. I am doing more looking around, discovering hearings in floor debate are streamed live, but I have no recording available to go back to. This means I have to either be very selective about what I'm streaming or attempt to go back and forth between hearings and miss. I'm a state employee and lucky enough to be in a position where I can listen to the hearings and debates while doing my work. I feel that watching what bills will affect me as a citizen and taxpayer I also feel it makes me a better teammate or state employee. Lastly, having a digital record of Unicameral hearings or debates can be helpful as an educational tool. Government teachers could use hearing or debate videos in their classwork to explain how our Unicameral works. This could spur a future member of the Legislature or even Governor or U.S. Congress member to get interested in politics earlier. I also volunteered for the American Legion Auxiliary for the Girls State Program. This program is a leadership conference to teach political workings of high school students. Digital records of your work could be a helpful tool for us to educate our citizens how to-- how bills are created. By having a digital record and access, you will be reaching out to a

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younger generation who are getting their information from the internet rather than a written transcript. Thank you, Jodi, for that illuminating comment. OK. We have got Lisa Schmit from McLean, Nebraska, District 40. That's Senator DeKay's district. I also am not sure that I know-- McLean, McLane, McLean. Probably mispronouncing it. I'll ask Senator DeKay later. I am in support of this bill so that the citizens of Nebraska can access the recorded hearings and legislation that affects all Nebraska citizens. Working people are not able to listen to the hearings or floor debates during the Unicameral session hours. This would allow transparency in our state government and may even allow more engagement from the citizens. Well, thank you, Lisa. Heather Smalley from District 6. What? That's my district. Hey, Heather. Hi. OK. OK. I support this bill, LB254, and want accountability and transparency for the people of our state. I urge you to vote for this bill and, and represent the will of the people and enter my views in the record. Well, Heather, consider them entered. Thank you for being an active citizen from District 6. OK. Penny Stephens from District 1: I fully support this bill introduced by Senator Tom Brewer. The more ways we can get information out to the citizens of Nebraska to educate as well as get them involved with lawmaking systems is always a big win. I couldn't agree more, Penny. Andrew Sullivan, District 8. That's Senator Hunt's district. All right. We need a digital archive of Unicameral proceedings. Not just for transparency, but for historical purposes. Well, thank you, Andrew. Lacy Toester [PHONETIC-- Troester] of District 43, Chadron, Nebraska. I think that-- nope. I was going to say it's Senator Hardin, but that's not Senator Hardin. Is that Senator Brewer? Is Senator Brewer 43? Well, anyways. Chadron. I support Senator Brewer's bill, LB254, to increase the transparency of Nebraska's Unicameral proceedings towards its second house, the people of Nebraska.

ARCH: One minute.

M. CAVANAUGH: Thank you, Mr. President. I am curious where the term-- I don't know if it's a colloquialism or not-- of the second house, the people being the second house, where that came from. We did at one point have another house. It was across the hall. That's the, the other Chamber, across the hall. Before we were a Unicameral, we were bicameral. And I'm wondering, like, what the history is of the citizens of Nebraska considering themselves the second house. Because in other state legislatures, that wouldn't be the case because they do have two houses. They have a house and a senate, so that-- the second house would not be the people. In other states, do the people call themselves the third house? Just, you know, curiosity. Fodder conversation, if you will. OK. So--

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ARCH: Time, Senator.

M. CAVANAUGH: Thank you.

ARCH: Senator Hunt, you are recognized to close on your amendment.

HUNT: Thank you, Mr. President. I'll yield my time to Senator Machaela Cavanaugh.

ARCH: Senator Machaela Cavanaugh, you are recognized. 5:00.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Hunt. This is an excellent amendment, and I hope that this amendment garners the support of this body on Select File. Today, we're going to go to a vote on it. And I think that Senator Brewer and Senator Hunt are committed on working with the Nebraska Public Media to ensure that the version that is brought forward on Select File is not causing too much, if any, heartburn. But right now, moving forward with this additional task for the Nebraska Public Media without conversation to them is probably not the direction we all want to take. But we still are going to take a vote on the amendment, and then we can bring forward either this amendment or a variation of this amendment on Select File. Now, just a reminder, when we are voting on things, it is incumbent to get 25 green votes for something to be adopted, like an amendment. So you don't have to vote against it. You can just be present, not voting. I will be present, not voting on this amendment because I don't oppose the amendment. So I'm not going to vote against it. But I'm not going to vote green for it because I don't think we're ready to attach it just yet. I will be voting green for it on Select File. So today, present, not voting because it needs 25 green votes. Next time, green vote because it needs 25 green votes. So, that is my thinking. I am explaining that because I am present, not voting on so many things that people might just think it's my habit, and it kind of is my habit. But in this particular instance, I do not want to vote against this amendment, because I support it. But I don't want to vote for it because I don't support it just yet being attached. Clear as day, mud. I don't know. OK. So I was reading some of the public comment and-- you know, I appreciate so much-- there's so much public comment. There's 15 pages of public comment in support of this bill. So, way to go, Senator Brewer, activating the citizens of Nebraska in their public comment. And there's so many districts represented in it: 33, 29, 21, 4, 43, 8, 1, 6, 26, 28, 33 again, 40, District 45, District 21, District 36, District 27, District 32, 39, 23, 37. Like, just look at how engaged. District 14, 4, 25, 30, 19. Look at how engaged our citizens are. Look at how much they are paying attention

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to us. Like, that is such a wonderful thing. It really is. It's a wonderful thing to have the citizens of Nebraska that engaged in the work that is happening in the Legislature. It's because of that-- well, in addition to it being our jobs-- but because we have such an engaged citizen-- citizenry, that I think it is even more important that we show them in our work on the floor, in our floor debate, how we are a nonpartisan Unicameral and how we work together for the betterment of the state. And I think that this bill is an excellent example of that. I think that the amendment at hand, AM1259, and the fact that Senator Hunt and Senator Brewer are going to work together on this amendment to make this bill even better and make this more accessible to the-- more people in Nebraska--

ARCH: One minute.

M. CAVANAUGH: --again, is a great example of the spirit of the institution, which is to be nonpartisan, not bipartisan, but nonpartisan, to work together to find creative solutions to the problems and barriers facing the people of Nebraska. So even though I've spent a lot of time talking on this bill today, I do think this is an excellent bill. I do think that this is a great opportunity for us as a Legislature to increase the engagement of the citizenry of Nebraska and to remove barriers for our public. So, I think we're about out of time. I'm just going to go ahead and request a call of the house. Thank you, Mr. President.

ARCH: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

ASSISTANT CLERK: 9 ayes, 7 nays to go under call, Mr. President.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Fredrickson, Vargas, Linehan, DeBoer, Dover, McDonnell, please return to the Chamber. The house is under call. All unexcused-- all unexcused senators are now present. There's been a request for a roll call. Mr. Clerk.

ASSISTANT CLERK: Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood not voting. Senator Bosn. Senator Bostar voting yes. Senator Bostelman. Senator Brandt voting yes. Senator Brewer not

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voting. Senator Briese not voting. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting yes. Senator Day. Senator DeBoer not voting. Senator DeKay voting no. Senator Dorn voting no. Senate Dover voting no. Senator Dungan voting yes. Senator Erdman voting no. Senator Fredrickson voting yes. Senator Halloran voting no. Senator Hansen. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes not voting. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan not voting. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney not voting. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting yes. Senator Riepe not voting. Senator Sanders not voting. Senator Slama voting no. Senator Vargas voting yes. Senator von Gillern not, not voting. Senator Walz. Senator Wayne. Senator Wishart not voting. Vote is 8 ayes, 21 nays, Mr. President, on the adoption of the amendment.

ARCH: The motion fails. Mr. Clerk, next item. Raise the call.

ASSISTANT CLERK: Mr. President, the next amendment offered by Senator Machaela Cavanaugh is FA53.

ARCH: Senator Machaela Cavanaugh, you're welcome to open on your floor amendment.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, I think this opening takes us to the dinner break. So, there we go. I would remind you, colleagues, that when we are doing a roll call vote, that it is the polite, courteous thing to do is to be quiet. This is a place of business. And the loud conversations during the calls of the house, especially during the roll call vote, are rude and inappropriate, especially in regards to staff being able to hear the roll call votes. Just a kind housekeeping reminder that we are in a place of business and we should conduct ourselves as such and we should behave accordingly. And we should treat our staff, the clerks, and the staff of the Clerk's office, with respect and dignity when they are doing their duty of a roll call vote. It is extremely, extremely rude. Just a kind reminder. Thank you. OK. So I hadn't finished reading the testimony submitted online on this bill, and I think I will finish that before we go on our dinner break. Well, actually, I won't finish it, probably. I think I stopped at-- let's see here. This is-- oh, another reference to the second house. And then we've got Amy Tyler Krings, District 4: I support this bill to digitize and archive closed-captioned coverage of legislative discussions so that everyday Nebraskans who are working are able to access legislative activities

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directly. I was surprised to learn that this was-- is not already being done. With today's technology capabilities, increasing accessibility, as well as providing factual historical records through video, provides important information to the, quote, second house, in parentheses, a.k.a. the citizens of Nebraska. OK. Next one is from Ra-chele [PHONETIC] Walter. Or Ray-chele [PHONETIC]. Rachele. Sorry, Rachele. It's Rachele, I think. Very tired. No. Doing great at the words and reading, I guess. Probably just need a dinner break. I support this transparency-- this, as transparency is incredibly important, especially whe-- as we have one house and many Nebraskans across the country want to be able to participate in the process and can't do-- can't due to the distance that they live or their working hours. This allows them to participate by watching it after the fact or being able to watch live on their phones. And that's from District 21. Em Warner from District 29: A lasting digital record, especially a closed-caption one that makes it more accessible for all members of our community, can only be helpful-- a helpful tool for people to learn about past legislative sessions and bills in Nebraska. Thank you, Em. Lynn Zelins-- Zeleski, District 33, Hastings, Nebraska: I support LB254. This bill will provide greater transparency of Nebraska governance for the second house-- general public-- by having access to an internet archive of all video recordings of the Unicameral, including committee hearings. It is important in democratic republic for the public to be well-informed on the actions of the people for whom we have placed our trust through our vote. We need to see how they represent us and whether they promote well-researched bills that will be an asset for all Nebraskans to determine whether they will be our representatives in the future. Please pass LB254. Interesting take, Lynn. Interesting take. It is important to be well-informed on the actions of the people for whom we have placed our trust through our vote. We need to see how they represent us and whether they promote well-researched bills that will be an asset for all Nebraskans. I liked it so much I read it twice. Thank you, Lynn Zelinski [PHONETIC-- Zeleski] from District 33, for submitting your online comments. And thank you to everyone who submitted their online comments. I think I have a couple minutes left, but it kind of looks like the Clerk might have some business to read into the record before we adjourn for dinny-- dinner, so I'll yield the remainder of my time to the Chair. Thank you.

ARCH: Mr. Clerk for items.

ASSISTANT CLERK: Thank you, Mr. President. I have several confirmation reports from the Government, Military and Veterans Affairs Committee, specifically Scott Cordes, State Fire Marshal: Janet Chung to

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Accountability and Disclosure and Kenny Zoeller to Policy Research. In addition to that, your Committee on Government reports LB269 and LB304 to General File and LB429, with the recommendation to be indefinitely postponed. Business and Labor Committee places LB666 on General File, as well as LB191 placed on General File with committee amendments attached. That's all I have at this time.

ARCH: Thank you, Mr. Clerk. Senators, we will now stand at ease until 6:00 p.m. When we resume, we will continue our debate of FA53.

[EASE]

KELLY: The Legislature is resuming. Senator Machaela Cavanaugh, you are recognized to speak.

M. CAVANAUGH: OK. Thank you. OK. I opened on this, yes? Yes, I did. Well, welcome back. I hope people come back soon because it's just me and we're going to have to vote, so. Be sure and come back from dinner soon, colleagues. This is part of the-- when we're at ease. We don't have to check back in and so then we start back up and not everyone's here. Yeah. We don't have a quorum right now. Ooh, you know what? No, I'm not going to do it. I was going to but that would be mean. It would be so mean right now to do a call of the house. I'm not going to do that. Should I? Should I? Nah. No. But should I? No, no. No, I'm not going to do that. OK. So we are on LB254 and it is 6:02. And I don't know how much time we have left on this bill, but I'm sure I will find out at some point in time. Maybe somebody can pantomime. Or, actually, could one of the pages go to the desk and get the, the time that we're going to be done on this bill? Sorry. I didn't go through the blue-- blue-- blue light process, but hopefully you can forgive me on the blue light. Sorry. I could press it and then unpress it if that counts. Is-- if there's, like, a mechanism for counting the number of times-- I'll do it. OK. We've officially blue-lighted it. Yes. OK. He missed it, but I did sit-- I did hit the blue light and then I unhit the blue light. So I, I've gone through the, the proper protocols for requesting a page. You-- I'm going to be on the mike forever. You can just tell me. Thank you. OK. We have two hours left on this one. Thank you so much. And your shirt matches the light today, so. Good color coordinating. And-- let's see. Is it Morgan that has a green shirt on for the green light? Color coordinating with our lights. The white light. Ken's got the white. I'm sorry. I don't know your name in the peach, but we're going to go with red. The-- you-- the four of you represent the white button, the green button, the red button, and the blue button. Our four buttons. Just sitting up there. Sorry. I've just come back from dinner. I've got, like, food in my stomach, so I have a

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little bit more energy, but I am also mentally exhausted. So, LB254. We have two hours left on this bill, but we are going to Final Reading at 7:30. So we are where we are. Okie-dokie. This floor amendment, I don't remember which one this is. I'm sure it is of immense consequence, as all of my floor amendments are. And it is--

KELLY: One minute.

M. CAVANAUGH: Thank you-- FA53. Let's see here. It was initially written in my "unlegible" handwriting. Strike Section 1. Of course. Totally, totally what I meant to do was strike Section 1. What is Section 1? I don't know, so probably should not vote for this amendment. OK. I have spent a great deal of today talking about TANF, Temporary Assistance to Needy Families, and I am probably going to get back to that. But I did also spend some time talking about the actual underlying bill, LB254, which is a bill to create a digital archive of our live-streamed proceedings, our committee hearings and our floor debate. I did speak earlier about the fact that--

KELLY: That's your time, Senator. And you are--

M. CAVANAUGH: Next in the queue.

KELLY: This is your-- you're in the queue. It's your last time. And then you'll have your close.

M. CAVANAUGH: Thank you, Mr. President. OK. So I did not do a call of the house, so people should be trickling back from dinner. But I will let you all know that I probably will do a call the house when we get to my closing. So, just putting that out there. OK. So LB254 is a bill to create a digital archive of our-- on our live stream of committee hearings and floor debate. One thing that I have suggested-- and I, I did this through the rules debate and I'm suggesting it again today, is that we also require the live streaming and the digital archiving of our committee briefings. So we have committee briefings from time to time, and they are on-- they are streamed in the closed circuit TV, but they're only streamed online if the committee Chair requests it. And sometimes, that doesn't happen because the committee Chair doesn't know that they had to request it. And I also wonder if we don't require that when they are streamed online, will they be digitally archived under this bill? I'm sure that as the rules and regulations around this are promulgated, that that will be taken into consideration. But I think it would be great if all of our committee briefings were streamed live and were digitized with everything else. They can be extremely helpful and informative. My first year in the

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Legislature, we had a committee briefing in HHS on a variety of issues. We had a very new HHS Committee. Four of the seven members were freshmen: myself, Senator Arch, Senator Hansen, and Senator Murman. And so the Chair of the committee, Senator Sara Howard, had ensured that we were a well-informed committee and we had numerous committee briefings. We had briefings on Medicaid. We had briefings on various Medicaid programs. We had a lot of briefings on Medicaid expansion because it had just passed at the ballot in November of the previous year, that election of 2018. And so they were supposed to be-- the department was supposed to be working on Medicaid expansion rollout. And so we had a lot of briefings on that. Most of those were a little bit contentious because they were around the delaying of the rollout, which was very opp-- opposite to the wish-- wishes of the people of Nebraska who had voted for it to be rolled out by April of 2019. But we got there eventually-- like, three years later. So we had briefings on TANF-- numerous briefings over the years on TANF; SNAP eligibility briefings; just a general briefing on the child-- I'm going to get the department name incorrect-- Child and Family Services Department I think is what the DHHS Department-- then Developmental Disabilities. We had briefings from there. Tony Green is the current director. When I started, it was Courtney Phillips. And we also did some tours of some facilities. Yeah. It was a very robust introduction to HHS. I learned a lot. And--

KELLY: One minute.

M. CAVANAUGH: --then we had briefings-- thank you, Mr. President-- then we had briefings around the YRTC, the youth rehabilitation treatment oversight. And we did have those recorded. I remember this specifically because we-- when we had the oversight committee into the YRTC, the youth rehabilitation treatment centers, when we had that oversight committee in 2020 and we were traveling to visit the various facilities, and then we were having public hearings in the communities, so we visited-- we did a tour of Geneva, and then that evening, we did a public hearing in Geneva. I feel like for some reason we were in a bank vault, but I could really be misrepre-- remembering that. And we were in-- at that point, we, we might have been in Senator Brandt's district or we might have been in Senator Dorn's district. I think the hearing--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

KELLY: And you're recognized to close on your amendment.

M. CAVANAUGH: Thank you, Mr. President. I think we were in Senator Brandt's district, and we had the public hearing, and, and it was recorded. I remember it was recorded because we had somebody from here with a bunch of recording material-- or, microphones and things set up so that we could get it all recorded. So I know that that public hearing for that special committee was recorded-- at least, the audio was recorded. I don't know if the video was recorded. And the same thing in Kearney, and we had our hearing at UNK, University at Kearney. We did not have a public hearing in Hastings. We did do a site visit to Hastings. So Hastings was the, the treatment facility for youth that had a drug addiction, alcohol and drug addiction or use. And they were then moved to Whitehall, which is here in Lincoln. And the facility that they were in was torn down and the facility that they were to move into, that the Legislature had authorized I think \$5 million to be built on the Hastings campus, which was intended to be for them, was then repurposed for the female youth that had been moved from Geneva to Kearney. We then moved them from Kearney to Hastings. But before we did that, after the state-- the Legislature had appropriated the \$5 million to build the facility and DHHS decided, without consulting with the Legislature, to repurpose it for a YRTC that it then needed to be updated even though it had never been utilized because it was now being repurposed for a purpose that it was not initially intended for. And therefore, the facilities needed some major, significant reinforcements done to them so that they could serve out the new purpose of the YRTC Hastings. And we also toured the Lincoln center or the Lancaster center, which was the Lancaster Youth Detention Center. We are engaged in a contract-- the state is engaged in contract with the county of Lancaster to rent out a wing of that facility for high-acuity cases. And those are kids that are receiving some much-needed psychiatric care. And I think, at least the last time I checked-- I always stand for correction-- but I think that they are seeing great results with the small numbers and the high-acuity access to psychiatric care. So, you know, it wasn't handled necessarily in the most straightforward way or the most transparent way, but we are where we are. There's some sort of, I don't know what's happening back there, but some banging of drawers. So, how much time do I have, Mr. President?

KELLY: 1:30.

M. CAVANAUGH: Thank you, Mr. President. All of that is to say that the recordings from those hearings are an important part of the archive of the history of the Legislature. Certainly everything that happened with the YRTCs in my first four years I think is more than just a footnote. It is an important--

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KELLY: One minute.

M. CAVANAUGH: --important incidence and a long, long journey after that that we should always be reflective upon as we are making decisions that impact the youth that are in our care in this state. And I think that that should carry forward as well when we are talking about our child welfare system, which is an entirely additional conversation and another special oversight committee where there were public hearings that were, again, recorded. But I don't know where those recordings live. I think maybe Nebraska Public Media houses them for us. Maybe they don't. All things I could dig in on this bill when we get to Select File on it. So, Mr. President, I would like a call of the house. Thank you.

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

ASSISTANT CLERK: 11 ayes, 17 nays to go under call, Mr. President.

KELLY: There's been a request for a roll call vote. The question is the adoption of FA53. Mr. Clerk.

ASSISTANT CLERK: Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting no. Senator Bosn. Senator Bostar. Senator Bostelman voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh not voting. Senator Machaela Cavanaugh not voting. Senator Clements. Senator Conrad. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn. Senator Dover voting no. Senator Dungan not voting. Senator Erdman voting no. Senator Fredrickson. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney not voting. Senator Moser voting no. Senator Murman voting no. Senator Raybould not voting. Senator Riepe voting no. Senator Sanders voting no. Senator Slama. Senator Vargas. Senator Vargas not voting. Senator von Gillern. Senator Vargas voting no. Sorry, Senator. Senator von Gillern voting no. Senator Walz. Senator Wayne. Senator Wishart voting no. Mr. President, the vote is 0 ayes, 32 nays.

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KELLY: The amendment is not adopted. Mr. Clerk for items. Speaker Arch, you're recognized for an announcement.

ARCH: Thank you. Fellow senators, I have had some questions about the agenda for this evening as well as for the rest of this week, so I want to give you a, a brief announcement. The agenda states we will go to Final Reading no later than 7:30 p.m. At that time, we'll have only about 40 minutes to go in order for a cloture motion to be in order on LB254. So I've decided to alter the agenda to complete the General File debate this evening on LB254. And following the advancement of LB254, we'll then proceed to the Final Reading of LB376. With respect to Final Reading, I want to point out to the freshman senators and remind other senators that during Final Reading, members are required by rule to remain in their seats unless we are in a motion to return to Select File for a specific amendment or have returned the bill to Select File and are discussing an amendment. While the bill is being read by the Clerk or being voted upon, members need to be in their seats and not just in the Chamber. Additionally, members must remain in their seats while the body is debating motions to recommit or reconsidering a motion to recommit. However, once we begin debating an amendment, senators may move about the Chamber, the Senate lounge, when not blocked off for construction, and the connecting hallway. As long as we are not presently voting, members may go to the restroom but need to immediately return to their seat. Additionally, I'd like to take a few minutes to let the body know about the agenda, what, what I anticipate it will look like for the rest of the week. My first goal is to complete some additional committee priority bill packages with generally noncontroversial bills. Tomorrow, we'll take up the Banking priority bill package, LB92. Wednesday we will take up the Business and Labor priority package, LB191. On Thursday, I plan to schedule the Select File debate of the Natural Resources priority bill package, LB565. Also, we have three bills other than LB376 which may be read on Final Reading, and I plan to schedule those this week as well. Thank you, Mr. President.

KELLY: Thank you, Mr. Speaker. Mr. Clerk for items.

ASSISTANT CLERK: Mr. President, the next item: Senator Machaela Cavanaugh would move, move to reconsider the vote on FA53.

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

M. CAVANAUGH: Thank you, Mr. President. Colleagues. OK. So MO956, FA53, AM698. So these numbers all mean something. MO956 means that

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this is the 956th motion filed this year. That's a lot of motions. That's a lot of motions and emotions. OK. So I was talking about government transparency, Aid to Dependent Children. And let's see here. The legislative history on the TANF-- ooh, I'm looking to see behind me. I'm lifting up this light and I'm hoping it's not blinding you behind me, so let me know if it does. Because it's kind of blinding me a little bit, but I can't see otherwise. OK. Legislative history of TANF rainy day fund. The Nebraska Department of Health and Human Services' repeated refusal to use Nebraska's Temporary Assistance for Needy Families, or TANF, reserve for its intended purposes has led to the accumulation of over \$131 million. Year in and year out, advocates, including Nebraska Appleseed, have come before the Health and Human Services Committee in support of proposals to spend down the TANF reserve, also known as the TANF rainy day fund. Every year, the department says that they have a plan for the funds, that a portion of the funds are already obligated, and that the Legislature shouldn't get involved. The next year, it turns out that those funds that are supposedly obligated have not actually been spent, and the cycle continues and the reserve fund grows. For example-- one moment. For example, LB89 in 2015. In the fiscal note for LB89 in 2015, the department stated: After LB89 is fully implemented in FY '21, the Temporary Assistance to Needy Families, or TANF, block grant-- what is happening back there? All right. Sorry. The, the relevant provision of LB89 passed without depleting the TANF rainy day fund. LB147, 2015, Crawford bill, similar to LB224 in 2017. Crawford at HHS hearing: And so in addition to the fact it didn't have a priority, my recollection is it was one of the-- it was also the case that we were having these conversations about how to make sure that we were keeping our TANF funds sustainable. Any bill that Senator Campbell had to raise the amount we were giving to families was a higher priority, we felt, than this at that time. And so, OK, we need to make choices, and we made a choice to push that instead. More conversation about LB89 would later end the hearing. LB224 in 2017, Crawford bill, would have removed the ADC and SNAP asset tests. ADC is Aid to Dependent Children and SNAP is the Supplemental Nutrition Assistance Program. DHHS opposed changing asset limits for TANF because of the, quote, agreement, end quote, that was reached on LB89 in 2015 that raised the payment rate. In the fiscal note for LB224 in 2017, the department stated: LB224 results in increased Aid to Dependent Children, ADC, spending financed out of the federal Temporary Assistance for Needy Families, TANF, block grant. Current and projected TANF expenditures exceed the annual block grant award, resulting in TANF-financed programs not being sustainable with TANF funds. Increases in ADC will quicken the exhaustion of existing TANF

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balances, known as rainy day funds, and will result in the need for increased General Fund appropriations to finance TANF programs. Also see DHHS' letter in opposition. This bill did not pass, and the TANF rainy day fund continued to grow. Interestingly, an observation from myself and a concern I have about potential of creating new programs funded by TANF dollars this year is that that will be a future argument against increased eligibility and payments in the Aid to Dependent Children. Because if we create programs that really require the state to-- an obligation, financial obligation, if we do that this year and then we in future years attempt to increase the Aid to Dependent Children, the argument will once again be made that we cannot actually use the money for what it was intended for because what if the money that it isn't intended for is spent down on those programs and we would have to use state general funds for that obligation? My suggestion and recommendation would be to not obligate the state to create new programs-- instead, to use the current TANF money for its intended purpose. But that is just a side note. LB329 in 2019. It's a Bolz bill, and it was IPPed. Childcare subsidy bill. Didn't speak directly to TANF, but it sparked conversations with DHHS about using TANF. How much time do I have, Mr. President? Mr. President?

KELLY: 2:50.

M. CAVANAUGH: Thank you. LB1049 in 2020, Bolz childcare subsidy bill that expressly used TANF to pay for stuff. IPPed. I like that, "stuff." My kids would say, can you use it for a stuffy? They love a good stuffy. A stuffy is kind of the same thing as a lovey. In the fiscal note for LB1049, the department stated: All TANF carryover funds are obligated for other community services and programs. Any expenditures that are the result of LB1049 will need to be paid with general funds. That bill did not pass. And again, the TANF rainy day fund continued to grow. LB485. This is from 2021. Childcare subsidy bill. Increase eligibility limit from 130 percent federal poverty limit to 185 federal-- percent federal poverty limit and increased transactional CC, childcare, subsidy from 185 percent to 200 percent. Final bill requires use of CCDBG or TANF money. No general funds. Sunset at end of FY 2023-24, which would be June 30, 2024. Evaluations of changes-- of, of changes report by December 2023, estimated cost: \$28 million to \$35 million a year. Most recently in testimony at the hearing--

KELLY: One minute.

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M. CAVANAUGH: Thank you-- at the hearing on LB485 in 2021, the department stated that, quote, The TANF funding referenced in this bill is insufficient, leaving state dollars to cover the cost. DHHS is unable to support legislation that will cost millions of state dollars for implementation. We began programs in 2020 and 2021. We have a plan through FY 2025. We're adding programs each year. See Stephanie Beasley testimony. LB485 passed and has been fully funded by federal dollars. And the TANF rainy day fund has continued to grow. I think that's about it for my time. Thank you, Mr. President.

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

ERDMAN: Question.

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

ASSISTANT CLERK: 8 ayes, 17 nays to go under call, Mr. President.

KELLY: The house is not under call. The-- there's a request for a roll call vote. The motion-- and the issue is the motion to reconsider. Excuse me-- to cease debate, to cease debate. Mr. Clerk.

ASSISTANT CLERK: Senator Albrecht voting yes. Senator Arch not voting. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood not voting. Senator Bosn. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting yes. Senator Day-- excuse me, Senator. Voting no. Senator Day. Senator DeBoer not voting. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan. Senator Erdman voting yes. Senator Fredrickson. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonell voting yes. Senator McKinney. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould not voting. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas. Senator von Gillern voting yes. Senator Walz.

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Senator Wayne. Senator Wishart. Voting aye: Senators Albrecht, Armendariz, Ballard, Bostelman, Brandt, Brewer, Briese, Clements, DeKay, Dorn, Erdman, Halloran, Hansen, Hardin, Holdcroft, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, Moser, Murman, Riepe, Sanders, Slama, and von Gillern. Voting nay: Senator John Cavanaugh, Machaela Cavanaugh, Conrad, Hunt. Not voting: Senators Arch, Blood, DeBoer, and Raybould. Absent, not voting: Senator Bostar, Dover, Dungan, Fredrickson, Vargas, and Wishart. Excused: Senator Aguilar, Bosn, Day, Hughes, McKinney, and Walz, and Wayne. Vote is 28 ayes, 4 nays, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I asked for a record vote because I want a record. Last week, I was told that we were going to negotiate in good faith on LB574. And to attempt to show good faith in engaging in negotiations on LB574, I responded to Senator Kauth's request that was sent to the Legislature. I have tried to moderate my tone today. I have tried to give an opportunity for people to engage in those negotiations. I am not at the table, nor do I want to be. But I have been making attempts and strides to show my good-faith effort for changing the tone of this Legislature. The repeated calls of the house are one person's choice. The voting for the repeated calls of the house is the body's choice. You are not showing me good faith. Repeatedly voting down calls of the house and repeatedly voting for calling the question is not good faith. It does not build goodwill. It does not build trust, partnership. And I wanted a record of who is participating in it so that when your bills are on the agenda, when you come to me and want to get to the amendments on your bills on the agenda, I will look at that vote and I will see if you have entered into good-faith negotiations. And I will act accordingly. You do have to build trust with people. And you might not like it, but you probably should try and build some trust and some goodwill with me. I was trying to build trust and goodwill with all of you. And lo and behold, shocking-- definitely not to me-- you squandered it. You squandered it. I was genuinely thinking about not taking this bill to cloture tonight so that we could stick with the schedule and go to the next bill on the agenda at 7:30. I was genuinely like, you know what? Let's just get to the next bill on the agenda at 7:30. Because why should we have to keep coming back to this bill for 20 minutes here and there? We'll just get to a vote, like 7:15, 7:20, then we'll move on to the next bill on Final Reading at 7:30. But I keep giving goodwill gestures and I'm not getting any goodwill gestures in return. How much time do I have, Mr. President?

KELLY: 1:35.

M. CAVANAUGH: Great. I'm tired. And you know what? Can I even do a second call of the house? Have we moved on from the last thing? Is that permissible or not permissible? Yeah. Great. Call of the house. Roll call vote, if you please. Thank you.

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

ASSISTANT CLERK: 9 ayes, 14 nays to go under call, Mr. President.

KELLY: The house is not under call. The question is the motion to reconsider. There's been a request for a roll call vote. Mr. Clerk.

ASSISTANT CLERK: Senator Aguilar. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting no. Senator Bosn voting no. Senator Bostar. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting no. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan. Senator Erdman voting no. Senator Fredrickson voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney. Senator Moser voting no. Senator Murman voting no. Senator Raybould. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz. Senator Wayne. Senator Wishart. 1 aye, 37 nays, Mr. President.

KELLY: Thank you, Mr. Clerk. The motion to reconsider fails. Mr. Clerk for items.

ASSISTANT CLERK: Mr. President, next motion: Senator Machaela Cavanaugh would move to amend with AM-- FA54.

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

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M. CAVANAUGH: Thank you, Mr. President. So, cloture is at 8:10, which means we have an hour and 25 minutes left. I have this floor amendment and then I have a motion to reconsider after this. So this will be at least my 10 minutes now. I'm-- five minutes, and my five minutes to close. So that's 20 minutes. Something similar on the next one. That's 40 minutes. And then I have another floor amendment and another floor amendment, so that's another 40-ish minutes where the more we call the question, the more you all are called back to your seats to vote against call of the house. Yeah. And then-- so that's 40 minutes and 40 minutes. So that's 80 minutes, which-- an hour and 25 minutes is 85 minutes, so I guess that'll take us to cloture-ish. I'm probably going to stop asking for roll call votes on every vote because that's just tedious for some people. And I honestly mostly do it when the call of the house fails because I think it's kind of rude to not do a call of the house for your colleagues who you know are about to have to vote. And so that's why I do the roll call vote when the call of the house fails specifically. But, that's fine. OK. So FA54. Let's see what I got cookin' on this one. Strike Section 2. Great. Wonder what's in Section 2. This is-- let's go back to the main page. Strike Section 1. Well, that's what we did the last time. OK. Section 2 is, Section 50-114 Revised Statutes-- Reissue Revised Statutes of Nebraska is amended to read: 50-114, (1) It shall be the duty of the Clerk of the Legislature to attend to the sessions of the Legislature, to call the roll, to read the Journals, bills, memorials, resolutions, petitions, and all other papers or documents necessary to be read in the Legislature to keep a correct Journal of the proceedings in the Legislature, and to do and perform such duties as may be imposed upon the Clerk. Ah! This does have a change. It makes it gender-neutral. What? No! Tom Brewer, you sneaky trickster there with your equality and whatnot. It strikes "him," implying that the Clerk of the Legislature must be a man, and puts in the gender-neutral term, "the Clerk." Bravo, Senator Brewer. Look at that. So progressive. By the Legislature or the Executive Board of the Legislative Council. I don't believe this actually strikes the Clerk's duties from the statute. It just strikes it from the bill and continues to go on. And this is the new part that if you were to vote for this, which would be stricken. So, I'm sorry, Clerk. You're still going to have those other duties. It'll just also say "him." So, job security? Not sure. OK. So the new part of Section 2 is the records of floor debate and committee hearings as prepared and permanently maintained by the Clerk of the Legislature are the official records of the Legislature. Any government website offering access to audio and video recordings of the proceedings of the Legislature or of a committee or division of the Legislature shall require notification to any website user using

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appropriate technology such-- that such recordings shall not be used, reproduced, or redistributed without express permission by the Legislative Council, and in accordance with the policies developed by the Executive Board of the Legislature pursuant to Section 1 of this act. Probably not a good part of the bill to strike-- not just for creating a more gender-neutral term to describe the Clerk of the Legislature, but also it is the part of the bill that is directing us to actually create a policy around what we are attempting to do. So, I would recommend not voting for this floor amendment, though I'm sure legal counsel for the committee would really appreciate the challenge of a bill that only tells you halfway how to do it. Yeah. OK. So the thing that is even more fascinating to me here is the fact that it is 2023 and we still have in statute that-- referencing the Clerk of the Legislature as "him." And I do understand that the Clerk of the Legislature, I think, has always been a man, but, like, the fact that it's explicitly in statute to be "him." So I appreciate that attention to detail and clarification for it to be "the Clerk," though I should say I have not asked people their pronouns, so I, I don't want to speak out of turn. But it's good to have it be gender-neutral to say "the Clerk" by the Legislature or by the Executive Board of the Legislative Council. OK. So that's what this amendment does, and I wouldn't recommend voting for it. And when I go and do a motion to recommit, I wouldn't recommend voting for that either. So-- OK. How much time do I have, Mr. President?

KELLY: 3:09.

M. CAVANAUGH: Great. Thank you, Mr. President. I appreciate the level of detail in telling me the time down to the 0:09. OK. So I'm going back to my TANF conversation from earlier. I talked about today that there are several TANF bills that we could be moving forward. And the bill from this morning, LB227-- was that this morning? Wow. That feels like it was a while ago. LB227-- not to be confused with the TV show called 227-- LB227 is the HHS Committee priority package, and it actually has in it a childcare subsidy bill from HHS. So it would make perfect sense to amend the TANF rainy day fund bills into LB227 on Select File. That way, we can help families in the most economic need. Wouldn't that be fantastic? Wouldn't it be nice to do something good for the people of Nebraska? OK. So, \$131 million TANF rainy day fund balance could boost ADC benefits. LB290, ADC eligibility and benefits increase summary: In Nebraska, direct cash assistance program funded by the Temporary Assistance for Needy Families, TANF, block grant is known as Aid to Dependent Children, ADC. Nebraska receives \$56.6 million every year in the TANF block grant and has not spent the full amount of that grant since 2017.

KELLY: One minute.

M. CAVANAUGH: Thank you. We have underspent our TANF block grant by approximately \$10 million for the past five years, resulting in a TANF rainy day fund balance of \$131 million. These funds can be-- can only be spent on TANF purposes and should be invested in children and families that need them. In spite of this immense reserve earmarked for low-income families with children, the income eligibility limit for the ADC program is incredibly low, incredibly low, and the benefit amounts are shockingly small. A household of three would have to have a monthly gross income of less than \$881 to be eligible for ADC benefits and could only receive up to \$485 per month. Families cannot make ends meet at these levels, especially as inflation has impacted the cost of everyday goods and services. LB290 would invest--

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

M. CAVANAUGH: Thank you. LB-- where was I? LB290 would invest the TANF rainy day fund in children and families at a time where every dollar counts. LB290 could be implemented without the use of general funds for approx-- approximately two years by using the \$130 million TANF reserve fund and the FY 2023 and FY 2024 TANF block grant funds. ADC eligibility limit and benefit increase under LB290. LB290 would increase the eligibility limit and benefit amount for ADC by increasing the ADC standard of need to better reflect the monthly amount necessary for basic substance-- subsistence. Sorry. That is a hard-- that's got a lot of S's in it. Subsistences. The bill would also require the Nebraska Department of Health and Human Services, DHHS, to adjust the standard of need every year instead of every two years. The current standard of need is \$601 for one individual, plus an additional \$140 for each additional member of the household. LB290 would increase the standard of need of the household from \$881 to \$1,919 and would increase the maximum payment for the household of three from \$485 to \$1,055. For comparison, Nebraska's maximum monthly benefit for a household of three was \$364 in 1996. If benefit levels had kept pace with inflation, with no benefit increase over time, a number household would be eligible for \$687 per month. This would better reflect the monthly amount necessary for basic subsistence, at least as measured by the federal poverty guidelines known as the federal poverty level, FPL. In 2022, 100 percent FPL for a household of three was \$1,919, plus an additional \$339 for each additional member of the household. With a maximum benefit level at approximately 25 percent FPL, Nebraska is one of 17 states where TANF-funded benefits still leave families below 29 percent of the federal poverty line. With the changes proposed by LB290, Nebraska would join seven

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other states with TANF-funded benefit levels in the 40 to 60 percent FPL range. I'm going to pause for a minute. So, if we increased the eligibility amount, basically saying you can make more money than almost no money at all to get direct cash assistance from the TANF fund, if we were to increase that eligibility, those getting the benefits would still likely be at the poverty level-- not at the eligibility for childcare subsidy or SNAP, which is 165 to 185, depending on which program you're talking about. They would still be well below qualifying for those programs. Well below.

KELLY: One minute.

M. CAVANAUGH: It's just that they would qualify for this program and those programs and still be in poverty and still have poverty be a full-time job that is exhausting and demoralizing and exhausting yet again. And don't we want to help people get out of poverty? I would love to help people get out of poverty. Increasing eligibility is a step in a good direction to make it possible for individuals living in poverty to get the ground underneath them so that they can get some financial stability so that they can get out of poverty. But without financial stability, which we are not giving them through this program currently, they will not get out of poverty. So--

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

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

HUNT: Thank you, Mr. President. I'll yield my time to Senator Machaela Cavanaugh.

KELLY: Senator Cavanaugh, that's 4:54.

M. CAVANAUGH: Thank you, Senator Hunt. OK. So-- yeah. Poverty. Isn't that, isn't that just a gas, poverty? No, I'm kidding. It's not. It's not a gas. It's terrible. And we should be doing more. And we can be doing more. We absolutely can be doing more to address poverty in Nebraska. We can be doing more to help those in economic crisis. We could be maintaining SNAP eligibility at the current 165 percent. For some reason, we aren't able to find the \$700,000 a year that it would take to do that in our appropriations budget. Something that completely flummoxes me out of all the money that we have in this state, all the things that are going to come out of that appropriations package, SNAP at 165 percent is not going to be one of

them. Why, you might ask? I have no idea. It's a moral document. I'd like to see the morals of it. I'd like to see the morals of the appropriations document to reflect that we are in an economic crisis for working poor families, that they cannot afford gas to get to their jobs, to get their kids to school, that they cannot afford groceries, that they cannot afford the essential goods and needs to take care of their family. I would love to know how we can have an obscene excess of riches as a state, but we can't find \$700,000 to maintain the current eligibility for SNAP at 165 percent. 165 percent, by the way, is still not what the eligibility was before our last economic crisis. When we cut things, when we cut our budgets, we cut our SNAP eligibility to make up so that we wouldn't have a deficit, we still aren't back at the 185 percent that we were back then. And now we're going to go back to 130 percent because we can't find \$700,000 a year to maintain the 165 percent SNAP eligibility in our budget. Literally, \$700,000 should be seat cushion money in the state budget, but we can't find money to give 10,000 Nebraskans access to food. And in addition to not being able to give 10,000 Nebraskans access to food, those that fall in the eligibility, because they'll be at 130 percent poverty, with that 130 percent, we have to go all the way down to 48 percent poverty to be eligible for TANF. But I'm sure all of these individuals and all of these families will really appreciate all of the programs that will be created out of all of the excess funds, all the programs that will be created that don't feed their families, that don't help them pay for rent, that don't help them pay for utilities, that don't help them pay for gas, that don't help them just get the bare necessities and get the ground underneath them to be stable. I'm sure they will appreciate the programs that this body is willing to create in lieu of helping them feed their own children. I'm sure that they will feel really terrific about that.

KELLY: One minute.

M. CAVANAUGH: Those programs will be so appreciated over any economic assistance that we could provide to directly impact them immediately. So I look forward to poring over the budget when it comes out of committee to see how we possibly could not afford \$700,000 a year for SNAP eligibility. I very much look forward to seeing what it is that we are investing our money in. It even seems like you could cut corners on a lake or a canal or a lake and a canal or a lake and a canal and a million other things. You probably could cut \$10,000 from a whole bunch of things here and there and find the money. It's the will. We have to have the will to take care of our citizens. We have to have the will.

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KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you, Mr. President.

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

ERDMAN: Question.

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

ASSISTANT CLERK: 6 ayes, 11 nays to go under call, Mr. President.

KELLY: The house is not under call. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: 23 ayes, 2 nays, Mr. President.

KELLY: Debate does not cease. The next speaker is Senator Cavanaugh. Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I'm going to move on from SNAP and go back to TANF. OK. So in addition to-- I was reading about LB290-- or, no. Was I reading about LB290? Was I reading about LB310? I was reading about LB290. Let's look at LB310. And-- OK. Maybe that was-- was that my-- you'll let me know when-- on my next turn. OK. So, LB310. ADC maximum benefit improvements to address inflation in Nebraska, the direct cash assistance program funded by the Temporary Assistance for Needy Families, TANF, block grant is known as Aid to Dependent Children, ADC. Nebraska receives \$56.6 million every year in the TANF block grant and has not spent the full amount of that grant since 2017. We have underspent our TANF block grant by approximately \$10 million for the past five years, resulting in a TANF rainy day fund balance of over \$131 million. These funds can only be spent on TANF purposes and should be invested in children and families that need them. In spite of this immense reserve earmarked for low-income families with children, the income eligibility limit for the ADC Program is incredibly low, and the benefit amounts are shockingly small. A household with three would have to have a monthly gross income of less than \$881 to be eligible for ADC benefits and could only receive up to \$485 per month. Families cannot make ends meet at these levels, especially as inflation has impacted the cost of

everything, everyday goods and services. LB310 would invest the TANF rainy day fund in children and families at a time where every dollar counts. LB310 could be implemented without the use of general funds by spending down the \$130 million TANF reserve funds and relying on annual TANF block grant funds thereafter. ADC benefit improvements under LB310. LB310 would make a modest increase to ADC benefits by adjusting the maximum benefit amount from 55 percent of the standard of need to 85 percent of the standard of need. The current standard of need is \$601 for one individual, plus an additional \$140 for each additional member of the household. LB310 would not change the standard of need and, therefore, would not increase the ADC eligibility limit. LB310 would increase the maximum payment for a household of three from \$485 to \$749. For comparison, Nebraska's maximum monthly benefit for a household of three was \$364 in 1996. If benefit level, levels had kept pace with inflation with no benefit increases over time, a household of three would be eligible for \$687 per month. OK. OK. Proposed changes in standard of need and maximum payment of other household sizes. And-- how much time do I have, Mr. President?

KELLY: 1:08.

M. CAVANAUGH: OK. So this is a chart of proposed changes in standard of need and maximum payment for other household sizes. It has the number of individuals in the family unit and then the per additional cost per person, current standard of need, and then it's a current max payment and then LB310 proposed payment to 85 percent. So a family of three right now, its max payment is \$485. This would bring it up to \$749. Or my family, family of five, current payment is \$639, and this would be bringing it up to \$987. So, that would be very helpful to a lot of families. This would better reflect the monthly amount necessary for basic--

KELLY: That's your time, Senator Cavanaugh. And that was your last time before your close. Senator Hunt, you're recognized to speak.

HUNT: Thank you, Mr. President. I'll yield my time to Senator Cavanaugh.

KELLY: Senator Cavanaugh, that's 4:54.

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Hunt. OK. So-- I'll get myself out of the queue since that would just be my closing. All right. Where was I? Standard of need. OK. So this would better reflect the monthly amount necessary for basic subsistence, at

least as measured by the federal poverty guidelines, known as the federal poverty level, FPL. Feel like by the end of this-- maybe not even by the end of this. A lot of-- sometimes when people are watching the Legislature, they'll be, like, playing legislator bingo. And probably a lot of people are watching this that follow LB254 because they all sent in their letters and et cetera. And if I were making a bingo card for today, it would be-- "ADC" would be one of the bingos. "FPL" would be a bingo. "TANF" would be a bingo. What else would be one? Then a bunch of percentage points probably. But you'd know. You'd be in the know. It would be, like, 185 percent. You'd know. You'd be like, yeah, that's childcare subsidy eligibility. That's a bingo card. 165 percent, current SNAP eligibility. Bingo. 130 percent, what SNAP eligibility will go back to if we don't take action this year. Bingo. So, it would be a very nerdy bingo card if I made a bingo card on today. But, but I would think it was fun. OK. So LB310 would ensure that Nebraska continues to spend a significant portion of TANF funds on direct cash assistance instead of diverting those funds to other purposes with less direct benefit to families struggling to make ends meet. In 2020, Nebraska spent around 27 percent of our TANF funds on basic assistance, which is higher than the national average of 22 percent. This is a positive aspect of Nebraska's TANF program should-- that should be protected and expanded. Look at that. Something positive about our program. Who knew? Example: consider a single parent with one child who has no earned income and receives a childcare subsidy. The following table provides an overview of the impact LB310 would have on that household. Compare net income to SON, standard of need-- I guess "SON" could also be a bingo. I haven't said it that much. I've said actual "standard of need." I haven't said "S-O-N" or "son--" for unit size to determine eligibility. Current SON is \$741. Current SON in LB310, no change, \$741. I'm going to skip down to funding. As noted above, Nebraska receives \$56.6 million every year in the TANF block grant and has not spent the full amount of that grant since FY-- it says FFY. Is that fiscal? No. What is the second F for, FFY? Maybe it's a typo--

KELLY: One minute.

M. CAVANAUGH: --but I've seen it a few different places, FFY. Anyways, 2017. In fact, Nebraska has underspent the TANF block grant by approximately \$10 million for the past five years, resulting in a TANF rainy day fund balance of over \$131 million. The changes proposed by LB310 could be implemented without the use of general funds by spending down the \$130 million TANF reserve fund and relying on annual TANF block grants-- grant funds-- block grant funds, thereafter. TANF in Nebraska. I think I'm about out of time, so I'll save it for my

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next time, which is maybe my close. I'm not really sure. But I will be talking about TANF in Nebraska.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

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

HUNT: Thank you.

KELLY: This is your third time.

HUNT: Thank you. I'll yield my time to Senator Machaela Cavanaugh.

KELLY: Senator Cavanaugh, you have 4:55.

M. CAVANAUGH: Thank you. I know Senator Hunt was dying to know about TANF in Nebraska. ADC eligibility is determined by calculating a household's gross income then subtracting a 20 percent earned income disregard and any out-of-pocket childcare expenses. If the resulting net earned-- somebody just texted me: FFY, federal fiscal year? That sounds appropriate. I don't know. Thank you to those watching. Two people texted it to me. All right. Well, we've got a quorum in my text messages. Federal fiscal year is what we're going with with FFY. I love how much people are watching at home, that they are texting me answers to things that I am pondering out loud on the microphone. That actually tickles me, especially when we're debating LB254 about people wanting to be able to watch the Legislature. I mean, who doesn't want archived footage of today's TANF conversation? Probably no one, but maybe. Maybe someday someone will be like, you know what I want to do a deep dive on? I want to do a deep dive on Nebraska's TANF in 2023 as read by Senator Machaela Cavanaugh. And I'm probably misstating a few things. So if somebody in the future is watching this, please fact-check me. OK. TANF in Nebraska. ADC eligibility is determined by calculating a household's gross income then subtracting a 20 percent earned income disregard and any out-of-pocket childcare expenses. If the resulting net earned income is less than the standard of need, the household is eligible for ADC benefits. ADC benefits are determined by subtracting the net income from the standard of need. The maximum benefit amount is 55 percent of the standard of need. Most ADC recipients are required to meet stringent work requirements to continue receiving benefits. ADC recipients who are subject to the work requirements can only receive ADC benefits for a total of 60 months in a lifetime. So again, this is not a program that is meant to

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be permanent. It is a maximum of 60 months. You cannot receive cash assistance over a lifetime of more than five years. And for anyone who has children at any age, I'm sure you know that children are expensive, and five years is-- they're expensive for more than five years of their lifetime. This is not a permanent program. You can only be a part of it for five years. There are significant work requirements or stringent education requirements. It is not an easy program, and it's even harder by the fact that we make it almost impossible to be eligible. So. I'm going to go on, but before I do, this TANF in Nebraska, the part that I just read, that paragraph, reminds me of high school math. So I just-- I'm, like, wishing that I had a whiteboard right behind me because as I'm reading this, I'm like, I want to, like, diagram out this math problem because it's, like, subtracting a 20 percent earned income, out-of-pocket childcare expenses--

KELLY: One minute.

M. CAVANAUGH: --net income less than the standard of need, household is eligible for ADC benefits. Like, how do you even figure out if you're eligible? First of all, you have to know what all of those things are. You have to know the definitions of them, but then you have to know the definitions of them as they apply to your actual life. Again, we don't make this easy. We make it really difficult for people in poverty to exist. Be great if we at least gave them a little bit more cash assistance because, frankly, if we're not doing that, what are we doing? Next is myths and stereotypes. I think I'm coming up on my closing, so I will save it for that. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. And you are recognized for your closing on the floor amendment.

M. CAVANAUGH: Fantastic. All right. I think I need to write out a motion to reconsider still for this floor amendment, so we'll be doing that next. All right, myths and-- I did-- one of the people that texted me about the federal fiscal year also just-- colleagues, I'm going to read, read this, this little quote into the record is: I believe temporary relief for Nebraska children is pro-life. It's certainly pro-family. Thank you for that. Myths and stereotypes. Harmful stereotypes about ADC recipients in Nebraska mirror the harmful stereotypes and myths about recipients of other public assistance programs in Nebraska and across the country. In particular, much of the debate around the 1996 federal law that created TANF was centered on myths about black mothers who were portrayed as needing a,

quote, stick, end quote, to compel them to be more responsible and stop using public assistance. Yeah, that's a terrible myth. These harmful stereotypes are not rooted in facts or reality. Research has shown that public assistance recipients spend most of their benefits on basic necessities, including food, housing, and transportation costs. Yep. OK. So. Summary. LB290: This bill would increase the eligibility limit and benefit amount for ADC, or Aid to Dependent Children, by increasing the ADC standard of need to better reflect the monthly amount necessary for basic subsistence. That word is tripping me up every time. So many S's in it. The amount of the proposed standard of need change is based on the 2022 federal poverty level. The bill would also require the Nebraska Department of Health and Human Services, DHHS, to adjust the standard of need every year instead of every two years. OK. LB310 summary: This bill would make a modest increase to Aid to Dependent Children benefits by adjusting the maximum benefit amount from 55 percent of the standard of need to 85 percent of the standard of need. Definitions: TANF, or Temporary Assistance to Needy Families, a federal block grant created through the Personal Responsibility and Work Opportunity Reconciliation Act, or Pror-awr-rah, P-R-W-O-R-A, of 1996. TANF replaced Aid to Families with Dependent Children, or AFDC, which provided cash assistance to families with children experiencing poverty. Nebraska's TANF grant award is \$56.6 million each year. ADC, or Aid to Dependent Children, Nebraska's direct cash assistance program, funded by the TANF block grant, this type of income support can help families in poverty maintain stability and promote--

KELLY: One minute.

M. CAVANAUGH: --thank you-- promote children's healthy development. DHHS expenditures on ADC in FY-- FFY '21, or federal fiscal year, is \$15.5 million. Standard of need, or SON, the initial income test in ADC. If a household's net earned income is lower than the standard of need for their household size, then the household is eligible for ADC benefits. The standard of need is supposed to represent the monthly combined costs of food, clothing, sundries, home supplies, utilities, laundry, and shelter, including taxes and insurance. The standard of need-- the current standard of need is \$601 for one individual, plus \$140 for each additional member of the household.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you. Call of the house.

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

CLERK: 12 ayes, 11 nays to place the house under call.

KELLY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators DeKay, Wishart, Slama, Bostar, Hunt, and Hansen, please return to the Chamber and record your presence. The house is under call. All unexcused senators are present. The question is the adoption of FA54. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 0 ayes, 36 nays, Mr. President, on adoption of FA54.

KELLY: The amendment fails and is not adopted. I raise the call. And Mr. Clerk for items.

CLERK: Mr. President, some items quickly. Amendments to be printed from Senator Riepe to LB191. Concerning LB254, the next item, Mr. President: Senator Dorn would move to amend with AM1377.

KELLY: Senator Dorn, you are recognized to open on your amendment.

DORN: Thank you and good evening, colleagues. This is-- the original bill was LB90, which is the Performance Audit priority bill this year, which-- all it does is it removes a couple things. It basically is with the, the language in there. We've always-- every five years, they've done a performance audit on the Advantage Act. Well, the Advantage Act is still going on, but we do not need to know how it's performing or whatever because we-- there are no new applications being taken. So that is the one thing they wanted to move out of there-- remove out of there. And the other one is it did have-- does have in it to remove the Nebraska Job Creation and Mainstreet Revitalization Act because that was supposed to sunset. Now, we may have to bring that back or may not, because there is a bill out there this year on the floor somewhere what brings that maybe back in. If that bill passes, then next year we'll be back to bring this back, or whatever. But all this does is removing two things that, basically, the Performance Audit won't be doing anymore. So that's why I visited with Senator Brewer, with Senator Cavanaugh, and we were able to-- and Trevor with the Executive Board and Senator Briese earlier about this, if we could put this on here and then vote on this to have, instead of

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having that priority bill sitting out there yet, have it on it, on this bill here. So that's what this bill is up there for-- amendment is up there for.

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

M. CAVANAUGH: Thank you, Mr. President. Thank you, Senator Dorn. This bill has actually had a little bit of a journey. I believe it was initially introduced by Senator Day and then Senator Dorn put his name on as the new Chair of the Performance Audit. And then Senator Day allowed the bill to be reassigned to Senator Dorn and then it became our Performance Audit bill. And Senator Dorn just spoke with me about the fact that he was trying to get it attached to this bill before we got it to cloture. And look at that. Look at that. When we work together, things can happen. So I am not going to take any more time on this particular amendment. I'm on the committee. I appreciate the work of our committee members and of Senator Dorn. And so with that, I will just be voting green for this amendment. Thank you.

KELLY: Thank you, Senator Cavanaugh. Senator Hunt, you are recognized-- Senator Clements, you are recognized to speak.

CLEMENTS: Thank you, Mr. President. I support this amendment from Senator Dorn. It does remove the Advantage Act from the performance audit having to be done so that we can focus the Performance Audit Group on some other items that need to be looked at. The Advantage Act is no longer in, in place and is just running off whatever people have earned. And we do get reports anyway from the Department of Revenue that tells us how much has been spent. So I support the amendment. Thank you, Mr. President.

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

DORN: Thank you, Mr. President. Senator Bostelman just brought over to me the amendment, and it showed a bunch of other codes in there that were crossed out also. And visiting with Trevor, that those are codes that are all old codes that needed to be removed also. So this is an up-to-date amendment for the Performance Audit Committee and this is where we'll need to be going forward. Thank you.

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

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CONRAD: Thank you, Mr. President. And happy to just ask my questions on the record or ask Senator Dorn, if, if he'd be willing to yield. But I know members are just trying to get up to speed on kind of the matter that's come before us in regards to the pending measure. And I think we're all very thoughtful about efforts to eliminate duplication or redundancy that may exist or to remove language that's no longer applicable or relevant in our state statutory framework. But just wanted to triple-check because these tax incentive programs carry such a hefty price tag and have been so significant within the public interest that we're not removing anything in terms of transparency overall or an ability for Nebraska citizenry or all stakeholders to get to be able to make an assessment about whether or not they're a good investment of our taxpayer dollars. So happy to just put that out there and, and provide an opportunity for Senator Dorn or other members of Performance Audit to respond, if, if they'd be willing to. Thank you so much.

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

DORN: Yes. Thank you. Thank you, Senator Conrad. You brought up some good points there. This is not redundancy. The Advantage Act, we do not accept any new applications for that anymore. We are in the Imagine Act we passed a couple of years ago. I think two years ago we passed that. So it does not need to have a performance audit. Performance Audit is-- they do the audit and tell us basically how that is performing for the bill that was introduced or for the project that's out there. They come back with a report telling us that it's doing what we intended to do, so we do not need to do that with the Advantage Act because there won't be any more out there doing that. The other one, the Job Creation Mainstreet Revitalization Act, that did have a sunset of the end of this year, the end of '23. So part of when this bill was brought forward, if it didn't get extended or renewed, that part of the act, there was also no need to do it. So some of these are, I call it kind of cleanup things, kind of verbiage so that we get them in the right perspective. This is in no way saying that they aren't going to do-- be doing audits yet. They still have multiple things that they will be doing audits on. And we will be sending out here in the near future a request, if anybody else has-- any senators have any new, new ones that they would like added that we can then look at and see if they need to be added. Thank you.

KELLY: Thank you, Senator Dorn. There being nobody in the queue, you're recognized to close. And waive closing on AM1377. Members, the

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question is the adoption of AM1377. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of the amendment.

KELLY: The amendment is adopted. Mr. Clerk for items.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to offer FA55.

KELLY: Senator Machaela Cavanaugh, you are recognized to open.

M. CAVANAUGH: OK. Thank you, Mr. President. Let's see what this one does. I think we have, like, 30 minutes left on this bill. I wrote it down somewhere and now I've misplaced where I wrote it down. I think we're done with this at 8:10. So we have 28 minutes left on this bill. And this is my last floor amendment, I believe, so I want to see what it is. What is this one to be? Those are all the ones that are considered. Here we go, "strike Executive Board of the Legislative Council" and insert "Legislature." So it's, like, requiring-- instead of the Legislative Council to create the rules and regulations, it would be the whole Legislature. And I think we all, the 48 of us-- 49 of us-- I am in the Legislature-- 49 of us, I think we all could do this together. I don't think we need a smaller subcommittee to do this work. Let's just, you know, all get together and work on rules and regulations around the digital archives of our videos. That should be no problem at all. I think we could, like, do a retreat and spend several days together hashing this out. I think that could be an interesting sine die sketch with the 49 members of the Legislature doing rules and regulations. I actually have been workshoping, just saying it-- I haven't said it, like, fully to the body, but I have an idea. It's for a buddy comedy, but I also think it could be a sine die sketch. And I, I haven't asked Senator Erdman this yet, but I think I could get him on board. A buddy comedy, it's Senator Machaela Cavanaugh and Steve Erdman, and it's a buddy comedy where we talk about taxes. I mean, who wouldn't want to watch that? It would be a real, like, juicy-- reality TV show? I'm not sure. But I definitely would be here for it. I don't know about everyone else. So. OK. We are at changing this from the Legislative Council to-- or from-- yeah-- from the Legislative-- Executive Board of the Legislative Council and changing it to the Legislature. So, that is the current amendment at hand, at task. I should probably get in the queue. OK. And I think-- I feel that perhaps, just perhaps, our tutorial, our education on TANF has come to a close for today. I think I have said "ADC" and "TANF" and "block grant" and "FPL" as many times as humanly possible in one

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day, so I'm not going to talk about TANF anymore today. That doesn't mean I'm not going to talk about it tomorrow, of course. I am excited about the opportunity that this particular bill, LB254, has presented us with. We have a very keen interest from the public in LB254. We have heard a lot of online testimony. I wasn't present for the in-person testimony, but I could see that there were people that came and testified in support of the bill. We have had an amendment of a-- that is creating additional access to any online digital archives that we're going to work on between General and Select. So we're building some bridges here with this bill. I just stepped aside so that Senator Dorn could get his amendment on for the Performance Audit Committee, trying to build some more goodwill and bridges here. And now we have this last floor amendment. And we're almost to the end of this bill and then we go on to Final Reading. And I realize that we are now past 7:30, but I think we should probably just move on to Final Reading. So, Mr. President, I would like to withdraw my motion. Thank you.

KELLY: FA55 is withdrawn. Mr. Clerk.

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

KELLY: Members, the question is the adoption-- Senator Briese, you're recognized for the closing on AM698.

BRIESE: Thank you, Mr. President. And good evening, colleagues. I'll be very brief here. But just to recap what this amendment and this bill are about-- first, the amendment requires that the Executive Board develop policies and procedures surrounding both the creation and ongoing usage of the video archive system. Second, the amendment provides that audio and video recordings of proceedings of the Legislature are not the official records of legislative proceedings. Third, the amendment provides that audio and video recordings of proceedings of the Legislature shall not be used, reproduced, or redis-- redistributed without express permission of the Legislature and in accordance with policies developed by the Executive Board. This bill had, I think, 30--some letters in support, no letters in opposition. There was no opposi-- there was actually one opposition testifier who, upon further questioning, indicated he does support this concept. He supports the bill, but he wanted to see a few more details worked out. And so this amendment, this bill, really are about transparency and openness in government, and that's a good thing. And I thank Senator Brewer for bringing this bill. And I'd ask for your support of AM698. Thank you, Mr. President.

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KELLY: Thank you, Senator Briese. Members, the question is the adoption of AM698. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of the amendment.

KELLY: The amendment is adopted. Senator Brewer, you're recognized to close on LB254. And waives closing on LB254. Members, the question is the advancement of LB254 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on advancement of the bill.

KELLY: The bill is advanced. Mr. Clerk for items. Senators, we'll now turn to Final Reading. Please be in your seats. Members should be in their seats. Mr. Clerk.

CLERK: Mr. President, LB376e on Final Reading. First of all, Mr. President, I have a priority motion: Senator Hunt would move to recommit LB376 to committee.

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

HUNT: Thank you, Mr. President. Mr. Clerk, I'll withdraw that motion and my subsequent motions.

KELLY: It is withdrawn. Next item, Mr. Clerk.

CLERK: Senator Hunt, I've got AM1034 with a note you wish to withdraw. AM1035 withdrawn as well, Senator. Senator Lowe, I've got AM851. Senator Lowe. Mr. President, Senator Lowe would move to return to Select File for a specific amendment. Senator Lowe would move to withdraw-- excuse me-- Senator Lowe withdraws AM851. Senator Slama, I have MO106 with a note to withdraw. Senator Cavanaugh, I've got FA33. Senator Machaela Cavanaugh. Withdrawn. Senator Machaela Cavanaugh, AM1056 and AM1055 both shown as withdrawn. In that case, Mr. President, the first vote is dispense with the at-large reading.

KELLY: The first vote is to dispense with the at-large reading. This will take a vote of 30. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

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

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

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CLERK: [Read title of LB376.]

KELLY: All provisions of law relative to procedure having been complied with, the question is, shall LB376e pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: Voting aye: Senators Albrecht, Arch, Armendariz, Bosn, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Erdman, Fredrickson, Halloran, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Linehan, Lippincott, Lowe, McDonnell, Moser, Murman, Raybould, Riepe, Sanders, Slama, Vargas, von Gillern, Wishart. Not Voting: Senators Ballard, Hunt, Aguilar, Blood, Day, McKinney, Walz, and Wayne. Vote is 41 ayes, 0 nays, 2 present, not voting, 6 excused, not voting, Mr. President.

KELLY: Thank you, Mr. Clerk. LB376e passes with the emergency clause attached. Mr. Clerk for items.

CLERK: Mr. President, name adds: Senator Vargas to LB20, Senator Conrad to LB588, Senator Vargas to LB617, Senator John Cavanaugh to LB775. Finally, Mr. President, a priority motion: Senator von Gillern would move to adjourn the body until 9:00 a.m.

KELLY: You've heard the motion to adjourn. All those in favor say aye. All those opposed say no. We are adjourned.