From: Shelburn, Andrew
To: Shelburn, Andrew
Subject: Governor"s Office Daily Update - 7-29-22
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AG VALLEY CO-OP

Eustis, NE

Commodity	Delivery	Price	Basis	Date (as of)
Corn	Jul 2022	7.30	99.00	08:36
Corn	Oct 2022	6.00	-35.00	08:36
Milo	Jul 2022	6.06	-25.00	08:36
Milo	Oct 2022	5.65	-70.00	08:36
Soybeans	Jul 2022	14.90	15.00	08:36
Soybeans	Oct 2022	14.05	-70.00	08:36
Wheat	Jul 2022	8.32	-75.00	08:36
Wheat	Jul 2023	8.05	-100.00	08:36

TV and Radio

KETV: 'It's a big win': Nebraska airmen earn relief against COVID-19 vaccine mandate

NPM: Interest Rate Hikes Have Cooled Nebraska Housing Market (no video)

Governor

Kearney Hub: UNK grad headlines 2022 ag & economic summit in Kearney

NY Times: These Republican Governors Are Delivering Results, and Many Voters Like Them for It

State, Local and Regional

LJS: AGs from 15 states file brief to uphold Nebraska's signature-gathering rule

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Kearney Hub: UNK grad headlines 2022 ag & economic summit in Kearney

LINCOLN – Governor Pete Ricketts, the Nebraska Department of Economic Development (DED) and the Nebraska Department of Agriculture (NDA) encourage Nebraskans to register for the Governor's Ag and Economic Development Summit on Wednesday, August 10, 2022, at the Younes Conference Center in Kearney.

Registration for the event is now open at govsummit.nebraska.gov. U.S. Assistant Secretary of State for East Asian and Pacific Affairs, Daniel J. Kritenbrink, will be the keynote speaker. "Nebraska is successfully creating jobs and attracting investment," said Gov. Ricketts. "This year's Summit will convene leaders from across the state to discuss how to build on this positive momentum. Attending the Summit is a great way to make connections with fellow Nebraskans who play key roles in our state's growth. We look forward to hosting Assistant Secretary of State Kritenbrink and hearing his insights on opportunities to grow Nebraska through international trade."

As the state's premier economic development forum, the Summit includes an agricultural focus, with co-sponsor NDA hosting a number of industry-related sessions. Discussion tracks will include overcoming supply chain challenges, growing ag-related exports, supporting small businesses, workforce development and much more.

Assistant Secretary of State Kritenbrink is scheduled to provide remarks during lunch. Kritenbrink grew up on a farm near Ashland and graduated from the University of Nebraska at Kearney. He served as U.S. Ambassador to Vietnam from 2017 to 2021 after being appointed by President Donald Trump.

The Summit will officially kick off on the evening of Aug. 9 with a reception and banquet hosted by the Nebraska Diplomats and NetChoice. During that event, numerous Diplomats and Nebraska businesses will be recognized for their contributions to the state's economic success over the previous year.

Registration for the Diplomat Banquet and Summit can be accessed at govsummit.nebraska.gov. A full Summit agenda is also available through the website. For questions, contact Lori Shaal at lori.shaal@nebraska.gov or 402-471-3780.

NY Times: These Republican Governors Are Delivering Results, and Many Voters Like Them for It

Republican flamethrowers and culture warriors like Donald Trump and Representatives Matt Gaetz and Marjorie Taylor Greene typically draw an outsize amount of media attention.
Americans may conclude from this that there is a striking, and perhaps unfortunate, relationship between extremism and political success.
But Republicans aren't hoping for a red wave in the midterms only because norm-thrashing or scandal sells. The truth is much more banal, yet also important for parties to internalize and better for politics generally: In states across the country, Republican governors are delivering real results for people they are physically more proximate to than federal officials.
Now, it's true that the party that controls the presidency nearly always gets whipped in midterm elections, and inflation would be a huge drag on any party in power. And it's also true that among those governors are culture warriors like Gov. Ron DeSantis of Florida and Gov. Greg Abbott of Texas.
But people too often overlook the idea that actual results, especially ones related to pocketbook issues, can often be as important as rhetoric. Looked at that way, lots of Republicans — some with high public profiles, and some who fly below the radar — are excelling.
Start with the simplest measure: popularity. Across the country, 13 of the 15 most popular governors are Republicans. That list does not just include red states. In fact, blue-state Republican governors like Phil Scott of Vermont, Charlie Baker of Massachusetts and Larry Hogan of Maryland are among the most popular.
There are many reasons that G.O.P. governors seem to be succeeding. It's true that governors can't take credit for everything. Sometimes they just get lucky. But they do make policy choices, and those made by governors since the start of Covid have made a difference in particular.
For example, take a look at the most recent Bureau of Labor Statistics data on unemployment. In the 10 states with the lowest rates as of June, eight were led by Republican governors. Several governors who don't make frequent appearances in national news stand out, like Pete Ricketts of Nebraska, Chris Sununu of New Hampshire, Spencer Cox of Utah and Phil Scott of Vermont. Their states have unemployment rates under 2.5 percent, and of the 20 states with the lowest unemployment rates, just four are led by Democrats.
States with Republican governors have also excelled in economic recovery since the start of the pandemic. Standouts in this measure include Mr. Abbott and Doug Ducey of Arizona.
These results reflect many things — some states have grown and others have shrunk, for example — but are at least in part a result of policy choices made by their elected leaders since the start of the pandemic. For example, governors like Kristi Noem in South Dakota often rejected lockdowns and economic closures.
Republican governors were also far more likely to get children back to in-person school, despite intense criticism.
Covid policy doesn't explain everything. Fiscal governance has also made a difference. The Cato Institute's Fiscal Report Card on America's governors for 2020 (the most recent edition available), which grades them on tax and spending records, gives high marks to many Republicans. Nearly all of the top-ranked states in this report have Republican governors, like Kim Reynolds of Iowa or Mr. Ricketts. (Some Democratic governors also ranked highly, including Steve Sisolak of Nevada and Roy Cooper of North Carolina.) Some have made their mark with employer-attracting tax cuts, others with spending controls, others with a mixture.
Most states mandate a balanced budget, so taxing and spending policies are important for fiscal stability. Low taxes tend to attract and keep employers and employees. Restrained budgets help

ensure that taxes can be kept low without sacrificing bond ratings, which may matter if debt-financed spending is needed in a crisis or to try to stimulate businesses to hire more.
Asa Hutchinson of Arkansas has cut taxes for individuals, reduced the number of tax brackets and cut the corporate income tax rate. Mr. Sununu has restrained spending, vetoed a payroll tax proposal and cut business taxes. Brian Kemp of Georgia, by contrast, actually paused some tax cuts that had been scheduled — and focused almost exclusively on spending restraint, issuing a directive for state agencies to generate budget cuts and keeping 2020 general fund growth to a tiny 1 percent.
Even in blue Vermont, Mr. Scott — despite being an odd duck among governors because he is not constrained by a balanced-budget amendment — kept the increase in general fund spendingto an annual average of just 2.4 percent between 2017 and 2020, and he has also cut taxes. He signed a bill to ensure that the federal tax reform instituted under Mr. Trump and limiting state and local tax deductions wouldn't result in Vermonters getting hammered. He has also cut individual income tax rates, reduced the number of tax brackets and resisted new payroll taxes in favor of voluntary paid leave plans for private-sector employers.
Republicans who have a big impact on the day-to-day lives of many Americans — unlike, say, Representative Kevin McCarthy or certainly Mr. Trump, and in terms of the quality of state economies, local job markets and education — are delivering. In our federalist system, a lot of power still sits with states and not the federal government and determines much about citizens' lives.
This is a big reason that Republicans are well positioned heading into the midterms. It should be a warning to Joe Biden and Democrats — and to some of the culture warriors. Cable-news combat over whatever the outrage of the day is may deliver politicians the spotlight. But sound economic policy and focusing on the job, not theatrics, are delivering basic day-to-day results that Americans want, need and will reward.
By Liz Mair

LJS: AGs from 15 states file brief to uphold Nebraska's signature-gathering rule

Attorneys general from 15 states asked the 8th Circuit Court of Appeals to uphold a requirement that petition initiatives obtain signatures from 5% of voters in 38 of Nebraska's 93 counties.
The amicus brief, written by Arkansas Attorney General Leslie Rutledge and filed with the court on Wednesday, says the lawsuit filed by Nebraskans for Medical Marijuana to invalidate the requirement "involves much more" than the signature-gathering requirement in the Cornhusker state.
"Several of Amici States' constitutions and laws provide that citizens may place legislation and constitutional amendments on the ballot via signature petition," the attorneys general — all Republicans — wrote. "Amici States have an interest in defending these state-created systems from federal oversight."
Nebraskans for Medical Marijuana, which sponsored a pair of petition initiatives this year to legalize cannabis for medical use in Nebraska, sued Secretary of State Bob Evnen in May, arguing the multicounty requirement was unconstitutional.
U.S. District Court Judge John Gerrard sided with Nebraskans for Medical Marijuana in June and

issued an injunction blocking Evnen from enforcing the requirement ahead of the deadline for petitions to qualify for the 2022 ballot.

In his decision, Gerrard said the requirement, which has been part of Nebraska's constitution for a century, violated the Equal Protection Clause of the U.S. Constitution because it empowered rural counties over those in urban areas.

A few weeks later, one day before the deadline for filing petitions on July 7, the appeals court granted Evnen's emergency motion to stay the injunction until arguments could be heard, meaning the multicounty requirement was once again in effect.

The panel split on the state's motion. Judges Raymond Gruender of St. Louis and David R. Stras of Minneapolis granted the motion, while Judge Jane Kelly of Cedar Rapids, Iowa, would have denied it.

Both sides submitted briefs with the court this week arguing their case, largely rehashing arguments submitted before the district court.

The state said the geographic requirement ensured voters from across the state would be engaged in the petition process; the petition backers said the requirement gave more power to those same voters over those living in the state's most populous areas.

The amicus brief, which seeks to persuade the court, backed the arguments made by Nebraska Attorney General Doug Peterson's office that the geographic diversity requirement serves an important state interest and that the "one person, one vote" doctrine did not apply to signers of a petition.

Over half the states have some form of initiative or referendum process, the brief states, while 13 of those states have set further requirements to ensure petitions obtain broad support before going before voters.

"They are designed to ensure that important changes in a state's legal landscape, especially constitutional amendments, are vetted by more than just voters in the state's largest handful of counties before being placed on the ballot," the attorneys general wrote.

"Without a requirement of attaining a modicum of support from a wide cross-section of voters, rural counties in particular would be entirely shut out of the process," they added.

The brief argues the Constitution protects voters' rights to choose representatives but "does not regulate an entirely state-created right to direct democracy via ballot initiatives."

It also states the district court erred in how it balanced the state's interests for enforcing the requirement against whether or not it was actually burdensome, noting the U.S. Supreme Court had not endorsed the balancing test's use for its requiring petitions obtain broad geographic support.

They also argued the district court's decision misapplied the Supreme Court's "one person, one vote doctrine," which they said has "no place in the context of state-created rights to direct democracy."

"(I)n the ballot measure context, voters are not voting for a representative, no matter how the measure comes to be placed on the ballot," the brief states. "Serving a constituency of one does not make someone a 'representative' in the context of the fundamental right to vote."

Along with Arkansas, other states that joined the amicus brief include: Alabama, Alaska, Florida, Idaho, Indiana, Louisiana, Missouri, Montana, North Dakota, Ohio, Oklahoma, South Carolina, Utah, and West Virginia. All have attorneys general that are affiliated with the Republican Party.

Backers of both the medical marijuana petition and the lawsuit seeking to invalidate the multicounty rule said the brief filed by other states was unprecedented and an unnecessary incursion.

"Nebraskans are suffering every day and unable to receive the care they need from their physicians, and other states — many of which already have access to this care — have decided to intervene in a lawsuit and attempt to deny medical care to Nebraskans," said Crista Eggers, who is the plaintiff in

the lawsuit on behalf of Nebraskans for Medical Marijuana.
Jane Seu, an attorney with ACLU of Nebraska, which filed the lawsuit along with the ballot initiative, said there was nothing the amicus brief “offers a compelling argument as to why Nebraskans should continue to be deprived of equal power” in the ballot initiative process.
“No matter what county we live in, our signatures on a petition should carry equal weight,” Seu said in a statement. “That’s what the Constitution says and that is why we brought this lawsuit.”
Lincoln Sen. Adam Morfeld, who co-sponsored the petition with Sen. Anna Wishart, called the amicus brief “an unprecedented attack” by other states to stop Nebraskans’ right to the petition.
“We won’t be intimidated and we will not back down,” Morfeld said.
Shortly after the temporary injunction against the multicounty rule was lifted in early July, Nebraskans for Medical Marijuana submitted 87,000 signatures on each of its two petitions.
The first petition would require the Legislature to enact a law protecting doctors who recommend cannabis for their patients as well as those individuals who possess or use cannabis at the recommendation of their doctor.
The second would require lawmakers to pass legislation protecting companies that produce, supply or distribute cannabis for medical purposes in Nebraska.
Wishart said the campaign would not know if it had obtained 5% of voters in 38 counties on either petition until those names are verified by county election officials.
By Chris Dunker

Columbus Telegram: Drier than a bone: Platte River goes dry in wake of hot, rainless year

Before Lake McConaughy was constructed in the 1930s, the Platte River would dry up seasonally every year or so, according to Lyndon Vogt, general manager of the Central Platte Natural Resource Department.
"Most people don’t realize prior to McConaughy it went dry every year because of the snow melt in Colorado. Once the snow melt went off, it went dry," Vogt said.
Since the advent of Lake McConaughy and the Kingsley Dam, water was able to be backed up and allocated for use from the lake, for irrigation and other purposes.
"We have the reservoir, which gives us more opportunity to release water and we see it less dry and last longer," Vogt said.
Due to recent very low rainfall for the area, however, the Platte River has gone dry until more precipitation comes.
According to the National Weather Service Omaha office, in May, the Columbus area usually sees an average of 4.57 inches of rainfall, with this year coming in at 2.64. For June, the average level was 4.69, and this year totaled 1.52, and July, so far, has come to 2.44 of the typical 2.94 inches.
"We're substantially below our average rainfall, it's very hot and very dry this year for this district. We're getting some water out of McConaughy, for surface water irrigation," Vogt said.
$1 million to fund UNL develop early warning of drought-fueled political instability
Vogt indicated the drought doesn't affect groundwater channels like the Loup River as much, but will still affect them some.

"Because of the dry weather, the groundwater table has dropped a little bit, most likely because there's no seepage from the surface water," Vogt said.
Loup Power District President and CEO Neal Suess said that the slight dip in groundwater has affected the Loup River but not to any significant degree.
"Last year was about as average as it could go across 80 years, we're a little bit down this year," Suess said. "Our hydroelectric starts out by Genoa, we take from the Loup, so it's kind of underground spring water."
Suess noted that water from the Loup eventually empties into the Platte and that further east into Colfax County, there is some flow due to that merge of the two rivers.
"Over in Schuyler, you can see some water in the Platte, coming from the Loup and our power canal," Suess said.
Suess emphasized that Loup Power District is watching its water levels carefully due to the drought, but so far isn't seeing any problems.
"We have water to operate under right now. We're constantly monitoring it and hoping it doesn't affect us. So far, it's had a very minor to no effect," Suess said.
By Jared Barton

OWH: Omaha industrial park, affordable housing among top priorities in $335 million recovery act

LINCOLN — The first developments of a $335 million effort to help underserved areas in Nebraska will focus on affordable housing in Omaha and an industrial park near Eppley Airfield, the leading lawmaker behind the effort said.
State Sen. Justin Wayne of Omaha told The World-Herald that the legislation, dubbed the Economic Recovery Act, will allot $20 million for affordable housing and $60 million for the industrial park, both of which Wayne hopes will begin construction by November.
Most of the remaining money will be distributed later, after the proposed projects have been vetted by an outside contractor, he said.
The Nebraska Legislature passed the Economic Recovery Act, Legislative Bill 1024, earlier this year. Wayne, who introduced the bill, previously said some of the recovery efforts will be affordable housing, infrastructure investments, crime prevention, financial literacy and education.
Though the main targets for aid are historically underserved areas in North and South Omaha, the bill also aims to help some low-income communities in Lincoln and rural Nebraska.
“I’m hoping this project can be a beacon of change,” Wayne said.
Of the $335 million allocated for LB 1024, most — about $250 million — comes from the federal American Rescue Plan Act. Most of the remaining money comes from Nebraska’s general fund, cash reserve and a coronavirus capital projects fund.
The last major update on the economic recovery effort came shortly after the bill’s passage in late April. At the time, a special committee of seven lawmakers, named the Economic Recovery Special Committee, had been formed to study potential uses for the money.
The committee met once before the end of the session, and since then Wayne said the group has convened for only one other official meeting.

However, Wayne and fellow Omaha Sen. Terrell McKinney have been meeting with engineering firm Olsson on an almost weekly basis. According to a press release, lawmakers hired the company to study the potential eligible uses of the funding.

Specific locations have not been set for the affordable housing or industrial park plans, Wayne said. The funding allotted for each effort will be distributed via grants, which the Nebraska Department of Economic Development will award to eligible applicants, he said.

Aside from the affordable housing and industrial park developments, which were already outlined in the bill, Wayne said most of the later developments under the Economic Recovery Act will be vetted by Olsson, which will evaluate each proposal based on its "generational impact."

Wayne said he is looking for "transformational" projects to be included in the effort. The industrial park, for example, is expected to create about 1,000 jobs once complete, he estimated.

"While residents are eager to see the funds put to good use, it is critically important that these dollars are targeted to projects with the greatest likelihood of creating fundamental change in our community," Wayne said in the press release.

The idea to build an industrial park near Eppley Airfield has been in the works for at least the last two decades, but only now has the necessary funding to back it, Wayne said. There have already been numerous studies on its economic feasibility, he said, and it was debated by lawmakers during this year's session.

Though the affordable housing piece is less specific, Wayne said there has been a known need for more housing in the Omaha area for a long time. Given the time constraints attached to the ARPA money, lawmakers thought it wise to set aside funding for the effort in the bill, he said.

According to the legislation, the $20 million will go to public or private entities that will either build affordable housing or "conduct other eligible affordable housing interventions" outlined under ARPA, including production, rehabilitation and preservation of affordable housing in underserved areas of Omaha.

To help determine best uses for the remaining funding, Olsson will meet with business and economic development stakeholders in Omaha to gather feedback the week of Aug. 15, according to the press release. In September, the committee will host informational sessions in North and South Omaha where the public can submit ideas.

All of this will lead to a final report in December that Wayne said will determine what projects they will propose for the remaining funding, which the Legislature must approve in the next session.

Wayne previously said he does not expect lawmakers to approve additional funding if he is unable to prove a need for it. On Wednesday, he said he is confident that he is on track to do so.

"We're looking at big projects," Wayne said.

By Erin Bamer

OWH: Facebook slated to expand Sarpy Data Center for second time

Meta, the parent company of Facebook, once again is slated to expand its data center in Sarpy County.

Officials on Thursday announced plans for a ninth building at the data center's campus along

Nebraska Highway 50. The new building means the campus will have 4 million square feet of space. The social media group first broke ground in 2017 and opened the data center in 2019. The facility expanded in 2021, crossing into Springfield, and prompting a name change from the Papillion Data Center to the Sarpy Data Center.

The data center has more than 150 employees, said Matt Sexton, community development regional manager. Once construction is complete, it should at least double the number of employees working from the facility, he said.

Preliminary work already is underway on the project, Sexton said. Construction is expected to wrap up in 2024.

Officials said in a press release that the facility will continue to be supported by 100% renewable energy, made possible by investments in wind energy. That's thanks in part to a wind farm in Dixon County in northeast Nebraska.

By Kelsey Stewart

LJS Editorial, 7/29: State should be cautious with reserve fund

Nebraska closed out its fiscal year with a record high $6.35 billion in net tax revenues. That led to another record – $1.69 billion in the state's cash reserve fund, where all excess revenues are required to be placed.

Those revenues and the cash surplus have led politicians to call for tax relief from the incoming 2023 Legislature, essentially using the surplus to pay for additional tax cuts to follow this year's LB873, which lowered the top income tax rates on corporations and individuals, ended income taxes on Social Security benefits and increased property tax relief.

That politically popular call, however, should be resisted by senators and the incoming administration of either GOP nominee Jim Pillen or Democrat Carol Blood. Spending the money in a time of economic uncertainty wouldn't be prudent or in the best interest of the state going forward.

The increased cash reserve will, as Sen. John Stinner of Gering, the outgoing chair of the Legislature's Appropriations Committee, points out, allow the state to weather what could well be a troubled economy, pulled down by inflation, rising interest rates and a possible recession.

It is notable that neither the state Revenue Department or economic experts can precisely account for why net individual income taxes were up by 20% and corporate income taxes were up by 18% while sales tax collections were 2% lower than February projections.

Some simply point to Nebraska's generally robust economy, which can't alone explain the dramatic increase. Others add the post-pandemic return to a fully-functioning, full employment economy to the mix along with the impact of federal coronavirus relief funds on all economic segments.

But one thing is certain, 2022-2023 won't replicate this year's extraordinarily high tax revenues. In fact, Tom Bergquist, director of the Legislative Fiscal Office told the Nebraska Tax Rate Review Commission that the state may have already hit its peak.

The loss of the billions in federal funds will unquestionably reduce revenues and any economic slowdown, even if not a full blown recession, will further cut the state's tax income.

And Bergquist pointed out that about five years ago Nebraska saw back-to-back years where overall

revenue growth was a paltry 0.3%. A repeat of those economic doldrums would stress the normal state operating budget to the point where cuts in programs and personnel could not be avoided. And, it would make paying for the $900 million in LB873 cuts without raising taxes or making draconian cuts difficult if not impossible.

For that reason, the conservatives that dominate state government should do the truly conservative thing and save the cash reserve, no matter how large it appears today, for the economic rainy day that is almost sure to come.

AP: DC requests National Guard help with busloads of migrants

WASHINGTON (AP) — The District of Columbia has requested National Guard assistance to help stem a “growing humanitarian crisis” prompted by thousands of migrants that have been sent to Washington by a pair of southern states.

Mayor Muriel Bowser formally asked the White House last week for an open-ended deployment of 150 National Guard members per day as well as “suitable federal location” for a mass housing and processing center, mentioning the D.C. Armory as a logical candidate. She met on July 21 with Liz Sherwood-Randall, assistant to the president for homeland security, and Julie Chavez Rodriguez, director of the White House Office of Intergovernmental Affairs.

The crisis began in spring when Texas Gov. Greg Abbott and Arizona Gov. Doug Ducey announced plans to send busloads of migrants to Washington, D.C., in response to President Joe Biden's decision to lift a pandemic-era emergency health order that restricted migrant entry numbers. Since then the city estimates that nearly 200 buses have arrived, delivering more than 4,000 migrants to Union Station, often with no resources and no clue what to do next.

A coalition of local charitable groups has been working to feed and shelter the migrants, aided by a $1 million grant from the Federal Emergency Management Agency. But organizers have been warning that both their resources and personnel were nearing exhaustion.

“This reliance on NGOs is not working and is unsustainable — they are overwhelmed and underfunded,” Bowser said in her letter. She has repeatedly stated that the influx was stressing her government's ability to care for its own homeless residents and required intervention from Biden's government.

“We know we have a federal issue that demands a federal response,” Bowser said at a July 18 press conference.

In her letter, Bowser harshly criticizes Abbott and Ducey, accusing them of “cruel political gamesmanship” and saying the pair had “decided to use desperate people to score political points.”

Bowser does not have the authority to personally order a National Guard deployment, an issue that has become emotionally charged in recent years as a symbol of the district's entrenched status as less than a state.

Her limited authority played a role in the Jan. 6, 2021, insurrection at the Capitol building by supporters of former President Donald Trump. When it became clear that the U.S. Capitol Police were overmatched by the crowds, Bowser couldn’t immediately deploy the district guard. Instead, crucial time was lost while the request was considered inside the Pentagon, and protesters

rampaged through the building.

Very Respectfully,

Andrew Shelburn
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