

**KELLY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the sixty-sixth day of the One Hundred Eighth Legislature, First Session. Our chaplain today is Rabbi Mendel Katzman from the Chabad of Nebraska, Omaha, Nebraska, Senator Fredrickson's district. Please rise.

**RABBI KATZMAN:** Almighty God, look favorably upon the Unicameral of the state of Nebraska. Bless these individuals elected by the people in whom faith and confidence have been placed to legislate laws making decisions that will affect the lives of the citizens of our great state. Let them recognize that this is not only a great honor and a civic responsibility, but a holy endeavor as well. The Jewish tradition tells us of seven universal laws given to mankind by God himself through Noah. One of which instructs us to create a peaceful and moral society governed by law. Almighty God, grant that the assembled here be aware of your presence and this holy mission as they labor to enact just laws. Bless them with good health, wisdom, and compassion. And let us say, amen.

**KELLY:** The Pledge of Allegiance today will be led by Retired Lt. Commander Bonnie Brewer, United States Navy, currently the commander of the Elmwood American Legion, Senator Clements' district.

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

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

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

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

**CLERK:** I have no corrections this morning.

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

**CLERK:** There are, Mr. President, report of registered lobbyists from 4/19/23 will be found in the Journal. Additionally, agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website. New LR from Senator Halloran, LR106, that will be referred to the Executive Board. And notice that the Health and Human Services Committee will have an Executive Session at 10:30 under the south balcony; Health and Human Services, 10:30, under the south balcony. That's all I have at this time, Mr. President.

**KELLY:** Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR94 and LR95. Mr. Clerk, for items. Senator Fredrickson, you're recognized for a motion.

**FREDRICKSON:** Thank you, Mr. President. I move to proceed to the election of the Chairperson of the Transportation and Telecommunications Committee.

**KELLY:** Members, please find your seats. All those in favor of the motion say aye. All those opposed nay. The motion is adopted. Floor is now open for nominations. Senator DeBoer, you're recognized to speak.

**DeBOER:** Thank you, Mr. President. Today, I stand to ask for your support and to nominate myself or enter myself into nomination for Chair of the Transportation and Telecommunications Committee. This is a committee that I have served on for the last four and a half, five, however we're counting this session, years. And like there is something unique about every committee, there are unique things about the Transportation and Telecommunications committee. In TNT, one of the things that we're dealing with is a whole lot of folks who are from various aspects of the industry and trying to work with all of them to find solutions to help our state move forward. One of the things that many of you know about me is that I am a fixer. I used to take some offense at that particular title, but it's in fact true. When legislation is put in front of me in which I see a path forward, I will try to find that path forward. In TNT, the way to do that is to get everybody in a room together. When I was a freshman and I was working on trying to get some things done on the small cell bill, I'd go and talk to one group and then I'd go and talk to another group and you'd sort of get different answers and I learned that what you've got to do is you got to put everyone in the same room together and talk to

them all at once. And that is the strategy that I have employed since then. And after that piece, when you can get everybody who is in the various stakeholders, groups together and you find a solution with them there has to always be another step, and that other step is to look at how does this affect the people who are not in the room, the people of Nebraska. So for me, fixing any bill in TNT, I mean, these are not partisan issues, these are issues where we're looking at what's best for our state to grow. You get everyone in a room together and then you have to take the second step with the committee to say is this the right thing for the people who were not in the room? That would be the way in which I would proceed in my leadership in the TNT committee. And I would further say that any bill that any senator brings into that committee and wants a vote on has the votes in the committee, I would, I would schedule that vote so that you could have the opportunity to have your bill Execed upon in TNT. There's really, I don't want to talk too much because somebody told me the last time I ran for something that they didn't vote for me because I talked too much. This is a-- that's a problem. I started talking not until I was 18 months. My mom says I started talking at 18 months and I haven't shut up since so apologies for that. But my leadership style would be an open committee. My leadership style would be meetings with all the stakeholders and senators who want to be involved. I would put the last five years of my experience on TNT up as-- up for your consideration. I brought bills on broadband mapping. My North Star with respect to broadband has always been whatever is going to get broadband out to the unserved and underserved locations first. Because I think of it like a buffet line, everybody gets first before people get seconds. And that has always been my North Star. Doesn't mean I always get it right and I won't always get it right. It means that I will always try and that will always be my North Star. With respect to roads, fair and equitable work on roads, not because somebody is a good friend of mine, they're going to get a bump ahead on the road project list. I think we do this as fairly and equitably. You all know that I believe that our whole state does better when our whole state does better. And I represent my constituents best when I represent the whole state and try and bring the whole state forward into the future. Thank you, Mr. President.

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

**BRANDT:** Thank you, Mr. President. And good morning, colleagues. Today, I'm asking for your vote for Chair of the Transportation and Telecommunications Committee. It has been my pleasure to work with 49 other senators who only want to do what is best for Nebraska. I am in my fifth year in the Legislature, and over that time the bills and issues that come before the Transportation and Telecommunications Committee are very important to me and have been a focus of mine during my time in the Legislature. I have introduced bills to expand rural broadband in the state, including my priority bill this year, LB61, and I have worked with the Nebraska Department of Transportation on roads and bridges, introducing two bridge bills this session. I believe I have a great working relationship with both NDOT and the telecom industry and would be a perfect fit for Chair. There is still a lot of work to be done to address unserved and underserved broadband customers in Nebraska, particularly in rural Nebraska, where 20 percent of the state is unserved. The state will soon be receiving hundreds of millions of dollars in federal funding to expand our broadband footprint. It will be exciting to work with the newly created state broadband office and the PSC to target and efficiently and effectively disperse broadband monies. I am here to report that I am up to the challenge and will tackle these issues head on working to get consensus from the committee in addressing them. So colleagues, we have a challenge ahead of us and a tone to set. I have built relationships with the NDOT and the telecoms, with public power, and with you. Together we go forward. We have a lot of work to do and we will get it done. Finally, I would like to thank Senator Geist for her service to the Legislature and as Chair of the Transportation and Telecommunications Committee. With that, I ask for your vote as Chair of the Transportation and Telecommunications Committee. Thank you, Mr. President.

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

**MOSER:** Thank you, Mr. President. I rise to nominate myself as Chair of Transportation and Telecommunications. My experience includes being on the Transportation Committee for two years, and I'm currently Vice Chair. I was mayor of Columbus for 12 years where we solved problems that faced our city for 75 years, where we wanted to build viaducts and we had an uncompleted four-lane bypass around Columbus and it ended in a cornfield and we got that funded, permitted, engineered,

and built. I have a good background in electronics and telephone. I have an FCC amateur radio license. I have good technical experience, experience and I also serve as Vice Chair of Natural Resources. Going forward, what should Transportation and Telecommunications be doing? Well, broadband continues to be an issue despite all the money we've spent on various grant programs. We haven't had the results that we want so we need to work seriously at better accountability of to whom we give grants and the results that we get for those grant funds. Also, I have a passion for roads and I think in greater Nebraska roads are critical to the economic development of greater Nebraska. The expressway system was outlined in 1988 and it's still not completed. And the Department of Transportation has been working on this, but there are various things that need to fall into place to make roads completed. And you have permitting, funding, political problems, all those things, and any one of those to go wrong can delay the project. And so we need to make sure that we give the Department of Transportation all the tools they need to succeed in getting these roads completed. The broadband and cell access, even in our building here, needs some work. And in certain areas you have to hold your phone up by the window to get it to work or to send a text you have to go out in the hallway. There are some things we need to do to improve our "connectability" within the building. As far as what the committee should do, how it should operate, I believe the committee should do its job. It should sort through the bills that are brought to it and pick the ones that have a chance of success and have positive outcomes. And then we should not advance ones that are going to be problematic, they have marginal improvement to whatever problem they're trying to solve. I think we get way too many bills to the floor here and I think the committee should do its job and sort through those bills carefully. As far as members of the committee, anything that they want to talk about I'd be willing to discuss. And, and then in a broader sense, all the senators, if you have concerns about something, a bill that's in our committee or coming to our committee or it's your bill, I would be glad to discuss those with you and, and try to help you as I can. I would be fair and, and I'd run a tight ship as Chairman, respecting the time of the members of the committee and the testifiers also to try to get things discussed in as efficient manner as we can. It would be an honor to earn your vote as Chairman and I thank you for your consideration. Thank you, Mr. President.

**KELLY:** Thank you, Senator Moser. Seeing no other names in the queue, Senators, please cast your votes for one of the three candidates. Will the following three senators approach to act as tellers: Dungan, McDonnell, and Armendariz. Senator John Cavanaugh has guests in the north balcony, ten UNMC Student Delegates from Omaha. Please stand and be recognized by your Nebraska Legislature. With more than 24-- 25 votes, Senator Moser has been elected Chairman. Congratulations, Chairman. Mr. Clerk, next item.

**CLERK:** Mr. President, report from the 1st District Caucus concerning Senator Ballard filling the vacancy on the Executive Board.

**KELLY:** Senator Ballard, you're recognized. Seeing no one in the queue, all those in favor say aye. Opposed nay. It is approved. Mr. Clerk.

**CLERK:** Mr. President, next item, report from the Committee on Committees adopting a preliminary report placing Senator Bosn on Judiciary and Transportation.

**KELLY:** Seeing no one in the queue, all those in favor say aye. Those opposed nay. 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 not voting. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting 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 voting yes. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama. Senator Vargas. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne

voting yes. Senator Wishart voting yes. Vote is 43 ayes, 0 nays, Mr. President, to adopt the Committee on Committees report.

**KELLY:** The report is adopted. Mr. Clerk.

**CLERK:** Mr. President, next item, LB191, introduced by Senator Halloran, it's a bill for an act relating to the Nebraska Workers' Compensation Act; amends sections 48-144.01; provides for confidentiality of and access to certain injury reports; and repeals the original section. The bill was read first time on January 9 of this year and referred to the Business and Labor Committee. That committee placed the bill on General File. There are committee amendments, Mr. President. When the Legislature left the bill yesterday pending was a motion from Senator Machaela Cavanaugh to recommit the bill.

**KELLY:** Senator Halloran, you're recognized for a brief refresh.

**HALLORAN:** On my part, this will be very brief. As I stated before, LB191, it's a pleasure to have my bill up there with my name, but it's a surrogate bill for the Business and Labor Committee and so I will yield my time to Senator Riepe for a briefing.

**KELLY:** Senator Riepe, 1:42.

**RIEPE:** Thank you, Senator Halloran, and I will be brief. To recap what was discussed yesterday, LB191 is the Business and Labor Committee priority bill and with AM1330 contains closely related consent calendar type bills that address issues of business and labor throughout the state. AM1330 includes a striking provision of LB191 in its entirety and also includes provisions of LB267, LB460, LB639, LB671, LB666, LB427, and amended provisions of LB249. We believe this to be a friendly bill. And with that, I urge your green vote on LB199 [SIC--LB191] and its amendments. Thank you, Mr. President.

**KELLY:** Thank you, Senator Riepe. Returning to the queue, Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you. Thank you, Senator Clements. I appreciate that. I-- well, first, I want to start out by saying congratulations to Senator Moser for Chair of Transportation and Telecommunications. I know it's something that he has been interested in for a long time. We

spoke about it and I was just saying to him that he and I are the-- he's the only one I spoke to about his Chairmanship run back in December when he ran in January and we had a good conversation about his interest in the committee and what his priorities were. And I don't think it is a secret that I didn't vote for him this morning, but I am, I'm happy for him that he won and I look forward very much to working with him on the committee. I've enjoyed serving on the Transportation and Telecommunications Committee for-- now this is my fifth year, so it is an interesting committee which has some very, very robust topics that we cover. Some of them not as exciting or glamorous as others, but. So congratulations to Senator Moser and appreciative to Senators DeBoer and Brandt for putting their names in and for being interested in serving the Legislature in that way. So LB191, the underlying bill itself, as Senator Halloran already stated, isn't really here any longer. It's the committee bill, but it currently is the underlying bill. So I last night was looking through, going through some of the testimony that was in the other bills that are attached to the committee bill so I will get back to that. All right, here-- I think I was-- I talked about LB427. Gosh, it feels like it's already-- I've talked about this before, the lighting in this room is very dependent on the light outside, and it's a bit of a gloomy day today so it is already dark in here, like nighttime. And since I got creative earlier this week with a paper box top to elevate my podium so my back didn't hurt so much, I am dealing with the logistics of the light so I don't really have light on my podium, but I, I will try to persevere here. So just looking over AM1330. OK, so this is the amendment to the bill. It starts with "Strike the original sections and insert the following new sections." So that's what we mean by LB191 is the shell bill that we're adding new bills into. So: Section 1 to Section 5 of this act shall be known and may be cited as the Critical Infrastructure Utility Worker Protection Act. For purposes of the Critical Infrastructure Utility Worker Protection Act, unless the context otherwise requires: Civil defense emergency has the same meaning as in Section 81-829.39; Critical infrastructure utility worker means an essential critical infrastructure worker identified in the Guidance on the Essential Critical Infrastructure Workforce, Version 4.1, as released on August 5, 2021,--

**KELLY:** One minute.



**M. CAVANAUGH:** --by the United States Department of Homeland Security Cybersecurity and Infrastructure Security Agency; Disaster has the same meaning as in Section 81-829.39; Emergency has the same meaning as in 81-829.39-- going and grab my highlighter, sections of statute to look up and see what the meaning is in 81-829.31 [SIC]-- Priority access means access at least equal to that provided to hospital and medical personnel, law enforcement personnel, or other emergency responders; Utility means legal entity, including a political subdivision, that owns or operates a utility system, or any part thereof, in the state; and Utility system means the physical and cyber assets and infrastructure used--

**KELLY:** That you 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 this time to Senator Machaela Cavanaugh.

**KELLY:** Senator Cavanaugh, that's 4:55.

**M. CAVANAUGH:** Thank you, Mr. President. Thank you, Senator Hunt. I'm just trying to get my computer open so that I can look up the definitions of the meaning of disaster and emergency in Section 81-829.39. And as always, if anyone wants to yield me their time, I am happy to take it and get in the queue myself. OK, so I'll go back to reading until I'm able to look up that statute: Utility means any legal entity, including a political subdivision, that owns or operates a utility system, or any part thereof, in the state; and Utility system means the physical and cyber assets and infrastructure used in providing utility services to wholesale or retail customers. Utility system includes electrical, gas, water, steam, sewage, and telecommunications services. OK, I've got my-- going to pause there and see if I can look up that statute definition. So it was 81-829.39 and here we go. Terms, defined. OK. Chapter 81: For purposes of the Emergency Management Act, unless the context otherwise requires: (1) Civil defense emergency means an emergency declared by the President of the United States or Congress pursuant to applicable federal law

finding that an attack upon the United States has occurred or is anticipated and that national safety therefore requires the invocation of the emergency authority provided by the federal law. Civil defense emergency also means an enemy attack or other hostile action within the state of Nebraska or a detriment-- determination by the President of the United States that any attack has been made upon or is anticipated within a designated geographic area which includes all or part of the state of Nebraska. Any such emergency shall terminate in the manner provided by federal law or by proclamation of the Governor or resolution of the Legislature terminating such emergency; (2) Disaster means any event or the imminent threat thereof causing widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause; (3) Emergency means any event or the imminent threat thereof causing serious damage, injury, or loss of life or property resulting from any natural or manmade cause which, in determination of the Governor or the principal executive officer of a local government, requires immediate action to accomplish the purpose of the Emergency Management Act and to effectively respond to the event or threat of the event; (4) Emergency management means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to mitigate, prevent, minimize, respond to, and recover from injury and damage resulting from disasters, emergencies, or civil defense emergencies. Emergency management functions include, but need not be limited to, firefighting services, police services, medical and health services, search and rescue services, engineering services, communications and warning services, radiological preparedness, hazardous materials response,--

**KELLY:** One minute.

**M. CAVANAUGH:** --evacuation of persons from stricken areas, emergency welfare services, emergency transportation services, restoration of public utility services, and other functions related to civil-- civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the functions listed in this subdivision; (5) Emergency management worker includes any full-time or part-time paid, volunteer, or auxiliary employee of this state or other states, territories, or possessions of the federal-- or possessions of the federal government or any neighboring county [SIC] or any political subdivision thereof, the District of

Columbia-- I will pause there because I think I am about out of time. Again, if anybody wants to yield me time, I am happy to take it and I am about out of time. Is that--

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

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

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

**CONRAD:** Thank you, Mr. President. I'd yield my time to Senator Cavanaugh if she desires.

**KELLY:** Thank you. Senator Cavanaugh, you have 4:50.

**M. CAVANAUGH:** Thank you, Mr. President. OK. I was reading about the definition of the meaning, or the meaning of disaster and emergency as referenced on page 1, lines 14 and 15 of AM1330 referencing Section 81-829.39. Again, if anybody wants to yield me time, I am happy to take it. OK. So I was on (5) Emergency management worker includes any full-time or part-time paid, volunteer, or auxiliary employee of this state or other states, territories, or possessions of the federal government or any neighboring county [SIC] or of any political subdivision thereof, the District of Columbia, or of any agency or organization performing emergency management services at any place in this state subject to the order or control of or pursuant to a request of the state government or any political subdivision thereof and also includes instructions and students in, in emergency management educational programs approved by the Nebraska Emergency Management Agency or otherwise under the provisions of the Emergency Management Act; (6) Hazard mitigation means measures which will eliminate or reduce the potential for damage to an area or facility from the effects of a future disaster, emergency, or civil defense emergency; (7) Local government means a county, village, or city of any class; (8) Political subdivision means a city, village, county, school district, public power district, natural resources district, and any other unit of government below the state level, including any entity created pursuant to the Interlocal Cooperation (Act) or the Joint Public Agency Act; (9) Principal executive officer means the major city-- the mayor in a city-- not major-- the mayor in a city of any

class or the elected chairperson of the governing body of a village or county; (10) State emergency response team means an organization for emergency management established in accordance with the provisions of Sections 81-829.52 to 81-829.54 by state authority to supplement city, village, county, or jurisdictional [SIC] emergency management organizations in a stricken area; and finally, (11) Technological hazard means a hazard emanating from the manufacture, transportation, and use of such substance as radioactive materials, chemicals, explosives, flammables, agricultural pesticides, herbicides, disease agents, oil spills, and debris from space. Debris from space. Interesting. I wonder who came up with that one. That reminds me of when my oldest kid had to get rabies shots because of a bat. Stick with me, friends, there is a theme. There's a thread. It might be a thin thread, but there is a logic thread of my kid getting rabies shots to rereading about debris from space. OK, so when my oldest was, they were probably four because they were in childcare and there was a bat,--

**KELLY:** One minute.

**M. CAVANAUGH:** --thank you, Mr. President-- I believe it was deceased, that landed in their skirt and scratched their leg and-- or we think scratched their leg, not 100 percent certain. So as a precaution had to go to the emergency room, had to start rabies shots, which as a parent it is a horrific thing to have to go through. And I have been to the emergency room with that kid numerous times, including taking an ambulance because of their asthma. And this was way worse when they had to get rabies shots. Anyways, the, the childcare then developed a protocol and policy on what happens when there's a bat because they didn't have one previously and there was a robust conversation about how many various things should they have been thinking about having a protocol on and that is why I thought about debris from space.

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

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

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

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I stand opposed to the recommit to committee bill. But I do want to speak real

briefly on LB191 and then hope to hear more bat stories. There are a lot of bills within this, this bill that when I sat on Business and Labor I was concerned about. I just want to make sure that we continue to talk on the mike about the referencing issues. We had quite a few bills in Business and Labor that really should have been in Urban Affairs. And I don't think people realize because they have been spread throughout so many different committees, how many affordable housing bills are actually passing this year? Do I think it's bad that we're passing affordable housing bills? I do not. But I think that we had a lot of hands in the pot and I think that some of them are redundant and I hope since we are rushing through these Christmas tree bills that people are really paying attention. This bill would have been the perfect vehicle for my LB5 that I talked about on the, the mike yesterday. We talk about violence in the workplace and it was a workmen's comp bill which is included in this bill. We actually have two different factors within this bill that pertain to workmen's comp, and it's really unfortunate that it's not yet going to get to the floor for debate as many good bills aren't this year. So with that, I would yield any time I have left to Senator Cavanaugh.

**KELLY:** Senator Cavanaugh, you have 3:25.

**M. CAVANAUGH:** Thank you, Mr. President. Well, Senator Blood, I might disappoint you. I don't have too many bat stories. Mostly-- well, that's not true. They're not all mine, though. They're, you know, family related bad stories, but. So, yes, so my kid had to go and get rabies shots and then the school had to put together protocols around bats because the young childcare worker, who was a high school age kid, had no idea and that a bat would equate to needing rabies shots, which they were-- this kid was, I think, maybe a senior in high school, maybe a junior in high school, and he worked at the end of the day after he was done with school, he would come over and he would finish out the day at the childcare and he was very lovely, still is very lovely, but he's, like, out of college now. But I told the front desk what had happened because they didn't know, because he didn't know that this was a thing that needed to be reported, so they didn't know and I told them even though he's an employee and as such should probably-- the assumption would be be able to care for himself, I was very clear you need to call his mother or father and tell them that he needs to go to the hospital to get rabies shots because he also handled the bat. And then it was after we had gotten home from the

hospital and we were putting the kids to bed that my kid told me that, in fact, there was another kid present when this happened who also touched the bat. So then I had to find the family, the parent directory of the childcare, it was 10:30 or 11:00 at night on a Friday, I had to find the phone number of the parents and call them. And, of course, they didn't answer because it was a stranger's number because I've never called them before. So then I had to text them and say, hey, I'm so-and-so's mom, this happened. And then they gave me a call panic stricken, as you would think, and I was, like, my kid just told me this. I don't know, they're four, I'm not clear. So then they woke up their kid and asked them questions and the kid was, like,--

**KELLY:** One minute.

**M. CAVANAUGH:** --oh, yeah, the bat, the bat. And so then they went to the emergency room and that's how I got to know and become friends with Amanda and Andrew, the parents. And it has been, oh, gosh, five or six years since then and we still know each other and still have a wonderful time together. Odd, odd ways to create friendships, but late at night connecting over potential rabies. That was how I became friends with them and turned out that the bat did not have rabies. We were able to locate the bat because it was, in fact, dead and have it tested and it did not have rabies. So it all worked out OK, not so much for the bat, but for everybody else. Again, taking your kid to get rabies shots, not fun, not fun at all. And that--

**KELLY:** That your time, Senator,--

**M. CAVANAUGH:** Thank you.

**KELLY:** --and you're next in the queue.

**M. CAVANAUGH:** Thank you. I had a feeling. So that was, that thought of the bat was spurred from debris from space. I said it was a thin thread, a thread, but a thin thread. OK. So back to LB191 and AM1330 and I was at-- oh, is this my last time?

**KELLY:** It's your second time.

**M. CAVANAUGH:** I have one more time?

**KELLY:** One more and then you're close.

**M. CAVANAUGH:** OK.

**KELLY:** Just one more.

**M. CAVANAUGH:** Just my close? OK.

**KELLY:** Yes.

**M. CAVANAUGH:** OK. Well, in that case, if anyone would like to get in the queue and yield me time, I would be happy to take it. OK. So: Priority access means access at least equal to that provided to hospitality [SIC] and medical personnel, law enforcement personnel, or other emergency responders; Utility means any legal entity, including a political subdivision, that owns or operates a utility system, or any part thereof, in this state; Utility system means the physical and cyber assets and infrastructure used in providing utility services to wholesale or retail customers. Utility system includes electrical, gas, water, steam, sewage, and telecommunications services. Purpose of the Critical Infrastructure Utility Worker Protection Act are-- OK, so-- (1) Provide for protection of critical infrastructure utility workers during any civil defense emergency, disaster-- civil defense emergency, disaster, or emergency; (2) Provide priority access to personal protective equipment; medical screening, testing, and preventative health services; medical treatment; and the administration of vaccines for critical infrastructure utility workers in the event of an emergency involving a severe threat to health-- human health; and (3) Authorize and state-- Authorize federal and state financial aid for critical infrastructure utility workers during any civil defense emergency, disaster, or emergency revolving-- revolving-- involving a severe threat to human health. Section 4: Utilities shall maintain a list of critical infrastructure utility workers by position description without listing individual names. The list shall not be deemed a public record subject to disclosure pursuant to 84-712 to 84-712.09, but shall be made available to the Nebraska Emergency Management Agency upon request. This shall be kept confidential by the agency. OK. Section 5. In the event of any civil defense emergency, disaster, or emergency involving a severe threat to human health, the Governor shall: (1) Ensure that critical infrastructure utility workers are provided priority access to personal protective equipment, medical screening, testing, preventative health services, medical treatment, and the

administration of vaccines approved by the federal Food and Drug Administration; and (2) Shall take all necessary measures to provide of available federal funding for the adequate protection and care of critical infrastructure utility--

**KELLY:** One minute.

**M. CAVANAUGH:** --workers-- thank you, Mr. President-- critical care infrastructure utility workers in accordance with federal law and regulations regarding eligibility for such funding. I am about out of time on my last time on this motion so if anybody would like to yield me time I would happily take it and I am going to pick backup-- sparked my interest on the other public records disclosure part of this. So on the next time on the mike, I'm going to be looking up that part of the statute 84-712 to 84-712.09. So with that, I'm probably almost getting close to being out of time and I am just--

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

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

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

**HUNT:** Thanks, Mr. President. I'll yield this time to Senator Machaela Cavanaugh.

**KELLY:** Senator Cavanaugh, that's 4:55.

**M. CAVANAUGH:** Thank you, Senator Hunt. OK. I was going to look up 84-712 to 84-712.09 so I got to get back to the search function here. This will be your waiting music, doo doo doo doo doo doo doo doo doo doo, while I am searching for the statute, doo doo doo doo doo, 84-712. OK, that was your hold music, 84-712: Public records; free examination; memorandum and abstracts, copies; and fees. So an-- before I dig into this, an interesting thing about when you are reading legislation and you've got your bill and at the top, at the very top of any bill, it has, like, this little, pretty much the same block, and it lists out the areas of statute that the bill is-- we say opening up. Probably, we say opening up because, literally, if you look at the front of the room, there are all these lovely bound books of statutes and you open the book up to that statute, to that area. So



we are opening up that part of the statute and we are plopping new language into it. But if you really want to dig in to what you are doing in policy you would open it up. You could do it online or you could go up to the front of the room or the back of the room or your offices where you have a set of the statutes and you could get into the book and open up and see what statute and what is the language around what you are trying to insert. And then in the bill itself, it references other statutes sometimes because sometimes what you are doing is-- has definitions in it, which this one particularly does, or it relates to or has to make changes to other statutes to make the changes that you're making. So if you really want to learn about how the process works, the legal side of it all, open it up. And in this amendment it says: The list shall not be deemed a public record subject to disclosure pursuant to sections 84-172. So I want to know what 84-172 is all about because we are saying it is not pursuant to that disclosure, the disclosure that is required in 84-712 is not required in this bill and it is explicitly stated that it is not required, which to me tells me that if it weren't explicitly stated then it would automatically be required to have a public records standard. So-- and I-- in reading what this does and in conversations that I've had and reading over the testimony, I understand why, I think. I think I understand why we would make this exception on public records, why we would want this particular piece of legislation, this particular part of this particular piece to be exempt from the public records statutes. But we are doing something that could potentially diminish oversight, public oversight, specifically,--

**KELLY:** One minute.

**M. CAVANAUGH:** --so we shouldn't do that without being diligent. And that is why I am now reading the public records, free examination, memorandum and abstract, copies, and fees to see what exactly it is we are saying they do not have to do in this amendment. OK. That is my tutorial on how to read a bill for this go round. I think I am almost out of time, yet again, so I'm probably not going to start on the public records but is referencing-- I am looking at page 2, lines 11 through 16 or Section 4 of AM1330 for LB191. And that is where I see the statute that has brought me to my computer to look at the public records.

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

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

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

**CONRAD:** Thank you, Mr. President. I'd yield my time to Senator Cavanaugh.

**KELLY:** Senator Cavanaugh, that's 4:55.

**M. CAVANAUGH:** Thank you, Mr. President. Thank you, Senator Conrad. OK. Public records: (1) Except as otherwise expressly provided by statute, all citizens of this state and all other persons interested in the state-- interested in the examination of the public records as defined in Section-- oh, another part-- oh, as defined in Section 84-712.01-- OK, and we go all the way to .09-- are hereby fully empowered and authorized to an examination of such records and make a memorandum, copies using their own copying or photocopying equipment in accordance with subsection (2) of this section, and abstracts therefrom, all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business and (b) except-- and (b) except if federal copyright law otherwise provides, obtain copies of public records in accordance with subsection (3) of this section during the hours the respective offices may be kept open for the ordinary transaction of business. (2) Copies may be made by citizens or others-- other persons using their own copying or photocopying equipment pursuant to subdivision (1)(a) of this section shall be made on the premise of the custodian of the public record or at a location mutually agreed to by the requester of the-- the requester and the custodian. (3)(a) Copies may be obtained pursuant to subdivision (1)(b) of this section only if the custodian has copying equipment reasonably available. Such copies may be obtained in any form designated by the requester in which the public record is maintained or produced, including, but not limited to, printouts, electronic data, discs, tapes, and photocopies. This section shall not be construed to require a custodian to copy any public record that is available to the requester on the custodian's website on the Internet. The custodian of the public record is required to provide the location of the public record on the Internet to the requester. If the requester does not have reasonable access to the Internet due to lack of computer, lack of Internet availability, or inability to use the

computer or the Internet, the custodian shall produce copies for the requester. This reminds me I'm still working on my public records request around the Managed Care Organization's contracts. I continue to have a back and forth with the department on my requests. You may recall my initial request back in early January yielded a \$64,000 cost to which I can't afford and not in my office budget, and I didn't want to ask the Executive Board to authorize a \$64,000 payment for the public records mostly because I thought that that was bananas and, frankly, out of line and should never have been sent. But I have been working with them to narrow the scope of my requests so that they don't feel compelled to charge me, even though I think the courts--

**KELLY:** One minute.

**M. CAVANAUGH:** --would probably argue that I don't need to be doing that. But I do want to make sure that I am getting what I want and need, not just everything and the kitchen sink, so if that is going to result in less staff time, ultimately, by working with them to narrow the scope that is what I am going to do. I still stand by the fact that I don't believe that they should be charging the Legislature for public records requests. However, I am willing to work on them-- with them to reduce the amount of staff time so that I can get what it is that I'm actually looking for, which they know what I'm looking for so it does feel a little bit like they're playing games with me and acting like they-- this has to be so prescribed. What I'm essentially looking for is what was the conversation around the contract leading up to the contract being awarded to a new bidder who had the director of Health and Human Services and the chief of staff to the Governor listed as their reference?

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

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

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

**DAY:** Thank you, Mr. President. I would like to yield my time to Senator Machaela Cavanaugh.

**KELLY:** Senator Cavanaugh, you have 4:55 seconds.

**M. CAVANAUGH:** Thank you, Mr. President. OK, so the reason I'm talking about the public records piece is because, obviously, I, I have a long-standing history of a concern about public records, public records requests, and transparency. I do think that it is important for us as a Legislature to maintain control over government oversight because that is one of our main responsibilities in addition to the budget. So when we are looking to specifically exempt that sort of oversight in statute, I think it's important to dig in on it. So with that said, I had previously stated that I thought that it was appropriate to withhold it. And here is why I think it is appropriate: Utilities shall maintain a list of critical infrastructure utility workers by position description without listing individual names and the list shall not be deemed a public record. There are-- we don't generally say-- require people to make it a public record the name of an employee at a specific position. So having a utility worker's name, and especially if we're dealing with a crisis and it just, it, it, it opens up a layer of bureaucracy around the position that is probably not appropriate. However, I can always be open to the conversation and persuaded that I'm wrong. But in this particular instance, I believe that I am supportive of this exemption from the public records statute, though I welcome anyone challenging that perspective. And now onto Section 5 of AM1330: In the event of any civil defense emergency, disaster, or emergency involving a severe threat to human health, the Governor shall: (1) Ensure that critical infrastructure utility workers are provided priority access to personal protective equipment, medical screening, testing, preventative health services, medical treatment, and the administration of vaccines approved by the federal Food and Drug Administration; and (2) Take all necessary measures to provide available federal funding for the adequate protection and care of critical infrastructure utility workers in accordance with the federal law and regulations regarding eligibility for such funding. Section 6: 48-010.01 [SIC-- 48-101.01] Revised Statutes Cumulative Supplement, 2022, is amended to read: 48-101.01 (1) The Legislature finds and declares: (a) The occupants of first responders are recognized as stressful-- the occupa-- occupants-- occupations-- the occupations-- The occupations of first responders are recognized as stressful occupations. Only our nation's combat soldiers endure more stress. Similar to military personnel, first responders face unique and uniquely dangerous risks in their sworn mission to keep the public safe. They rely on each other for survival to protect the communities

they serve; (b) On any given day, first responders can be called on to make life and death decisions, witness a young child dying with the child's grief-stricken family,--

**KELLY:** One minute.

**M. CAVANAUGH:** --thank you, Mr. President-- make a decision that will affect a community member for the rest of such person's life, or be exposed to a myriad of communicable diseases known-- and known carcinogens; (c) On any given day, first responders protect high-risk individuals for [SIC] themselves and protect the community from such individuals; (d) First responders are constantly at significant risk of bodily harm or physical assault while they perform their duties; (e) Constant, cumulative exposure to horrific events makes-- make first responders uniquely susceptible to the emotional and behavioral impacts of job-related stressors.

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

**M. CAVANAUGH:** Thank you.

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

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I stand opposed to the recommit to committee and would ask that Senator Machaela Cavanaugh, please yield to a question.

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

**M. CAVANAUGH:** Yes.

**BLOOD:** Senator Cavanaugh, are you familiar with the Flatwater Free Press lawsuit that pertains to public information?

**M. CAVANAUGH:** I am extremely familiar with it. Yes.

**BLOOD:** So they were given a bill for \$44,103, I believe.

**M. CAVANAUGH:** Nothing compared to my bill. Just kidding.

**BLOOD:** Not compared to your bill.

**M. CAVANAUGH:** Just kidding.

**BLOOD:** And, and all they were asking for were four words, which I wrote down so I don't-- I'm not redundant: nitrates, nitrogen, nutrient, and fertilizer. Have you ever searched your email before for a particular word to try and find an email?

**M. CAVANAUGH:** Yes, I have.

**BLOOD:** And did that take you \$44,000 worth of hours to find?

**M. CAVANAUGH:** Well, my time is very valuable--

**BLOOD:** It is indeed.

**M. CAVANAUGH:** --but I don't charge that amount for five minutes of it.

**BLOOD:** So even though the office of, the, the chief officer for the office of Information here in, in the Capitol said that they could do it quite easily, it was NDEE's excuse that they wanted each individual employee to find them on their own and make their own decision as to whether it pertained to those four words. So the one thing that I want to say listening to what you have to say, remembering that, that what happened with our media, we always talk about people's rights. Right? We have a right to information and to know what's going on in our government. But it seems like whenever we try and exercise that right, we have to go to court which is, as you like to say, bananas. Right? So I just want to make sure that people are aware that while we're constantly talking about rights, constitutional rights, this year seems to be about if we don't agree or like where you're going with a question or with a cause, we're going to pretend that your rights don't really count just our rights. With that, I would yield any time I have left to Senator Cavanaugh.

**KELLY:** Senator Cavanaugh, the rest of the time is 2:42.

**M. CAVANAUGH:** Thank you, Mr. President. Thank you, Senator Blood. Yes, yes, public information and our rights, they're kind of tied together, really. And it is essential that we have an open and transparent government. And when we have that open and transparent government, we really make it so that we are functioning with the highest level of integrity and accountability. So let's maintain that, shall we? OK. So

I was on page 3 talking about first responders of LB191, AM1330, and I think I was on line 17: (f) Trauma-related injuries can become overwhelming and manifest in post-traumatic stress, which may result in substance use disorders even, tragically, suicide; and it is-- (g) It is imperative for society to recognize occupational injuries related to post-traumatic stress and to promptly seek diagnosis and treatment without stigma. This includes recognizing that mental injury and mental illness as a result of trauma is not disordered, but is a normal and natural human response to trauma, the negative effects of which can be ameliorated through--

**KELLY:** One minute.

**M. CAVANAUGH:** --thank you-- diagnosis and effective treatment. (2) Personal injury includes mental injuries and mental illness unaccompanied by physical injury for an employee who is a first responder, frontline state employee, or county correctional officer if such employee-- and it goes on to describe but I don't have time to start on that yet and I just want to go back to the word ameliorated. That's just a fun word. Ameliorated. A word that my-- the other Senator Cavanaugh really likes is bifurcate. And I am going to find ways to use ameliorated in my everyday conversation from now on. I'm going to have to look it up first to make sure I'm using it appropriately because I generally don't know what it means but it's a fun word. Ameliorated. Just say it again until I am told time. Ameliorated.

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

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

**KELLY:** Senator Conrad, you recognized to speak, and this is your third time on the motion.

**CONRAD:** Thank you, Mr. President. And I just have a, a couple of items to add to the discussion in regards to open government and I'm glad that Senator Cavanaugh opened up this thread of debate this morning. As a longtime proponent of open government and honoring the proud traditions of this state through our strong public meetings laws and our strong public records laws, the rules and traditions of this proud institution which honor the input and feedback and participation of

our second house, not only in hearings but in, in observation of the Legislature, there is no doubt that these tools, which have long enjoyed strong bipartisan support or really across the state, across generations, across the political spectrum, are increasingly under pressure due to changes in technology, due to increased partisanship. And we've seen, of course, some very alarming examples on display during this legislative session itself in regards to those good government components and tools that ensure citizen participation and oversight. I anticipate that we'll have many more instances to talk about open records issues in this session and beyond. I did want to highlight for the body that I have a measure pending in the Government Committee that I will continue to try and work on to advance to update and strengthen our strong public records framework that should be available for all citizens for any reason that want to keep tabs on what their government is doing in their name and with their resources. As Senator Cavanaugh noted, and all of us are very familiar with, there has been this disturbing trend in recent years from local governments to state government agencies to delay responses to open records request to send extraordinary cost estimates to reporters, to senators, to everyday citizens to fulfill those requests. And that pattern and practice cannot go unchecked. And we really need to ensure that we are coming together to figure out a way to honor those traditions, to strengthen those laws, and to ensure that they work for not only policymakers but for all citizens to keep tabs on their government which is their right and, in many instances, their duty and something that we should put aside any sort of partisan difference to ensure that those rights are maintained and robust. I definitely want to also acknowledge that, you know, I have frequently utilized public records as a civil rights attorney, a government watchdog, working as part of a government watchdog organization to keep tabs on government as well. And in many of those high-profile cases where we saw pushback and defensiveness from public entities and have had to turn to the courts, there have been successful reaffirmation from our courts in regards to the spirit and intent of our public records law. But it shouldn't have to come to that. It shouldn't have to come to everyday citizens having to turn to their courts to ensure that their government is responsive to their requests. And that's something that I, I really do want to put a fine point on so that we can continue to work on that from the Government Committee and, and through this body, perhaps not at this session--



**KELLY:** One minute.

**CONRAD:** --but over the interim and, and to next session as well. I only have a minute left, so I don't know if Senator Cavanaugh is interested in having that time, but I do just want to note that I will be available to answer any questions in relation to open records work that has prompted some news stories about issues pending before the Legislature this year as well and will look forward to continuing that dialogue with my colleagues to show how utilization of open records laws can help to get a better understanding and context of some of the issues that are before us and how seemingly neutral institutions have been weaponized for political gain. Thank you, Mr. President.

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

**ERDMAN:** Thank you, Mr. President. Good morning. Thought I'd share a little good news. I had a picture sent to me this morning by my son who lives in Gering and his rain gauge had an inch of water in it. He was concerned that somebody might have been playing a trick on him because we haven't had that much in years. So I appreciate that. Thank God for the rain. So here we are again running the sixty-fifth day, sixty-sixth day of the filibuster, and we have been going over and over and over LB191. When this filibuster ends, I would predict this bill will probably pass 48, 47, 48 yes votes. But we're going to continue to yield time to Senator Cavanaugh so she can talk about where her parents used to live or where she lives or her pets. We can talk about-- she can talk about how disrespectful we are when she does call of the house for dilatory purposes that we should be quiet when we have call of the house. We can listen to her lecture us on how disrespectful it is to the people in the front when I call the question and they have to record all that. When, in fact, she takes no regard, none, for the people that spent thousands and thousands of hours preparing bills this last offseason coming and testifying at the hearings and the second house doesn't mean a thing. And she talks about us having disrespect for the institution. Who has disrespect for the institution is Senator Cavanaugh and those who have been aiding her in her efforts to filibuster. I don't vote for call of the house when it's a dilatory purpose after the 12th time that day. And when we come back and vote on a recommit or reconsider or whatever motion she may put up there, it fails 46 to nothing. I understand what that

means. So if you want to have respect for yourself and the institution, move on with passing bills and doing the things that you've sent us here to do. And by the way, the freshmen that are here probably have never heard of the consent calendar. The consent calendar is used for bills that are not controversial, come out of committee 8-0, have no opposition testimony, maybe a cleanup bill changing the date or something in a statute. We won't use the consent calendar this year because it only takes three senators to write a letter to withdraw something from the consent calendar. So that's not going to be an option. So we're going to continue this, I believe, until they get tired or whatever, they get what they want. I'm not sure what that is, but when this session is done we will have accomplished some things that are very significant. But we will leave a lot of things on the table that the people in Nebraska have worked hard to bring to us for our consideration. When Senator Chambers was here, and I served with him for several years, he had respect for the institution. Senator Chambers would hold us up for a time, but he knew when it was time to let things move on. Senator Chambers did have respect for others--

**KELLY:** One minute.

**ERDMAN:** --and the Chamber and the institution. We don't find that today. So to say I'm a little frustrated is maybe an understatement. So what I have said today, there's probably 40 people in this room that agree with me and there's thousands watching that agree with me. Thousands. It's time for us to put aside what our personal opinions are about things and understand that when you vote and there's more votes on one side than the other, the one that has the most votes wins. That's how this works. But we have a Unicameral and so a small minority of people can control what happens here, irregardless of what the second house wants or the majority. Thank you.

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

**HUNT:** Thank you, Mr. President. Senator Erdman, you do know what we want. So don't say I don't know what they want, whatever that is. You do know what we want, and we're doing what it takes and we're doing what needs to be done to hold down the fort while others work on finding a path out of the discord of this session. And Senator

Chambers, who you respect so much for respecting this institution, he supports what we're doing and he has been directly helpful to us in what we're doing every day, every step of the way. Because, as you say, yes, he does respect the institution and he recognizes what a small group of radical bullies have done in this institution to affect the people of Nebraska. And at least seven senators have spoken to me personally, to Senator Conrad, to Senator John Cavanaugh, to, to any of us, to all of us who have been ostensibly involved in this, about the fact that they want out of this, they don't want to vote for the hateful, bigoted, discriminatory bills that are holding this Chamber hostage. And something has, has changed in the culture here where we have freshmen, we have members who are not willing to have courage and stand up to the powers that be. And we are holding down the fort while cooler heads work our way out of that. And that's fine. My concern is about the use of child labor growing in our country and how that could also seep into policy work and bills that we're considering in future years. The Economic Policy Institute did a report that they just released about two weeks ago that examines child labor laws across the country and how they are under attack in our states. There's increasing child labor violations and lawmakers are not strengthening standards for child labor. And the report found that states across the country are attempting to weaken child labor protections just as violations of these standards are rising. It says this report identifies bills weakening child labor standards in ten states that have been introduced or passed in the past two years alone. It provides background on child labor standards and the coordinated push to weaken them, discusses the context in which these laws are being changed, and explains the connection between child labor and the United States as broken immigration system. It also provides data showing that declines in labor force participation among young adults reflect decisions to obtain more education in order to increase their long-term employability and earnings, and that nearly all youth currently seeking work report being able to find it. That's wild. This matters because federal law is protecting minimum protections for child labor. These laws were enacted nearly a century ago, and at that time a lot of kids were working in grueling and dangerous jobs. They weren't going to school. They were living at factories, things like this. And we think that that's a thing of the past. But, in fact, violations in child labor are on the rise. And what's also on the rise is attempts of state lawmakers to weaken the standards that protect

children in the workplace. So this report is good because it provides policy recommendations for lawmakers at the state level. That's us. It recommends that at the federal level, Congress should heed calls to increase penalties for child labor violations and address chronic underfunding of agencies that enforce labor--

**KELLY:** One minute.

**HUNT:** --standards-- thank you, Mr. President-- eliminate occupational carve outs that allow for weaker standards in agricultural employment, pass the Protecting the Right to Organize Act, implement immigration reforms that curb the exploitation of unauthorized immigrants and unaccompanied migrant youth. At the state level, lawmakers should eliminate subminimum wages for youth and raise the minimum wage, eliminate the two-tiered system that fails to protect children from hazardous or excessive work in agriculture, strengthen labor standards enforcement, and empower young people to build and strengthen unions. And these are the recommendations of the Economic Policy Institute. We know, especially in Nebraska, that these child labor violations are on the rise in meatpacking plants, in factories, in laundering facilities, and that even in Nebraska, a child this year received a horrible burn and it was found that that child who wasn't old enough to work--

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

**HUNT:** --was working an overnight shift. Thanks, Mr. President.

**KELLY:** Thank you, Senator Hunt. Senator Day, you're recognized to speak and waives. Senator Erdman, you're recognized to speak.

**ERDMAN:** Thank you, Mr. President. So let me finish up with a few things that I didn't have time to say before. The Constitution of the United States in Nebraska is written for a moral society. The rules of this body are written for people who have respect for the institution and common sense. We are going to have more rule changes. In fact, we may start at page one and just rewrite the whole book. I can't in good conscience go home to my district and encourage someone to come and fill this position when I term out to sit and listen to what we've been listening to for 66 days. So it behooves us, and especially those of us on the Rules Committee, to make sure that we've written rules

that try to apply common sense. And it's difficult to pass legislation or rules to make common sense the norm for, you see, common sense is a flower that doesn't grow in everybody's garden. I get that. But there are going to be rule changes and they're going to be rule changes that are going to affect the way this body functions in the future that are not going to be good for those who come after us who do have common sense. And I had mentioned Senator Chambers in my earlier remarks and Senator Chambers may very well be in support of what you're doing. I don't know that. I haven't spoken to him. But I do know this, that Senator Chambers and I had numerous discussions about things and we could talk about them and we came to a conclusion as to what was best and what needed to happen. Did we agree? No, not always or maybe should I say seldom. But the point was he had respect for others and we tried to respect him likewise. So there will be rule changes and they'll be significant because people that are watching this, that are thinking about signing up for this job are considering why would I want to put myself through what these people have done for 66 days? And the other issue that really bothers me is the amount of time that we're placing in this Chamber for late hour, late night discussion of the State Patrol, the folks in the red jackets, the people that sit up front, this is an issue that needs to be dealt with. And so, yes, there will be rule changes and there will be rule changes before this session ends. Thank you.

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

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, well, as Senator Hunt said, you know why I'm doing this. You know why I'm doing this, you don't like it, you don't agree with it, you know why I'm doing this. I've taken a vast amount of feedback, call it feedback, on my style, the content, etcetera, of when I am talking on the mike. And when it hasn't been curse words and slurs, I've taken it into consideration. Can't do anything about my weight. Sorry. I mean, I can, but I can't, like, immediately do anything about my weight. So sorry for that one and I am a "bunt" so I guess that's just what it is. But I do take into consideration feedback, and I have moderated my tone, try to take the temperature down, try to keep it focused on the content, work within the rules and I'm not going to stop doing what I am doing until something changes and everyone and their dog knows that. So if you think somehow trying to attempt to publicly shame me

is going to change that, it is not. What it does is jeopardize the very delicate balance that exists in this Chamber of moderated tone and process, because I can be doing things in a much less pleasant way than I currently am doing them and I will if people continue to lecture me about me on the microphone. You can talk about what you want to talk about. If you want to talk about me, talk about me. It would be great if other people would recognize that that keeps happening. People that go around saying that they don't like my tone but never recognize when people are constantly saying personal criticisms of me and Senator Hunt on the microphone. Somehow that goes without recognition, whatsoever, but my tone is the problem. My tone is the problem. You need something from me right now, you need something from me right now and Senator Erdman is jeopardizing that. With LB191, you need something from me. Whoever's bills are in LB191, you need something from me and Senator Erdman is jeopardizing that with the way that he's talking about me--

**KELLY:** One minute.

**M. CAVANAUGH:** --and Senator Hunt on the microphone, he is jeopardizing what you need from me. And when you don't get what you need from me on LB191, you can go and thank Senator Erdman. I am being nice. I am being collegial. I am playing along to get along. But I don't have to and I won't if others behave this way. So let's have a call of the house and a roll call vote. Thank you, Mr. President.

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

**KELLY:** The house is under call. Senators, please record your presence. All 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 Linehan has some guests in the north balcony, fourth graders from Fire Ridge Elementary in Omaha. Please stand and be recognized by your Nebraska Legislature. Senators Fredrickson, Ibach, and Hunt, please return to the Chamber and record your presence. The house is under call. All unexcused

senators are present. Members, the question is the motion to recommit. There's been a request for a roll call vote. Mr. Clerk.

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz. 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 voting no. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting no. 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 voting no. Senator Hunt voting no. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth. 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. Senator Vargas. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne voting no. Senator Wishart voting no. Vote is 0 ayes, 44 nays, Mr. President on the motion to recommit.

**KELLY:** The motion fails. Raise the call. Mr. Clerk, for Items.

**CLERK:** Mr. President, committee report from the Judiciary Committee, concerning gubernatorial appointment of Robey L. Jeffreys, director of the Department of Correctional Services. Additionally, committee report, your Committee on Urban Affairs, chaired by Senator McKinney, reports LB533 to General File. New A bill, LB243A, introduced by Senator Briese. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB243. Concerning LB191, Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote on motion 351.

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

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I get 10 minutes to open. I'm next in the queue. That's another 5 minutes. Then 5

minutes to close, if I don't get in the queue again. And we have 16 minutes or less left on this bill and we haven't gotten to the committee amendment yet. I am serious. This is serious business and I am serious. I am also furious. You don't like my tone, you don't like what I'm doing and you don't stand up for Steve Erd-- Steve Erdman disrupting the delicate balance that is happening in this Chamber. And you want me to stand aside so you can get your bills attached, not just on this bill, on others. And I have. I've worked with the introducers, I've worked with the committee chairs. I've got amendments moved together, packaged together, moved along. I have done that. I have worked with Senator Lowe. I have worked with Senator Bostelman. I have worked with Senator Brewer. I have worked with Senator Linehan. I continue to work with the chairs of the committees that are putting packages together to get those amendments attached to the bills on the board, while also working to try and get the hearts and minds of this body to change on an issue that is of the utmost, utmost importance to me. And you let Senator Erdman just pop off like that, like nobody's business and there's no repercussions for it, whatsoever. But there are repercussions, colleagues. The repercussions are I don't have to be nice. I don't have to let bills get attached to other bills. But I do. Because I care about this institution, more than most of you do. I care about this institution. I care about the work. I care about progress. I care about this state. So I do. Even when people are rude to me. I do. I am upset and I am offended constantly, by all of you. And I have spent the past three days taking time on bills, taking as much care as I can to stay on the topic at hand as much as I can. I have taken significant care to push down my personal feelings about how everything is being handled in here, about how everyone is treating myself and Senator Hunt and stay on the topic at hand. You all cannot afford Senator Erdman to get on the microphone like that. You can't. I own the board right now. And if I don't want the committee amendment to get on today, it does not get on. You can not afford Senator Erdman to behave that way. But you allow it. You allow it over and over again. You allow it and you even reward it. You even reward it. I have worked with you. I have worked with you all, over and over again. You come to me about wanting to get something attached and I stand out of the way. I stand down and I let it happen. But don't for a second think, don't for a second think that I can't stop it. I can. It is a choice I make every single time. I can stop



it. And I will, if I choose to. How much time do I have left, Mr. President?

**KELLY:** 5 minutes, 33 seconds.

**M. CAVANAUGH:** Thank you, Mr. President. Well, I think I have expended all the energy that I absolutely care to expend on Senator Steve Erdman today. So I'm going to start talking about other things. You know what I'm going to talk about? Whatever I want. I want a puppy. I do. I would love to get a puppy, but that would be insane. Why would I get a puppy? I'm never home. I'm never home. My husband does not particularly want a puppy, another reason not to get a puppy. And I don't have a fence. So my goal during the interim is to get a fence. And my husband is very nervous about this being my goal, because my oldest child has wanted a puppy for several years. They have been angling for a puppy for several years. And I've always said, well, we don't have a fence. So that's a starting point. Like, we don't have a fence, we can't have a puppy. But I really, I really want a puppy. So this is like a subversive, we're teaming up together tactic. We will get a puppy. It probably won't be until I'm termed out of here, because I do think that having me in the Legislature and a puppy is probably just a little too far to go of things I ask of my husband. So, I want a puppy. I just wanted to talk about that. I want a puppy. I do not want a cat. I've previously talked about I'm not a cat person. I'm not not a cat person. Like, I don't hate cats. I'm not one of those people that's like you either love them or you hate them. I'm fine. If you come-- if a cat comes crawling up here and, like, just rubbing its back along my thing, I will pet it. I am a sucker. I will pet you. Even if you are irritating me and I want you to get away, I will pet you. But I'm not a cat person. I'm just not a cat person. So, so I'm not going to get a cat. And they shed a lot. Like, the only way to get a cat that doesn't shed a lot is to get, like, one of those, like, furless cats. And that's just kind of-- apologies to anyone who has a furless cat and I'm sure, I'm sure it's a lovely animal. They just don't look snuggly to me and I want a snuggly thing. So I have to-- we'll have to get a dog that is compatible with allergies. I have allergies. My husband's allergic to dogs. I have all kinds of allergies. I'm allergic to, like, the world, certainly people. But, yes, I want to get a dog. And I don't know what kind. Like, I'd love a lab or a golden retriever. I think it would be fun for, maybe, a day to have whatever the dog is in the movie Beethoven. But that's a lot

of slobber to have every day in your life. And so, I don't think I want a particularly slobbery dog, but I don't know, maybe I do. This goes to 11:18. Yes, 11:18. So that is in 7 minutes. How much time do I have left on my opening?

**KELLY:** 1:50.

**M. CAVANAUGH:** 1:50. OK. Well, 1:50, and then I have the next 5 minutes and I'm just contemplating. I'm contemplating. Seven minutes. It would certainly be unprecedented to not allow the committee amendment to get on, on General File. I don't know that that's ever happened.

**KELLY:** One minute.

**M. CAVANAUGH:** Thank you, Mr. President. So there's that. There are things to weigh. I think one of the things that sort of gets under my skin about people making comments about my, my respect for the institution, is that I respect the institution so much. And I get my pet peeve, y'all, my pet peeve with y'all is the behavior in the Chamber. Like I am channeling Patrick O'Donnell in a way I never thought I would, but I'm like, people, you are not being respectful in this chamber, having meetings during committee chair, elections on the floor. What on earth--

**KELLY:** That's your term, Senator thinking.

**M. CAVANAUGH:** --are you thinking? Thank you, Mr. President.

**KELLY:** Senator Albrecht has some guests in the north balcony, 15 Fremont home-schoolers. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. I was just informed a minute ago that Senator Riepe voted to move SNAP out of HHS. And he knows how much that means to me and how much that means to 10,000 Nebraska families. And I would like to thank him for that by ignoring the rudeness of Senator Erdman and I will withdraw my motion to reconsider and allow for this amendment, allow for this amendment to be attached on General File. Thank you, Senator Riepe. Thank you, Senator Day, for bringing the bill. I withdraw my motion.

**KELLY:** The motion is withdrawn. Mr. Clark. Senator Riepe, you are recognized to open on the committee amendments.

**RIEPE:** Thank you, Mr. President. And thank you, Senator Cavanaugh. I appreciate your consideration. As already mentioned previously, committee Amendment, AM1330 contains closely related consent calendar type bills that address issues of business and labor throughout the state. AM1330 includes a striking provision of LB191 in its entirety and also includes provisions of LB 267, LB460, LB639, LB671, LB666, LB7-- or LB427 and amended provisions of LB249. Yesterday, we heard from each of the Senators introducing legislation in this bill. We have also heard from the Business and Labor Committee members and other senators from both parties and showed their support for LB191 as amended by AM1330. I will urge you to vote green on the, on the vote for LB199 and its amendments. I would like to review that a bit with the time that I have remaining and that is LB267. It was introduced by Senator Brewer and it provides for the prioritization of resources for the protection of critical infra-- infrastructure utility workers during any civil defense emergency. It also provides for priority access to personal protective equipment, medical screening, testing, preventive health services, medical treatment and the administration of vaccines, in the event of an emergency involving a severe, severe threat of human, human health. LB460, which was introduced by Senator McDonnell, relates to mental health injuries or mental illnesses from Nebraska's first responders pursuant to the Nebraska Workers Compensation Act. LBB460 provides for reimbursement for the Department of Health and Human Services for the costs of mental health examinations and resilience training. In the event no reimbursement by the first-- I'm sorry-- and to the extent not reimbursed by the first responder's employer. LB639, introduced by Senator Blood, amends provisions of Nebraska's Worker's Compensation Act relating to rules and regulations, case progression standards and summons and eliminates requirements to distribute copies of certain materials. LB671, introduced by Senator Hansen, amends the Nebraska Training and Support Cash Fund to be used for the retention of existing employees of Nebraska businesses. LB666, a bill I introduced, changes provisions in the employment security law, allowing employers the ability to choose a preferred method of documentation and document delivery and extending the deadline for employees to submit voluntary contributions to the Nebraska Department of Labor from January 10 to February 28.

LB427, another bill I introduced, standardizes the fee for in-state and out-of-state contractors and eliminates the additional fee for each additional project assessed against out-of-state contractors under the Contractor Registration Act. I might remind you at this point, this was where we were spending more money to collect the money than we were receiving. And so it was, I would simply call that a common-sense action. LB249 as amended by AM400, introduced by Senator Briese, makes several changes to the Rural Workforce Housing Investment Act. Also, after debate has ceased for AM1-- AM1330, I will discuss an amendment to the committee amendment, consisting of Section 8 of LB818 which amends Nebraska Revenue statute, Section 48-145 to providing certain assessments made on self-insurance employers, currently directed to the general fund-- instead of and it will direct it from the general fund to the compensation court com-- cash fund directly. And this will keep them solvent. We currently have an issue where two-thirds of the funds coming into-- on workers compensation currently go to the general fund. We've spoken with Chairman Clements about this and he is supportive of this redirection of the money over to the-- directly to the compensation cash fund. Part of the reason that we need added funds, as well, in the Department of, of Labor is that we now have a different facility when this was first approved and with that, we have some other expenses that correspond with that. We consider all of our actions to be friendly. And with that, again, I urge you to vote green on LB191 and all of the previous, mentioned amendments as they come up. Thank you, Mr. President.

**KELLY:** Mr. Clerk, you have a motion on the desk.

**CLERK:** I do, Mr. President. Senator Halloran would move to invoke cloture pursuant to Rule 7, Section 10.

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

**HALLORAN:** Roll call vote, regular order, please.

**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; those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 22 ayes, 3 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. Senator Hughes announces some guests in the north balcony, students from Osceola Elementary School. Please stand and be recognized by your Nebraska Legislature. Senator Dover, please return to the Chamber. The house is under call. All unexcused members are present. Members, the first vote is the motion to invoke cloture. All those in favor vote aye; all those opposed vote nay. Roll call vote request. Mr. Clerk.

**CLERK:** Senator Agui- 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 voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes. 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 voting yes. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama. Senator Vargas. 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, to invoke cloture.

**KELLY:** Cloture is invoked. Members, the next vote is on the adoption of AM1330 to LB191. 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 voting

yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day. Senator, Senator DeBoer voting yes. Excuse me, Senator Day voting yes. 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 not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama. Senator Vargas. 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:** AM1330 is adopted. The next vote is on the question of the advancement of LB191 to E&R Initial. 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 voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes. 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 not voting. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama. Senator Vargas. Senator von Gillern voting yes. Senator Walz voting

yes. Senator Wayne voting yes. Senator Wishart voting yes. The vote is 45 ayes, 0 nays, on advancement of the bill, Mr. President.

**KELLY:** LB191 advances to E&R Initial. Raise the call. Raise the call. Mr. Clerk, for items.

**CLERK:** Thank you, Mr. President. Amendment to printed: Senator DeBoer to LB799A. Notice that the Retirement Committee will meet under the south balcony at 11:30. Retirement Committee under the south balcony, now. And the Education Committee will hold an executive session in hearing room 1524, at noon. Education, hearing room 1524, at noon. Next item on the agenda, Mr. President, LB562. Senator Hunt would move to indefinitely postpone the bill pursuant to Rule 6, Section 3(f).

**KELLY:** Pursuant to the rule, Senator Dorn, you are recognized to open on the bill.

**DORN:** Thank you, Mr. President. And good morning, colleagues. LB562 is my priority bill for this session. This bill was heard by the Agriculture, Agriculture Committee on February 7. The basic intent of the bill is to increase access to E15, ethanol blended gas. Nebraska is the second largest ethanol gas producer, yet we rank 45th in consumption with a 9.7% blend rate. We have every indication that gas prices will continue to rise, placing a greater financial burden on Nebraskans. This bill creates an opportunity for Nebraskans to not only save money at the pump and have cleaner air, but also to support an entire value chain. It begins in farmers' fields and ends in consumers' fuel tanks. Vehicles that are 2001 and newer are approved for E15. Since the hearing over two months ago, the proponents of the bill have given the committee six or seven variations of amendments to try to address concerns raised by the opponents and committee members. The white copy committee amendment, AM1248, is a result of fairly good consensus and gets to my goal of improving access to E15. I have given you handouts of a comparison of the original LB562, as it was introduced and as amended. It gives you a side-by-side comparison. I would encourage you to look at the committee statement and the section by section summary of the amendment. AM1248 which would replace the bill and does the following: beginning January 1 of 2024, a retail motor fuel site shall advertise and offer for sale E15 from at least 50 percent of dispensers when and this is an important when, a new retailer-- retail motor fuel site built after that date or an existing

retail motor fuel site if after that date, the retailer replaces more than 80 percent of those facilities and infrastructures. Number two, beginning January 1, 2028, existing retail motor, motor fuel sites shall offer E15 at at least one dispenser, if the statewide average ethanol blending rate for 2027 is less than 14 percent. Blend rate is determined according to Section 9 of the amendment. Waiver is an exemption portion of the amendment. The Governor may issue an executive order and waive E15 standards during times of ethanol shortage or excessive costs, creating hardships for constituents. Retailers may apply for a waiver if it costs more than \$15,000 to install infrastructure to comply. A retailer is exempt if all fuel tanks at the site are constructed of certain materials before specific dates and retailers attest to that exemption. And a retailer is exempt if a small volume retail location, retailer attests to that exemption. A little bit about the blend rates and the tax credits. E15 is defined as a gasoline that is more than 10 percent but no more than 15 percent. A year ago, we passed a \$0.05 tax credit to help retailers who sell E15 and that was approved. And like I said last year, in LB1261 by Senator Murman. We did get information from the Department of Revenue that last year there was applied for and credits were received in a little bit over \$1.5 million of E15 or higher blend. AM1248 changes the credit provisions to apply the same credit amount per gallon to all E15 or higher blends. The credit amount by year is: 2024 is \$0.08, '25 is \$0.09, '26 is \$0.08, '27 is \$0.07, and '28 is \$0.05. Those are credits that the retailer will qualify for by selling those E15 or higher blends. For calendar year '24-28, the annual limit on the tax credit is capped at \$5 million. And no new applications can be filed under the Higher Blend Tax Credit Act after December 31 of 2028. I would like to close by thanking all the people who kept working to reach this compromise. We had many hours and hours of discussion to develop this amendment. Special thanks to Micah Uher in the Bill Drafters, with his patience in drafting all of the different type of amendments. The Bill Drafters have been very busy this year and we sent multiple, different forms of amendments up there with multiple changes. I would like to thank the Agriculture Committee for their patience and for their working with, particularly Chairman Halloran, on getting this so we could have an amendment that many people could be-- came together and could be satisfied with. Thank you.



**DeBOER:** Thank you, Senator Dorn. Senator Hunt. You're welcome to open on your motion.

**HUNT:** Madam President, my first motion today is a motion to-- let's wait for the reveal. I think it might be a motion to bracket. In any case, we'll see. Once again, we are doing what needs to be done to hold down the fort while we work. Thank you. A motion to indefinitely postpone, which I knew, which I knew. We're doing what needs to be done to hold down the fort so that people can find a path out of the discord of this session. None of this discord is being driven by policy or what's best for Nebraska or what people really even think. It's driven by, you know, personal feelings about senators in this body, at this point and like, trying to teach a lesson and very tit for tat. And we're really in that position and this is probably the most high stakes negotiation I've ever been involved in. For all the, you know, education and all of the professional development type of stuff that we all get the opportunity to do as state senators, we get to go to these classes and take these courses and stuff about conflict negotiation and things like this. This is probably the most high stakes thing I've ever been involved in, and it really has to be each side giving a little bit to rebuild that trust that we need to move forward out of this, which I know all of you want. I have an amendment that I haven't filed yet, but I'm-- just between this last bill and this bill, I didn't get a chance. But given that it seems that there are a lot of mixed conclusions in the research, research about the positives and negatives of ethanol, I think if we're going to require its use and put this kind of mandate on gas stations, that we should have a scientific examination of how it's going to impact our state, specifically, more holistically. And I'm not saying that ethanol is a good thing or a bad thing. It's clear that there are lots of positives and it's clear that a lot of people have found a lot of negatives. But from doing some basic research, we see that there are negatives. And so, I think it would be good to get some recommendations and some data about how to best manage something like this for the long-term health of our state's resources. What this amendment says, it's-- which I will file, it inserts a new section, Section 16. It's the intent of this Legislature to appropriate \$150,000 and I'm open to changing that, to the University of Nebraska to carry out an ethanol sustainability study. It is further the intent of the Legislature that the University of Nebraska provide the funding appropriated in this

section, to the University of Nebraska Institute of Agriculture and Natural Resources to conduct the study. The study shall include but not be limited to: an analysis and evaluation of the short-term and long-term effects of corn-based ethanol production, including how land used to grow corn for ethanol production impacts food crop production. That's key, how using the land to make corn for ethanol production, which is different from corn for food production, how that impacts the land and the resources we have; (b) the overall life cycle of carbon emissions resulting from the use of ethanol in gasoline, including emissions resulting from changes in land use, processing and combustion necessitated by ethanol standards; (c) the effects on carbon emissions from tilling and application of nitrogen fertilizers in corn fields used to grow corn for ethanol production; (d) carbon sequestration associated with the planting of new ethanol-related cropland; (e) rates of water usage on ethanol-related cropland; and (f) the effects on natural habitats and pollinator populations of the increased use of agricultural land to grow corn for ethanol production. Section-- well, (3) says the institute may contract with a third-party, science-based organization to develop an independent report on the results of the study. The report shall be electronically submitted to the Legislature by January 1, 2025. And I'll grab a page to take this up to the amendment clerk. Thank you, Ethan. So some of the criticisms of this type of policy that we've seen pass in other states-- Iowa just passed a bill like this-- is the mandate that it puts on businesses. This bill is promoted as an access standard bill, but it is a mandate. Excuse me. This is criticisms from Americans for Prosperity. They say, LB562 is a wolf in sheep's clothing. A mandate is a mandate, regardless of it, it is for-- if it is for industry largely supported in our state. I agree with this. I'm also against mandates and I think I've been pretty consistent on that. The bill has an immediate mandate that any newly constructed motor fuel retail facilities, built after January 1, 2028, would have to offer E15 at 50 percent of the dispensers at the location. I want to know what market pressures are there-- I guess my question is how many gas stations already have E15 available at their gas stations? I'm trying to think off the top of my head. I get gas-- I get-- well, most of my driving goes between Omaha and Lincoln, so I get gas sometimes, in Gretna, I get gas sometimes, in Ashland and I get gas in Omaha and Lincoln, primarily. Although, we all get gas wherever we need to get gas. But I can't recall a single time that I didn't have the opportunity to use

E15 fuel if I wanted to. They continue: on January 1, 2024, if a fuel retailer constructs a new or substantially renovates, which, they define as replacing 80 percent or more of their fueling infrastructure-- not simply retrofits an existing motor fuel site, the retailer must advertise for and sell E15 or higher blends of fuel from at least 50 percent of all qualifying dispensers. Qualifying and not qualifying are defined in the definition section. If the 2027 statewide ethanol blend rate is before 14 percent on January 1, 2028, retailers have to make E15 available from at least one pump, unless the change would cost more than \$15,000. The bill was amended to include a grace period. The mandate goes into effect January 1, but the Department of Agriculture has no authority to enforce it until April 1, giving retailers time to comply. This was changed after opponents raised concerns that we wouldn't know the 2027 blend rate total until January, 2028. If a facility is otherwise compliant but is undergoing renovation or something that precludes them from offering the E15, they're not in violation of the act. If any location-- if at any location, the fuel storage and dispensing infrastructure is not compatible with the use of E15 gasoline and the cost to replace that infrastructure is more than \$15,000, the site would be exempt from compliance. The \$15,000 does not include advertising. The bill maintains the ability of the Governor to waive compliance with the act if there's inadequate supply or if something happens that would be an economic hardship to consumers. The bill also contains the same, quote, small facility, unquote, 300,000 gallons or less in sales exemption as to the original bill. Currently, there are quarterly reporting requirements from retailers, primarily to help track the status of reaching the 14 percent blend rate. That language is still under consideration. This bill also mirrors what we saw in the second to the last amendment to LB562: \$0.08 per gallon in 2024, \$0.09 per gallon in 2025, \$0.08 per gallon in 2026--

**DeBOER:** One minute.

**HUNT:** --thank you, Madam President-- \$0.07 per gallon in 2027 and \$0.05 per gallon in 2028, with an annual max of \$15 million. I'm still doing a little bit of research into this, but given that this is a new mandate on businesses, I'm curious about (a) how many businesses are already compliant with this without us needing to pass a law and also, just anecdotally, how many gas station operators intend to keep, you know, getting new types of the new E15 fuel mixture, whatever the

terminology is supposed to be. How many of them would do this because of natural market pressures, without needing a law to make them do it? To me, this feels like special legislation for one industry and I'm not convinced that gas station operators wouldn't do this without a law and so, I don't, I don't think it's needed. Thank you, Madam President.

**DeBOER:** Thank you, Senator Hunt. Senator Raybould, you are recognized to speak.

**RAYBOULD:** Thank you, Madam President. I just want to continue Senator Hunt's very good summary and analysis of LB562. And I'll tell you my, my version of LB562. I am a very proud member of the Agriculture Committee. Believe it or not, this is a committee that I requested to be on, because I come from a farming family. My mom was raised on a farm. My cousins still farm. I'm a grocer. We have partnered with so many producers, over decades, on the products that they provide that we can sell directly from them. And so, I feel very akin to agriculture. I feel it's part of my birthright and my heritage. So I, I specifically requested to be on the Agriculture Committee. And we've done some great things. Don't get me wrong, we have done a lot of great things. And I want to say a lot of great things about Senator Myron Dorn. He has the patience of a saint. He has had to put up with a lot. And thank you, Senator Hunt. I think you really summarized the bill quite clearly. But I have to tell you, I'm a business owner. We're the largest independent grocery operator in the state of Nebraska. We have over 2,500 employees. And I chafe, I hate mandates. I hate mandates with a passion. I don't want people telling me how to run my business. I always listen to our customers. So, for example, if our customers wanted E-15 in the fuel centers that we have, I would do it. I would do it in a heartbeat, if there is a demand. And you know what? Our customers tell us what type of groceries, like, they would like this specific type of jam. Can we please carry that or can we please carry this specific type of cereal? We listen to our customers and we are responsive. And what Senator Hunt says, it's usually market driven. It's usually market driven. And I know some of my colleagues on the Ag Committee have said, well, but you're not currently offering it. Well, some of our, our competitors in the city of Lincoln and throughout the state of Nebraska are offering it, but none of our customers are asking for it. Why? Because they really like E10. They like the efficiencies they see from E10. They like being supportive of

the ethanol industry, like we like to be supportive of the ethanol industry. This is a, a proud heritage of our state of Nebraska. For crying out loud, we're the Cornhusker State, so why wouldn't we be supportive of things like that? But it's the mandate, the mandate part of this piece of legislation. And the other thing I want to speak directly to-- but before we get to that, I just want to share, you know, I am very supportive of ethanol. We installed an E85 tank in one of our locations in Omaha. And we willingly worked with the Ethanol board. And to be honest, they gave a great incentive to the retailers to do so. And we jumped on it right away and we were very appreciative. We got it installed. And guess what? It hardly sold any gallonage of E85. And this was about 12 years ago [INAUDIBLE] wanted to be supportive. Fast forwarding, you know, technology is changing at a rapid rate, at a rapid rate. And what we're seeing now is electric vehicle charging stations. We're seeing that electric car manufacturers are switching to that, that type of energy. And jumping back to what I wanted to talk about is what I've seen in this formulation of this bill, it was a lengthy drag-out process and throughout the whole period of time and forgive me if I say this, but I think the Ethanol Board has been-- and the ethanol industry, has been quite the bully in pushing forward certain things. You know, that cap of if, if it would cost more than \$15,000, that retailer wouldn't have to do it. Actually, that cap, they set at \$100,000. So can you imagine what small retailers would have to pay?

**DeBOER:** One minute.

**RAYBOULD:** Thank you, Madam President. So that is what I really chafe at. And also, it's, it's really frustrating, where you have a big industry that is a big part of our agricultural power as a state, telling retailers and small businesses and dictating to them, you have to sell this E15 fuel or E30 fuel. You have to do that. That would be like somebody coming in one of Senator Halloran's restaurant and demanding that there is a specific type of menu item that they prefer, that he has to make sure it's on his menu. And oh, by the way, you have to make sure that you have all the equipment you need to prepare that specific menu item that we are mandating that you must provide. And I want to say, I know-- I'll hopefully have another opportunity to talk to this--

**DeBOER:** Time, Senator.

**RAYBOULD:** Thank you, Madam President.

**DeBOER:** Thank you, Senator Raybould. Senator Moser would like to welcome 8 fourth grade students from Columbus Christian School in Columbus, and Senator Dover would like to recognize 9 fourth grade students from St. John's in Battle Creek. Both groups are located in the north balcony. Please rise to be recognized by your Nebraska Legislature. Senator Ibach, you are recognized.

**IBACH:** Thank you, madam. Today, I rise in support of LB562 and I want to thank Senator Dorn and the rest of the Ag Committee for their diligent work on getting this important piece of legislation to the floor for us to discuss today. If he hadn't prioritized it, I may have. As a senator who represents an extremely rural district that is largely comprised of agriculture producers and as an ag producer myself, this legislation is good for all of Nebraska. As you may know, there are zero petroleum refineries in our state, but there are 24 ethanol plants. These plants are a key part of our state's economy and our farming communities. Our ethanol producers purchased more than 1.9 billion bushels of corn, which creates more than \$5 billion of fuel ethanol and animal feed. This supports more than 21,000 farms and 47,000 full-time jobs in our state. While it may be taboo to say, the U.S. fuel market is not a free market. There are hundreds of federal and state laws and regulations which govern fuels in the United States, which allows oil companies to maintain a virtual monopoly on approximately 90 percent of the fuel supply, which locks our lower-cost alternatives to E15-- like E15. I believe customers should have the freedom to pick the fuel they want rather than the oil companies deciding for them. By ensuring access to E15 across our state, this allows this competition between competing product-- prod-- products, which unlocks savings our citizens deserve. And as a matter of fact, my car requires 91 and I put E15 in it, whenever I can find it. With that, I want to thank everyone who's worked very diligently over the past 60--some days to make a good bill even better. I urge you to vote green on LB562. Thank you and I will yield my time back. Thank you.

**DeBOER:** Thank you, Senator Ibach. Senator Murman, you are recognized.

**MURMAN:** Thank you, Mr. Speaker. South Dakota and Florida have tourism. Texas has oil. Wyoming has coal. Nebraska has agriculture and

especially corn. And a big part of the corn usage is ethanol. Thirty percent of our corn crop goes to ethanol. We need to support Nebraska, support agriculture and like Senator Ibach said, that's good for all Nebraska, including our tax revenue. You know, we're concerned about what our revenue will do going forward, down the line the next few years. Well, if agriculture doesn't do well, our whole economy is not going to do well. Nebraska is second in ethanol production among the states, but we're 45th in ethanol consumption. We need to support our own economy, our Nebraska economy. And this is a bill that will do that. Nebraska is in a perfect position, geographically, to produce corn. We have abundant water, abundant land, good soil, hardworking people and we need to support agriculture and that'll be good for us going forward. We also, as Senator Ibach said, we have a lot of livestock production in the state. Ethanol production and livestock go hand in hand. I-- and I should say it's also good for consumers. I think that's also, also been brought up. Ethanol is actually less expensive than gasoline and it's good for consumers to use more ethanol. It's, it's less expensive and it's-- ethanol is cleaner burning than gasoline. So it-- the more ethanol we use, the-- relative to gasoline, the cleaner our air will be. So I do rise in support of LB562. I thank Senator Dorn and the Education [SIC] Committee for bringing this bill forward, thank Senator Dorn for prioritizing it and of course, against the motion to postpone. And I will give my-- the rest of my time back to the Chair. Thank you.

**DeBOER:** Thank you. Senator Murman. Senator Blood, you're recognized.

**BLOOD:** Thank you, Madam President. Fellow senators, friends all, I stand against the motion to postpone and in full support of LB562. I do want to correct Senator Murman. Senator Murman, I believe it's 40 percent of Nebraska corn, not 20 percent. I think 20 percent is national and 40 percent in Nebraska. So-- which again, shows you how important it is that we pass this bill. But with that said, we're clearly going to be slowing things down so I'm going to take an opportunity, Senator Dorn, and I apologize, to speak. Many of you know that I, I sat, for six years, where Senator Hughes now sits. But I purposely moved to the back and quite frankly, I moved to the back because I like to observe our body. And I have observed our body not only here in, in this room, but in the hearing rooms, as well. And I want to share some observations from this year, because these are things that I thought I would never, ever see in my tenure. And for

those of you that are actually listening, I know Senator Erdman and Senator Halloran are always listening, sometimes Senator Holdcroft, Senator Riepe. Now, I hope everybody listens, because I really want you to reflect on what I say. You know, when Senator Erdman stands up and says things that sometimes are quite insulting, to be really frank, it doesn't-- to me, it doesn't matter, because I know who you are as a person. And I know that when I have to call BS on you, I can have that conversation with you. And I'm OK with that. So when we disagree, we have conversations and we go on our merry way and that's great. But there are things that I can't look the other way on. When I hear conversations where people try and talk one on one with certain individuals on this floor and they are rude and disruptive one on one and they verbalize personal threats that pertain to us versus them, I take issue with that. When I hear a senator talking about the trans bill, about some amendment that that person supposedly had, that the other side supposedly ignored, I'm on the other side, apparently. I never, ever, ever saw any amendment. I just heard talk of it. So I'm not sure where all this negotiating is going on. But clearly, if you-- if individuals on this floor are talking about sides, how about you include whoever you think is on one side or the other in these conversations, instead of using threatening language and acting like a baby and digging in your heels? When we were in hearings this year, for some reason, we had people who sat on committees who were not committee chairs, who decided it was their job to run the meetings, who, when a chair would cut somebody off because there was a time limitation, another senator would say, you know what, I want to hear what else you have to say, no matter how offensive, because it's important to me that I that I hear what else you have to say. So if we had 100 people waiting in line to testify, that one person on that committee decided it was their job to be the chair. We have senators having special meetings, trying to get around other senators, to try and, and, and trash their bills, to try and crash their bills. Whatever happened to coming and having these meetings, having these face-to-face conversations? Where is the camaraderie? I don't understand what is going on this year. I don't have to agree with what's going on right now, when it comes to this filibuster. But whether we like it or not, they have the right to do that. And so this hate and this discontent is one thing--

**DeBOER:** One minute.



**BLOOD:** --but this total ignorance, be it on purpose or be it not on purpose of the rules and the decorum within this body, is unacceptable. And I know standing on this mike today and talking about it isn't going to change a dang thing. You know how I know? Because every time I turn around, we go deeper and deeper into this vortex, deeper and deeper into this pit. And we have lost the beautiful nonpartisan spirit of this Unicameral. And right now, it might be to a certain party's benefit, but in about 10 years, that's going to flip and what you've left is a legacy that can never be changed, unless we start doing better now. Thank you, Madam President.

**DeBOER:** Thank you, Senator Blood. Senator Dorn, you're recognized.

**DORN:** Thank you, Madam President. And Senator Hunt, I would just have a question for you. I thought I heard it right when you said earlier, you said it was capped at \$15 million. Did I hear that right? It's supposed to be capped at \$5 million. And maybe I heard it wrong. My hearing's not good anymore and stuff, so that was just, just more of-- for the information out there than anything. The, the new cap in the amendment is \$5 million. Yeah-- and stuff. So part of, part of-- and what you may have read on some of it, too, is when, when we handed out this sheet, it was LB562 as introduced. And so what-- some of that, what you see on that side of the column here, is what the original bill was. Part of what has gone on through the process of I call it, the last month and a half to two months, is all the negotiations that went on, all of the conversations that we had with I call it the ethanol people, myself, many people on the Agriculture Committee and the retailers and all of those. Senator Raybould was very involved with some of those, Senator Hansen. And to come to this process, we're on the right side now of this sheep where we're at. One of those things was we didn't originally start out with a blender rate, and there were several senators in here that brought that forward. Senator Wayne was one of the original ones, talked to me and then Senator Hughes. And when we started having the conversation with the blender rate, Nebraska's currently at 9.6 percent. In other words, the total amount of gallons we sell in the state of Nebraska, of, of fuel-- of car fuel, is about 850 million gallons last year. We've been up as high as 920 or 30 millions and then-- 30 million gallons. And then, that's been varying, based on what I call the COVID aspect of it or some. But the numbers that, last year, the state of Nebraska did, 850 million gallons of fuel. The 9.6 blender rate means that out of that

fuel, that is the percent that's ethanol. So we're, we were right at approximately 82 million gallons of ethanol was sold in those 850 million gallons of gasoline. So part of what the industry and part of what the retailers and part of what the ethanol people came forward with, was when we had this discussion-- started this discussion on a blender rate, where we're at today, where we hope to get to someday, not only for Nebraska, but I call it the bigger ethanol picture in the whole United States or whatever. Iowa did pass their bill last year. They are a 10-point some cents-- percent blender rate. The highest in the nation right now is Minnesota, at 12.6 percent blender rate. So this was some discussion that went on between multiple groups that, by the year-- by the end of year, 2028, that we could get this to 14 percent. And that is a goal not only for us, but for the retailers, for the people of the state of Nebraska, that we can get to that percentage for a lot of reasons, one of them being the amount of corn we grow in the state of Nebraska, how it will benefit the farmers. The amount of ethanol-- we are the second largest ethanol-producing state in the nation and how that will benefit the state economically. But it's, it's also how, with-- now credits that we put in there instead of outright grants, we put in there, credits, so that as we-- as the, the retailers sell this, now they can apply for credits. It should be cheaper. E-15 should be cheaper than E10, because ethanol right now is about \$0.30, sometimes up to \$0.40, sometimes a little less, cheaper than gasoline. So when they blend this, it brings the price down a little bit for E10, but then it would bring it down a little bit more for E15.

**DeBOER:** One minute.

**DORN:** So part of the process is how do we pass this on to consumers? One study that I saw this year, is if we went to E15 and all the vehicles are-- that's the blender rate that we went to, was E15, the, the people that drive in the state of Nebraska, the consumers, would be saving about \$50 million a year, between these credits we had put in here and the cheaper price of ethanol. So when we get back up on the mike again, we will address some of the conversation about mandates. I know Senator Hunt brought that up early on and how this bill, with the amendment, AM1248-- I think that's AM1248, with the amendment, how that changes that. And they, the retailers, the industries will-- are all a lot more comfortable with now these not really being mandates. We removed a lot of the stuff in there--

**DeBOER:** Time, Senator.

**DORN:** --that could have been mandates. Thank you.

**DeBOER:** Thank you, Senator Dorn. Senator Raybould, you're recognized.

**RAYBOULD:** Thank you, Madam President. And thank you, Senator Dorn, for the great discussion that we're having. You know, the truth is Nebraska taxpayers are going to be paying for this industry. So in the budget, it looks like we are going to be place-holding about \$5 million for the money that will go directly to the retailers. But my big angst about how it was structured and, and I said it quite a few times, is why, why doesn't the Ethanol Board or the Corn Board, why, why don't they have any skin in the game on this? And why are we making the taxpayers subsidize the ethanol industry at \$5 million every year, with a possibility of growing to double that, to \$10 million? So that, that is one of the, the biggest concerns I've had, is that like, the Nebraska taxpayers are paying for this. And I really commend my colleagues, have been going back and forth and pushing back and forth on the mandates. I'm really thankful that they finally got it reduced after listening to my colleagues on the Ag Committee, going from that \$100,000, if, you know, if it just-- if it costs \$99,000, that retailer has to install it, which it is obviously a mandate. And Senator Hughes and Senator Hansen worked very hard to-- like, what are we trying to accomplish? What is our overall goal? Our overall goal is to try to get Nebraskans to buy more E15 or E30. And to their credit, they looked at all the states surrounding us and how much are they selling? And they looked at Iowa and they looked at other states and they said, OK, we're going to set that reasonable threshold of 14 percent of all the gallonage of fuel that is sold. That seemed really, really reasonable to me. And I commend them for doing that. But, you know, we have-- if, if we are not at that 14 percent by 2028, it's mandated. You have got to get E15, E30 into your, your fuel stations. And so, that was, again, you know, you, you can try to dance around it, you can probably talk around it, but it still is a mandate no matter how you slice it. There have been a lot of compromises going back and forth. And you know, I feel very beholden to the small retailers, who I know that this is going to be a struggle for. You don't have to take your E10 that, you know, that you have right now and switch it to E15. But you, you have only like three options on a, a certain standard pump, a dispenser, so you really have to make a

choice. OK, maybe premium is not selling so well, then, then we'll make a choice to do that. Customers tell us what they want. And we were able, thanks to a great grant from the state of Nebraska Department of Environment and Energy, from the Volkswagen emissions settlement, we were able to install electric vehicle charging stations. And I have to tell you, that's what our customers are asking us for. You know, like, oh, could you, could you install an electric vehicle charging station at this location or that location? And we say, well, you know, we, we got a grant for, for six of them. And so, we had to work with the state of Nebraska on the most appropriate places to put them. So that's also my, my interest, is why isn't the Ethanol Board stepping up? Why isn't the Corn Board helping up-- helping step up or match some of these funds, like they've done in the past? If this is so great for our state of Nebraska and it's an industry that they're intimately, directly involved in, they should be a partner in paying for some of this. The other really odd thing, an, an amendment that I had put-- proposed onto this, is really giving the retailers an opportunity, if they get denied on their waiver request, just give them an additional 90 days to get into compliance. Many of you heard of-- about all the, the supply--

**DeBOER:** One minute.

**RAYBOULD:** --thank you, Madam President-- you've heard a lot of all the supply issues that we're having and those are, those are real. I would say maybe they're getting a little bit better, but some of the time, there's very long, lengthy lead times on getting certain parts, getting certain pieces. And for a retailer to be granted 90 days to get into compliance, that's 90 days. Some of my colleagues feel that that's unreasonable. And, and I'd like to respond back. I think a mandate is unreasonable. And I think most businesses around our state of Nebraska don't like to be told what we're doing, particularly when we're subsidizing an industry that I think is fair to say that we do support. But it comes at an expense to the taxpayers. So for those reasons, I'm still on the fence on this. I really appreciate working with my members of the Agriculture Committee, but I'm not sold yet.

**DeBOER:** Thank you, Senator Raybould. Senator Halloran, you're recognized.

**HALLORAN:** Thank you, Madam Chair, colleagues, both of you. It's good, good to be here in the state of Nebraska with the leading industry of agriculture. In hearing all this talk about how we support agriculture, but not this. We come from a farm background, several, several generations ago, some people will say and so, my heart is with farming. Well, that's fine. But the fact of the matter is, after all, the gnashing of teeth is done and the wailing is done about this bill, it's going to be a simple resolution. Senator Raybould knows this, won't agree with this, but she knows this to be fact. That at the end of the day, with no mandates necessary at all to do it, any station that provides gasoline, will be able to empty out their E10 tanks and fill it with E15. No additional cost. Oh, there may be additional cost of the hose, of the hose. Senator Raybould's shaking her head. But I have spoke with many people in the industry that agree with me, that they don't have to change out their tanks. They don't have to change out their pumps or their dispensers. They may have to change out the hose from the dispenser to the nozzle that goes into your gas tank. Minimal cost, but they can replace the gas at E10 with E15 and we'll be consuming more ethanol-- Nebraska-grown ethanol, in Nebraska. That's the goal here. Nebraska is, is, is way behind other states in consumption of ethanol and we produce a lot of ethanol here. That's the goal, is to increase the amount of ethanol used. So, yes, there's going to be a lot of wailing and gnashing of teeth, talking about how loyal some of the people here might say they are to agriculture, but, but that's a little disingenuous. They're not. At the end of the day, just replacing E15 with E10 will solve this issue and raise the amount of ethanol used in the state. Nebraska-grown. It's a value-added product. We grow raw corn. And when we make ethanol, it increases the value of that product, of that raw material. So I was going to stand and do the committee amendment, which, unfortunately, with the new norm here, committee, committee amendments-- typically, don't have a chance to formally express the committee amendment until later on, after some of the deleterious amendments are, are dealt with and cast aside and we move on with business. But this is good for agriculture. It's good for Nebraska. It's good for the state. And at the end of the day, there won't be any-- there'll be nominal fiscal cost to this, because fuel dealers will just simply replace E15-- E10 with E15. Thank you, Madam Chair.

**DeBOER:** Thank you, Senator Halloran. Senator Hunt, you're recognized.

**HUNT:** Thank you, Madam President. I need to correct myself on the record. On my last time, I said that-- I said something like, I can't think of any gas stations I've been to that didn't have E15 available. And I don't know if that's-- I mean, I don't know if it's E15 or what. You know what I'm talking about? I'm talking about when you go to the pump and you've got like four choices of gas or two or three and one of them has that E whatever sticker on it. And I'm just not convinced that the market won't fulfill the need for this without us giving it the mandate to do that through this bill. So obviously, with that said, I'm not saying, Senator Halloran, that I'm the queen of agriculture or that I'm some expert. I would obviously never say that. What I'm saying is that I don't like mandates. And handing the industry, the ethanol industry, a state-enforced monopoly, is not, quote unquote, ensuring competition, as Senator Ibach said. She said that this bill will ensure competition for the ethanol industry, but ensuring competition, it's not government putting a mandate on private businesses. The ethanol industry can stand up on its own, without government mandates. I've got no problem with ethanol use. I've got no problem with using our corn this way. But if it's so good, the market can do it itself, without a law mandating that this product be used in 50 percent of pumps in Nebraska. Honestly, I love it when I get to make a conservative argument. Once in a while I get to do that. With name, image and likeness, I got to do that. There's been a couple other times, but that's all this is. And all of the benefits that Senator Murman shared about ethanol use, I'm sure that's right. Maybe that's right. It's cleaner burning, it's less expensive, it's easier for consumers to use. These were the reasons that Senator Murman shared. But let's let consumers make that decision for themselves, not the government saying we're going to make that decision for you. One reason that supporters could be supporting this and pushing this at the federal and state level-- you know, Senator Deb Fischer is leading the charge for this on the federal level. So I'm curious about how much our colleagues have worked with her on this. But, since 40 percent of our corn is grown for ethanol but gasoline consumption is steadily declining-- it's down 15 percent today since its peak consumption in 2019. So there's a limited capacity to expand the market for ethanol sales. So we're focused-- we're focusing and forcing an increased market share for ethanol producers, because people are buying and using less gas and that's gas, in general, that has about 10 percent ethanol. So to me, this feels like boosting an

industry artificially, through a government mandate, that the market should really be able to work out for itself. Government should just not be telling businesses what to sell. The consumer gets to dictate what retailers offer and sell. Consumers shop with their wallets and I think the Legislature should stay out of this type of relationship with consumers. I'm looking at some of this gasoline use data from the U.S. Energy Information Administration and you can see that, indeed, gasoline use is plateauing. It's basically-- I'm just looking visually at a chart right now. So I don't have exact numbers that I'm going to share although they're here, but it's basically, visually plateauing since 2008. So for, you know, 15 years now, it's been basically plateauing. Plus, of course, during the pandemic in 2020, there's a huge spike down, where the gasoline use goes to about the same level that we had--

**DeBOER:** One minute.

**HUNT:** --in 1970. Thank you, Madam President. So all of this makes me wonder if the reason they're pushing this at the state and federal level is that since 40 percent of our corn is grown for ethanol but gasoline consumption is down, that we are running out of time to expand the market for ethanol sales. And so, producers and their advocates in government are saying, let's mandate that gas stations have to sell the product, so that they don't lose money. And I don't think that's the role of government. Thank you, Madam President.

**DeBOER:** Thank you, Senator Hunt. Senator Dorn, you're recognized.

**DORN:** Thank you, again, Madam President. Thank you for some conversation we're having here today. Wanted to address I call it the mandate part of this. When we came out with LB562 and we had the hearing, there were-- especially, the Americans for Prosperity, they came in and testified that they were opposed to it because of the so-called mandates, which, the original bill, Senator Raybould has talked about it a little bit. When you sit back and look at it, it probably had what I would call, too, some mandates in it or whatever we had. We argued at that time that it wasn't-- part of the process then, that we went through, with not only the Ag Committee, which Senator Raybould sits on and Senator Halloran sat on, but also the ethanol industry and the retailers-- was how do we adjust some of those? How do we come up with a proposal that now will increase the

access to E15 and yet, be so that it's not sitting there and telling those stations that they will do this. So the compromise and the discussion that led to the amendment was coming up with, I call it the blender rate and how that will focus over the next five years and how the retailers now have an opportunity-- the retailers, the consumers have an opportunity to increase the usage of it and increase the amount of the blender rate that we hope to eventually get to, which is 14 percent in this bill, over a period of time. With that, then, also, we originally had a grant as part of LB562. We were going to give \$10 million in grant each year to do that. Instead, the focus then became on how do we give credits for this proposal, so that as the consumers use it more, the retailer now is going to be able to pass that on-- pass on some of the cost savings or maybe if they think they need to use it, also to improve their station to get up to that E15 or whatever. So there was just tremendous lot of conversation that went on, of how we could accomplish that. How can we get the use of or the access of E15 more spread across the state? Currently, out of about 1,350 stations, there are about 125 or almost 10 percent of them that do-- many of them offer-- of those 10 percent offer just E15, but several of them have switched over and have several pumps there or whatever that do. That is how we can start increasing it. There are many others, as we've gone through the discussion, many others that have-- basically, their facility now, today, can do the E15. So with, I call it the cheaper amount of cost, due to the blender part of the E-- of the going from the ethanol 10 to 15 and then the credits back, that we can pass that onto consumer, have savings for the consumer. This is also, as Senator Halloran said, a very good bill or as we talk about, I call it the farming economy, the ag economy in the state of Nebraska. One of the discussions we had at the opening of this bill or the hearing on this bill was why do you need to do this when corn is \$7? As I brought up at the closing that day, corn is not always going to be \$7. It will be cyclical, just like many other industries are out there. There will be peaks, there will be valleys, we'll have high, we'll have lows. And if we wait until we have \$3 or \$4 corn and then start implementing these types of programs, when the ag producer out there, when the agriculture economy--

**DeBOER:** One minute.

**DORN:** --in the state of Nebraska-- thank you-- really needs help, we will be 2-3 years behind the place we need to be, as far as helping



them or helping the economy, the ag economy in the state of Nebraska. So I think it's very important that these type of programs to increase the use of E15, we look at them now, so that we can-- and it will be coming in agriculture in-- not only in Nebraska, but across the country-- we will have a downturn someday in agriculture, that we have things in place to help cushion that downturn and that we don't have such a large I call it opportunity to have such large losses in the farming economy. This will help keep the ag economy in the state of Nebraska very, very strong. Thank you.

**DeBOER:** Thank you, Senator Dorn, Dorn. Senator Raybould, you're recognized and this is your third opportunity.

**RAYBOULD:** Thank you, Madam President. Thank you, Senator Dorn. I, I do appreciate your comments. Senator Halloran, I'm not sure I appreciate some of your comments. You know, I had a choice of-- I-- well, albeit a limited choice, but I, I put agriculture right up there for me. So I'm pretty blunt. I'm direct, but I'm, I'm never disingenuous about this. I care deeply. And I recognize as a businesswoman, a business owner, that, hey, ag industry is our powerhouse of our economic growth and development in our state, so I care about it tremendously. And I just wanted to touch on some of the things you pointed out. You don't necessarily have to change your tank, because that would require you to excavate the tank underground. But what you do have to do, you have to relabel the dispensers, but you have to purge and calibrate and flush out whatever fuel you currently have in that tank. And unfortunately, and the state fire marshal is aware that some tanks, if they're a single-walled, fiberglass tank, it is not compatible with a higher ethanol blend, besides E10. And most retailers are not going to substitute and take out E10 because E10 is the biggest seller of all the, the fuels that are dispensed in the state of Nebraska. It's the highest gallonage on that one. So ultimately, they would look at putting in or taking out a premium unleaded that some more expensive vehicles require, or just regular unleaded, which is the second highest seller. So there are some costs involved. And I am thankful that the committee went from that big \$100,000-- anything less than if it's under \$100,000, you would be obligated to do all the work that would be needed to put in the appropriate tank or change out whatever your tank's fuel in your tank. So that's something that I wanted to talk about. And, you know, we have to support our ag industry. I get that. But that doesn't mean we're going to-- because we're a beef, a

big beef state, that doesn't mean that we have to require retailers to sell like X amount of cuts of beef in, in their facilities. I don't think that's what we're talking about. But I think we need to be mindful of not pushing and-- one industry over another industry or subsidizing one industry over another. And I'm really glad, you know, they, they had some quirky language in the bill. And one of the amendments we're going to be talking about is really, to get that changed so that it's not punitive to the retailers. So if you get-- you apply for a waiver and you get a denial of the waiver, it gives that retailer 90 days to be in compliance. You already heard me talk about supply chain issues, material shortages and, and so on, but at least you can get your, your ducks in a row and try to come into compliance. And Senator Hunt, I really appreciate your business analysis. You are spot on in talking about it. Things are market driven. What we sell is market driven. And if our consumers and our customers say we want this type of fuel, we'll get this type of fuel, it might be a loss leader, meaning we're going to have to spend a lot of money to get the conversion going or we might not have to spend a lot of money. But the point is we listen to our consumers and customers. We know that they passed this in Iowa. And so far, it-- you know, E15 is not really taking off or E30. The customers in Iowa still prefer E10. Why do they prefer it? I don't know. It's, it's a moderately priced fuel. And they, they recognize that their, their vehicle performs better. I don't know. But customers have preferences. And you know, you won't be in business if you don't listen to what your consumers or customers want. And so, you know--

**DeBOER:** One minute.

**RAYBOULD:** --thank you, Madam President. I know that we, we at least support craft brewers in, in our state of Nebraska. And I know we passed legislation, being on that committee, to upgrade it and to give them more opportunities, but not necessarily to force a retailer to sell more craft beers in their retail outlets. You know, we said we're going to give you more opportunities to have that chance, but it's up to the retailer to say, yeah, I really want to support our craft brewers in our state of Nebraska and I'm going to really stock a lot of their, their choices. I'm going to stock them in my bar. I'm going to stock it in my grocery store. But you've given that retailer the choice. This is pretty much coming down to a mandate, if we don't hit the percentage that we would like to hit, to be supportive of our ag

industry. And I think it's fair to say we are supportive of our ag industry and I'm not being disingenuous. Thank you, Madam President.

**DeBOER:** Time, Senator. Thank you, Senator Raybould. Senator Jacobson, you're recognized.

**JACOBSON:** Thank you, Madam President. I rise in support of LB562. And I, and I just want to address a few of the comments that have been made. I, too, oppose mandates as a general rule. I- and again, we can all talk about how we hate mandates and then we find that we-- they are all around us all the time. Give you an example, if a gas station operator wanted to go in and do a complete remodel of their building, they would be mandated to build it up to-- build it according to current code. Current code would include handicapped accessibility, handicapped restrooms. It would mandate having certain electrical connections built according to code, your piping for your plumbing, all that would be according to code, along with insulation, you name it. Setbacks, green spaces, all of those are mandates. Now you can avoid those mandates if you just keep operating the old facility the way it is today. So this is not new, when it comes to requiring certain things to be upgraded. My concern with-- we also need to keep in mind that when we look at the oil companies today who are selling the product to these gas station owners, these oil companies have a big role in what they sell. Don't kid yourself. The oil companies don't want to see ethanol sold at these gas stations. They would just as soon none were sold there. Why would they want to see gas station operators that are putting up, you name the, name the brand and they help a little bit with some of the the signage that they have at these stations. Why do they want you selling ethanol? So some of this is just giving the consumer the opportunity to have access. OK. These stations are all out there, in all these sites and people stop there to put, put a-- refuel their tanks and they'd like to have it available. I would expect that, at some point, there's going to be mandates to have electrical charging stations at these gas stations. How many people in this room are going to be in favor of that or say, oh, no, no, we can't do mandates? But that's going to be convenient to the customer. Consumers want to be able to have access. You can't sell E15 if you don't have it available. So what-- as I've looked at this bill and I had some concerns out of the gate with this bill, from the mandate standpoint. But I think the work that's being done on this bill to make it a little more palatable, not punish the

small producer, kind of be more in line with what we do with other codes, makes sense. Is it a perfect bill? Probably not. Is there some work that can be done between General and Select to make it better? Possibly. But I'm just saying, at the end of the day, this is not unusual. Let's look at who all the players are here. Don't discount the oil companies' role. Don't discount the fact that if we don't have E15 available, it's not going to get sold and it's going to need to get sold at these particular facilities. If we care about the environment, ethanol clearly is cleaner burning. Why would we be opposed to having cleaner burning fuel going into our cars? So E15 makes sense. It makes sense from an economic standpoint for farmers, for producers in this state. It makes sense for our state's economy that, rather than sending these dollars to oil producing states who actually produce the gasoline, we'd actually be selling our own product, made here in Nebraska. So let's think about all of those pieces when we start looking at the concerns with this bill. Thank you, Madam President.

**DeBOER:** Thank you, Senator Jacobson. Senator Blood, you're recognized.

**BLOOD:** Thank you, Madam President. Fellow senators, friends, all, I continue to stand against the Hunt motion, but in favor of Senator Dorn, Senator Dorn's, LB562. I've had a couple of text messages and emails and I just want to talk about the importance of ethanol here in Nebraska, because I know that it's controversial. I know some of my environmentalist friends aren't big fans of it, but I look at it a little differently. What you might not know is that the gasoline that fuels your car actually, is about 10 percent ethyl alcohol, alcohol or ethanol. And the fact that that it is part of gas, in general, it's got a huge impact on Nebraska's farms. So as ethanol use increased, we started getting these giant distilleries all over the Corn Belt, including Nebraska, which, of course, provided property taxes and provided jobs. And what it is is, is that these distilleries now, they exist and it's a full-time job to provide the corn that is needed for these distilleries. So it's been a boom for Nebraska ag and other states, because it continues to grow. And the more we grow the market, the more work there is, the more income there is and it's win-win for everybody involved. If you look at it, the ethanol boom really can't be compared to really, any other single ag product. Not really, when you look at how impactful it's been on our state and other states where corn is very important. So the thing we never talk about and I--

I'm sure Senator Dorn can talk better on this, though, is that I remember being taught about octane. My dad owned a gas station when I was a little kid, in McCook. And, and so I know lots of useless information that people should not know, I guess. So what octane is, it's a measure of gasoline's tendency to ignite under pressure. And if it's too low, the, the mixture of gasoline and air, when it's in your cylinders in your vehicle, they're going to burn too soon. And that's where you get that knocking noise, right, which I'm sure some of you have experienced before. And so, the last I knew, the industry standard for gasoline was around 87. But if you want to get in a-- the gasoline's octane rating up, that costs money, which means more refining of petroleum and using high-octane compounds in that gasoline formula. Which guess what that is? What do you think it is, if you want to get your octane up in your, in your gasoline formula? It is-- Senator Dorn knows the answer-- ethanol. So gasoline companies aren't using ethanol for its energy, they're buying it for their high-octane rating. So we're talking a lot about mandates, but I think we have to also talk about the science of why this is important. And by the way, I hate mandates. I had a speaker last year purposely trashed my unfunded mandate bill and not allow me to get to final round, when we all know that if we brought a bill forward for the voters to say, can we pass any laws without first showing how we can pay for them, I'm guessing everybody that comes to the, the polls would definitely say that we should not be allowed to pass laws unless we can show how we're going to pay for them, would pass. So I always laugh when we start talking about mandates and how people are against them. But this year, I can't even get my priority bill on a Christmas tree bill because it's a constitutional amendment--

**DeBOER:** One minute.

**BLOOD:** --which means the Governor doesn't have to sign it, which means I have no rides for my priority bill. So if you want to talk about unfunded mandates, come talk to me this year, because I've got definite opinions. But this is not what I call an unfunded mandate. We have to embrace ag. We have to understand why ethanol is important to ag. And like it or not, this is for the betterment of, of not only our ag community but our state's coffers, the livelihood of keeping people in rural areas, to make sure that they have ways to generate income. We have to embrace things that pertain to ethanol, just like we have to embrace things like organic farming right now, for our younger

farmers, just like we have to embrace the ability for people to be able to sell at farmer's markets and, and utilize things like our cottage laws that Senator Crawford and I brought forward here, a couple of years ago. We have to keep moving forward when it comes to ag, because if we don't, we will be surpassed by other states. Thank you, Mr. President.

**DeBOER:** Time, Senator. Thank you. Senator Blood. Senator Dorn, you're recognized and this is your third opportunity.

**DORN:** Thank you. Thank you, Madam President. Thank you, Senator Blood, for some of those comments. And I wanted to point out one thing. She talked about getting octane up so it gives them more, not only cleaner fuel, but more power out of it. Much of the auto industry is-- not the auto industry, the racing industry in the auto part, they've gone to using ethanol also and that is because of the performance they get out of it. I wanted to mention a few other things and-- that I have here. It says, how will an E15 standard benefit Nebraskans? Probably the main thing is Nebraskans, I talked about earlier, if we increase this to E15 from E10, it'd be another 40 million gallons of ethanol we'd use in the state of Nebraska and that correlated into about \$52 million worth of savings for the consumer. But this comes from E15prices.com. And between January and December of 2022, the average price of a gallon of E10 to E15, the E-15 was \$0.17 cheaper. So that's how that correlates into that \$52 million of savings for the consumers or the people in the state of Nebraska. One of the other things that I think there is several people talked today about how will this benefit I call it the ethanol industry or the people or the farmers of the state of Nebraska? This study in 2022 by the Department of Agricultural Economics at the University of Nebraska showed that Nebraska has an average increase in price for corn around these ethanol plants by \$0.21 per bushel. So that is another factor that has led to, I call it helping the ag economy in the state of Nebraska. I live-- a lot of you have heard me talk about I live about a mile and a half from an ethanol plant, down there by Adams. That started in 2007. So I've seen a little bit what the ethanol industry does-- did to that economy in-- around that Adams area and how far out they reach and all of those things. That industry, the energy is pretty efficient. The average efficiency is for every bushel of corn, we get approximately 2.8 to \$0.03-- or 3 gallons of ethanol produced from a bushel of corn. So that's about a 3 to 1 return on a-- not 3 to 1, 3 to 1 output on a

bushel of corn. Part of what happens, though, is the industry has evolved also, over time. Many plants in the state of Nebraska, they also do as E Energy does down there at Adams. They have created other, I call it markets for different byproducts of the ethanol industry. One of the main things that has happened, right from the beginning with ethanol, is you put a bushel of corn in, well, about a third of that comes back as feed, as we use it ourselves on our farm, as cattle feed. So the whole bushel just doesn't go into ethanol. You have that that comes back-- that plant down there in Adams, they are now collecting CO2. They have been for several years, because there are places that use CO2, for instance, the pop industry. They have set up down there in that facility.

**DeBOER:** One minute.

**DORN:** They have set up a collection process-- a facility where they collect part of that CO2 off of there and now it's used in other products, instead of just going away. I know Senator Hunt talked about some of the carbon things that are going on in not only in agriculture, but in our country, world-- nationwide. But the-- they collect that. It's now used in many industries, but mainly, the pop industry. So you have that as a byproduct. They now collect-- they-- when they set up, they didn't used to collect corn oil. They now collect corn oil and that is a byproduct, also, that is used in many other markets, including the cooking market. There are many byproducts, I think, up at Cargill, the Cargill plant up at Blair, Nebraska, which was one of the earlier ones to come into Nebraska. Senator Hansen can talk more about that. But they have very, many innovative products that they have developed.

**DeBOER:** Time, Senator.

**DORN:** Time?

**DeBOER:** Thank you, Senator Dorn. Senator Hunt, you're recognized and this is your third opportunity on your motion.

**HUNT:** Thank you, Madam Chair. Again, to be clear, I've got no problem with people using ethanol. People like it. It makes ag producers rich. That's all fine and good. But I can't support a government mandate forcing gas stations to carry the product. I think that gas stations

can decide to do that without government forcing them to and that they are deciding to do that. We don't know how fuel is going to change over the next five, ten, 15, 20 years and doubtless, we'll be considering other bills when that time comes. But I think putting our thumb on the scale for the ethanol industry or the oil industry or whatever-- I'm not saying I prefer an industry over the other. I don't care. I'm saying we cannot tell businesses what they can put on their shelves. We cannot tell gas stations what's going to be coming out of their pumps. As long as it's safe, as long as it's, you know, authorized and accepted by the EPA and other regulatory agencies, that's fine with me. I don't want the Nebraska Legislature saying 50 percent of your pumps have to be E15. I think that goes against a lot of our principles in this state. The Heritage Foundation wrote an article about this a couple of years ago. And they mentioned President Donald Trump in it, because the article is a couple of years old. But they said, E15 is not the problem, special treatment for ethanol is. And I mostly agree with these thoughts. They say, the Trump administration's intention to authorize year round sale of gasoline blended with a 15 percent ethanol mixture, announced Monday, perpetuates bad energy policy, both economically and environmentally. And on the environmental thing, yes, it's true that ethanol burns with less carbon intensity, but it burns with more ozone intensity. So having more ethanol use runs up against the EPA standards in the Clean Air Act. It's tradeoffs, right? It's-- you know, it burns cleaner this way. It burns dirtier that way. And that's just the nature of fuel. The article goes on: having more options in what you buy is usually a good thing. However, E15, as it's called, wouldn't exist without mandates, subsidies and preferential treatment from the federal government or state governments, in our case. E15 is not expanding competition and choice when the federal government mandates the production and consumption of ethanol. In fact, the government is very likely hurting competition through its E15 policy, by keeping potentially better alternatives off the market. If President Donald Trump truly wants to fulfill his campaign promise to help the Farm Belt, he should instead direct the Environmental Protection Agency to reduce the amount of forced ethanol consumption and work with Congress to eliminate the ethanol mandate. Empowering individuals is the best way to maximize the value of America's land and resources. Senator Hunt fully agrees with that. The federal government has been subsidizing biofuels, primarily corn-based ethanol, since the 1970s.



The whopper of the handouts is the renewable fuel standard, which mandates billions of gallons of ethanol be blended into gasoline each year, with a peak of 36 billion gallons in 2022. Most of the vehicles in the United States run with E10, which is 90 percent gasoline and 10 percent ethanol. In 2010, the EPA began allowing up to 15 percent of ethanol to be blended into gasoline for cars and light-duty trucks, for model years 2007 or newer. A year later, the agency included model years 2001 to 2006. American Petroleum Institute asserts that as many as three out of four cars on the road today are not designed for E15. Ethanol fuel can corrode--

**DeBOER:** One minute.

**HUNT:** --thank you, Madam President. Ethanol fuel can corrode the engines of older cars, leading to expensive repair or replacement bills for drivers. As the Department of Energy warns, E10 remains the limit for passenger vehicles older than model year 2001 and for other nonroad and small engines and vehicles that use gasoline, such as lawnmowers, motorcycles and boats. You know, this is all fine with me. Again, like put whatever you want in your car, but handing the industry a state-enforced monopoly is not protecting competition. It's not ensuring competition. It's not ensuring that consumers have choice. Because when you go to any gas station in Nebraska, you already have a choice. You have a choice of what gas station you go to. You have a choice of what you choose at the pump. You have a choice of what kind of car you drive, if you even use a car that uses gasoline at all. I mean, there are numerous, numerous, numerous consumer choices in this market, and I don't agree that--

**DeBOER:** Time, Senator.

**HUNT:** --thank you, Mr.-- Madam President.

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

**M. CAVANAUGH:** Thank you, Mr.-- Madam, Madam President. I would yield my time to Senator Dorn.

**DeBOER:** Senator Dorn, you're yielded 4:43.

**DORN:** Thank you. Thank you, Senator Cavanaugh. It's a, a little-- I switched-- a lot of this whole session, people have been yielding you time and it's kind of ironic in a way that now here, you're yielding somebody time, although you've yielded some of that this session, too, or whatever. So thank you for that part of the conversation that Senator Hunt had, too, there. Colleagues, the E15, what it's called now, is going to be the E15-- LB562 will be called the E15 Access Standard Act, which is basically how do we increase the access of E15 to the consumer here, in the state of Nebraska. We've had a lot of discussion, committee, with the bill, with various people about what is a good way to do that, what is a good opportunity to do that? How do we, I call it, come about or come forward with a bill proposal here, that originally had what I would call probably, some more mandates in it and now, we've tailored those, so that they're acceptable, how we have tailored the funding and how we've tailored this whole thing. One of the things I wanted to talk about today was, I call it, some of the new senators here, that are here this year. I got to be here 4 years. I know Senator Hunt. I came in with Senator Cavanaugh-- Machaela Cavanaugh and some others. Part of what we've seen here, over the last four years is what I would call is an example of what this bill or this product here has turned out to be. We have had a lot of really good discussion that came with a bill that-- the ethanol industry modeled a lot after the Iowa bill that passed a year ago and came forward with that in this process, introduced that bill. It took us four months last fall to come up with a proposal to introduce and then it took a lot of work. And then that bill then, as we have had it go through the process of the committee hearings and then in committee and all of those discussions, I just want some of the new senators to realize or to understand that that has been a lot of the process that's gone on here the last four years. So I've been very thankful and very fortunate to be here for that and see some of these things, how they're worked through the process, how they're worked through our, our schedule and everything else we have here. This is one of the bills this year that, as I sit back and look at it, I know there's other bills that have worked through that type of process, too, but has really, I call it, brought all sides together and had some really good discussions. And how do we make this a bill that is acceptable to both sides? Because if it's, you know, just a win for one side, then we haven't done a good job of the bill or whatever. So-- but why is LB562 important? And it's important that we

increase, as I've talked before, not only the access for the fuel, that we're going to save the consumer money, but also for the, I call it the ag industry in the state of Nebraska, the ethanol industry, the ag industry, the ag producers in the state of Nebraska. Early on, talked about-- a little bit about the I call it the credits, the blender credits. Senator Murman had a bill last year that we did pass. And that allows \$0.05 a gallon for E15 and then--

**DeBOER:** One minute.

**DORN:** --a higher rate for some other things and stuff. So part of that was a concept that was brought into this discussion and how, as we moved along in the process, we came up with the different levels of now, credits and increased those credits so that we could incentivize the use of E15, but also the help the retailer and them, if they needed to or felt they needed to upgrade their facility some for this, that they also could have or maybe use part of that to help upgrade their facility. So this was a lot of discussion about how not only it affected the one side, but also the other side. I'll yield the rest of my time. Thank you.

**DeBOER:** Thank you. Senator Machaela Cavanaugh and Senators Dorn. Senator Machaela Cavanaugh, you are next in the queue.

**M. CAVANAUGH:** Thank you, Madam President. I am glad that Senator Dorn wanted to use the time. I'd like to, if we can, stay on topic. So if the time is going to be used anyways, I'm happy to yield it for the conversation at hand. I think I have one more time in the queue. So, I want us to address the issue of critical importance to our nation's economy: energy independence and environmental sustainability. This issue has been debated for years, with passionate arguments on both sides. And of course, I am referring to the issue at hand, which is the choice between E15 fuel and electric charging stations, as a means of powering our vehicles. While electric charging vehicles have gained a lot of attention in recent years, E15 fuel has many advantages, as well, that may make it a better choice. Firstly, E15 fuel is renewable and domestically produced fuel. It is made from corn and other crops grown here in America, which means that it is homegrown solution to our energy needs and even more so, to Nebraska, because it's one of our main products. It has significant implications for our energy independence, as we would no longer be reliant on foreign oil-- to

imports, to power our vehicles. Additionally, E15 fuel has a low carbon footprint-- lower carbon footprint than traditional gasoline, making it more environ-- environmentally friendly option. It is compatible-- E15 fuel is compatible with our existing vehicles and infrastructure, unlike electric charging stations, which require significant investment in new infrastructure and specialized vehicles. E15 fuel can be used in most of the vehicles currently on the roads. This means that there is no need for a massive overhaul of our transportation system to switch to E15 fuel, which would save money and time in the long run. E15 fuel is more reliable than electric vehicles and charging stations. While electric vehicles have come down in price in recent years, they are still significantly more expensive than their gas-powered counterparts. The cost of building out a nationwide network of electric charging stations would be exorbitant and we are seeing some of that here, in Nebraska. E15 fuel is cost effective-- is a cost effective solution that would be accessible to all Nebraskans. And finally, E15 fuel is a proven technology that has been extensively tested and approved by the Environmental Protection Agency or the EPA. The EPA has determined that E15 fuel is safe for use in vehicles made after 2001, which represents the vast majority of vehicles on our roads today. Additionally, the use of E15 fuel does not void most vehicle warranties, which means that consumers can use it without fear of damaging their vehicles. While electric vehicles and charging stations have their merits, E15 fuel is an excellent choice for our state. It is renewable. It is locally produced fuel that is compatible with our existing vehicles and infrastructure and is more affordable than electric vehicles and charging stations and has been extensively tested and approved by the EPA. Supporting policies that promote the use of E15 fuel, we can achieve energy independence, reduce our carbon footprint and support American agriculture. How much time do I have left?

**DeBOER:** 1:12.

**M. CAVANAUGH:** Thank you, Madam President. I oftentimes use E15 fuel in my own vehicle, the one that I drive here, which, like many of us, we drive cars that are not necessarily in the best of conditions, because we are driving what we can afford for as long as we possibly can. I actually do have my car paid off, which was a big deal for me and now, I will drive it until it literally dies. So when I first paid it off, like the next two months after that, it had problems that equated to a

car payment. So it wasn't really much of a financial relief at the start, but it's been about two years now and I don't think-- I should knock on wood like a lot, because I'm trying to drive home today. It hasn't had too many significant problems since then. I think I'm about out of my time, so I'll just go to my next time, if you mind.

**DeBOER:** That's your time, Senator. But you're next in the queue, so Senator Machaela Cav-- Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Madam President. OK. So-- [MICROPHONE MALFUNCTION] --around sustainability and the transition to sustainable transportation. Transportation is one of the largest sources of greenhouse gas emissions. And we must do something now to reduce our carbon footprint and mitigate the effects of climate change. One solution to this problem is the adoption of electric vehicles and the installation of electric charging stations across the state. Electric vehicles and charging stations may adva-- have, have many advantages over traditional gasoline and E15 fuel. Some of the key benefits and technology of electric vehicles are as follows. Electrical vehicles produce zero emissions, which means they do not contribute to air pollution or climate change. By transitioning to the electric vehicles, we can significantly reduce our carbon footprint and improve air quality in our communities. Moreover, electric-- electricity used to power these vehicles can be generated from renewable sources such as wind and solar, further reducing our reliance on fossil fuels. Electric vehicles and charging stations provide a more convenient and flexible solution for our transportation needs. E15 fuel, which requires drivers to find a gas station that sells it. Electric vehicle sta-- charging stations can be installed in a variety of locations, including parking lots, apartment complexes and even on the street. With the development of fast charging technology, electric vehicles can be charged quickly, allowing drivers to get back on the roads in no time. Supporting electric vehicles and charging stations represents an economic opportunity for our country. The electric vehicle industry is rapidly growing and by investing in this technology, we can create jobs, stimulate innovation, and improve our comprehe-- competitiveness in the global marketplace. The cost of owning and operating electric vehicles is expected to decrease in the coming years, making them more a-- a more affordable option for consumers. Supporting electric vehicles and charging stations is a responsible choice for our future. We have climate change as a global challenge, and it requires us to

take urgent action. Embracing sustainable transportation solutions helps us to contribute to a cleaner and healthier planet for future generations. I ur-- urge everyone in this body to consider the benefits of promoting the use of electric vehicles, installation of electric charging stations. The benefits of technology are clear: zero emissions, convenience, economic opportunity, and a responsible choice for our future. Working together, we can create a sustainable system in transportation that benefits us all. How much time do I have less-- left, Madam President?

**DeBOER:** 1:17.

**M. CAVANAUGH:** Wow. It's almost exactly the same as last time. Well-- Yeah, I know that there are questions around the taxing when we are talking about electric versus gasoline, because we do have a gas tax. And our gas tax helps pay for our roads because it is sort of tied to usage, assuming you use gas and you drive an average of so many miles. So the gas tax is calculated to help pay for the infrastructure of our roads. But if you have an electric vehicle, we don't have a gas tax on an electric vehicle. So there is conversation over parity, and how we are taxing electric vehicles versus gasoline. This is the sort of nerdy rabbit hole you can go down when you're on the Transportation and Telecommunications Committee, and just the delightful nuances of policy that live in my brain for some reason. And I think I have learned more about parity in gas tax than I ever thought I could forget. Thank you, Madam President.

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

**HUNT:** Thank you, Madam President. I was sharing this Heritage Foundation article about it, and I also have this brief from Americans for Prosperity. But I've also received messages from constituents. One person emailed me today, I hope you're against this bill. Ethanol industry is becoming an obsolete industry. More people have electric cars. California isn't using as much, OK. Not to mention, this state is in a drought. 30 gallons of water to make 1 gallon of ethanol. This is not good for our future. Thank you. My whole opposition to this is just that we can't tell businesses what to do. You know, this is the same body that says we can't tell businesses that they have to give people paid time off when they have a baby or when they're sick. But

we can tell them what kind of products they have to sell? It's also government propping up a specific industry that is arguably not for the universal good, whereas something like giving new mothers time to take care of their kids, we can easily argue that that's for the universal good. And maybe the argument here is that given that gasoline use is decreasing, that people are using more and more types of alternative fuels, that the auto industry is designing more and more cars that are electric, that use different types of fuels, that maybe a bill like LB562 is needed to save Nebraska's ethanol industry during a time when ethanol use is decreasing in fuels. But again, I just don't think that it's the role of government to do that. Americans for Prosperity emailed out, we want to express our significant concerns with LB562. When the government decides to dictate to a company what they must do, it is often at the detriment of other businesses and the consumer. There's no way around it, LB562 is a mandate, plain and simple. LB562 as written requires that fuel retailers in Nebraska offer E15 from at least 50 percent of their dispensers. Transitioning from E10 not only removes options from the consumer, but it comes at a potential significant expense to the retailer. This is not the role of government. The decision to offer E15 should be made by the fuel retailer after evaluating the market demand, supply, and of course the costs they will incur for required infrastructure upgrades. I agree with that. While it does provide for a waiver process, and a grant program to assist retailers who need assistance in updating infrastructure, it doesn't change the fact that this is a government mandate with far reaching consequences. Let's unpack that, by the way. A grant program to assist retailers who need assistance in updating. So this is grant money being given to businesses to sell fuel that's being subsidized by the government. It's just subsidy after subsidy after subsidy. Corporate welfare for an industry that can hold itself up without government mandates. They talk about the amendment, which we haven't gotten to yet. While AM1248 would make the bill slightly better, it is still concerning. It lowers the threshold for the waiver process to \$15,000, which is when Senator Dorn misheard me saying \$15 million, I was talking about the \$15,000 threshold for the waiver. I didn't, I don't think I said \$15 million, I said \$5 million. But this says, it lowers the threshold for the waiver process to \$15,000, which is a significant improvement, but it removes the grant portion of the bill. That's fine with me. The January 1st, 2024 mandate is changed to only apply to new

construction. And if the 2027 statewide ethanol blend rate is below 14 percent on January 1st, 2028, retailers have to make E15 available from at least one pump unless the change would cost more than \$15,000. And they have a waiver.

**DeBOER:** One minute.

**HUNT:** Thank you, Madam President. Compliance for the January 2028 mandate has a grace period until April 1, 2028, to allow retailers to have time to comply. Where did my other paper go? All I have is papers. So, part of my concern is also with the grace period and the time to comply. If the 2027 statewide ethanol blend rate is below 14 percent on January 1st, 2028, then retailers have to make E15 available from at least one pump unless the change would cost more than \$15,000. The bill was amended to include a grace period. The mandate goes into effect January 1, but the Department of Agriculture has no authority to enforce it until April 1, which will give retailers more time to comply. This was changed after opponents raised concerns--

**DeBOER:** Time, Senator.

**HUNT:** --concerns that we wouldn't know the blend rate until January. Thank you, Madam President. Call the house and a roll call vote.

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

**CLERK:** 11 ayes, 6 nays to place the house under call.

**DeBOER:** The house is under call. All those senators who are not excused, please return to the Chamber. The house is under call. Senators Day, Albecht, Conrad, McKinney, Murman, and Riepe, the house is under call. Please return to the Chamber. Senator Riepe, please return to the Chamber. The house is under call. All unexcused senators are now in the Chamber. There's been a request for a roll call vote. The question before the body is whether to indefinitely postpone LB562. Mr. Clerk, please call the roll.

**CLERK:** Senator Aguilar. Senator Albright 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 voting no. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan. Senator Erdman voting no. Sen 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. 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. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne. Senator Wishart voting no. The vote is 0 ayes, 41 nays, Madam President, on the motion to indefinitely postpone.

**DeBOER:** The motion is not successful. Mr. Clerk, for items. I raise the call.

**CLERK:** Madam President, some items. Your Committee on Education, chaired by Senator Murman, reports LB800, LB153, LB603 and six-- excuse me, LB762 to General File, some having committee amendments. Amendments to be printed for Senator Bostart at LB683. Madam President, concerning LB562, Senator Hunt would move to reconsider the vote just taken on the indefinitely postpone motion.

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

**HUNT:** Thank you, Madam President. To restate some of my concerns about LB562. The ethanol industry has been around for a long enough time now that it should be able to stand up on its own without government mandates, without government telling gas stations that they have to sell this product, that it's mandatory for them to put this on 50 percent of the pumps. There's already a federal mandate on the number of gallons that ethanol-- the number of gallons of ethanol that need to be blended into gasoline, and that increases yearly. For 2023 it's 15 billion gallons. Government should not be telling businesses what to sell. We should trust consumers to say what it is retailers are

going to offer and sell. We should trust consumers who shop with their wallets, who decide what gas station they're going to go to, who decide what car they want to drive, and who decide what it is they want to put in their tank. And the government to put their thumb on the scale for one type of industry over another by mandating something like an LB562, I think goes against those principles, and the Legislature should stay out of these business relationships. LB562 might be good for some Nebraska ethanol producers who are along the supply chain of that, whether it's corn growers or ethanol plants. But I don't think that it's worth it to put this on the backs of retailers at a cost to them, when the ethanol industry is standing to gain so much from LB562, and the way government props up this industry. The ethanol industry in Nebraska has received millions of dollars over the years, and in fact received \$12 million through legislative efforts from the state's leaking underground storage tank fund. LB562, allocates another \$30 million in state funds, and that's state tax dollars. Aren't there a better use of \$30 million like nursing, nursing provider rates, paid family leave? I mean, we all have a wish list that we have personally, policy-wise, that we'd like to see that kind of money go to instead of just another handout for ag producers enforcing a government mandate for a product that we don't know what the market is telling us about it. Ethanol producers have already gotten their fair share and more of these subsidies. Furthermore, the 14 percent threshold is an unobtainable blend rate target, some people are saying. While there are exemptions for small retailers, those selling less than 300,000 gallons annually on a three year average, and a \$15,000 threshold to comply with selling E15 at a minimum of one dispenser, should the 14 percent threshold not be achieved by 2028, competition will dictate these smaller retailers to start offering E15 at their expense with little revenue from the sales of that blend. And finally, you know, look at all of the PAC contributions that we've seen from ethanol companies to state senators. And I also think that Senator Raybould made a really good point about craft beers. I mean, would it make sense for us to pass a bill saying every grocery store has to have 50 percent craft beers so we can support our local beer industry? I mean, no, because actually when you go to grocery stores, when you go to gas stations and convenience stores, and you want to buy beer, there are tons of opport-- opportunities and options. And if they don't have what you like, you can go somewhere else, and the same is exactly true with gas stations. The Heritage Foundation continues

in their report on this. They say, as the Department of Energy warns, E10 remains the limit for passenger vehicles older than the model year 2001, and for other non-road and small engines, and vehicles that use gasoline, such as lawnmowers, motorcycles, and boats. Interestingly, some top growing corn-- top corn growing states also happen to be the states with the most motorcycles per capita. Requiring that oil refineries blend ethanol into gasoline artificially increases the demand for corn. As the government forces producers to mix more corn products into their fuel, these producers will require more ethanol, and therefore demand for corn will rise based on a government mandate, not based on anything the market is doing. When a demand for product increases, prices increase accordingly. The prices for products in which corn is a staple ingredient increase. Livestock and poultry producers, who are particularly concentrated in the Midwest and Nebraska, pay more too. This act of government intervention harms the poorest of consumers, who see higher prices throughout the grocery store and at the gas pump. And we should instead let the free market work in this sector to lower prices in a natural way. Converting more grassland to farmland will also have an adverse environmental impact, defeating the purpose of this fuel. With higher productivity on these farms, we will see a greater use of fertilizers, insecticides, pesticides, and fossil fuels for production and distribution, as well as greater soil erosion, sedimentation, and nitrogen and phosphorus runoffs. And you really need only look at the ethanol plant, AltEn. And Senator Blood is certainly the expert on that debacle. But all of the toxic waste created by this ethanol plant that ended up having really serious consequences not just for people's health, but also for industry and business in Nebraska. The unwanted environmental costs of agricultural production are solvable. It's a solvable problem. The real problem is that these biofuels have been sold to policymakers as green, whereas in practice they can be just as environmentally damaging as petroleum based fuels. That's why a lot of consumers are phasing out of using biofuel, they're phasing out of-- you know, if you have the luxury of buying a new car or a used car, you know, if you're changing your car, more and more people are choosing electric vehicles. And more and more auto manufacturers are producing these kinds of vehicles at a lower and lower and more accessible price range for Nebraskans and for American consumers. So that gives me even more pause about pushing subsidies, and incentives, and special handouts for ethanol producers along the supply chain, especially since 40

percent of our corn is grown for ethanol, but gasoline consumption is declining. Gasoline consumption is down 15 percent from 2019, and it is showing these signs of plateauing. So we know that there's a limited capacity to expand the market for ethanol sales. And to me, I have to think that's what this is really about. It's about propping up an industry that has not been able to survive in the free market. And they already get tons of subsidies. We've already given them tons of handouts. And I just don't support doing more by mandating private businesses sell their product at 50 percent of their pumps. The Heritage Foundation piece continues. Environmentalist groups that once supported the use of ethanol are now arguing that the ethanol mandate is poor environmental policy. In fact, the reason that E15 is currently prohibited from being sold from June 1 through September 15 is that burning ethanol in warmer weather contributes to ground level ozone and smog. As I said, it, it decreases carbon pollution, but it increases the ozone pollution. They continue, refiners have to switch to pricier summer blends for the same reasons. Herein lies the problem. Biofuels shouldn't get an ex-- special exemption when other fuels do not. They continue, if anything, the Trump administration should address federal ozone standards, which have become increasingly controversial as it becomes more expensive to meet tighter standards with smaller marginal increases and tangible benefits. They also say if the Trump administration really wants to shake things up, the president should direct the EPA administrator to use the agency's waiver authority to reduce the volumetric renewable fuel requirements to zero gallons. The Clean Air Act authorizes the agency to adjust the volume--

**DeBOER:** One minute.

**HUNT:** Thank you, Madam President. The Clean Air Act authorizes the agency to adjust the volume set by Congress as part of an annual rulemaking process. Furthermore, the statute permits the administrator to waive part, or the entire volumetric requirement based on determinations of economic or environmental harm, or insufficient domestic supplies. No administrator has ever tested the limits of, quote, significant economic or environmental harm, unquote, despite the fact that the renewable fuel standard has caused both, distorting commodity production and prices, artificially raising the price of fuel and food, and having adverse environmental effects. And being a government mandate. Thank you, Madam Chair.

**DeBOER:** Thank you, Senator Hunt. Senator Machaela Cavanaugh, you are recognized.

**M. CAVANAUGH:** Thank you, Madam President. OK, so this is an article-- It's white paper, grayscale font. I don't know what the font is. It's The Conversation. Academic rigor and journalistic flair. That's quite the subte-- te-- tagline. Academic rigor, journalistic flair. There was a word on the last bill I was going to look up. Bifurcate. It's word that Senator John Cavanaugh loves to use. And this was another word that I was going to look up and try and use more often. Darn it all. Emolt-- emolt-- emote-- mulsion-- emulsion. Maybe it was emulsion. Well, if anybody remembers what the word was that I was talking about earlier, that I was going to look up to try and use more, please let me know because I really want to use it more. I need one of those, like, words of the day sort of thing. I should probably just do a wor- there's probably an app for word of the day. OK, The Conversation. Academic rigor, journalistic flair. I'm curious what journal-- the journalists in the room think of journalistic flair as a tagline. An ethanol refinery in Chancellor, South Dakota. My husband's from South Dakota. I'm not familiar with Chancellor, though. I wonder which part of the state it's in. Allowing E15 fuel year-round won't increase sales very much, but it's a symbolic victory for corn ethanol advocates. This is from May of last year. Aaron Smith, professor of agricultural and resource economics at the University of California, Davis. As part of efforts to dampen high gasoline prices, the Biden administration is temporarily allowing gas stations to sell a specific blend of E15 containing 15 percent ethanol year-round. Under the Clear Air Act, E15 cannot be sold in summer because it evaporates more readily in warm weather and can worsen air pollution. Aaron Smith, a professor of agricultural economics at the University of California, Davis, explains how E15 differs from the E10 that is blended into most gasoline sold nationwide, and the general environmental impacts of corn-based ethanol. What is E15 and where is it used? Ethanol, also known as ethyl alcohol-- ethyl alcohol or grain alcohol, has been a potential alternative to gasoline. Well, I have to stop here now and talk about the Dukes of Hazzard. OK. There was an episode of The Dukes of Hazzard, for those that remember the show. There was an episode where they were-- well, first of all, they were always transporting moonshine. That was like the premise. That's why they were always being chased by the sheriffs is because they were transporting

moonshine. And there was an episode where they use the moonshine for gasoline. And I think that their car was actually diesel. So it worked. And this was like, when was The Dukes of Hazzard on? Was it the eighties? It wasn't the seventies. It was the eighties. I think it was the early eighties, but it was the eighties. I was in a Dukes of Hazzard fan club. I think I was an auxiliary member with my older siblings, but I think it was in the, the eighties. Anyways, there was this episode and--

**DeBOER:** One minute.

**M. CAVANAUGH:** --they ended up using-- Thank you, Madam President. They ended up using the moonshine for gasoline. And I think it was because they had a diesel tank. So anyways, just thinking about this because it mentioned ethyl alcohol, or grain alcohol, which again, here's my train of thought, the, the thin thread. Start thinking about grain alcohol, and motor vehicles, and the episode of the Dukes of Hazzard where they use moonshine as alcohol-- or as gasoline for their car. I don't remember what the other circumstances were of that specific episode, but I do remember them using moonshine for gasoline, and that is very creative. So with that, I think I am almost possibly close to almost possibly getting there, and I can keep talking about grain alcohol--

**DeBOER:** Time, Senator.

**M. CAVANAUGH:** Thank you, Madam President.

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

**DORN:** Thank, thank you, Madam President. When Senator Cavanaugh started talking about Dukes of Hazzard, I don't know how many-- I know she's probably too young for this. I don't know if she remembers MASH, the show. MASH. Oh, yeah. Well, if you remember the doctors on there, Hawkeye, and they had their still always there. And we always got to watch that. And that was kind of where you not only learned about some of this, I call it pre-ethanol thing, but that was how they passed the time and they needed that very much. One of the things that through this whole process that have is we get a lot of material to read, just as Senator Hunt has been reading some of the information she's been

getting. But I wanted to read an article here from Agriculture and Biofuels Consulting Group. And it's the impact for Nebraska's economy of statewide E15 use. It was dated February 2 of 2023. It says one of the most significant challenges and opportunities for the ethanol industry both nationally and in Nebraska lies in expanding demand by increasing use of higher blend levels. Most of the motor gasoline currently used in Nebraska contains a blend of 10 percent ethanol. Transitioning to statewide use of 15 percent ethanol will increase ethanol demand and benefit Nebraska's consumers and the state economy. This study examines the contribution for the Nebraska economy of replacing E10 with E15 on a one year-round statewide basis. According to the Nebraska Department of Economic-- of Environment and Energy Office (NDEE) and the Nebraska Ethanol Board, an estimated-- they use 835 million gallons of gas, but the number we've been using is 850 million gallons of gas in Nebraska-- of ethanol blended fuel, which is that, that blender rate of about 9.5 percent-- was sold in 2022. While the NDEE does not track consumption of individual ethanol blends, based on motor fuels utilization data the NEB estimates that ethanol blends account for more than 90 percent of Nebraska's gasoline and that the majority of this is 10 percent ethanol. 93 percent of it is 10 percent ethanol or higher. Transitioning from E10 to E15 statewide would require an additional 41 million gallons of ethanol from Nebraska producers. Nebraska consumers would realize more than \$50 million in savings from lower prices for E15 at the pump. These savings are equivalent to an increase in household income that will stimulate consumption of goods and services produced and supplied in Nebraska. Additionally, Nebraska's fuel retailers will benefit from increased volumes of ethanol blended fuel caused by a statewide E15 standard. Lower prices for E15 are expected to increase consumption of all ethanol-blended fuels 3 percent, or 24 million gallons. The combination of consumer savings, the value of additional ethanol output, and retailer benefits will stimulate the Nebraska economy. Using 2022 volumes as a baseline, moving from E10 to E15 statewide would add \$138 million to Nebraska's GDP, generate nearly \$100 million in additional income for Nebraskans, and support nearly 3,500 jobs in all sectors of the Nebraska economy. The economic contribution--

**DeBOER:** One minute.

**DORN:** --provided by increasing ethanol demand was estimated by applying economic impact multipliers to the expenditures on goods and

services to produce the additional ethanol required to meet the transition from E10 to E15, the savings Nebraska consumers would realize from lower prices at the pump for E15 blends. The value of ethanol industry output was estimated by using Omaha prices for ethanol. Motor gasoline and ethanol use was sourced from data published by the Nebraska Department of Environment and Energy. Thank you. I'll return my time.

**DeBOER:** Thank you, Senator Dorn. Senator Hunt, you're recognized.

**HUNT:** Thank you, Madam Chair. I want to finish this piece, and then I have some original thoughts that's, that's not reading that I would like to share based on what the Heritage Foundation is sharing here. So they say, if the Trump administration really wants to shake things up, the president should direct the EPA administrator to use the agency's waiver authority to reduce the volumetric renewable fuel requirements to zero gallons. The Clean Air Act authorizes the agency to adjust the volume set by Congress as part of an annual rulemaking process. Furthermore, the statute permits the administrator to waive part, or the entire volumetric requirement based on determinations of economic or environmental harm, or insufficient domestic supplies. No administrator has ever tested the limits of, quote, significant economic or environmental harm, unquote, despite the fact that the renewable fuel standard has caused both, distorting commodity production and prices, artificially raising the price of fuel and food, and having adverse environmental effects. Maybe ethanol and E15 can survive in a free market that allows drivers to make different fuel choices. But the current policy offers nothing close to consumer choice, or open markets. And neither does LB562. The industry will never thrive if it is continually dependent on its preferential policies from the government. That's the crux of my argument. The industry will never thrive if it's dependent on preferential policies from government, and that goes for everything. The incentive to innovate and compete with other fuel sources is significantly reduced when biofuel companies have a guaranteed share of the market. When government guarantees these companies a share of the market, that decreases competition, that decreases incentive to innovate. And it does not support consumer choice either, as Senator Ibach, Senator Halloran, and Senator Jacobson have argued. So I have concerns over the proposed government mandates that would require gas stations to have 50 percent of their pumps dispense ethanol E15 fuel. I think that



the intention behind this mandate is well-meaning. I think it's basically harmless in terms of like literal harm that people could experience at the hands of the Legislature. Like, this is pretty low on the list of different measures that we have under consideration this year. But I do think that they have negative consequences for our environment, for our economy, and most importantly to me, for personal freedoms. So first and foremost, the environmental impact of these mandates. Ethanol E15 fuel is more expensive to produce than typical gasoline, and mandating its use will drive up the cost of fuels for consumers. This could hit hardworking Americans hardest who rely on their cars to get to work and provide for their families, particularly those in rural areas where affordable transportation access is already limited. Furthermore, these mandates will have a negative impact on the environment. While ethanol may be touted as a green alternative to gasoline, the reality is that the production of ethanol consumes vast amounts of water and energy, and produces large amounts of greenhouse gases. I don't know if this is true, but as one constituent reached out to me and said, it takes 30 gallons of water to make one gallon of ethanol. That's a lot, especially in a state and in an environment where we're facing water shortages. I mean, we're in a fight with our neighbors in Colorado over how much of their water we're going to be taking from them.

**DeBOER:** One minute.

**HUNT:** Thank you, Madam Chair. This is in addition to the environmental impact of growing the corn used to produce ethanol, which requires vast amounts of fertilizer, and contributes to soil erosion and other environmental problems. Finally, let's consider the impact of these mandates on our personal freedoms in principle. The government has no business dictating what types of fuel businesses can or cannot sell. If it's a legal fuel, if it's on the market, if it's safe, it stops there. That's the end of the regulation. We don't then take a step forward and mandate that the business sell it. Thank you, Madam Chair.

**DeBOER:** Thank you, Senator Hunt. Senator Jacobson, you're next in the queue.

**JACOBSON:** Thank you, Madam President. I just want to respond to a couple of the comments who were just made, I think, as it relates to mandates and subsidies. So, as I understand it, we should stop

subsidizing electric vehicles, because there's massive subsidies for electric vehicles today. So evidently it's time for them to stand on their own. So let's stop the mandates, and let's stop the subsidy of electric vehicles. And we talk about what it costs that there's no environmental footprint to an electric vehicle. I guess that would be based on those people who think that you charge those vehicles by plugging it into the wall with no concept as to where does the electricity come from, and how does it get generated. It gets generated from coal fired plants, it gets generated from gas fired plants, at some hydro plants, and different plants when we produce it. And all of these things, you start looking at wind energy. People say, well, wind energy, guys, that's clean, except for the fact that you have to build the windmills out of material, you have to dispose of the blades when they wear out, there's an environmental impact from birds that are hitting it, and that-- and other environmental problems with those windmills themselves. They've got to transport them to their various places to put them up. So to sit here and just think that let's just do everything with electric vehicles, and that it all goes away and everything's wonderful is just fantasy land. I mean, it doesn't work that way. If we're going to think, for example, that Nebraska agriculture is going to quit growing corn or other products on the land that is out there because we don't have E15 really doesn't add up either. Nebraska farmers produce food and energy. A lot of the byproduct that gets produced from ethanol goes back into feed products, primarily for cattle. A large percentage that comes back, if we aren't producing it in ethanol, then we have more acres of alfalfa and more acres of corn that would have to be produced to offset those feed needs. If people are going to quit eating, then we're probably OK, but I don't think that's going to happen. There's a tremendous need for food, and a lot of the ethanol byproduct is used to help in that food chain as well. So again, I don't see this as a mandate as much as I see this as what it's been intended to do, give consumers access to the product, because you can't buy it if it isn't there. And I just hope that those that are opposing the bill would also oppose, then, when the mandates are going to come down to put electric charging stations at gas stations, that they would oppose those as well, because that day is coming. That's what's happening here with this ethanol bill. Nobody's requiring that they have to sell a certain amount of ethanol. It requires them that if they upgrade their station, upgrade their tanks, that they would make accommodations to

have E15 available to those who wish to purchase it, and that there would be incentives for them if they do sell volumes of E15. That's what this bill does. Thank you, Madam President.

**DeBOER:** Thank you. Senator Jacobson, Senator Machaela Cavanaugh. You're recognized.

**M. CAVANAUGH:** Thank you, Madam President. I did not imagine it. There was an episode of the Dukes of Hazzard, episode-- season 1, episode 5, called High Octane. It originally aired on January-- not January, February 23, 1979. Remarkably, I remember this episode because I was one month old when this aired, so I must have seen it in reruns. Okay. This is the synopsis of this-- of this episode of The Dukes of Hazzard, in which the Dukes attempted to solve the 1970s energy crisis and very nearly succeeded. Bo and Luke arrived at the courthouse, meeting Uncle Jesse, as they are late for their quarterly probation meeting. On the way in, Luke notices a poster for a contest offering a \$20,000 prize if you can come up with an alternative to fossil fuel. Bo suggests they enter, and Luke-- and Luke's all like, screw you, Bo. We can't come up with anything, especially you, dingus. I forgot they used the word dingus all the time. When they get upstairs, they are informed that their usual officer, Agent Roach, has been promoted out of Hazzard and that Roxanne Huntley has taken his place. She's a real no nonsense sort, and is shocked to learn that the ATF has made a deal with the Dukes. If they all stopped making moonshine, the boys would get probation. This seems fairly simplistic. And then here's a quote. Bo and Luke, please, Mr. Revenuer, we promise to stop making 'shine. Don't send us off to prison. Rev-- revenuer, oh, I suppose so. But you'll be getting a harsh probation, No firearms or leaving the county. Now, run along before I change my mind, end quote. Anyway, Agent Huntley says she never would have made the deal, and the Duke's leave. Roscoe comes in and discusses with Agent Huntley that he can't believe the Dukes are not making moonshine anymore, but Huntley wants to give them the benefit of the doubt. Outside, Jesse comes upon Cooter fixing the General Lee's tail light while wearing a coat that is covered in autographs, which is really strange, but no one mentions it. Roscoe and Agent Huntley-- you know what? Just going to call her Huntley from now-- here on out-- see that Bo has bought a rather large amount of copper tubing. Roscoe seems certain it's for hooking up to a still. But again, Huntley remains unconvinced. He goes on about it some more, and she finally gets suspicious. At the Boar's Nest, which

apparently has a gas station in front of it, Uncle Jesse gets so pissed that he's limited to three gallons of gas due to the shortage that he threatens to beat the poor pump jockey. Calm down, old man. Everyone's got to cut back these trying times in the late seventies. Boss Hogg comes out and reminisces with Jesse about the time back in the day when they ran out of gas-- when they ran out of gas on a moonshine run, and out of desperation, put some of Jesse's famous moonshine in the gas tank and the car ran on it. Boss suggests Jesse brew up a batch and enter it in the contest. Jesse says he has no need for \$20,000, which is crazy. Boss says he isn't either, but is more interested in the royalties that they would be paid, Boss saying he'd get a part because it was his idea. Bo and Luke convince Jesse that it'd be for the good of the country, and he relents, but tells Bo-- tells Boss that he won't do the partnership. This synopsis uses stronger language. I had to mentally edit it for a second. Jesse and the boys and Cooter go up to the woods and uncover the still. Roscoe hears the Duke's firing up the still and makes to run and bust them.

**DeBOER:** One minute.

**M. CAVANAUGH:** Thank you. Boss tells him to back off and let them make their moonshine. But, but when they go to transport, then he can bust them, so Boss can take the moonshine and enter it in the contest himself. After some Cooter invest-- investigating moonshine hijinks, we see a woman walking in the woods who trips on one of their alarms. They all take turns scrat-- scaring the-- scaring her, and she tells them that she's just fishing. She smells the smoke from the still and goes to investigate. She bends down, sniffs the spigot, getting a face full of moonshine fumes, which causes her to pass out. They pull her wig and glasses and surprise, it's Huntley. Bo gives her CPR. She wakes up telling him he's under arrest. The balladeer pops up and says, maybe it's his technique. And then there's a commercial break. When the show returns, Bo re-- restates, I'm under arrest question, question. I'm probably about out of time.

**DeBOER:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**DeBOER:** Senator Hunt, you're recognized, and this is your final opportunity before your close.

**HUNT:** Thank you, Madam Chair. Senator Machaela Cavanaugh, you've really gotten a knack for a sense of what a minute is, and when you're about out of time and I, I share that. I also wanted to tell you that if you want a word of the day, you should download the dictionary app, that the Merriam-Webster app gives you a word of the day and you can get a notification. And I really look forward to the word of the day every day. To respond to Senator Jacobson, who said in response to what I said. OK, well, then let's get rid of all the subsidies. Let's get rid of all the incentives. Yeah, let's do it. I do support getting rid of subsidies. I do support getting rid of incentives. I do support letting the market do what it's going to do without government putting their thumb on the scale either way. And not to sound too insane, but yeah, that is like a cornerstone of my political ethic. I'm a leftist. I have very left wing social ideas. But yeah, I am against subsidies and you would know that, and you would know these things about the nuances of my political beliefs and outlook. But you lost the opportunity to know me when you decided to support discrimination against my family. Ha ha, here's some chuckles over here. Ha ha ha ha. So I want to expand upon my opposition to LB562, because I think this is a core principle that is shared by many of us in Nebraska, and that's the belief in free markets, and the belief in individual choice. As Nebraskans, we believe that individuals and businesses should be free to make their own decisions about how they're going to use their resources, how they're going to run their businesses, and how they're going to use that to meet the needs of their customers. I think that it's a Nebraska value to believe that the role of government is to create a level playing field and to protect our basic rights, not to dictate our choices or to interfere in the marketplace. You know, there are basic regulatory things that happen. We have regulatory agencies and commissions and experts and scientists who figure out what's safe for medicine and food, what's safe for fuel and energy, what's safe for housing standards, and vehicles, and all these kinds of things. I leave that to them, not to us 49 people in this body who are not experts in those areas. So I would start by examining the concept of the free market. Free markets are based on the idea that individuals are best suited to make decisions about what goods and services they're going to consume, that they're best suited to figure out what they need and what they want. And that competition among businesses is what drives innovation. The competition among business is what drives efficiency, and what lowers prices, increases

accessibility, increases new things coming on the market that solve new problems, and because of these things, ultimately benefit consumers. Free markets aren't perfect, but they have been the driving force behind the incredible success and prosperity and wealth that our country has enjoyed over the last century since the Industrial Age. And we've used that wealth and prosperity to, not to be corny, but to put a man on the moon, to engineer spaceflight, to invent the television, to invent the Internet. I mean, all of the medical breakthroughs that have come out of our country have come out of market competition and making sure that people are free to innovate. But free markets can only work if they're really free. And that means that government can't interfere in the marketplace unless there is a clear and compelling reason to do so. And I don't think that the reasons outlined in--

**DeBOER:** One minute.

**HUNT:** LB562-- Thank you, Madam President. I don't think the reasons outlined under LB562 are compelling enough to mandate private businesses, gas stations, to say 50 percent of your pumps have to have E15. There's no compelling human rights reason for that. There's no compelling reason for safety or public good. It's literally a handout to the ethanol industry and to producers, to prop up a type of fuel that is dying, that is decreasing in demand. So unfortunately, in the past few decades, we've seen this trend toward government intervention in the economy. And this has just resulted in distortion of the free market and a reduction on individual freedom. Thank you, Madam President.

**DeBOER:** Thank you, Senator Hunt. Senator Machaela Cavanaugh, you're recognized. And this is your final opportu-- Excuse me, Mr. Clerk, for items.

**ASSISTANT CLERK:** Madam President, one quick item. The Appropriations Committee will hold an Executive Session at 2:00 today in room 1307.

**DeBOER:** Thank you, Mr. Clerk. Ms-- Senator Machaela Cavanaugh, you're recognized, and this is your third opportunity.

**M. CAVANAUGH:** Thank you, Madam President. So I was reading about the episode of The Dukes of Hazzard, where they use moonshine as gasoline.

I didn't get to the rest of the episode, but I think you get the picture. Anyway, that all started because I was reading this article about allowing E15 fuel year-round, increasing salaries, and it talks about-- that it's also-- Ethanol is also known as ethyl alcohol or even grain alcohol. And I also, at the start of reading this article, said that the ethanol refinery, this photo is of an ethanol refinery in Chancellor, South Dakota. I commented that my husband is from Chancellor, South Dakota, but-- or not from Chancellor, South Dakota. My husband's from South Dakota, but I didn't know where Chancellor was. So Chancellor, South Dakota is in Turner County, just east of West Sioux Falls. So Sioux Falls is like, you go straight up I-29 out of Omaha and you'll hit Sioux Falls. So it's east of West Sioux Falls, and it's named for the German chancellor, Otto von Bismarck, and was the home to a volunteer that I had named Miss Cleo. And she would always bring do-- not donuts, brownies to, to when she volunteered. Also in South Dakota, Senator Tom Daschle, who was for a long time the leader, majority leader of the U.S. Senate, he drove a prototype ethanol col-- car from South Dakota to D.C. in the late eighties, and always said it was basically powered by moonshine. West of Si-- Sioux Falls-- chancellor is west of Sioux Falls. There we go. So there is your South Dakota lesson of the day, I guess. Back to the article that I'd started reading. What is E15, and where is it used? Ethanol, also known as ethyl alcohol, or grain alcohol, has long been a potential alternative to gasoline. Henry Ford advocated for it in the 1920s, but it wasn't used much until the early 2000s because it was too expensive. More than 93 percent of the ethanol currently made in the U.S. comes from corn. In 2007, amid concerns about high gas prices, energy-- energy security, and climate change, Congress passed a law creating a renewable fuel standard which requires transportation fuels sold in the U.S. each year to contain certain quantities of biofuels like ethanol and biodiesel. Under this policy, more than 95 percent of all gasoline sold in the United States is E10, a blend of 90 percent gasoline and 10 percent ethanol. E15 contains 15 percent ethanol and 85 percent gasoline. It is currently available in about 2,300 of the 145,000 gas stations in the United States, mainly in Midwestern states where most corn is grown and processed into ethanol. E15 is coercive [SIC], is more coercive [SIC] than E10, so some drivers worry that it will damage their engines. The Environmental Protection Agency has approved E15 for use in any light duty vehicle of model year 2001 or newer, and many car makers have approved it for use in their cars in

the past decade. Nonetheless, some automakers recommend using-- against using E15.

**DeBOER:** One minute.

**M. CAVANAUGH:** Thank you. It is not approved for use in motorcycles, heavy duty vehicles such as buses and delivery trucks, boats or equipment such as chainsaws or lawnmowers. Advocates call biofuels-- fuels an important asset for curbing climate change. But a 2022 study found that corn based ethanol is significantly more carbon intensive than regular gasoline. Why were E15 sales barred in summer? The prohibition on selling E15 in summer stemmed from the EPA's efforts to reduce smog, which can cause respiratory problems in people who breathe it. Ironically, E15 has very similar smog causing potential to the E10 it would replace. But a set of arcane rules from the 1970s had banned E15, while allowing E10. That's interesting. One source of smog--

**DeBOER:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**DeBOER:** Seeing no one else in the queue, Senator Hunt, you're recognized to close on your motion.

**HUNT:** Thank you, Madam President. Since my last time on the mike, I received an email from a constituent, and it is addressed to me, Senator Raybould, and Senator Machaela Cavanaugh. And this man writes, Dear Senators, I've listened with interest to the debate on requiring Nebraska gas stations to have at least one E15 pump. I don't know about how accurate the EPA is when they say that E15 can be used on gasoline powered autos manufactured in 2001 or later. I'd prefer to place my trust in my vehicle's owner's manual. The owner's manual for our 2015 Subaru Forester states the following, quote, do not use any gasoline that contains more than 10 percent ethanol, including from any pump labeled E15, E30, E50, or E85, which are only some examples of fuel containing more than 10 percent ethanol. In addition, just like E10 gets poorer fuel mileage than regular unleaded gasoline, E15 gets poorer mileage than E10. Just some thoughts. Thanks for listening. Thank you for that email. Sometimes I feel like-- sometimes I do this mental, like, trick to help me think of more things to say.



So when I was in my teens, like late teens and early twenties, I've said this a few times before, I was super conservative. I would not say that I was super socially conservative, but I was like very conservative. And I listened to all those talk radio shows. I listened to Laura Ingraham, Rush Limbaugh, Sean Hannity, Glenn Beck, Michael Savage I liked. All of these talk radio shows I listened to all the time. And one of my first jobs in college was at KFAB, at a radio station working with the drive time production team. And for like a brief sliver of my life, one of my dreams was to be-- to work in, like, radio talk, talk radio. And so when I read that email, it, it, like, flashed back to me where it's like, thank you, caller, you know, east of the Rockies. Just the way that they talk on the radio is, is really funny. And sometimes when I can't think of more things to say, I actually remember back to when I worked at KFAB and it was our job to find topics for the host to talk about for like a three hour talk radio show, which now, in the Legislature, 3 hours feels like nothing. And it takes me back to when I started here with Speaker Sheer, and he had the three hour rule, where if a debate went longer than 3 hours and the bill introducer couldn't show a vote card with 33 votes on it, then he just wouldn't reschedule the bill. And, you know, in many ways, that was a really annoying rule because 3 hours is not enough time to have substantive debates on certain things. But in some ways, I miss that rule, because we would not be in the position we're in now if that was still the rule of the Speaker. So talking about free markets, they can only work if they're truly free. And that means that government shouldn't interfere in the marketplace unless there's a clear and compelling reason to do that. A reason could be public health, public safety, if there's some real crisis that's affecting people. But none of these are the case for the context in the circumstances around LB562. Over the past decades, we have seen an increasing trend toward government intervention in the economy. And that's not like a blue state thing or a red state thing. Everybody is giving handouts to their friends. Everybody's giving handouts to their friends as much as they can on both sides. And this resor-- results in a distortion of the free market, and a reduction in individual freedom. One of the most damaging forms of government intervention is regulation.

**DeBOER:** One minute.

**HUNT:** Thank you, Madam President. Regulations are rules that are put in place by the government to restrict or control certain aspects of economic activity, of production, of commerce, of all these things. And as far as public health and public safety depends on regulation, that's great. But when we get too much of it, when we get into these mandates, it stifles innovation. It creates unnecessary barriers and costs for small businesses, and it ultimately harms consumers. As Nebraskans, we have these values of small government. We believe that regulation should only be limited to what's necessary to protect public health and safety. And we believe that regulation should be transparent, predictable, and based on science and sound analysis, and that they should have a public good. They should have a result in increased public health and public safety. And that's not what we have--

**DeBOER:** Time, Senator.

**HUNT:** I'd have a call the house, and a roll call vote.

**DeBOER:** 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, and those opposed vote nay. Record. Mr. Clerk.

**CLERK:** 8 ayes, 2 nays to place the house under call.

**DeBOER:** The house is under call. Senators, please record your presence. Those unexcused Senators outside the Chamber, please return to the Chamber and record your ple-- presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Hansen would like to announce 31 4th grade students from Tekamah-Herman School in Tekamah. And, Senator, Ibach would like to recognize 12 students and 2 teachers from Sumner-Eddyville-Miller in Sumner. Please stand and be recognized by your Nebraska Legislature. Senator Raybould, Albrecht, Conrad, Fredrickson, Armendariz, Vargas, Hughes. Erdman, Brewer, Dungan. The house is under call. Please return to the Chamber. Senators Raybould, Conrad, Fredrickson, Dungan, the house is under call. Please return to the Chamber. Senator Conrad, the house is under call, please return to the Chamber. Senator Conrad, the house is under call, please return to the Chamber. All unexcused senators are now present. There's been a request for a vo-- roll call vote. Mr. President and Mr. Clerk, please call the roll.

**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 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. 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 voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell. Senator McKinney voting no. Senator Moser voting no. Senator Murman voting no. Senator Raybould voting no. Senator Riepe. Senator Sanders voting no. Senator Slama. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne. Senator Wishart voting no. The vote is 1 aye, 48 nay-- excuse me, 38 nays Mister President on the motion to-- Madam President, on the motion to reconsider.

**DeBOER:** Thank you, Mr. Clerk. The motion does not carry. Mr.-- I raise the call. Mr. Clerk, for items.

**CLERK:** Thank you, Madam President. LR107 issued by Senator Clements. That will be laid over. LB562, introduced by Senator Dorn. It's a bill for an act relating to ethanol to amend section 66-2205, adopts the E15 Access Standard Act, change provisions relating to a grant program, and repeals the original section. The bill was read for the first time on January 17 of this year and referred to the Agriculture Committee. That committee placed the bill on General File with committee amendments, Madam President. LB562, Senator Mc-- Hunt would move to bracket the bill until June 1, 2023.

**DeBOER:** Senator Hunt, you're welcome to open on your motion.

**HUNT:** Thank you, Madam Chair. Thank you, colleagues. I apologize for the long call of the house. I know that there are many different committees that are execing right now-- whoops --on different things, and it's good they're doing that. It looks like we're missing about

nine people, including some of whom are in Mexico on vacation. And so if you would like to take the rest of the time here and go home, you're not really needed for the rest of the day. So if I were you, I would do it. If I didn't have this investment in protecting the rights of kids in Nebraska, I would do the same thing. So be my guest and take off. I got an email since my last time on the mike from one of my biggest haters who calls in pretty frequently, and she says, Megan, I know we don't always agree on everything-- understatement there-- however, I do oppose the LB562. I do support the use of ethanol, and coming from a farming family that benefits from growing corn for ethanol. My grandma taught me a lot about ethanol, and was an advocate for its use. However, the government should not be mandating what businesses sell. Even with grants to change their ways, this is not feasible for a lot of western Nebraska gas stations, and could be detrimental to their business. Thank you. Thank you, caller. That was a west of the Rockies for sure. No, it wasn't. But I really believe that as Nebraskans we have a shared value, and a shared goal, that regulation should really be limited to what's necessary to protect public health, to protect public safety, and that it should always be transparent, and predictable, and based on sound science to know that it's really worth it. What regulation should not be, is they shouldn't be used as a tool to advance political agendas, or to protect special interests, or to give handouts to our favorite best friends, at the expense of consumers and at the expense of small businesses. Another form of government intervention that we have to guard against, that you don't know how much of this stuff is, is bears on some of these types of subsidy incentive questions that we consider in the Legislature, is crony capitalism. And crony capitalism occurs when government picks winners and losers in the marketplace by providing special privileges, or subsidies, or tax breaks, or incentives to certain businesses and industries over others. And this is always done ostensibly in the name of creating jobs, and generating economic growth. But in reality, what it does is it just distorts the market, and it ends up creating an uneven playing field. As Nebraskans, we believe that government should not be in the business of picking winners and losers. I hear my colleagues say that all the time. Instead, we believe that businesses should be able to compete on a level playing field, based on their own merits, and also based on the wants and needs of their consumers, based on the preferences of the people that patronize those businesses. By getting rid of the crony

capitalism, by getting rid of the overregulation, and the incentives, and the subsidies, and the special handouts to industries like the ethanol industry, this is the only way that we can ensure that our economy in Nebraska stays vibrant, stays innovative, and is actually responsive to the needs of our people, the needs of our consumers, and the needs of our businesses. Finally, I would talk about the importance of individual choice. I think that at the core of the Nebraskan spirit, this Midwestern spirit, is the belief that individuals should be free to make their own decisions about their lives, their families, their faith, their businesses, where they go, what they do with their own bodies, what they buy, and for businesses what they sell. So this includes the freedom of how they choose to use their resources, how to run their businesses, how to meet the needs of consumers. And in my opinion, LB562 infringes too deeply in that without having very much of a gain for the public. Individual choice isn't just a moral principle, it's also an economic principle. And when people are free to make their own choices, they're more likely to invest time and resources than-- in areas that are more important to them, in areas that are more important to the economy as a whole. And again, this leads to more innovation. It leads to more efficiency, it leads to cut costs and savings, and it leads to more prosperity for everyone in our state. But this individual choice and this type of free market can only thrive in a society that values it and protects it. And this means that government must be limited in its power to interfere with individual choice. And say what you will about my politics, but I have been a champion for that consistently, for resisting mandates and for protecting individual choice. Nobody could mark that against me, whether that's through regulations, or through taxes, or through other forms of coercion, through health care, obviously. We have to be vigilant in defending these individual freedoms against anyone who would seek to restrict them. We understand that living in a thriving economy depends on a free and open marketplace. When individuals and businesses are free to make their own decisions about how to use their resources and how to meet the needs of consumers, innovation and efficiency are encouraged, and that leads to economic growth and prosperity. However, this freedom is threatened when government imposes excessive regulation on the marketplace. Some regulation is necessary to protect public health and public safety, but too much can stifle innovation and create unnecessary barriers to entry for small businesses. I am committed to

continue working to limit regulation to only what's necessary to promote public health and safety, and to ensure that these regulations are transparent, and based on sound science, and based on sound economic analysis. We only need to look at Mead, Nebraska, to see the negative effects that the ethanol industry has had on our state, that we still haven't even made restitution for. Nebraska Public Media reports, Mead had to spray for pests last summer after having two years of no need. Let's see. For about six years, the plant used, AltEn, the plant used pesticide treated seed corn to make ethanol, producing tons of toxic byproduct and millions of gallons of wastewater along the way. The Nebraska Department of Environment and Energy cited the company as many as ten times for not following regulations before it shut down the plant in February, 2021. Two days later, a pipe burst, and millions of gallons of wastewater gushed into nearby areas. Two weeks later, the state Attorney General sued the company in a 98 -page document. Ken Winston is a practicing attorney and organizer for the Sierra Club, an environmental nonprofit that's been lobbying lawmakers for action on the plant. He asks what took so long? Quote, It could have been a much shorter lawsuit if they'd filed something in 2018 or 2019, Winston said. Rather than having it, wait until things were a disaster. In the company's response to the lawsuit, its lawyers use the word deny nearly 500 times. A year later, that's the most of the public movement in the case, aside from some routine paperwork. The Nebraska Attorney General and AltEn's lawyers both declined to comment. They say-- they've said they're working together on discovery, the legal process where both sides consult on the evidence and the witnesses that could come forward in a potential trial. University of Nebraska-Lincoln environmental law professor Anthony Schutz, said discovery is a long process and a quiet period isn't uncommon. The big concern about a slow moving lawsuit is what happens if the company declares bankruptcy.

**DeBOER:** One minute.

**HUNT:** Thank you, Madam Chair. Quote, It gets pretty complicated pretty fast, Schutz said, I would suspect AltEn is thinly capitalized with substantial amounts of debt. So the prospect of financial recovery from an entity like this is relatively low. It would be bad news for the state. And for the agriculture companies that recently sued AltEn in a pair of federal lawsuits. For years, Sygenta, Corteva and other companies sent AltEn the pesticide coated seed corn to make into

ethanol. Now they've been cleaning up the mess for months, and paying for it themselves. In the suits, they say the ethanol plant violated contracts and they want their money back. Thank you, Madam President.

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

**M. CAVANAUGH:** Thank you, Madam President. I was reading an article about ethanol, but I'm going to start-- OK, this is from the Des Moines Register. This is Kim Reynolds signs bill mandating most Iowa gas stations sell fuel with higher ethanol blends. Sounds kind of in line with what we're talking about today. This was a year ago. Prairie City. Governor Kim Reynolds has signed a law requiring most Iowa gas stations to offer gasoline with higher blends of ethanol as she seeks to boost the state's biofuels industry and tout a cheaper fuel option with gas prices at record highs. The law mandates gas stations and other fuel retailers to sell gas with 15 percent ethanol known as E15 beginning in 2026. There are exceptions for gas stations with older equipment and those that sell less than 300,000 gallons of gasoline per year. Those stations, which number in the hundreds, are eligible to apply for waivers from the law. Still, the law is expected to greatly expand the availability of E15, which is currently available at a fraction of Iowa's gas stations and truck stops. Most stations sell gasoline with no ethanol and gasoline with 10 percent ethanol blended into it. This historic bill makes Iowa the first state in the nation to adopt an E15 standard, setting the stage for the single largest expansion in biofuels in our state's history, Reynolds said at a signing ceremony held Tuesday on a farm outside Prairie City. Under the law, any gas stations built or upgraded starting next year must be compatible with E85, or gasoline with 85 percent ethanol, and B20, which contains le-- at least 20 percent biodiesel. The law also includes a range of expanded tax credits for fuel with higher blends of ethanol and biodiesel, while phasing out tax credits for lower blends. It tweaks Iowa's Renewable Fuel Infrastructure program to provide more generous cost sharing for smaller gas stations that want to use the sa-- the state grant program to upgrade their equipment. The measure, which passed the Iowa legislature with broad bipartisan support, was one of Reynolds' priorities, and it's likely to feature into har-- into her campaign message as she seeks reelection this year. Reynolds has been eager to tout Iowa's renewable fuels industry as a means of lowering gas prices and helping achieve energy

independence, while criticizing President Joe Biden over raising gas prices and inflation. It honestly couldn't have come at a better time, she said of the new law Tuesday, pointing at gas prices. Reynolds said the Biden administration is encouraging Americans who can't afford gas to buy an electric car, but she believes the true answer is biofuels. Biden visited a Poet ethanol plant in Menola [SIC], Iowa, last month to announce he will lift restrictions on the summer sale of E15 this year. E15 is typically banned in several states from June 1 to September 15 because it is believed to contribute to smog during warmer weather. Ethanol supporters say those claims are unfounded, adding that total emissions with E15 are less than E10 and gasoline with no renewable-- renewable fuel. The waiver binder-- Biden granted for the summertime sale of E15 is for this year only as part of an effort--

**DeBOER:** One minute.

**M. CAVANAUGH:** Thank you. --to bring down high gas prices. It is not intended to be permanent. While Reynolds has praised the temporary waiver being issued, she and seven other Midwestern governors have sent a letter to the U.S. Environmental Protection Agency seeking a permanent waiver to sell E15 year round. I, I didn't know about this E15 prohibition in the summertime. That was news to me, which is interesting because my car takes E15, so you'd think I would have paid attention to that or noticed that. But it never occurred to me that I couldn't buy E15 gas for my car that takes E15 gas. Center for Growth and Opportunity at Utah State University is what I will go on to next. But I think I am once again getting close to my time on the microphone. So there we go. Enjoy kindness, compassion and inclusivity in your day. And with that--

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

**M. CAVANAUGH:** Thank you, Madam President.

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

**BLOOD:** Thank you, Madam President, fellow Senators, friends all. I stand opposed to the bracket, but in support of the underlying bill,



and I would ask that Senator Machaela Cavanaugh, please yield to a question.

**DeBOER:** Senator Machaela Cavanaugh, will you yield?

**M. CAVANAUGH:** Yes.

**BLOOD:** Senator Cavanaugh, Do you remember earlier when I talked a little bit about octane and how important it was to Nebraskans because of how much ethanol and corn we produce. Were you in on that conversation, or did you miss that speech?

**M. CAVANAUGH:** I believe I missed that speech.

**BLOOD:** That's unfortunate.

**M. CAVANAUGH:** I'm sorry.

**BLOOD:** So the gas that you have in your car.

**M. CAVANAUGH:** Yes.

**BLOOD:** Has ethanol in it. And the reason it has ethanol in it is because octane is important to how well your engine works. That's the Reader's Digest version.

**M. CAVANAUGH:** OK.

**BLOOD:** But the question I have for you is that were you ever aware that-- I have no concept of time so anybody is welcome to text or email me if I'm wrong. Nine, ten years ago. Do you remember the big sugar versus corn lawsuit in reference to fuel?

**M. CAVANAUGH:** No, I don't.

**BLOOD:** So nine, ten years ago, Senator Cavanaugh, there was a lawsuit because the sugar beet farmers in a particular area, I want to say around Aurora, but that could be wrong, had produced sugar alcohol, which, the only time I've ever seen that was when I worked in the prison, and inmates used to make sugar alcohol in their toilets, but this was for fuel, and-- which is a whole 'nother story on a late night, I can tell.

**M. CAVANAUGH:** Yeah.

**BLOOD:** And the, the corn growers in the area got perturbed about it and felt that it was, under the guidelines set by the federal government was not an area that they were allowed to compete the way they were competing. But I just want to let you know that there's potential for other fuels here in Nebraska outside of the corn--

**M. CAVANAUGH:** Great.

--and that would be sugar beet. And do you know, the last time we had so much sugar fuel in Nebraska? I bet you could guess it. When do you think the last time was that we had such magnitudes of, of alcohol, I said fuel excuse me, of sugar alcohol?

**M. CAVANAUGH:** I really don't know.

**BLOOD:** Like the twenties and thirties when the moonshiners used it, so. So if anything, if we don't put it in our cars, I guess we can get drunk with it? But--

**M. CAVANAUGH:** Hey. Multipurpose.

**BLOOD:** So thank you, Senator Cavanaugh.

**M. CAVANAUGH:** Thank you.

**BLOOD:** I mean, clearly, we, we're slowing things down. People are going home, which, well, they should be. I just wanted to contribute to the conversation, since we are slowing it down, and I think sometimes it's fun to hear about Nebraska's history in ways we don't normally hear about it. I went out to a sugar beet farm about a year and a half ago, and even though I grew up on a farm, clearly where I grew up at, there aren't sugar beets. And I was really surprised to find out that the average sugar beet is like the size of a small child's head. Senator Jacobson already knows that because that was in his neck of the woods. But, you know, you always think of the beets that we see and they're the size of the palm of your hand. And they do something really smart. And their byproduct, which we talked about the byproduct of corn after ethanol, you have that wet cake, it's very nutrient dense. One of the things they do with sugar beets is that the leftover product after they use the sugar beets, it's also very

nutrient dense and they sell it and make it into pellets and feed it to cattle. So there's some trivia from Senator Jacobson's neck of the woods. And those are things that I didn't know until I got to tour that area. And it was actually very educational for me. So with that, if I do have any time left, I would yield it to Senator Machaela Cavanaugh.

**DeBOER:** Senator Machaela Cavanaugh, you're yielded 1:07.

**M. CAVANAUGH:** I, I, I'll waive. Thank you, though.

**DeBOER:** Thank you, Senators Machaela Cavanaugh and Blood. Senator Hunt, you're recognized.

**HUNT:** Thank you, Madam President. Those of us who are in Mexico right now aren't a part of the conversation, of course, but they'll probably have the opportunity to vote on this when we reconvene on Tuesday. Talking about AltEn in Mead, this report from Nebraska Public Media and Harvest Public Media also goes on. For years Sygenta, Corteva-- I'm not sure if I'm saying that right, but you guys know what I mean, it's fine. --and other companies sent AltEn the pestifi-- pesticide coated seed corn to make into ethanol. Now they've been cleaning up the months from-- the mess for months and paying for it themselves. In the suits, they say the ethanol plant violated contracts and they want their money back. But despite all the alleged violations, the state and the seed companies could be pretty far back in the line to get paid by AltEn. Quote, They sort of sit after any banks or anybody who's got prior claims, Schutz said. They would be the ones that would get paid even if everything else sort of got crammed down and frozen. When the seed companies aren't filing lawsuits, they've been cleaning up the site. In its law-- lawsuit, Sygenta said there was enough solid waste to fill 76 Olympic-sized swimming pools. The group consolidated that into a single pile, and they recently covered that with a cement like shell. It's supposed to keep the wind from stirring up the toxins and prevent streams of contaminated water running off the pile every time it rains. They've also tried to secure the 180 million gallons of wastewater against any future spills, like the one in February 2021 and then a second in September. A final plan on what's needed to clean up the site is expected within the coming months. It could take five years or more to carry out the plan. Nebraska Department of Environment and Energy Director Jim Macy said in a recent legislative

hearing for a bill that would establish an oversight committee for the process, Senator Carol Blood, who represents Bellevue in the Unicameral, proposed the bill and three others regarding AltEn and Mead. She's been working with Winston and former State Senator Al Davis of the Sierra Club to raise awareness and hold parties accountable for their roles in the disaster. Quote, I don't believe the Legislature has focused enough attention on the failures of the Department of Environment that allowed AltEn to take place, Blood said at the legislative hearing. A team of university researchers have also been working near the site. The Nebraska scientists have been investigating how the contamination from the solid waste and wastewater spills may impact water quality and the health of humans, animals and insects. The team is about to release preliminary reports on what they found in a year of research, and surveys asking about health effects on adults went out to about 1,000 households in February. Eleanor Rogan, who's leading the team and is a professor at the University of Nebraska Medical Center, said responses are coming in. But preliminary reports might be all the public ever hears from the university team. Without new funding, they only have enough money to last until June. Quote, We will essentially be forced to close shop because we will not have resources to do this, Dr. Ali Khan said. He advises the researchers as dean of UNMC's college of public health. Quote, That has been extremely disappointing that nowhere from the Legislature, the state executive agencies has been willing to provide money to support the health of the people in Mead. Some Mead residents have been fighting for action AltEn for years.

**DeBOER:** One minute.

**HUNT:** Thank you, Madam Chair. Some Mead residents have been fighting for action on AltEn for years. They say they're seeing signs of progress. Weible said she knows the state's response to the environmental disaster hasn't been perfect. She told them as much in calls back in 2018, leading all the way up to when the AG slapped the company with a lawsuit. Quote, I called up there often enough that they answered the phone: Hi, Jody. But she's been feeling better over the past year. The wetcake stench in Mead is gone, and wildlife is returning. It doesn't fix the effects of contamination or undo the past, but it feels like progress. Quote, I can wish what everybody thinks: that it would have been cleaned up by now, Bill Thorson, head of Mead's village board, said. But we all know that's not possible. It

took them nine years to cause the mess. And it's usually a lot easier and faster to cause a mess than it is to clean it up. Thank you, Madam Chair.

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

**M. CAVANAUGH:** Thank you, Madam President, colleagues. So this morning, when we were on the other bill this morning, and I started talking about public records, because there is a point of-- piece of statute in-- that was being opened up in the amen-- committee amendment that was exempting part of the amend-- the information from the public records. And we had a conversation a little bit here on the floor about public records. And I bring it back up because there's an article today in the Nebraska Examiner. Eyebrows raised over Nebraska Board of Health's advocacy for bill banning gender-affirming care. Critics say it's about politics and not public health, while a board member says it's within the board's duty. So this is an article about LB574. And the fact that when we had that bill on General File debate, there was a document, a word document, not on letterhead, no signatures, no names on it, that was distributed by the introducer, Senator Kauth of LB574 purporting that it was an official statement from the Nebraska Board of Health. I questioned the authenticity of the document at the time because of those very glaring missing pieces of it being on letterhead, of it being signed by anyone, of anyone's name being attached to it. It just was a document. It turns out Senator Conrad requested information pertaining to that. And it turns out that that document was directly part of a collusion, of trying to coordinate the Board of Health to put out a statement quickly to influence this Legislature. And it was inappropriate-- it's the most generous term I can use to describe it-- attempt. It very clearly circumvents their own processes. This article clearly states that they believe that it is their job to go through a technical review process, or what we know as the 407, when it comes to changing a scope of practice. They even say that this is a scope change, therefore it is not unusual for them to weigh in. This is not how a scope of practice credentialing review happens. When there is a need or request for credentialing review with the State Board of Health, whoever is requesting or wanting the review of the-- the technical review of the scope writes a letter to the state Chief Medical Officer. The Chief Medical Officer of the state then reviews the request and tells them

if it is appropriate or not appropriate to proceed with a technical review. Once they are authorized to proceed with a technical review, they then begin the application process. They pay a filing fee and they open up the case with the State Board of Health. It is a robust process. It is a multiple layers of review and vetting conversation, public hearings, documents, findings, etcetera. It is public--

One minute.

--and it is a well documented process. I raised my concerns about this being a scope of practice change. I raised my concerns about LB574 being a scope of practice change and LB626 being a scope of practice change. And clearly the Board of Health weighing in, while completely inappropriate, as they did, also believed that it is a scope of practice change. Therefore, it should go through the proper process, not back room, off the books, dealings between a sitting senator and a Governor's appointed board that has a great deal of authority in all of this. It is inappropriate. It is concerning. It shows a complete lack of judgment on a lot of people's parts.

**DeBOER:** Time, Senator.

**M. CAVANAUGH:** And I recommend you all read it. Thank you, Madam President.

**DeBOER:** Senator Raybould, you're recognized.

**RAYBOULD:** Thank you, Madam President. You know, thank everyone for the really great dialog on the direction the state of Nebraska should go with on ethanol, ethanol blended fuel. It's interesting, during this dialog, I get lots of emails like most of us do, and one was from a distributor of electric vehicle charging stations that monitors the growth of ours. And they just sent me diagrams asking, Hey, do you want more electric vehicle charging stations? Because it keeps spiking. And so we know that that's what our consumers want and tell us what they want. And that's a question I get asked a lot. Can you put in another electric vehicle charging station? You know, we, we are hopeful that E15 will take off. But I know in Iowa, they they launched the same program last year, and I know it's a little bit slow going until people get accustomed to doing this. We, we actually started this credit last year. And I know, again, it's a little bit slow going

for, for it to take off. And I have been to ethanol plants and it is amazing the byproduct that gets produced out of ethanol plants that's used in our feedlots. And I know it took a while before the feedlot operators warmed up to, to serving this to the cattle. And it's amazing how they have gotten even more precise blends of that byproduct for the different stages of developing the muscle in the cattle. So it really is an amazing, but again, it took some time to convince a lot of feedlot operators that this is a way to go. One of the constituents sent in and said, you know, we've-- we, we implemented this last year. Why don't we see how things go? And I-- because we're already giving it, it one type of subsidy. One customer or, one customer, one constituent emailed me saying that they have a 2015 Subaru, didn't tell me which, which make it is, or model, but they said, you know they looked at their warranty and their warranty prohibits them from putting in a higher blend than E10 in their vehicle. So again, I think it is going to take some time for, for folks to, to really warm up to this. But again, it's problematic getting emails from constituents saying why, why do we have to have another mandate for, for small businesses? Why are we putting-- making even small businesses go through the waiver process to, to demonstrate that it'll be more than \$15,000 to either convert their existing underground tanks to a higher blend of ethanol. And some other constituents have emailed saying that, you know, let customers make the choice. And and I think we've heard that, Senator Megan Hunt was very good about talking about the marketing data and marketing results and what what people really want. And I think with the mandate in place, if we're not hitting that target date, that really forces retailers to make that difficult decision of eliminating a premium blend that some people want that's not the best seller, or a totally un-- a total unleaded blend that has no ethanol mixture in it. So I still remain on the fence on this, and I'm glad we've had a really good discussion of, of different options. You know, it's important that we look at all sources of renewables, and we should have a diversified option for our consumers and constituents. And so for that reason, it does have some merits and some potential for, for being a wonderful alternative. But, you know, are they going to be able--

**DeBOER:** One minute.

**RAYBOULD:** Thank you, Madam President. Are they going to be able to keep that price at a discounted rate? I know Senator Dorn mentioned

that, you know, corn is now more than \$7 a bushel. Well, you know, we're going to be providing that those-- the credits and the discounts. But, you know, the cost of even the production of ethanol with the price of corn will, will greatly go up. And will it be as competitive for our consumers when they make that choice at the pump, that they're going to go with the unleaded, or they're going to go with the E10, or they going to go with the E15? So I really appreciate this was great dialog and I look forward to hearing more. Thank you, Madam President.

**DeBOER:** Thank you, Senator Raybould. Se-- Senator Machaela Cavanaugh, you're recognized, and this is your third opportunity.

**M. CAVANAUGH:** Thank you, Madam President. So I was talking about this Nebraska Examiner article. And I encourage colleagues, I encourage you. I very much encourage you to read this article. It is of the utmost importance to understand the propriety of this, first of all, or impropriety of it, and the process. It is when we are lax in how we approach governance, that we degrade ourselves, the institution, policy, the state. It is of the utmost critical importance that we conduct ourselves in a manner above reproach, and colluding in the way that is outlined in this article, is not appropriate. And it is diminishing of the institution. And it should be viewed with the gravity with which it is. I think that the article speaks for itself. I think that you all are your own thoughtful, independent people, and that you can take it upon yourselves to read this article about what happened and how it impacted this legislature. When I read this, it upset me to my core, partly because when we had the confirmation hearing for former Senator John Kuehn, I was on the HHS Committee. I sat through his confirmation hearing. I sat through the debate on the floor and I did not stand in opposition to him being appointed to the Board of Health. So I trusted in several of my colleagues who had served with him, who told me he was a man of integrity. There's nothing wrong with that. So I feel a responsibility for the role that he eventually played in all of this. Which just points to the importance and the significance of, of our role in gubernatorial appointments and that we should do our due diligence. And we should ask difficult questions. It should not be considered political to do so. This article is upsetting. I hope you all will take time to read it over the next couple of days. It is the Nebraska Examiner article.



Eyebrows raised over Nebraska Board of Health Advocacy for Bill Banning Gender Affirming Care. Thank you, Mr. Madam President.

**DeBOER:** Thank you, Senator Machaela Cavanaugh. Senator Moser would like to announce 24 4th graders from Stanton Elementary in Stanton. Please stand and be recognized by your Nebraska Legislature. Senator Briese for an announcement.

**BRIESE:** Thank you, Madam President. Following the election of Senator Moser as Chairperson of the Transportation and Telecommunications Committee, he will be moving into the committee's designated office in the coming weeks. Senator Moser's former office in room 1529 will be considered vacant. So pursuant to the Legislature's office assignment policy, any member may request to move to that vacant office based on seniority of lifetime length of service. Please keep in mind that any member who elects to move to Room 1529 will vacate their current office assignment, both for their temporary and permanent offices, for the remainder of the biennium. Any member interested in requesting a move to Room 1529 should send a letter or email making such request no later than noon tomorrow. Should you have any questions, please contact my office. Thank you, Madam President.

**DeBOER:** Thank you, Senator Briese. Speaker Arch for an announcement.

**ARCH:** Thank you, Madam President. A short announcement to provide some information about the schedule for the next couple of weeks. So next week is a short week with only three session days. Tuesday and Wednesday will be our late nights and on Thursday we will work through the lunch hour with a mid-afternoon adjournment as we do. On Tuesday, we will have one bill on final reading, several A bills which need to cap-- catch up with their companion bill. In addition to finishing the General File debate of LB562, currently on debate, we have some committee priority bills available for Select File debate. And on Thursday of next week I plan to schedule the Select File debate of LB626. Senator Clements has informed me that the main line budget bills will be placed on General File on Tuesday, May 2nd. We will begin debate of those bills the following day, Wednesday, May 3rd, to allow the Appropriations Committee to hold a budget briefing and for senators to review the biennial budget report before debating that general, that general bill, Tuesday, May 2, we will devote to the

Select File debate of the salary bills for legislators, constitutional officers, and judges. Thank you, Madam President.

**DeBOER:** Thank you, Mr. Speaker. Mr. Clerk. For items.

**ASSISTANT CLERK:** Thank you, Madam President. Your Committee on Education reports LB385 to General File with committee amendments attached. Amendments to be printed to LB562 from Senator Cavanaugh and Senator Hunt. Motions on LB562 offered by Senator Halloran. That will be printed in the Journal. Senator Machaela Cavanaugh on Amendment to LB727-- 3 amendments to LB727. An announcement: the Appropriations Committee and the Revenue Committee will be holding a joint Executive Session at 3:00 in room 1113. Name adds: Senator Blood to LB103 and LB116. Senator Conrad to LB43, LB46, LB55, LB62, LB64, LB75, LB88 LB116, LB124, LB140, LB190, LB201, LB227, LB235, LB249, LB250, LB253, LB276 LB298, LB314, LB326, LB358, LB385, LB413, LB439, LB516, LB523, LB524, LB527, LB557, LB583, LB585, LB609, LB618, LB630, LB679, LB684, LB686, LB698, LB707, LB731, LB772. In addition, Senator Vargas to LB684. Finally, Madam President, priority motion, Senator McKinney would move to adjourn until Tuesday, April 25, 2023 at 9:00 AM.

**DeBOER:** Members, you've heard the motion. All those in favor of adjourning say aye; those opposed say nay. We are adjourned.