From: Shelburn, Andrew
To: Shelburn, Andrew
Subject: Governor"s Office Daily Update - 7-7-22
Date: Thursday, July 7, 2022 8:27:09 AM

AG VALLEY CO-OP

Eustis, NE

Commodity	Delivery	Price	Basis	Date (as of)
Corn	Jul 2022	7.06	94.00	08:09
Corn	Oct 2022	5.57	-40.00	08:06
Milo	Jul 2022	5.97	-15.00	08:09
Milo	Oct 2022	5.27	-70.00	08:06
Soybeans	Jul 2022	14.29	-55.00	08:09
Soybeans	Oct 2022	12.95	-65.00	08:05
Wheat	Jul 2022	8.06	-75.00	08:08
Wheat	Jul 2023	7.75	-100.00	08:02

TV and Radio

10/11: Petitioners and organizers scramble for signatures before Thursday deadline
10/11: Columbus Recharge Project helps mitigate declining water levels
NPM: Reports Show Spending to Get Questions on Ballot
NPM: Santee Sioux Chair on Current Reservation Abortion Laws
NTV: COVID-19 cases going up while hospitalizations due to the virus are decreasing

Governor

NP Telegraph: Two westernmost Nebraska Game and Parks Commission members nominated for fresh terms
Sterling Journal Advocate: Gov. Polis visits Perkins Canal site during tour of eastern Colorado

State, Local and Regional

LJS: Appellate court grants state of Nebraska's request to stay ruling on petition-signature requirement
OWH: Nebraska medical marijuana petition drive suffers legal setback but nearing signature goal
OWH: Bellevue added to list of spots in Nebraska with license plate readers
GII: Fonner would be managing partner of an Ogallala racetrack casino

Opinion

OWH Midlands Voices: School districts more susceptible when it comes to lawsuits involving religion
OWH Midlands Voices: Supreme Court ruling on Roe is regressive and harmful

OWH Public Pulse

1. Pansing Brooks is refreshing
2. Mass transit

3. Guardianship of democracy
4. Fact-finding missions
5. Not for hunting
6. Gun laws

LJS Editorial, 7/7: Time to act on finding new water source

LJS Local View: Ready for vote, fairness

LJS Letters

1. Raikes pushes strong schools

Nebraska Examiner Commentary: Keeping it simple at the ballot box

National/Federal

AP: US allows pharmacists to prescribe Pfizer's COVID-19 pill

AP: US to diversify infant formula industry to avoid shortages

NP Telegraph: Two westernmost Nebraska Game and Parks Commission members nominated for fresh terms

The two westernmost Nebraska Game and Parks Commission members have been nominated for fresh terms in Gov. Pete Ricketts' latest appointments to state boards and commissions.

District 6 Commissioner Pat Berggren of Broken Bow and District 7 Commissioner Doug Zingula of Sidney will have to be confirmed by the Legislature to continue on the eight-member Game and Parks board.

Ricketts, whose second and last term as governor expires in January, also renominated at-large Commissioner Scott Cassels of Omaha to another Game and Parks term.

Other west central Nebraska residents appointed to boards and commissions are listed below. Asterisks indicate nominees who are subject to Unicameral confirmation.

» Nebraska Motor Vehicle Industry Licensing Board*: Thomas McCaslin, Broken Bow.

» Rural Health Advisory Commission*: Rebecca Schroeder, Curtis; Roger Wells, Lexington.

» Advisory Committee on Aging: Philip Lyons, McCook.

» Board of Examiners for County Highway and City Street Superintendents: Kent Anderson, Paxton.

» Nebraska Council on Developmental Disabilities: Jason Gieschen, Ogallala.

» Enhanced Wireless 911 Advisory Board: Steve Reeves, North Platte.

» Nebraska Board of Geologists: Douglas Hallum, Maxwell.

» Governor's Council to Keep Nebraska Beautiful: Daryl Cisney, Ogallala.

» State Advisory Committee on Mental Health Services: Ashley Pankonin, Grant.

» Niobrara Council: Dallas Dodson, Mary Mercure and Richard Mercure, Valentine.

By Todd von Kampen

Sterling Journal Advocate: Gov. Polis visits Perkins Canal site during tour of eastern Colorado

Colorado is waiting to see the results of a feasibility study on the Perkins County Canal, expected in December, before deciding its next move.

Gov. Jared Polis told water officials, reporters and landowners Wednesday that he wants to see what the anticipated study says before making any public remarks about how Colorado might fight the Nebraska plan or help irrigators replace water lost to that project.

Polis was on a 600-mile tour of northeast Colorado Wednesday that included stops in Amherst, Burlington, Eads, Hugo and Matheson. During the tour he emphasized that his administration has seen first-hand the challenges farmers and ranchers face, and Wednesday's foray was meant to drive that point home.

At Julesburg, Polis spent more than an hour talking with water officials and others about the Perkins Canal, a proposed project that would divert water from the South Platte River near Ovid into a storage reservoir somewhere in Nebraska.

The canal is allowed under the terms of the South Platte River Compact of 1923, and can divert up to 500 cubic feet per second out of the river during the winter months. But without the canal, Nebraska can't exercise that water right. Work on the canal was begun in the 1890s but was abandoned because of cost. Nebraska Gov. Pete Ricketts revived the project in 2021, saying Nebraska needed to secure that winter water right before Colorado water storage projects "dry up the river." Ricketts asked his legislature for $500 million to build it, but the senators only authorized $50 million for research and design.

There are numerous practical barriers to the project, not the least of which is how to route the canal. The original route now is crossed at least three times by Interstate 76 and, if dug as originally laid out, the route would take it literally right through the front door of the Julesburg Visitor Center. Polis pointed out those barriers and repeatedly said he doesn't see how the project can be feasible.

"We think Nebraskans will come to their senses, and realize it's a big boondoggle," Polis said. "It's very unlikely that the project will come to fruition. If their approach is adversarial, then we will deal with that, but there are many, many difficulties in the way of (the project.)"

Colorado State Engineer Kevin Rein, who heads the state's Division of Water Resources, said the canal would disrupt return flows along the 11 miles of the South Platte between Ovid and the state line. Those return flows don't just benefit Colorado, Rein pointed out; they flow into Nebraska as well.

"The water may not be there in the amounts they've advertised to their legislature," Rein said.

Polis used the visit to refute a claim apparently made frequently by the Ricketts administration that Colorado regularly violates the 1923 compact by failing to deliver the water called for.

"Colorado has never once been out of compliance, since the day that compact was signed," Polis said.

The accusation apparently arises because, during especially dry seasons, there isn't enough water in the river to deliver the prescribed flow. The compact is, in fact, junior to some very old and very large irrigation projects below Brush that are allowed to take water before the compact has to be satisfied.

The governor's group also toured the property of Jay Goddard, who manages the Julesburg branch of the Points West Community Bank. Goddard's property lies along Interstate 76 and still contains evidence of the digging that was done in the late 1800s when the Perkins Canal was first started and then abandoned. The spot is one of several along I-76 where evidence of earth moving still can be seen.

By Jeff Rice

LJS: Appellate court grants state of Nebraska's request to stay ruling on petition-signature requirement

The 8th Circuit Court of Appeals has granted Nebraska election officials' emergency motion to stay a federal judge's preliminary injunction that would have changed how petition signatures are counted to get initiatives on the ballot in the state.

The decision came late in the afternoon the day before the signatures were due to Nebraska Secretary of State Bob Evnen's office, meaning petitions still must have signatures from 5% of registered voters in 38 of the state's 93 counties to get on the ballot.

Judges Raymond Gruender of St. Louis and David R. Stras of Minneapolis split with Judge Jane Kelly of Cedar Rapids, Iowa, who said she would have denied the motion.

The state's emergency appeal and motion for stay followed U.S. District Court Judge John Gerrard's ruling last month blocking Evnen from enforcing the multicounty requirement and denying the state's request for a stay, which followed.

Crista Eggers, a campaign coordinator for the ballot initiatives seeking to allow doctors to recommend cannabis to their patients and providing patients access to cannabis, said the multicounty requirement diluted the voting power of individuals in the state's most populous counties.

That, Nebraskans for Medical Marijuana and the ACLU of Nebraska argued, violated the Equal Protection Clause of the 14th Amendment.

Solicitor General James Campbell argued the state would be irreparably harmed if prevented from performing its duty under the Nebraska Constitution.

"This injects a cloud of uncertainty around the initiative process and upcoming election," he said of Gerrard's lower court ruling.

In a brief, Campbell said the legal claims being made in the case don't implicate the federally protected fundamental right to vote — upon which Gerrard relied — because that pertains to voting for representative candidates. Not the right to sign a petition proposing an initiative.

Gerrard had rejected the idea in his order.

Following the ruling, Eggers called the decision disappointing, saying "Every Nebraskan's signature should have equal weight.

"From our perspective, this stay adds unnecessary confusion at a critical juncture. We will keep moving forward so that we can legalize medical cannabis and help suffering Nebraskans," she said in a news release.

Earlier Wednesday, an official with Citizens for Voter ID said organizers of that petition drive are confident they will meet their signature-gathering goal by Thursday, while Raise the Wage Nebraska reported Friday that it had cleared its goal by more than 40,000 signatures.

Sam Petto of ACLU of Nebraska said if initiative supporters ultimately are successful in the medical marijuana case, it's possible that campaigns still could qualify for the November ballot so long as they collected enough total signatures, even if they did not meet the multicounty distribution requirement.

Earlier in the day, Nebraskans for Medical Marijuana said they had collected the roughly 87,000 signatures required for their two petitions but were still working to get 5,000 more.
Jane Seu, an attorney with the ACLU, said the decision was a setback but not the end of the case, and organizers are confident.
"At every turn, state officials have tried to maintain the unconstitutional multicounty distribution requirement, but the constitutional standards clearly favor our clients. We are ready for whatever comes next and we will continue making our case until we can earn a permanent victory," she said.
By Lori Pilger

OWH: Nebraska medical marijuana petition drive suffers legal setback but nearing signature goal

LINCOLN — One day before the deadline to turn in petition signatures, a federal appeals court dealt a blow to the Nebraskans for Medical Marijuana campaign Wednesday.
The 8th U.S. Circuit Court of Appeals reversed a lower court's decision, which means the state can enforce a requirement that initiative petition drives collect valid signatures from at least 5% of registered voters in 38 counties to make the ballot.
Earlier on Wednesday, campaign manager Crista Eggers said the medical marijuana petitions were "hovering" around the 87,000 total signature goal. She said she didn't know where the petition drive stood on county distribution.
But she said efforts were continuing to collect more signatures to account for those that may be ruled invalid by the Secretary of State's Office. She said organizers were aiming to get 5,000 more signatures each on the twin petitions by Thursday's 5 p.m. deadline.
Eggers said Wednesday's court order does not change that goal or mean the petition will fall short on the multicounty requirement. She said counting and sorting of signatures will be going on up to the last minute.
"We're focused on collecting signatures. That's all that matters right now," she said. "We are capable of bringing this across the finish line."
Eggers said volunteers are gathering signatures all across Omaha and Lincoln, as well as locations in other cities including Beatrice, North Platte, Grand Island and York. She said the campaign will be gathering signatures pretty much nonstop until noon Thursday.
The multicounty signature requirement is in the Nebraska Constitution, along with a requirement to collect a certain total number of signatures. ACLU of Nebraska, on behalf of Eggers and Nebraskans for Medical Marijuana, challenged the signature distribution requirement, arguing that it gave greater weight to voters in small, rural counties and violated the "one person, one vote" principle.
U.S. District Judge John Gerrard issued a preliminary injunction against the multicounty requirement on June 13. But the state appealed, requesting emergency action because of the looming petition deadline.
The appeals court order, which was issued 2-1 by a three-judge panel, granted the state's request and lifted Gerrard's injunction. But it did not decide the underlying issue, which will be addressed through ongoing litigation.
"Today's decision is a setback but not the end of our case," said Jane Seu, an ACLU attorney. "We

were very encouraged by the earlier ruling in this case and we continue to feel confident."
After the Nebraska Supreme Court rejected a similar campaign to legalize medical marijuana in 2020 because the petition contained more than one subject, the campaign was resurrected with two petitions.
The first petition would require the Legislature to enact new statutes protecting both the doctors who recommend medical cannabis and the patients who use it from criminal penalty. The second would require lawmakers to pass a bill protecting private entities that produce and supply cannabis for medical purposes.
As of last week, the campaign had about 67,000 signatures for each petition. Eggers said the holiday weekend was "huge" for the campaign, which gathered nearly 20,000 signatures to get it close to its goal.
However, now that the campaign is in the middle of the week following a holiday, Eggers said she isn't sure the petitions can get the 5,000 signatures it needs. She said it's up to Nebraskans whether the campaign "sinks or flies."
"I can't say I'm confident," Eggers said Wednesday.
Eggers said she also is concerned that some volunteers in distant areas of the state have signatures they have yet to turn in. At this point, she said, it is too late to mail them back to the campaign.
Petition drop-off locations are listed on the campaign's website, nebraskamarijuana.org. Residents also can find places they can sign the petitions there, she said.
"Don't wake up on July 8th asking what more you could have done to help save a life," State Sen. Anna Wishart of Lincoln said in a campaign press release.
Meanwhile, two other statewide petitions have said they are either on track or already have the signatures they need to get on the ballot.
An official with Citizens for Voter ID said they are confident the group will meet its signature-gathering goal by Thursday, while Raise the Wage Nebraska reported Friday that it had cleared its goal by over 40,000 signatures.
By Erin Bamer and Martha Stoddard

OWH: Bellevue added to list of spots in Nebraska with license plate readers

Two Bellevue intersections now are equipped with license plate readers, and four police cruisers soon will be outfitted with the specialized equipment.
The Bellevue Police Department installed license plate readers at 15th Street and Cornhusker Road as well as Fort Crook Road North and Chandler Road, Capt. Tom Dargy said Wednesday.
Bellevue signed a five-year contract with Motorola Solutions at a cost of $198,000 to place the two cameras at the intersections and in the cruisers, Dargy said. The cruisers will be delivered later this year.
Logs of license plate numbers passing through the intersections will be maintained for 180 days, he said. The data then will be automatically deleted unless it's being used as evidence or is subject to a preservation request, warrant, subpoena or court order. A department policy also exempts data "involved in an active, ongoing criminal investigation" from automatic deletion.

Data is considered for official use only but “can be shared for legitimate law enforcement purposes” or when subject to a valid court order, according to department policy.
“I’ve already seen some concerns in online comments about personal information being recorded,” Dargy said. “That is not the case. The cameras will only record the license plates, and only about five people in the department will have access to that information.”
In 2018, Nebraska lawmakers passed a bill to rein in government use of automatic license plate readers. LB 93, sponsored by State Sen. Matt Hansen of Lincoln, set limits on how law enforcement and other agencies can gather and share information collected by the technology. It passed 47-0.
Automatic license plate readers are cameras mounted on patrol cars or stationary objects along the road that snap a photograph of every license plate that passes by. Images of the plates, along with the time, date and location, are recorded and transmitted to a database.
The American Civil Liberties Union has raised concerns in a number of states, including Nebraska, about what information is being gathered on the general driving public and what agencies do with the collected data.
ACLU attorney Jane Seu said Wednesday that the license plate reader technology “fundamentally presents privacy concerns and the possibility of misuse and abuse. Under this system, innocent drivers’ plates will be recorded and stored for months before being deleted. Likewise, the department’s policy allows officers to manually enter plates for vague ‘investigative purposes.’ Bellevue residents should be concerned about the new cameras and plans to expand them to police vehicles.”
Under LB 93, government agencies can use the readers to identify vehicles linked to ongoing criminal investigations, reported as stolen or associated with a missing person. They also can be used to identify vehicles with outstanding parking or traffic violations and for some other traffic enforcement purposes.
Bellevue police plan to use the cameras “to identify vehicles that are the subject of police investigations and complaints,” Dargy said. To ask that the system check for a certain vehicle, a law enforcement agency would need to provide the license plate number, a set time period for monitoring and the reason for the request.
Dargy said Lancaster and Seward Counties have been using license plate readers on cruisers for about a year.
The Kearney Police Department said in June that it had begun testing automated license plate readers.
By Kevin Cole

GII: Fonner would be managing partner of an Ogallala racetrack casino

If a casino and racetrack are built down the road in more ways than one, Grand Island’s Fonner Park will be managing partner of that facility.
In late June, the Ogallala City Council and Keith County Board of Commissioners supported the idea of a $100 million resort complex that would be built with the involvement of Elite Casino Resorts, Kehl Management and Fonner Park.

Elite Casino Resorts, based in Iowa, is the casino partner for the planned Grand Island Casino Resort at Fonner Park. Elite Casino Resorts is owned by the Kehl family.
Elite invited Fonner to be involved in a casino-racetrack project in the Ogallala area, said Fonner Park Chief Executive Officer Chris Kotulak.
If there is to be an additional race track license "granted in Nebraska years down the road, I would expect that to be in either North Platte or Ogallala," Kotulak said Wednesday. "And Ogallala makes abundantly more sense of a location than North Platte because of all of their tourism that they generate from eastern Colorado."
Kotulak noted that the granting of another Nebraska race track license is far from a certainty, and might not happen anytime soon.
But Elite Casino Resorts CEO Dan Kehl asked if Fonner Park would like to be the racetrack managing partner if an application is approved for Ogallala.
The members of Fonner's executive board agreed. "We talked about it and they agreed to that idea," Kotulak said.
In speaking to Nebraska legislators and other decision-makers in the past, Kotulak stressed the importance of prohibiting another racetrack casino within a 150-mile radius of Fonner Park. Ogallala, he noted, is beyond that 150-mile limit. So he doesn't feel that he's backtracking on his earlier comments.
The distance between Grand Island and Ogallala is 195 miles. North Platte is 146 miles from Grand Island.
The 150-mile limit is important, Kotulak said.
"There's no way we can reach the goals that we set out to do with the Grand Island Casino Resort if there are other casinos cutting into our market," he said. "And we want to have a resort here, not just a metal building with slot machines."
Dan Kehl shares Kotulak's belief that if a casino racetrack is built in western Nebraska, "it sure makes sense that it would be Ogallala, not North Platte," Kotulak said.
Huge numbers of Coloradoans flock each summer to the Ogallala area, which is home to Lake McConaughy.
Kotulak was in Ogallala recently, "and that is really a cute, charming town that's heading in the right direction with things," he said.
As it stands now, Elite Casino Resorts envisions a casino-racetrack resort similar in size to the one planned for Grand Island.
If thoroughbreds were to race in Keith County, Kotulak doesn't know what time of the year that might happen.
"We'd have to figure out a way that it would complement the Nebraska throroughbred racing calendar," he said.
For decades, Nebraska racetracks combined to offer thoroughbred racing 10 months out of the year, Kotulak said.
On June 28, representatives of Elite Casino Resorts, joined by Kotulak, submitted its application in Lincoln for a Nebraska gaming license for Fonner Park. The application materials filled three boxes. The application was accompanied by a check for $1 million. A Nebraska casino operators' license costs $5 million for a five-year duration. That amount consists of an initial $1 million payment due at the time of application and $1 million paid annually for the license term.
A key step in the process for Grand Island would be a provisional license granted by the Nebraska Racing and Gaming Commission, said Sharon Haselhoff, a regional vice president for Elite Casino

Resorts.
On June 28 and 29, after submitting the gaming application for Fonner Park, Kotulak and Elite Casino representatives traveled to Keith County to make presentations about the proposed Ogallala casino and racetrack.
In April of 2021, Fonner announced that Elite Casino Resorts had been selected casino partner for Fonner Park. Elite Casino will build and operate the hotel and casino.
By Jeff Bahr

OWH Midlands Voices: School districts more susceptible when it comes to lawsuits involving religion

The World-Herald editorial entitled, "Religious freedom includes keeping government out of religious matters" is a good overview of the U.S. constitutional provisions protecting religious freedom. As the U.S. Supreme Court noted in a recent decision, two clauses have "complementary" purposes.
The "establishment" clause protects individual religious freedom by prohibiting the government from compelling a particular religious practice. The "free exercise" clause protects individual religious freedom by prohibiting the government from interfering with the religious practices of individuals.
The point of the editorial, as I understand it, is that compelling students to pray in a public school violates the establishment clause of the U.S. Constitution. Indeed, the U.S. Supreme Court has said exactly that and I see no chance that the current U.S. Supreme Court is going to change that.
My observation when I was Nebraska's Attorney General, and as an interested observer of freedom of religion cases around the country, is that the government, in the case of school districts, is much more likely to unconstitutionally restrict religious freedom of students and teachers than in coercing them.
For example, based on actual cases, the Supreme Court has said that a teacher cannot be fired for quietly praying over lunch, for wearing a yarmulke to school, or offering a voluntary prayer on the football field.
Many school administrators sincerely believe that the Constitution requires them to prohibit any religious practice by their students and teachers on school grounds. The Supreme Court specifically rejected this idea in the recent case of Kennedy v. Bremerton School District (the praying coach case).
The Court said, "The only added twist here is the District's suggestion not only that it may prohibit teachers from engaging in any demonstrative religious activity, but that it must do so in order to conform to the Constitution. Such a rule would be a sure sign that our Establishment Clause jurisprudence has gone off the rails. In the name of protecting religious liberty, the District would have us suppress it."
The reason many school administrators are confused about religious activity on school grounds is a series of confusing Supreme Court cases in the past. Specifically, the three-part "Lemon" test which called for an examination of a law's purposes, effects and potential for entanglement with religion and whether a "reasonable observer" would consider the government's challenged action an

endorsement of religion. The Supreme Court in the Kennedy case clearly and specifically rejected those tests.

Because of the misunderstanding of the establishment clause, when I was Nebraska's Attorney General, I sent a memorandum to every school district in Nebraska explaining what the courts had said about a school district's duty to protect the free exercise of religion by their students and teachers. More recently, in January 2020, the U.S. Department of Education issued a document headlined "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools." It can be found at www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html.

Among other things, that document discusses permissible prayer during non-instruction time, organized prayer groups, moments of silence, prayer in class assignments, distribution of religious literature on school grounds, and teaching about religion, all of which are constitutionally protected activities under the circumstances explained in the Guidance.

I would encourage all Nebraska school administrators and their attorneys to read that document and the Kennedy case because, in my opinion, it is much more likely a school district will be on the losing end of a lawsuit for attempting to prohibit constitutionally protected religious activity than for allowing it.

Former Nebraska Attorney General Don Stenberg is an honors graduate of Harvard Law School and the author of "Eavesdropping on Lucifer," available on Amazon.com.

OWH Midlands Voices: Supreme Court ruling on Roe is regressive and harmful

In a recent Pew Research Center Survey, carried out in March 2022 before the U.S. Supreme Court struck down the Roe, 61% of Americans held the view that abortion should be legal in all or most circumstances.

Further questioning revealed that within this view existed diverse opinions about abortion such as the moral obligation, timing and circumstance (maternal and fetal health) of terminating pregnancy and yet for the majority of Americans the fundamental question of the right to privacy and autonomy of women health was more important.

Their nuanced view was either due to a personal experience, knowing someone who had made a difficult choice about an unintended pregnancy or just being empathetic, a fundamental human feature. Empathy could be visceral or acquired after knowing the facts.

The facts are as follows — based on scientific data culled over the last 50 years:

Unintended pregnancy occurs in every society and its management through birth or abortion defines a woman's reproductive autonomy. When carried out legally, abortion is significantly safer than a childbirth. When carried out illegally, the back alley abortion of the pre-Roe era, besides mental stress and stigma it can cause injury, infertility, infection or even death.

The majority of abortions are opted for by women who already have a child and are mainly due to financial constraints, as most of them are in a low-income bracket, a good proportion well below the federal poverty line.

It is rather intuitive that the recent ruling will subject these women to emotional, physical and

financial hardship of making a choice of keeping the pregnancy against all odds, travel outside the state to obtain legal abortion or resort to unsafe and risky procedures. They are at a loss with each option.

When we dig deeper through the financial strata of the U.S., we invariably find Blacks and Hispanics burdened with social, financial and health inequities due to racism. They have higher number of unintended pregnancies compared to non-Hispanic Whites and they will be hit the hardest by the Supreme Court ruling.

The U.S. has the highest maternal and fetal mortality rate among the wealthy countries and, with guaranteed increase in unintended pregnancy brought to term, this rate is going to get worse, disproportionally for Blacks and Hispanics.

If the anti-abortion law is made strict, for example as in Texas which authorizes citizens to enforce the law, it may lead to wrongful prosecution and misery. This is not a hypothetical scenario. The British Broadcasting Company reported recently that a woman in El Salvador — where anti-abortion law is strict — spent 10 years in jail for aggravated homicide upon an allegation by her employer that she had terminated her pregnancy when she actually had a miscarriage.

Science has now provided evidence against the notion that abortion is harmful. The Turnaway Study, which for five years followed 1,000 women who either had abortion or were “turned away” from having one, revealed that the former was six times more likely to report aspirational 1-year plans and better able to take care of the children they already had, compared to the latter group.

Dr. Diana Greene Foster, the lead author of the study further informs us in a recent editorial in Science magazine that those who were turned away, besides reporting higher anxiety and lower self-esteem/life satisfaction, were significantly higher at risk of being unemployed and remaining below the federal poverty level, compared to those who obtained abortions.

It is rather intriguing when common Americans demonstrate such a nuanced view of the issue and why the Justices of the highest court of the country were wanting in a similar understanding and appeared insensitive to real life situations. They had at their disposal 50-years worth of empirical data (which scientists and several organizations had provided to the Court) that reversal of Roe would harm women.

The Justices chose to ignore the empirical evidence and common sense, the casualty of rational thinking when one is governed by an ideology. Whenever a decision or a law is made based with such a mindset, history tells us that a segment of the society suffers. Once again, women will suffer because of an ideological decision made for them by powerful indifferent men, as in the past.

This approach is not much different from the decision made for women by powerful men some 8,000 miles away in a country called Afghanistan. They are also blind to evidence. They may also argue that freedom for women to make decision about their lives is not rooted in the history and tradition of their country and therefore cannot be sanctioned. A similar reason has been tended by Justice Samuel Alito for overturning Roe, which is regressive and does not bode well for the USA as a progressive and empathetic society.

By Iqbal Ahmad

OWH: Pansing Brooks is refreshing

There is a term in economics, misguiding as it may sound, called rent-seeking. It doesn’t really have

to do with landlords, except coincidentally. One fine definition by the economist David R. Henderson says people are said to seek rents when they try to obtain benefits for themselves through the political arena. It's as simple as that, but typically done in the hope of not being exposed, presumably because the rent-seeker knows it's the ugly side of politics, giving money to a candidate in hopes of reward, typically financial or regulatory, leading to serious money.

Take a look on the Federal Election Commission website to those who have donated money to Mike Flood, and you will see the very soul, such as it is, of Nebraska rent-seeking. Pete Ricketts, plutocrats, up-and-coming aspiring plutocrats, Big Ag's dull bell cows and sheep, Pillens, Yanneys, CEOs, retired financiers, mouthpieces, lobbyists, gas station magnates, etc.

These donations are not from the goodness of their hearts, nor patriotism. They are paying for services rendered or expected. The legality of the system doesn't diminish its corruption.

Characteristically, these rulers of the Nebraska political roost, had every good reason to bar the mainstream news media from their recent gathering in Lincoln with the aspiring speaker of the House of Representatives to raise money for Flood. They had a lot to hide from the public. Voters should keep that in mind as they examine the public record to identify who gives how much to whom. We already know the reasons and presumed rewards.

Patty Pansing Brooks, on the other hand, makes no implied financial promises, just one of continued conscientious service. How refreshing, economically, ethically and otherwise.

Richard Piersol, Lincoln

LJS Editorial, 7/7: Time to act on finding new water source

On July 19, the first step toward Lincoln's most critical public works project of the 21st century will be taken when the Mayor's Advisory Council on Water Supply Development holds the first of six scheduled monthly meeting.

The 27-member council, headed by Susan Seacrest, the founder of the Nebraska Groundwater Foundation and a member of the Lower Platte South Natural Resources District Board, is charged with providing by January, 2023, recommendations on the development of a new water supply source for the city.

The city's current water source, a field of 44 wells on the Platte River near Ashland, built in 1932, pumps water through 60 miles of large pipes to Lincoln. It will, according to estimates in the 2020 Facilities Master Plan, reach its maximum capacity in 2048.

By 2050, Lincoln is expected to grow by about 115,000 people — current water usage rates average 124 gallons per person per day, a mark that while seemingly high is a 34% decrease since the early 1980s.

Climate change is expected to raise year-round ambient air temperatures by 4 to 5 degrees, increase precipitation in the winter, spring and fall and decrease it in the summer.

That, along with population and industrial growth and land-use changes must also be figured into the analysis of the advisory council and of Olsson, the engineering firm contracted by the city to analyze the feasibility of two alternatives that have been identified by the city.

Both options call for Lincoln to get its water from the Missouri River. One would have the Lincoln system link with Omaha's Metropolitan Utilities District's Missouri River water plant. The other would build a direct connection to Lincoln from the Missouri through, perhaps, about 50 miles of

pipeline.
Neither of the options will be cheap — cost estimates range from $350 million to $750 million, depending on which is chosen and its scale.
And, here's why starting now is critical: It will take decades to secure funding, acquire land and build the new system. So 26 years isn't really the cushion that it appears to be.
The initial steps in the project, including hiring Olsson, will be paid for from $6.7 million saved from water rate payments since 2018.
The city also will apply for $20 million from the state's federal American Rescue Plan Act funds, for which the project is eligible after the Legislature turned down Sen. Eliot Bostar's bill to earmark $200 million in those funds for the project.
Since the remainder of the funding will have to be worked out in the next few years — like a mix of of the money from the federal government — it is imperative that the project be supported by both Nebraska senators and the 1st Congressional District representative.
The new water system is as needed and important now as it was when the Lincoln Water System began serving its first customers in 1883 and when the Ashland well field and pumping station were developed 90 years ago.

LJS Local View: Ready for vote, fairness

I am an 82-year-old gay man. Under a variety of names — Action Committee Nebraska, Fairness Lincoln, and Let Lincoln Vote among them — several Lincolnites and I have been working on bringing a nondiscrimination ordinance to our city, some of us since the early 1980s — over 40 years ago.
For the past five years, a small number of us — gay, straight, and transgender — have labored to have Lincoln join the hundreds of local jurisdictions that have ended discrimination based on sexual orientation and gender identity.
On many occasions throughout these past five years, we've been told by some well-meaning folk that this is not the right time to bring nondiscrimination to a vote in Lincoln. We were told that in 2017; we're being told the same thing today.
Nevertheless, during all this time we've worked with members of at least two city councils who were reluctant to do anything. Slowly but surely we were able to make the progress that led to the City Council's Feb. 14 adoption of antidiscrimination language in revisions of the city's municipal code. These revisions did not only include gender identity and sexual orientation but anti-discrimination protections for active-duty military, various disability categories, tribal affiliations, race and marital status. But after a successful petition drive that only focused on the LGBTQ protections, the council flipped its vote and rescinded its previous action. Evidently, it's still not the right time for anti-discrimination in Lincoln.
Martin Luther King was fond of saying, "The time is always right to do the right thing." We've waited long enough. And during all the time we've waited we don't know how damaging, how destructive to LGBTQ kids Lincoln's city government's refusal to protect them from discrimination has been. This is why we're now circulating initiative petitions to put anti-discrimination on the November ballot.
We've also been told that a ballot campaign will prove to be most harmful to "the transgender community." Let's be honest: there is no monolithic "transgender community." We should also stop imagining there's even an LGBT community, joined by consensus, or that every LGBT person must

unite in a fictitious consensus, or expected, even required, to be part of a consensus.
It's worrisome that LGBT folk are being held to an unrealistic standard of community consensus, that people collecting initiative signatures are being harassed and even physically attacked, and that heterosexual-dominated organizations think they are speaking with the LGBT community when, in fact, they are communicating with a small slice of the community — one whose chief objective is to stop any fairness ordinance from ever becoming part of our municipal code.
As all of you know, or should know, state legislatures across the country are passing or about to pass bills attacking transgender people, denying them medical care, penalizing their parents, keeping them from participating in competitive sports.
This is not the time for transgender people to hide or try to avoid controversy. The controversy is already here, it's national, and it's all around us. Some state legislatures have adopted preemption laws, laws that allow state lawmakers to block a local ordinance from taking effect. Before this happens in Nebraska, Lincoln must act now to outlaw discrimination based on sexual orientation or gender identity.
Now is the time. There are too many lives that will be affected positively by these revisions, not just those within the LGBTQ community, although we have been waiting and working for decades.
Please join us in supporting these amendments to protect active-duty military; people with disabilities; people of all races, national origins, and tribal affiliations; and — yes — LGBTQ people.
Lincoln is ready, even if some of our elected officials are not. Sign the petition. And vote in November.
George E. Wolf lives in Lincoln.

Nebraska Examiner Commentary: Keeping it simple at the ballot box

This November I'll be a single-issue voter, a practice I once considered short-sighted, even radical. Dire circumstances call for dire measures.
My single issue is not a usual suspect: abortion, guns, taxes, inflation, or my 401(k)'s health. Nor is it character, although if it were, imagine the turnover in Congress and selected legislatures, boards and councils. My new-found "radicalism" is also based on more logic than some use when electing our leaders, silliness ranging from receding hairlines to plunging necklines to political campaign ad taglines.
It's none of that.
It's democracy. Our democracy, to be exact.
It's simple: Either you're for democracy or you're not. Ergo, I'm passing on anyone who remotely abides our current tilt toward authoritarianism, undermines the bedrock of how we have governed for well over 200 years or plays footsie with those who traffic in the Big Lie or related conspiratorial claptrap.
Radical? An overreaction? Hardly, considering our flirtation toward authoritarian rule. If we eventually choose to embrace it, we'll undo two centuries plus of living by the rule of law and letting the voters decide our leadership — signposts of self-governance.
Go ahead, scoff if you want about our slide toward minority rule or worse, but we have the receipts.

Even a casual view of the horror show that is the Jan. 6 Committee hearings has revealed that the former president, his assorted sycophants and violent insurrectionists wanted to undo what was — by every and any measure of real evidence — a free and fair election. Further hearings are scheduled, but I've heard enough: That only 40 feet separated the vice president and violent insurrectionists promising to kill him serves as a stark metaphor of just how close we were to losing our democracy.

Subsequent witnesses — nearly all of whom voted for the former president — have insisted the danger that besieged the Capitol on Jan. 6 is still afoot.

Sadly, the stench of that day has wafted into other parts of the country.

In New Mexico, for example, without any evidence of voter fraud, the Board of Commissioners of Otero County refused to certify the results of a recent primary election, effectively disenfranchising over 7,000 voters. The three commissioners had swallowed baseless concerns about voting equipment. The New Mexico Supreme Court, citing the absence of facts to support the claim, ordered the commissioners to certify the election. Still, one commissioner clung to his no vote because of a "gut feeling" about the machines.

Let's go to the Supreme Court and the numbers: Five of the nine justices were appointed by presidents who lost the popular vote. Reputable research shows that Americans' support of a woman's right to make her own health decisions runs anywhere from 70% to 85%. Yet Roe v. Wade, carrying with it nearly 50 years of precedent, was overturned. While the majority cited history to underscore its decision, noted historian Heather Cox Richardson said it "… used stunningly bad history, clearly just working to get to the modern-day position it wanted."

There's more. The U.S. Senate finds itself mired in a practice where the filibuster has given rise to the tyranny of the minority. In 27 states, nearly 148 bills have been introduced to limit citizens' access to the ballot box to combat fraud where none exists. Some government agencies, including the Nebraska governor's office, have moved to put barriers between themselves and the media who serve as the people's eyes and ears.

Inundating our democracy, too, is a mass of misinformation from propaganda to blather to utter nonsense. This inability to discern fact from fiction and to agree on certain truths imperils us. Evidence — the gold standard by which we've eradicated disease, fueled the free-market economy and solved public problems — is seemingly dead for some. They disbelieve experts because after all, they have the internet. They belittle science yet live lives bettered and extended by it. They cancel, doxx, diss, berate, threaten and, on occasion, carry out violence to prove their point. They are fine with erasing the votes of 7,000 fellow citizens with nothing more than a tickle in their tummies.

All of which makes November an easy call. My vote goes to those who work to strengthen our democracy. Those who truly stand up to our enemies, foreign and domestic. Those who believe in evidence, science and facts. Those who reject voter disenfranchisement. Those who reject that the lives of some humans are more important than others.

I just hope those people are on my ballot.

By George Ayoub

AP: US allows pharmacists to prescribe Pfizer's COVID-19 pill

WASHINGTON (AP) — Pharmacists can prescribe the leading COVID-19 pill directly to patients under

a new U.S. policy announced Wednesday that's intended to expand use of Pfizer's drug Paxlovid.
The Food and Drug Administration said pharmacists can begin screening patients to see if they are eligible for Paxlovid and then prescribe the medication, which has been shown to curb the worst effects of COVID-19. Previously only physicians could prescribe the antiviral drug.
The announcement comes as COVID-19 cases, hospitalizations and deaths are rising again, though they remain near their lowest levels since the coronavirus outbreak began in 2020.
Biden administration officials have expressed frustration that several hundred Americans continue to die of COVID-19 daily, despite the availability of vaccines and treatments.
Administration officials have been working for months to increase access to Paxlovid, opening thousands of sites where patients who test positive can fill a prescription for Paxlovid. The FDA change will make thousands more pharmacies eligible to quickly prescribe and dispense the pill, which must be used early to be effective.
“Since Paxlovid must be taken within five days after symptoms begin, authorizing state-licensed pharmacists to prescribe Paxlovid could expand access to timely treatment," FDA drug center director Patrizia Cavazzoni, said in a statment.
Still, use could be limited by paperwork requirements. Patients are expected to bring their recent health records— including blood tests — and a list of their current medications so pharmacists can check for health conditions and medications that can negatively interact with Paxlovid. As an alternative, pharmacists can consult with the patient's doctor.
Paxlovid is intended for people with COVID-19 who are more likely to become seriously ill. That includes older people and those with other health issues like heart disease, obesity, cancer or diabetes that make them more vulnerable. It isn’t recommended for patients with severe kidney or liver problems. A course of treatment is three pills twice a day for five days.
The FDA authorized Paxlovid last December for ages 12 and up based on results showing it reduced hospitalizations and deaths by nearly 90% among unvaccinated patients most likely to get severe disease. The drug has shown less impressive results in patients who already have vaccine protection and some physicians have reported cases of COVID-19 symptoms returning after treatment with the drug.
Expanding the test-to-treat program to include pharmacists could add thousands of additional options for patients. The two biggest U.S. drugstore chains — CVS Health and Walgreens — run around 19,000 locations combined.
CVS Health already provides COVID-19 care at 1,100 clinic locations inside drugstores.
There also are nearly 19,400 independent pharmacies not tied to a big chain, according to the National Community Pharmacists Association.
Pharmacist Michele Belcher said ahead of the announcement that she hoped to be able to test customers for COVID-19 and offer the pill because there is a shortage of primary care doctors in her community, the small, southwestern Oregon city of Grants Pass.
Belcher said she worries that some people may have a hard time getting a doctor’s appointment for a prescription during the narrow window to start the pill.
Belcher, owner of the independent Grants Pass Pharmacy, said she used to test and treat for COVID-19 using injectable drugs that are no longer as effective.
Her pharmacy routinely checks for potentially harmful interactions with other drugs a patient may be taking, she said.
“Pharmacists are the drug experts,” she said. “That’s something we do every day, all day, make sure there are no interactions with any medications.”

AP: US to diversify infant formula industry to avoid shortages

WASHINGTON (AP) — The Biden administration is trying to help foreign makers of baby formula stay on the U.S. market for the long term, in an effort to diversify the industry after the closure of the largest domestic plant sparked a nationwide shortage.

The Food and Drug Administration on Wednesday announced plans to help overseas producers that have sent supplies to the United States, under emergency approval to address the shortfall, secure long-term authorization to market their formula in the U.S.

The agency will provide a way for producers temporarily selling in the U.S. to meet existing regulatory requirements so they can stay on the market, providing consumers with more choices and making supplies more resilient against current and future shortages.

The FDA will also host meetings and provide producers with a single point of contact to work through the regulatory system to make the application process more efficient.

"The need to diversify and strengthen the U.S. infant formula supply is more important than ever," said the FDA commissioner, Dr. Robert Califf, and Susan Mayne, the director of the agency's Center for Food Safety and Applied Nutrition, in a statement. "The recent shutdown of a major infant formula plant, compounded by unforeseen natural weather events, has shown just how vulnerable the supply chain has become."

The U.S. has tried to boost supply of baby formula after regulators in February shuttered a Michigan plant run by Abbott, the largest domestic manufacturer of baby formula, over safety concerns. The plant reopened June 4 after the company committed to additional sanitizing and safety protocols, but closed again in mid-June after severe weather caused damage to the plant.

The company said it needs time to assess damage and sanitize the factory again after severe thunderstorms and heavy rains swept through southwestern Michigan on June 13.

In May, the FDA eased federal import regulations to allow baby formula to be shipped to the U.S., and President Joe Biden authorized the use of the Defense Production Act, providing federal support to get formula from overseas into the U.S.

The White House said that by this coming Sunday, its efforts will have brought 43 million 8-ounce bottle equivalents of infant formula into the U.S. and FDA has cleared the equivalent of 400 million 8-ounce bottles for import into the U.S.

"Infant formula is an essential food product that is the sole source of nutrition for many babies in the U.S. Companies and their manufacturing facilities must meet rigorous FDA standards that ensure the formula is both safe and nutritious," Califf and Mayne said. "These standards are necessary to protect our children and will not be sacrificed for long-term supply considerations."

The FDA's policy of temporary enforcement discretion is set to expire in November, but the administration says it will renew it if necessary to ensure domestic supply.

"Today's announcement by the FDA will help ensure the infant formula supply market is less vulnerable to future supply shocks and will provide families with the confidence of steady access to a variety of safe infant formulas," said White House spokesman Kevin Munoz.

Very Respectfully,

Andrew Shelburn
Digital Communications Manager

Office of Governor Pete Ricketts
CELL 402-890-2467
Andrew.shelburn@nebraska.gov
governor.nebraska.gov | **Facebook** | **Twitter**