

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 20, 2024

**DORN:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-seventh day of the One Hundred Eighth Legislature, Second Session. Our chaplain for today is Senator Lowe. Please rise.

**LOWE:** Please attain an attitude of prayer. Our Father in heaven, we need you. We need you today and we need you every day. As we look at today's events and as they unfold before us, please be, be there with us. Be there to guide us, to make us stay silent if we need to be, to speak when called upon. Please look after the, the Clerk's Office and the pages that stand before us today, as they go about our will, and, and try to keep us mindful of the things we need to be doing. Please look after the Speaker, and after all the senators here today. Look after those that help us, around us today, the, the, the Red Coats and the law enforcement. Look after those that come to speak to us, and that are in the Rotunda that have a message. Let's be mindful of everyone today. In your name. Amen.

**DORN:** I recognize Senator Lippincott for the Pledge of Allegiance.

**LIPPINCOTT:** Please join me in the pledge to our Nation and its Flag. 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.

**DORN:** Thank you. I call the order of the forty-seventh day of the One Hundred Eighth Legislative Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

**CLERK:** No corrections, Mr. President.

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

**CLERK:** I have none at this time, Mr. President.

**DORN:** Thank you, Mr. Clerk. Senator Aguilar, for an announcement. Senator Aguilar, for an announcement.

**AGUILAR:** Thank you, Mr. President. Since the incident that happened during floor debate on Monday evening, there have been numerous statements by both members of the public and members of the

Legislature that have painted an inaccurate picture of the Legislature's response to the incident. In light of these inaccuracies, as Chair of the Executive Board, I feel it is important to provide the body with as much of an update as I am to provide at this time. First and most importantly, the Legislature has a written workplace harassment policy that dictates the procedures that must be followed in these cases. Among the provisions of the workplace harassment policy is the requirement that if a member of the Legislature or other supervisory staff member has firsthand knowledge of a situation involving workplace harassment, is required to immediately report the situation to the Chairperson of the Executive Board. On Monday evening, I was present in the Chamber, along with other members of the Legislature and legislative staff during floor debate, and witnessed Senator Halloran's remarks firsthand. Pursuant to the workplace harassment policy and because of my firsthand knowledge of the situation, first thing yesterday morning, I self-initiated a complaint under the policy and appointed a special personnel panel consisting of 3 members of the Legislature to conduct an investigation. Under ordinary circumstances, the workplace harassment policy provides clear requirements that all allegations be kept in confidence pending appropriate action of the Legislature under the policy. The policy also includes strong confidentiality protections for both the complainants and the accused parties. Because the event in question took place during floor debate and live on Nebraska Public Media, these confidentiality requirements have effectively been waived. The special personnel panel met yesterday to begin a formal investigation, and they will hire an outside investigator as authorized under the policy. This formal investigation will be thorough and by the book, following the provisions that are clearly laid out in legislative policy. Upon completion of the investigation by the outside investigator, a written report will be submitted to the special personnel panel and the Chairperson of the Exec Board, and the investigator's findings will be shared with Senator Halloran. Given the public nature of these events, I anticipate that the investigator will recommend that their findings be shared with the full body and made public. While the focus should be on ensuring that the investigation is done appropriately and out of the public eye, the lack of public comment from the Executive Board has led to some unfortunate assertions that this incident was being swept under the rug. This could not be further from the case. The Legislature, through the Executive Board, takes all workplace harassment incidents and complaints seriously. And in this instance, my office acted immediately to begin the process outlined in the workplace harassment policy. I can assure members of this body,

legislative staff, and all Nebraskans that any and all allegations of workplace harassment will be properly investigated and addressed, as provided in the Executive Board policy. It is critically important that all members and staff of the Legislature are aware of both their rights and their responsibilities under the Legislature's workplace harassment policy. The Legislature requires training on this policy each biennium, and provides copies of the training on the policy to all new employees. Any senator or staff who feels that they have been subjected to workplace harassment have the absolute right to file a complaint under the policy with any member of the Legislature, the counsel to the Executive Board, the Ombudsman, the human resource director in the Clerk's Office, or any other supervisory employee in the Legislature. These complaints will be taken seriously and handled confidentially, as provided under the policy more than anything. It is important that all members of the Legislature and legislative staff feel safe in the workplace. And I urge any member and staff who have questions or concerns regarding this policy to reach out to my office. Thank you, Mr. President.

**DORN:** Thank you, Senator Aguilar. Speaker Arch, for announcement.

**ARCH:** Thank you, Mr. President. Just briefly, this morning, one little agenda item. At 11:30 this morning-- today is the annual Former Legislator Day, and so we will have guests at 11:30 this morning. And at that point, we will just have an opportunity to introduce them, greet them, and that will be at 11:30. Another announcement. At the beginning of the session, I indicated in my memo addressing how I would be handling cloture this year, that I would generally be following the 8-4-2 procedure. This year, unlike last year, I left myself flexibility to deviate from that standard. Going forward, I intend to implement a 4-2-1 cloture threshold for bills which are controversial and emotionally charged. I'm not referring to traditional governmental policy bills, such as taxes, or creating and funding new programs, or existing programs. Although senators often feel strongly about these measures and the debate can be highly controversial, the debate time on the policy issues can lead to a better understanding of the bill, and at times, compromise. In my estimation, that is not the case with social issue bills such as LB441, which we are currently debating. Members generally go into debate with their minds made up, and prolonged debate only serves the purpose of fanning the fires of, of contention, generally not productive debate, and it can be harmful to the institution. These have-- these social issue bills, as I'm referring to. I want to give adequate time for debate, but once the facts have been presented and senators have decided how they will be voting, additional time does

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not provide value. I anticipate that there could be other such bills this session. I will determine which bills qualify, but will be very selective. Prior to beginning the debate on one of these bills, I will notify the body that the cloture time on that bill will be 4-2-1. Since this is a new policy, it obviously will not apply to the General File debate of LB441. We have approximately 1 hour, 20 minutes of General File debate before cloture will be in order, and we will follow that. Should this bill advance, however, this procedure will apply to future rounds of debate on LB441. Thank you, Mr. President.

**DORN:** Thank you. Speaker. Arch. Mr. Clerk, for items.

**CLERK:** Mr. President, turning to the agenda. General File, LB441, introduced by Senator Albrecht. It's a bill for an act relating to crimes and offenses; changes provisions relating to, to defenses for offenses involving obscene materials; harmonizes provisions; and repeals the original section. The bill was read for the first time on January 13 of last year and referred to the Judiciary Committee. That committee placed the bill on General File. Mr. President, when the Legislature left the bill, pending was the committee amendment, as well as a motion to bracket the bill from Senator Conrad, and a motion to reconsider the vote taken on the previous bracket motion from Senator Machaela Cavanaugh.

**DORN:** Senator Albrecht, for a 1-minute refresher.

**ALBRECHT:** Thank you, Mr. President. And good morning, colleagues. Again, we don't have much time left. And I certainly want to take this time to apologize for bringing something that is hard for people to put their heads around. And I'm, I'm not feeling very good about the committee having to sit through as much as they did. I have the testimony on my desk. But again, this bill is truly about obscenity in our schools, obscenity. That-- we're not going after teachers or librarians. If a librarian checks out a book-- if she has a thousand books in her library and she checks out a book, there's no reason that they would be taking her to the principal and saying, this is horrible. How could she do this?

**DORN:** Time.

**ALBRECHT:** Thank you.

**DORN:** Senator Wayne, for a 1-minute refresher on AM2789.

**WAYNE:** Section 28-810 is somewhat confusing to read and incorporates the defenses of 28-815, which requires a minor parent or guardian to

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be present in order to assert the defense. So what this does is try to allow-- takes away that requirement, and then allows obscene material to be prosecuted underneath this statute. Thank you, Mr. President.

**DORN:** Thank you, Senator Wayne. Senator Conrad, you're recognized for a 1-minute refresher on MO1270.

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. I just wanted to remind the body that I had filed a bracket motion to structure the filibuster on this controversial measure, LB441. Friends, this isn't just some sort of gobbledygook kind of procedural issue. If you vote in favor of the bracket motion, if we secure a majority there, the bill is dead. And we can move forward with this session, including the incredibly important measures that are on our agenda today and left in the remaining session, instead of spending our time and energies targeting teachers and librarians. So I would urge your favorable consideration of the reconsideration motion, motion. Thank you.

**DORN:** Thank you, Senator Conrad. In the absence of Senator Machaela Cavanaugh, we will return to the queue. Senator Hughes, you're recognized to speak.

**HUGHES:** Ouch. Thank you, Mr. President. First, Senator Lippincott, happy birthday. I just want to throw that out there. I was, I was going to give you my Nothing Bundt Cake that we'd gotten from someone else, but I thought that wasn't very nice to re-gift. So, anyway, Mr. President, I rise today on LB441. I do not question the intent of this bill. I only question what it actually does. Senator Albrecht has stated that LB441 does not remove books from schools. So, colleagues, what we're voting on is whether or not to allow librarians to be-- school librarians to be criminally charged if a book, periodical, or other media in the library is deemed to be obscene. So books stay and librarians possibly go to jail. I spoke with some of our schools in District 24, and if a parent has concerns about a book, any book-- it does not necessarily, necessarily need to be obscene. If the parent of any student has a concern about a book in the library, they can contact the school. They tell the school they have a concern about their kid reading this book, and the book is flagged by the school. The student cannot check that book out. Similarly, there is a book-- if there's a book on the shelf that could be obscene, not age appropriate, or has some other concern, we have a process where the book can be challenged. It goes before a committee, it is evaluated, and they can decide whether it remains on the shelf or not. If the committee agrees, the book is removed. If it stays on the shelf, the

parent who raised the concern can have the school flag that book so their child cannot check it out. This seems to be a problem that has already been addressed. If you read LB441, it does not address the content of the materials in our school libraries. I want to protect our children. Our schools have processes in place to protect children from sensitive materials. During my time as a school board member, we reviewed and put policies in place to protect children, and to provide a means for parents to parent their children when it comes to books, material or-- materials, or other things that might be outside what that parent values for religion or other reasons. However, the parent needs to be involved for this to work. For schools that might not have policies in place, LB441 does not solve the issue of content. It does not address the actual material on the shelves. If your school district does not have policies in place, then talk to your school board. And if they don't listen, then elect board members who will or run against them yourself. Making librarians possibly face charges because of a school district's lack of policies does not address this issue, and I urge my colleagues to consider what we're actually voting on here in LB441. And I would like to give the remainder of my time to Senator Armendariz.

**DORN:** Senator Armendariz, you're yielded 2:10.

**ARMENDARIZ:** Thank you. Thank you, Senator Hughes. And thank you, Mr. President. After listening to this debate, talking to various other colleagues and giving careful consideration, I've decided the best way to support this particular issue is to provide complete transparency to parents, hopefully in the way of Senator Sanders' bill, LB71. While listening to the debate, I completely understand the want and the need to do something about what is available to Nebraska children in school libraries, and in required reading assignments while they attend school. What I do know, and what I have heard for quite some time now, is what children should be allowed to read or not to read is quite subjective. Ultimately, for this issue, I support providing complete transparency to parents of every book available in each school library, as well as the comprehensive list of reading and writing assignments expected of each child, each year and each semester. This is the best solution to provide parents the complete oversight of what they--

**DORN:** One minute.

**ARMENDARIZ:** --would like their child to read and write, and if they find it appropriate for their school age child and for their family's direction. This is a reasonable approach and should have no reasonable

argument against it. I thank you again, Senator Hughes and Mr. President.

**DORN:** Thank you, Senator Armendariz and Senator Hughes. Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. We're on day 3 of this conversation. And I do appreciate-- I was talking to Senator Lowe off the mic before we started today. And we were talking about-- I said I-- you know, we-- Senator Lowe, I don't-- it's no shock to anybody, Senator Lowe and I are on different sides of this issue. But we get along. And we agree to disagree about this issue and get along about the stuff that we can work together on, like Rickhouse and other bills. And so we find common ground where we can, but we engage and I think, attempt to engage in substantive debate and conversation about the issues that we disagree about. And I, I really do appreciate that. And Senator Dover will tell you and, and he'll have to explain it to you, but whatever my star sign is, he says he predicted it based off of my love of parsing words, and what things mean and that kind of stuff-- the nitty-gritty, the details, and stuff like that. And I think you all can tell that. And so that's the approach I've taken to this bill, and going through and talking about what the actual language in this bill is. I really do appreciate the comments of Senator Hughes and Senator Armendariz, and bringing the perspective from Senator Hughes-- from her school district and what actually is happening in schools. And I think that's really important, that there are meritorious objectives by folks who want to protect children from being exposed to things that are age inappropriate for them. And, of course, as a parent of 10-year-old, 8-year-old, 6-year-old, 4-year-old, I am acutely aware of not wanting my kids to grow up too fast and to be forced into growing up through some sort of, you know, exposure to something, whether it's in media or in life in general. But what we're-- this bill is not talking about those legitimate concerns. This bill is talking about exposing teachers and librarians. And again, to be the nitty-gritty detail person, librarians in all libraries, not just-- well, all libraries not associated with the postsecondary educational institution, but, but not just school libraries. This applies to my Omaha Public Library, which you all know I love. I'm a big fan. If I get an opportunity, I'll talk about it some more. But-- so this bill potentially exposes those teachers and librarians to criminal penalties for having books that some people think are age inappropriate, not books that meet the, the legal definition of obscene. We're talking about books that people think are just not appropriate for kids of a certain age. And Senator Hughes correctly pointed out, there are processes in place, outside of

the criminal system, to address this and make sure that kids are not getting books at the wrong age. My kids are in fourth grade, is my oldest, and second grade is the next one in grade school. And they love the school library. And they tell me that there is a section of the school library-- this school goes up to sixth grade. There's a section of school library that they are not allowed to check books out of. So this is a school that has a system in place to make sure that kids are only able to check out books based off of what's appropriate for their grade level. They already have a system in place. They've already addressed this. Apologize, cough there. So my kids bring home, no joke, hundreds of books. Not a single one has been close to inappropriate from their school library. And we've had conversations about other books that they've expressed interest in that, again, not obscene, just maybe not age appropriate yet. And we've addressed that--

**DORN:** One minute.

**J. CAVANAUGH:** --on a case-by-case basis. So I appreciate the sincere engagement on this debate. I appreciate the folks who have talked about what their concerns are, but this bill does not serve the objective-- the stated objective. And so I support the reconsider, I support the bracket, and I oppose the bill. And I would encourage your red vote when we do come to cloture, at whatever time it is, later this morning. And I'll push my light in case we don't get there. Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. Again, I rise in support to LB441. Weaponizing the criminal justice system by removing carefully crafted legal protections for teachers and librarians who love kids, who are excited to share with them the joys of research and reading, and dragging them into these manufactured culture wars is wrong. It's the wrong priority for our body. It is the wrong story to tell coming out of Nebraska, which now continues to have significant reverberations on the national level. I have heard from teachers and students and librarians in my district and across the state, who are in disbelief that this is happening in our beloved Nebraska Legislature. They don't understand why their government is using the power and privilege of their position to attack them. Think about that. They're having conversations with their children at their dinner table about whether or not they should resign. Their kids are upset that their moms and dads, who go to school every day to teach

and help kids research and learn, are scared to go to work. Don't know what the impacts of measures like this will be, and whether it passes or not, the chilling effect has already taken a hold. There are processes in place to deal with this. Weaponizing the criminal law to target teachers and librarians is ridiculous, and it is not the point of the criminal law, which is to advance our shared public safety goals. Let me be clear, as well. While the Speaker has made an additional announcement to change the rules with 14 days left in the session, and we'll have to sort out what that means-- people fighting against this bill for free speech, for academic freedom, for teachers, kids, and librarians, did not bring this bill. We did not vote it out of committee. We did not vote against procedural motions to kill it. You're upset about this debate. You created it. And now, you're wringing your hands and furling your brows because, wow, it got a little too hot. Wow. Things went off the rails. Wow. It's taking too much time. That is manufactured by your own making. You knew what the result would be. What do you mean you won't let us criminalize teachers and librarians and ban books? Why is that shocking? Because it's shocking that you're trying to do that. We have workforce challenges. Nebraskans are crying out for targeted tax relief. We have beautiful stories to tell about who we are as Nebraskans. And you make a decision, individually. The Speaker has made a decision, individually, to put this measure on the agenda for 3 days in a row and push forward, no matter the cost to the institution or the state. The introducer will not step back gracefully. Each of you have decided to push forward to prove a point. What?

**DORN:** One minute.

**CONRAD:** That you can utilize your political power to target teachers and librarians in the criminal justice system, and that's your top priority? That's where you want to spend 8 hours of legislative debate, because you can? All right. The exercise is on full display, as is your motives. And the historical record will be clear. I'm going to spend as much time as I can reading pleas from librarians, teachers, and kids in my district who are saddened, disappointed, frustrated, and scared that this Legislature is using its time and its talent and its resources not to solve problems, but to try and criminalize teachers and kids in an attempt to ban books and ideas, which is anathema to the First Amendment, academic freedom, free expression, and taking care of in other processes. I urge you to reconsider--

**DORN:** Time.

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**CONRAD:** --your actions and motives immediately. Thank you, Mr. President.

**DORN:** Thank you, Senator Conrad. Senator Dungan, you're recognized to speak.

**DUNGAN:** Thank you, Mr. President. And good morning, colleagues. I do, again, rise in favor of the motion to reconsider and in favor of the bracket motion, and ultimately opposed to the underlying LB441. As was already stated, I do appreciate the conversations we've continued to have about this. I was also saying to some colleagues before we got started this morning, that I, I have appreciated the opportunity to have this conversation. I, I know that sometimes I can get in the weeds about these things, so I apologize, but I really do enjoy talking about the law and the legal aspects. I know sometimes, from time to time, it can seem like we're, we're being pedantic or we're maybe over-articulating what we're talking about, but that's what we should be doing. When we're talking about laws or bills or proposals that modify criminal statutes that, that remove defenses for certain targeted groups of individuals, I think it is worth a debate and worth a conversation to, to talk about what the outcomes could be, and what the ultimate consequences can and will be for teachers and librarians and other individuals in the schools. I received a voicemail last night on my phone that accused me of being a bloviating attorney flapping my gums. And I'll, I'll admit, sometimes I, I am want to flap my gums and talk a lot. But the reason I do that is because these things matter, and these things are valuable to talk about. So colleagues, I would encourage you to continue to pay attention to debate. Clearly, there are individuals in this room who have been listening, and-- you know, on both sides, who are engaging in this conversation and have changed their mind or stuck to their guns, but that's because people are paying attention. And so these debates are, are valuable. And so I do want to just encourage those at home paying attention to know that we're talking about these things because they matter. And people are listening. And I have colleagues right now who are looking at me and listening to what I say. So this isn't just to waste time. It is to talk about the issues. So, I just wanted to highlight that. Going back to the underlying bill of LB441, I was thinking about this last night and I was kind of trying to simplify my, my arguments or, or, or get a little bit broader, with regards to what the issues are here. And I think one of my big problems with LB441 from a legal perspective, in removing the affirmative defense, is what it, what it ultimately does is it removes the opportunity for a teacher or a librarian to tell their side of the story. And what I mean by that is obviously in the court of law, you have the right to

present evidence and you have the right to cross-examine and confront witnesses against you, but the burden is always on the state. The burden is always on the prosecution in, in the vast majority of criminal defense cases, to prove beyond a reasonable doubt that you committed a crime. And your job, on the defense side of things, if you are in fact not guilty of that, that offense, is to push back on their allegations. It's to present evidence that you're not guilty of those crimes. But if the prosecutor has tried to show, for example, here, that obscene material was handed out by a teacher, and if for whatever reason, they've decided that was obscene, what LB441 does is it removes the opportunity for the teacher to then take matters into their own hands with this affirmative defense. And say, OK, sure, maybe you find this obscene. But the reason I was doing it is I'm a teacher, and I was acting within the purview of my job as a teacher, or a librarian, or I was acting as a librarian for a city library. And what I was doing has value, and here's why. And so what LB441 does is it removes that opportunity to push back on the, on the idea that what you're distributing is obscene. And I think that removing the chance to tell both sides of that story in that manner, with that affirmative defense, is problematic. And so that-- that's one of the issues I have with this. I also think it's noteworthy to say context matters. And when you read something out of context, it can seem more offensive than it actually is. And let me give you a good example of this. In court, oftentimes, when somebody is accepting a plea offer--

**DORN:** One minute.

**DUNGAN:** Thank you, Mr. President-- the prosecutor will read into the record the factual basis. So they'll read into the record the probable cause affidavit or the police report. That often involves saying really, quote unquote, offensive things in a court of law, but the prosecutor doesn't get in trouble for that because they're reading it for a purpose, and they're reading it to establish a factual basis. Similar to that, you can say or read offensive things in a book-- that you find offensive, rather, but in the context of what you're reading, it can still have value. And so, if I just got up and said the things that Senator Halloran had said on the mic out of nowhere during a debate about taxes, I might get in trouble for that differently than having a conversation about censorship. So the context always matters with which we talk about these things. And I think that's important to recognize when we're debating what the things are that are in schools. So, colleagues, please, I, I encourage you to continue listening. We're going to continue this debate today. I think we've been having generally a good conversation, and I would appreciate your green vote on the motion to reconsider. Thank you, Mr. President.

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**DORN:** Time. Thank you, Senator Dungan. Senator Linehan, you're recognized to speak.

**LINEHAN:** Thank you, Mr. President. It's not even 10 a.m., and I'm already frustrated. First of all, I want to thank Senator Albrecht for all her efforts, ever since she's been here. She has been a warrior on life issues. She's never picked up a priority bill that wasn't a hell of a fight, that other people didn't want to bother with, that she believed in. She, yesterday-- I was very busy with Revenue yesterday but I tried to help. And she went around and tried to find somebody to work with her, so she could get her priority bill in her last year to Select File. Nobody wanted to help. So it's a little frustrating when I hear this morning how ridiculous she's been. She cares about kids. And you get up, some of you, and talk about legal procedures, and courts of law, and affirmative defense. Nobody-- I haven't heard any of you say that some of the stuff that was at the hearing, which I wasn't at, is OK and should be available to kids. One of you get up and say that? None of you have. And when nobody will go and help her try to fix the bill, because I thought-- I mean, we all do that. None of us bring bills to the floor-- well, maybe some of you do. I, I never have brought a bill that was perfect, and I didn't have to negotiate on, and I didn't have to give a little. She does not deserve this treatment. She did not do anything wrong in this debate, guys. She is taking the hits for something that was completely out of her control. She can't even read it in private to me. She hands you a piece of paper and says, I can't, I can't read this. She is a soldier for all that is good, all that she believes in. And I share those beliefs. And I am very disappointed in the body that we couldn't find a way to help her with this. We'll have other chances. And I'm going to hope that maybe somehow, before we leave here, that we do that. There is-- some of you-- several of you are brand new. You do not understand how close you get to your classmates when you're here. You, you wonder why I defend Senator Wayne or vote for his bills, maybe I don't agree with? Because he's my class, and we've been through all kinds of battles together. And I've been-- never has Senator Albrecht left my side. Not once. Not once has she disappointed me. Not once-- she had voted in things for Revenue-- she's going to, she's going to do it today. She's going to vote for things she doesn't like. A whole bunch of people are, because it's the right thing to do. So I hope-- I agree with what Senator Arch said. We should not be wasting time. We have a lot of really good things we can get done, but this is a good thing, too. So let's try and figure out a way that we're not talking about putting teachers in jails, or putting librarians in jails. We're just talking about making sure that little kids and-- up to sixth

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grade? I, I don't buy that. I've got a 13-year-old granddaughter. I don't want her reading this stuff. She's an eighth grader. Thank you, Mr. President.

**DORN:** Thank you, Senator Linehan. Senator Murman, you're recognized to speak.

**MURMAN:** Good morning, Nebraskans. And good morning, colleagues. And thank you, Mr. President. As I listen to debate this morning, I still stand in 100% support of LB441. But surprisingly, this morning and last night, there was some opposition. Despite that opposition, nearly every member of the body here has agreed that we should indeed protect children from real and true obscenity. And there is some disagreement about what truly qualifies as obscenity, and what legislation would be most prudent to go about it. Even if LB441 does not succeed this morning, and I certainly hope it does succeed, I do have a few methods I would like to see, and I hope we would still have time to discuss on the floor of this session. I want to point out 3 avenues we can take to protect children. 1, we can age verify pornographic websites. 2, we can ensure strong parental review measures are in place. 3, we can ensure parents, as well-- parents are well-informed of all content their children are receiving. Everyone here has said that it would be inappropriate and wrong with minors to be exposed to full-fledged pornography. Some have even made arguments along the lines, well, even if we control everything in the schools, our kids still have access to Internet on their phones and will find worse pornographic content elsewhere. This argument is true, and is why I brought and prior-- prioritized LB1092, the Online Age Verification Act. LB1092 simply requires a reasonable age verification method to be put in place for porn websites. This is a commonsense, court-tested approach that has passed on a bipartisan basis in about 7 other states. If everyone here truly wants to protect all minors from pornography, whether they agree with LB441 or not, I hope they will at least join me in supporting LB1092. Other laws to protect our minors from adult content that I would like to see passed include requiring a parental book review process to ensure a parent is able to raise a concern with the local school board. The school board can then hear the parent out and then make a decision. Senator Walz mentioned something similar yesterday in the debate, and I think she's right. Some schools do, do a fantastic job with policies similar to this. But I would appreciate a practice guaranteed to all Nebraskans which ensures this process, process be also-- maintains a level-- while also maintaining a level of local control. I would also like to see email notifications to parents with what books a student is checking out. This is for a few reasons. Firstly, firstly, we have heard many arguments yesterday by opponents

claiming if there is a book which is inappropriate, a parent will ensure that my kid is or is not allowed to read it, rather than passing a law saying which books are or are not OK. This argument is fair, but it is based on the idea that a parent truly knows everything their child is reading, which is a big assumption. This process would also simply allow parents to make sure their kids do not--

**DORN:** One minute.

**MURMAN:** --have any overdue library books, so it has the benefits of both preserving parental involvement while also preserving schools' local control of allowing librarians to curate their libraries with their best judgment. In conclusion, I support Senator Albrecht's LB441, and I will be a yes vote. However, if you do not support LB441, I still have outlined 3 different avenues of approach that I hope we can work out in protecting children. Protecting children needs to be our number 1 priority for our Legislature, and I think every member here would agree with that statement. So let's get LB441 passed. And among other things that I presented, do what's best to protect all Nebraska's children. Thank you, Mr. President.

**DORN:** Thank you, Senator Murman. Senator Hughes would like to recognize a guest underneath the south balcony, Jeff Aegerter of Seward, Nebraska. Please rise and be recognized by your Nebraska State Legislature. Senator Lippincott, you're recognized to speak.

**LIPPINCOTT:** Thank you, sir. What we've been talking about here is a change of morals in society. And I'd like to read a little blurb here that I copied from a couple of years ago, in 2019, from the General Society survey. It revealed that presently, people consider themselves to have no religion, 23%. That increased 266% from 1991. He goes on to say that, back in the nine-- in the 1800s, blasphemy in public was illegal. In the 1920s, booze and gambling were illegal. Now, of course, it's a major source of state income. Divorce now is at 50%. After the free sex of the 1960s, births outside of wedlock hit 40%. Pornography used to go to prison, but now it dominates cable TV. And as I mentioned the other day, 1 out of 5 mobile searches is for pornography, on your mobile devices, your telephones. Marijuana is the latest craze. And it just goes on and on from there. Many of you may remember a lady by the name of Corrie ten Boom. She was author of a book called The Hiding Place. Back during World War II, her and her family, they hid Jews escaping from persecution and deaths by the Germans. And she and her family then ended up in a prison camp during World War, World War II. But she wrote a, she wrote a book, and she gave this little story when she was a young child. And I think it's

appropriate to what we're talking about. She was seated next to her father on a train compartment, and she suddenly asked your father, what is sex sin? That means sexual sin. He turned to look at me, and as he always did when answering a question, but to my surprise, he said nothing. At last, he stood up and lifted his traveling case off the floor, and he set it on the floor. And he says, would you carry it off the train, Corrie? I stood up and tugged at it. It was crammed with watches and some spare parts that he'd purchased that morning. It's too heavy, I said. Yes, he said, and it would be a pretty poor father who would ask his little girl to carry such a load. It's that same way, Corrie, with knowledge. Some knowledge is too heavy for children. When you are older and stronger, you can bear it. For now, you must trust me to carry it for you. My point in telling that story is that we want to guard our young people from things that are not healthy for them. For instance, here in this body, we've got a dress code. Guys come here with suits, mostly. And guys-- or women are wearing their nice clothes. So we've got codes. Dress codes. We also have codes that dictate what can come in our ears. And we also have codes what can go in our eyes, the things that we read. It's interesting to note that a year ago or so, we had people that drop things off of the balcony. Initially, I didn't know what they were, and I thought it could cause harm. And my initial response was I wanted to go over here and shield Senator Day from what could have been a potential harm from her. Why? Because it's just a natural reaction for a guy to want to protect a lady. And I think that in the same way that we-- men want to protect the women, adults we want to protect children. And as lawmakers, I believe that we want to protect our fellow citizens.

**DORN:** One minute.

**LIPPINCOTT:** Sometimes I listen to the attorneys here in the Chamber, and things can get confusing. We've got U.S. laws concerning constitutional, statutory, case law, public law, constitutional, administrative, criminal law, even Mosaic laws, moral, civil, ceremonial. Some of these thing-- can get confusing. But like Senator Linehan just said a few moments ago, we just simply want to have areas in school, where our kids go to school, to have it be safe and wholesome. And we don't want there to be nasty stuff for them to read or be exposed to. Thank you, sir.

**DORN:** Thank you, Senator Lippincott. Senator Albrecht would like to recognize 69 fourth grade students from Cardinal Elementary School in South Sioux City. They are located in the north balcony. Please rise and be recognized by your Nebraska State Legislature. Senator Conrad

would like to recognize 70 members of the Nebraska Library Association/Nebraska School Library [SIC] Association. They are also rec-- seated in the north balcony. Please rise and be recognized by your Nebraska State Legislature. Senator Blood, you're recognized to speak.

**BLOOD:** Thank you, Mr. President. I stand in support of both the reconsideration and the underlying bracket motion. Fellow senators, friends all, before I start, I have to address what Senator Lippincott just said. Senator Lippincott, it's just natural for men to want to protect women? I don't even know what that's about. But I was there that day, as well. And there's a picture of the Chambers that day. And there was 1 person that was still sitting in their desk, that did not run for cover. And that was me, because I knew the people that were in that balcony were not capable of doing anything except for trying to show their emotion, and trying to show you how important the issue was to them. So the fact that everybody ran like chickens under the balcony, I don't know how manly that was, if we want to talk about sexism and roles that we play. But most of the men ran under the balcony. They weren't throwing themselves on top of the women, trying to protect them. So good for you for, I guess, trying to protect somebody who's probably the most capable woman physically, in this body. I think she can pick you up off the ground and lift you over her head. So that was unknowingly and I know, not purposely offensive. So it's time that we use some more librarian voices in the body today before we vote on this. And I am reading a note that I received from a librarian about an hour ago. They want you to know that students are not forced or compelled to read books from the school library. Just as with any library, students get to pick and choose which books they would like to read. They also do not have to finish a book they check out from the library. Every time a class comes to the library to check out the books, this librarian tells them that should they not want to read it, that they can stop and return the book at any time. If a parent or guardian would like to opt their student out of reading certain books from the school library or do not have their student check out at all, that is fully within their rights. The parents already have the right to say they don't want their children to read that book. They just need to communicate it with the school librarian. And by the way, when I was in high school, when I read advanced books for my age level, I always had to get parental permission. That has not changed. If a class is reading a book that a parent or guardian would like to opt out their student in-- out of, they can ask for an alternative book. That is fully within their rights. They just need to communicate that with the, with the teacher. We were lucky that in

every Nebraska-- every accredited school is required to have a school librarian on staff, at least part time. School librarians are certified teachers. They must carry a teaching certificate in the state of Nebraska. As part of their education, librarians are provided instruction on how to manage their collections, which includes both selection and deselection of materials. They do not add books to the collections willy-nilly. They do not just simply buy books off of "best of" lists, no matter who is providing the lists. In no way, shape, or form do people keep books that they, that they have purchased just because it's on a list provided by any organization. I'm going to scroll down because I think the thing that's most important-- and let's not forget that, by and large, the vast majority of people did not choose to go into education to harm children. Quite the opposite. We endure long hours and low pay so that we can prepare our young Nebraskans to be thoughtful citizens. If criminal charges are filed, then the educator must foot the bill for legal representation, while probably also being suspended without pay. It's a good thing we don't have a teacher shortage. It doesn't matter if the educator may not have to go to that-- may not have to go to trial because they have a logical defense. The simple act of being charged could ruin someone's life. By the way, especially in a small town, folks. If there are other means to go after the very, very few true criminals who are providing obscene materials to minors, then this bill is wholly unnecessary, and that is indeed the case in Nebraska. If you thought it was difficult to fill teacher and school librarian positions before, I shudder to think what passing this bill will do to the future of schools in Nebraska, the educational future of our students, and the futures of our communities. Thank you, Mr. President.

**DORN:** Thank you, Senator Blood. Senator Halloran would like to recognize a guest underneath the south balcony, Brooke Ritter of Kearney, Nebraska. Please rise and be recognized by your Nebraska state Legislature. Senator Fredrickson, you're recognized to speak.

**FREDRICKSON:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. I rise in opposition to LB441, for many of the reasons that have already been articulated on the floor. And I want to just speak a little bit about some of the comments that have been made earlier today. And I, I want us to be really clear about emotional debate here in this Chamber. Because, all of us in here were here last year. Obviously, we're here this year, and we need to be-- we need to have a serious conversation about that. The emotional debate that has been referenced to by members of this body is not happening on budget bills. It's not happening on workforce licensure bills. It's not

happening on agricultural bills. It's not happening on housing bills. It's not happening on tax policy bills. I said this yesterday. The Appropriations Committee and the Revenue committee, they've been working so hard this year. And we're not seeing this emotional debate on those issues, which are arguably some of the most important bills we're going to be seeing this year. The emotional debate that's being referred to is happening on culture war bills, that are designed to divide, they're designed to create chaos, they're designed to whip up a base, and not to pass good policy. Let's speak truth and be crystal clear about that. Crystal clear. The behavior that we've been seeing on the floor the last few days, that is a direct response to these bills being introduced, to these bills being prioritized, to these bills being kicked out of committees, and-- let's be clear-- to these bills being scheduled on the floor. It's that simple. If we have concerns about preserving the decorum of the institution, speak with your colleagues. Clear pattern here, when we're seeing the decorum get a little shaky. Very clear pattern. Not happening on revenue bills. Not happening on appropriation bills. Not happening on workforce bills. Not happening on child care bills. Happening on these chaos bills. We need to be serious. I'm going to speak a little bit, as well, as a, as a parent of a son who's in the public school system, who brings home books. And for the record, I will also say he is in the public school system because he was at a private institution, but they were not able to meet his needs. And he was asked to go to the public school system. So let's be clear on other things we're talking about with schools. And I also want to be clear about something else. We can disagree with each other and still be friends. One of the biggest issues with politics in our country today is this belief that you can't be friends with someone you disagree with. And just because you're friends with someone doesn't mean you need to vote for their stuff. I vote red on Conrad things. I vote red on Cavanaugh things. I vote red on DeBoer things. Those are all friends of mine. That doesn't mean that they pass good policy. We need to be serious in here. And this, this is not serious. Thank you, Mr. President.

**DORN:** Thank you, Senator Fredrickson. Senator Walz, you're recognized to speak.

**WALZ:** Thank you, Mr. President. I'm a little frustrated with some of the comments that have been made, and the rants. And I'm going to just stand up and set the record straight. Because number 1, to say that we, whoever we is, don't care, is wrong. To say that we haven't gotten up to talk about protecting kids or keeping kids safe is not correct. We have gotten up plenty of times to talk about protecting kids and keeping kids safe. To say that no one has tried to talk to Senator

Albrecht is not correct. I have talked to Senator Albrecht, and I've asked her about making sure that we also have policies and procedures in place to prevent this issue from even happening. I've talked to her 2 or 3 times, so to say that no one or we have not been part of this discussion, is not telling the truth. I base my decisions on facts. I don't base my decisions on hearsay, or whether or not someone works really hard on issues, because we all work hard on our issues. Yesterday, I was told that 500 books were dropped off at OPS. Didn't know when. Didn't know what happened. Didn't know who dropped them off. But I was concerned enough to go out and make a call and find out about those 500 books, because I do care about the kids. I do care about protecting kids. I do care about keeping kids safe. And the answer was, there were not 500 books that were delivered or dropped off to OPS that anybody knows about. So when we're standing up and talking about issues like this, let's at least tell the truth. I'm going to take some time, like Senator Conrad had said before, and read some emails from people who do work in the schools, who have firsthand knowledge, who do actually care about kids and do want to protect kids. The first one is this. And I may have to finish it on my second try. I've been a public school librarian for 16 years and been in the school library world for almost 20. 20 years, colleagues. 20 years of experience. How much experience have you had in the school public libraries? I have worked in both elementary and high school libraries. I have supervised school librarians in our largest district, which is now over 100 librarians, K-12. I have taught for a school library graduate program for 13 years. I have served as a member, a committee chair, a board member at-large, a president, a chapter delegate for the Nebraska School Librarians Association for over a decade. How many years have you guys done that?

**DORN:** One minute.

**WALZ:** And now, I serve our profession at the national level, as well. While this is my story, it is not unique. We have fantastic librarians across the state, and I can say that with confidence. Colleagues. How many librarians have you taken the time to go back to your office, pick up the phone and talk to them about this issue? I can also confidently say that school librarians are not the problem. Myths and disinformation-- myths and disinformation are the problem. I have spent the last 2 evenings, not with my family but listening to the floor debate about LB441. And I have been seriously concerned about the amount of inaccuracies that have been shared by senators from--

**DORN:** Time.

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**WALZ:** --across the state. Thank you, Mr. President.

**DORN:** Thank you, Senator Walz. Senator Hardin, you're recognized to speak.

**HARDIN:** I rise in support of LB441. Obscenity is pretty serious, and there's a difference between causing dysfunction and revealing it. LB441 is revealing it. Sex and obscenity tend to work together in our culture. There are regions of the body where, when another person touches there, we're no longer touching mere anatomy, but we're touching the soul. God designed it that way. It's powerful, too powerful to be handled by kids. Kids handling Pepsi? No problem. Kids handling whiskey? Big problem. Both are consumable liquids, but one, for kids, is poison, and so society has deemed that a liquid that's legally fine for adults is not legally fine for kids. That's inappropriate. Well, God knew that sexual issues would become powerful ones. And, you know, God likes sex. He invented it. And he invented this powerful thing for a powerful context. Culturally, we reject God's context for this powerful part of life. But unfortunately, we've decided that sex is not just for marriage. Sex is not just for a man and a woman. Sex is not just for adults. It's not just for the privacy of your bedroom. And it's really for everyone of every age group, and so sex has been stripped of its context. And so we live in a world where obscenity hurts, and we want to protect our kids from that. I'd like to yield the rest of my time to Senator Wayne.

**DORN:** Senator Wayne, you're yielded 3:10.

**WAYNE:** Colleagues, people ask why I'm voted-- why I voted this out of committee. Well, I'm looking for a compromise. And let me be clear right now. For all the people who are scared about teachers or librarians being charged, please listen to me right now. They can be charged right now. And the only time they can use-- and this is Senator Dungan please look at the law the only time they can use a defense is if the parent is there. So every time in school they check out a book, a parent is not there. There is no defense for teachers right now, under the current statute. I think that's bad. That is the current statute. Under 810, the only defenses are if a teacher or a librarian shows the material with a parent. So once they check out a book, right now, under current law, if a parent is not there, that defense is not available. So those who think teachers can't be charged right now, they can. And we are-- I'm trying to look for a defense for the teachers, but nobody wants to talk. We're upset about something-- something was said on the floor. I didn't comment. Let me just tell you this. I didn't comment because I'm a part of the 6-member

committee, and I wasn't sure if I was going to be tapped to be a part of whatever could happen. So I haven't commented, and I'm still not going to comment. So people want to know why I haven't commented, that's because I'm a part of a panel that could be invoked to investigate anything if something happened, so I'm not commenting on that issue. But I'm telling you right now, read the statutes. A teacher can be charged right now, and their only defense is if they have a child with them. And the court has 2 weeks to determine whether or not that book-- or that object, in this case, a book, is obscene. So I have an amendment, if we can get through General File, that actually probably will solve everybody's problems, but I can't get people to sit down and talk. The amendment is-- right now, under current law, 28-816, I see Senator John Cavanaugh is looking that one up. Look that one up, too. Because right now, a law enforcement officer can walk into any library--

**DORN:** One minute.

**WAYNE:** --determine it to be obscene, file a motion in court for a judge to determine whether it's obscene or not. That is current statute. What I would like to do is change that to the DA, and set up a process for a parent or a citizen to file a complaint with the DA. They go to court and get a declaratory judgment. What that means, colleagues who are not familiar with legal systems, it means the court will just determine whether it is obscene or not. They have a little mini trial. It has to happen within 2 weeks. After that, we can say the school, if it's found to be obscene, or library, has to remove said material within 72 hours. And then and only then will a librarian or teacher be charged if they violate that judge's decision. That's actually offering protection that is not available right now for teachers or librarians. Read the statute.

**DORN:** Time.

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

**DORN:** Thank you, Senator Hardin and Senator Wayne. Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. I appreciate Senator Wayne's comments, engaging on the actual substance of what this bill does as opposed to the feel-good language of we need to protect children. I guess, expectation setting, everyone here wants to protect children, everybody cares about protecting children, the difference is what is the approach. Senator Wayne is conflating 28-808 and the defense of

28-810 and 28-813, and the defense of 28-815. This bill addresses 28-815. And though 2810-- 28-810 does add an additional defense of 28-815, which means by association this affects 2810, this bill as currently written affects the defense to a charge under 28-813. So that's what we've all been talking about. I know that Senator Wayne has got his reasons in what he's saying. But everyone that's been talking about this also is saying, well, no one's been charged under this. So Senator Wayne, the argument that they could already do it, they're not. Right? So that problem you just raised is not a legitimate concern as to whether or not we should pass this bill. The legitimate concern as to whether or not we should pass this bill is what this is really about, that any statement from this body about saying it's OK to take books out of schools and libraries, will be taken as a permission to take books and, and-- out of schools and libraries. So it doesn't matter that this, that this law is not currently being used. And it doesn't matter that this law, as written, would not be effective in actually serving the intentions that it, it states. It will be effective in serving the subtextual intention, which is, as I pointed out last night, Senator Moser gets, is the intentional chilling effect on librarians. Thank you for being here, I love you. But it has the intentional chilling effect on librarians when somebody comes, with a new stamp of approval from the state Legislature and the government of the state of Nebraska, saying, yep, now we can go do this. We were stopped before. Now we can do it, because the Legislature changed the law and allows us to. Though they are wrong, that will cause the problem. That will cause the pause in some of these folks up here, that will think, maybe I should take out this book because these people are objecting to it. I was-- I had an affirmative defense protection before, and it had worked out before. But now, these groups that are looking around for opportunities to take out books that they find objectionable, that do not meet the legal definition of obscenity, they are going to see this. That's the statement that's made here today. So that's the problem. That's why this can't be fixed. That's why this bill is not something that we could go and nibble around the edges and say, well, let's find a little something for everybody here. Let's compromise. Let's make a change in a certain way. Let's move this word from an and to an or, and that'll fix everything. All that does, all that the real effect of that is, is showing that the state is OK with censorship, that the state is giving you the go ahead to go to your libraries and say, pull all of these books. And again, those people are wrong. On most of those instances, they will be wrong about that. But that does not mean it will not result in books being taken out of schools, out of libraries. We've already heard that we have systems in place, from

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Senator Hughes, Senator Lowe-- Walz, and others, about actual things that actually solve--

**DORN:** One minute.

**J. CAVANAUGH:** --the problem-- thank you, Mr. President-- that everybody's articulating. And it really is-- the question is not one of obscenity. The question is what is age appropriate? And we have systems for age appropriate determinations, and making sure that kids are not reading books that are not appropriate for them. This is not a conversation about obscenity. And it is completely false to say that there is obscenity in schools. There are books you don't like and you want them out. And that is banning books, and that is curtailing ideas because you don't like them. So that's what this bill would do, in effect, in any compromise or change or, or amendment to it. So the idea is the thing that is the flaw here. The idea of banning books is wrong, and the state should not endorse banning books. So I encourage your red vote on cloture when we get to it in a few minutes. Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. Just for a, a reaffirmation of what resources are available to you. It happened to be, I guess fortuitous might be one way to look at it. I'm a glass half full kind of person. But the national-- the Nebraska Librarians Association Advocacy Day happens to coincide this year with final debate on this measure. So we've had a chance to recognize those most impacted by this measure, those most concerned with this measure, and they're here. So if you have questions or concerns about what's happening in the libraries, go ask them. Go talk to them. You'll learn about the processes to put books on the shelves and remove content that may be objectionable, offensive, or inappropriate. And if you don't avail yourself to that expertise and opportunity, your motives are clear, that this is a political stunt. Now, let me talk about my friend, Senator Wayne's comments. And Senator Wayne is such an incredible senator and a brilliant lawyer. And he is right that the statutes are messy. There is no question about that. However, colleagues, let me also remind you of this. We're twisting ourselves in knots to try and advance a political issue, not address a real issue. Prosecutors didn't come in saying, Legislature, please fix this messy statute because people peddling obscene materials are getting away with it. Not on the record. Didn't come to the hearing, haven't engaged on this. Judges didn't come in, not on the record, not

engaging in this, saying there's a problem with our criminal law statutes. We need your help to fix it. Attorney General didn't come in on this, didn't say there's a problem with our criminal justice systems. We need you to fix it. Cops didn't come in on this, not on the record, not engaged, saying there's a problem with this issue. We need you to fix our criminal justice statutes. Who came in? Primarily radical, right-wing interest groups, who have a right to petition their government as they see fit, to advance a manufactured political issue, to target teachers and librarians and call them pornographers and criminals. And it's wrong. And rather than saying to those loud voices-- rather than saying that's not happening, these aren't real issues, and having the leadership to address real issues, you pander. You pander for the next election or the social media hit or whatever it is. And that's the opposite of leadership. Law enforcement is not crying out for these changes. And what Senator Wayne is trying to do to find compromise and consensus is not necessary, because this is not a problem. And even though he is thinking creatively about utilization of declaratory judgment and otherwise, think about that as a remedy. We want the overcrowded court system to give a thumbs up or a thumbs down to books on the library shelf? That's what the proposal is for compromise? That is not what the court system is for in a modern and free society. It is 2024. This debate is divorced from reality. It is embarrassing to Nebraska and we have bigger, important issues to address like--

**DORN:** One minute.

**CONRAD:** --delivering for working families, finding tax relief, ensuring our schools have resources. Spending 8 hours twisting ourselves in knots over a manufactured political issue is beneath the dignity of this body. Thank you, Mr. President. I would yield the remainder of my time to Senator Dungan.

**DORN:** Senator Dungan, yield-- you're yielded 40 seconds.

**DUNGAN:** It's a good 40 seconds. Thank you, Mr. President. I'm also up next in the queue, so I at least have a little extra time there. Colleagues, I want to talk a little bit about what Senator Wayne was discussing, and we're having a, a good conversation about that over here under the balcony, for those who are, who are at home. We're conflating 2 different things. And I, I do understand Senator Wayne's point, right. Senator Wayne's point is he's trying to make it better under one defense if you're charged under a certain statute. I'm going to clarify more of this later. But I don't think that we can make one defense better by limiting the defense in another statute that's

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available to somebody. So, let me go back and kind of explain what the--

**DORN:** Senator Dungan, you're now on your own time.

**DUNGAN:** Thank you. I was waiting for that part. OK. So let me try to explain in simple terms what this debate is about, with regards to the-- it's already in the bill or it's not-- or it's already in statute. There are 2 different statutes that somebody can be charged under with regard to obscene material. There's 28-808, which I'm going to call 808, and that is giving obscene literature and material to a minor. That's 1 charge. There's another charge which is 28-813, which is the printing, manufacturing, producing, or generally giving obscene material, in general. So one is giving to a minor, and one is the production, making, handing out, whatever, of obscene material in general. The, the language of the bill that is before us today modifies the defense to the general production, manufacturing, or distributing of obscene material, 815. The complicated part here, and this is where it gets very confusing. And I'm really sorry if I'm doing a better job of explaining this. I'm just trying to make sure I'm being clear. We are modifying the defense to 813, not the defense to 808. What Senator Wayne is talking about, with regard to parents being present and all these other things, that is the defense if somebody is charged under giving obscene materials to a minor. What this bill changes is the defense to the general production, distributing of obscene material, which would be something that librarians or teachers could be charged with. So in the event that somebody is charged with giving obscene material to a kid, there are certain defenses that do incorporate part of what we're talking about here under 815. But if you're charged under 813, this bill would limit your options for a defense. LB441 limits your options for a defense if you are charged under 813, the general production of obscene materials or distributing obscene materials. It gets really complicated. These are not simple bills. I understand that if you look at the bill, it's about a page long and it crosses out a couple of words. But in doing so, it implicates a number of statutes that have to do with a number of different things. This is hard. I'm sorry that we keep talking about the law. I'm sorry that we keep talking about confusing, convoluted things. I know it's annoying, but it's important because we're talking about charging teachers. And we're talking about the potential chilling effect this will have on distributing information in libraries. This should be difficult. We should have a hard time understanding this, because it is complicated. And I apologize if I'm getting a little bit frustrated, but this is frustrating, to hear people say, well, why can't we all just get along and agree about

this? It's, it's frustrating, because this should be difficult. And I understand Senator Wayne's point. I understand that he's trying to increase the defenses available to somebody charged under 808, but I don't think we should do that at the expense of decreasing the defenses if you're charged under 813. And that's exactly what this does. Attorneys disagree from time to time. You probably know that. Attorneys can debate things. We can read the law differently. But I can tell you that what 28-815 does is provide an affirmative defense, currently, for a teacher or a librarian to say, I was doing my job. And if we remove that from the statute, I 100% agree with Senator John Cavanaugh, that this is going to have a chilling effect. Do I think that more people are going to end up in jail or in prison necessarily because of this? No. I, I genuinely don't. And that's what Senator Wayne said. They can currently be charged. I've made that same point, too. But what's going to happen if we continue this slow march into this quasi-puritanical idea that we should limit the things that our kids can see or read or learn about--

**DORN:** One minute.

**DUNGAN:** Thank you, Mr. President-- is we are going to find ourselves having this chilling effect on what is available in libraries, on what is available to kids to learn about, and what teachers feel comfortable talking about in classrooms. And the last thing I want is librarians or teachers or anybody else to feel like they can't do their job to help kids learn. And I think we're all here believing that what we're doing is right. We're all trying to help kids. Nobody here is doing anything wrong. I want to, once again, applaud Senator Albrecht for, I think, doing a fantastic job on debating this bill and talking about it. She's been working very hard on it. I agree with that. But we just disagree. And I would encourage my colleagues to vote green on the reconsider and red on LB441. Thank you, Mr. President.

**DORN:** Thank you, Senator Dungan and Senator Conrad. Senator Dover would like to recognize 7 students, fourth and fifth grade students and 3 teachers, in the north balcony, from St. Leonard School of Madison, Nebraska. Please stand and be recognized by your Nebraska State Legislature. Senator Day, you're recognized to speak.

**DAY:** Thank you, Mr. President. And good morning, colleagues. I think this is going to be my last opportunity to speak. And I think my more knowledgeable about the legal aspects of this bill colleagues have very aptly articulated the underlying legal implications of this bill, so I don't want to go further into that. We have our librarians here

today. It is their lobby day. And I felt like this was a good opportunity for me, as, as I feel like I, I see some kindred spirits in the building, as a little bit of a book nerd, to talk about my perspective, on what reading and education and books and information can do for kids, and how it's impacted my life. I have my little, kind of dorky Shakespeare and Company tote that I carry around all of the time. My family visited Paris last year. And at the very top of my list was to go to Shakespeare and Company, which is a world-renowned bookstore, and spend as much time as I can-- as I could in this tiny little space, looking at books, going through them, deciding what I was going to buy, and then taking it home with me. And of course, I had to get a tote to signify my visit. I remember when I was in middle school, I started to really get into reading longer novels. My aunt was a Stephen King fan, and so she started to give me some of her old Stephen King books. And from there, I feel like my love of information and books and stories flourished. But still, as an adult, I have bookshelves at home that are overfilled to the point that now, we have stacks of books that are on my floor, halfway up my wall. And for me, books are a really incredible way to find a-- an avenue to sort of get away from everyday life. It's a great way to travel from your couch. It's a great way to find some relatability in characters in books. It's a great way to say, oh, my gosh, that happened to me, and to, to, to learn that you're not the only one that feels this way, that experiences these things. I had a really great article from Columbia University that I was going to read. But in true Nebraska Legislature style, my laptop has decided to install an update right now, of course, in the 5 minutes that I'm on the mic. I think I pulled it up here on my phone. I do have to say, before I finish, Senator Albrecht has been incredibly gracious throughout this entire debate, and I have to commend her for her ability to be measured on the mic, and to stay calm amidst a very contentious issue, particularly when we had some unsavory things that happened on the floor. Her remarks this morning, I felt, were also very lovely. To me, reading and information is a gift. These books, as I've mentioned multiple times, help cultivate empathy in human beings. They help to cultivate curiosity in our children. Especially when kids are given the gift of reading and the gift of information and the gift of curiosity, particularly in a home environment where they have a family that is available to discuss these issues with them--

**DORN:** One minute.

**DAY:** --as opposed to cultivating an environment of shame around certain subjects and topics. We have to understand that ultimately, this bill is about banning books. It's about not allowing our kids to

read about topics that we find uncomfortable. And for many people in this room, topics that are uncomfortable usually fall into discussing LGBTQ people, issues around sexuality. Just because it makes you uncomfortable does not mean that it's bad. We have to work better to cultivate environments in our homes and in our schools, where kids feel like they can come to the adults around them and discuss these things with them. If we continue to try to hide our kids away--

**DORN:** Time.

**DAY:** --from this type of information-- thank you, Mr. President.

**DORN:** Thank you, Senator Day. Senator Albrecht, you're recognized to speak.

**ALBRECHT:** Thank you, Mr. President. I know we're getting close to cloture here. And for the librarians that are up in the balcony, I want you to know that this bill is certainly not focused on you or any teacher, only focused on those who would be presenting things to children that would be harmful to them. It's already spelled out in the law, and the obscenity is all around us, even in the public libraries today. But do we hear of librarians being charged? We don't. They check the books out. They can't know every single book in the library and what the content is. It would be for the, the Nebraska Department of Education, the state Board of Education, the school boards, the principals, how they run their schools. They need help. They're going to have to know what, what is right and what is wrong, but that-- we are not attacking anyone who is not intentionally doing this to harm the child. I know I've spoke for several hours, and Senator Wayne went to see his daughter play basketball last night. So I'm going to yield the rest of my time to him, and implore you to vote green on LB441. Thank you.

**DORN:** Senator Wayne. You're yielded 3:30.

**WAYNE:** Thank you. And colleagues, I want people to listen to what Senator Dungan said. We're talking about 2 different statutes. And I'll be the first to admit that probably all 4 statutes need to be updated in some capacity. But if you've been in Judiciary, we are just dealing with a lot, and we are trying to deal with the best we can. And so, at the end of the day, what he's talking about-- well, actually, he actually agreed with me on the mic, if you didn't hear that. But he did it in a way that you didn't know that he agreed, which is clever. Because what he's saying is, if you charge under 808, there, there are no defenses, except for the ones in 810, which means

you have to have a guardian or a parent or-- to be there. So we're talking about 808, in my opinion. I understand the original bill did not touch that, which was part of the confusion and what our-- my staff and, and the, the legal team were doing was going through, trying to see how all these interplay. And it is complicated. But let me just remind you of 2 things. One, if they are charged and what Senator John Cavanaugh and Senator Dungan are talking about are affirmative defenses. So in order to assert an affirmative defense, and this is what you can go ask John Cavanaugh about-- Senator Cavanaugh. In order to assert a affirmative defense, you are saying, yes, I gave him obscene material, but I have a defense. Put that in perspective. They have to admit, yes, I gave them obscene material, but here goes my defense. But 813 only applies to adult, to adult situations. If a librarian or teacher is charged, what everybody keeps dancing around is they're charged under 808, because that is giving it to a minor. Why would the prosecutor charge a librarian under 813, when they're giving it to a minor? That's adult to adult. 808 is to a minor, so 808 applies. And what we are trying to do with the amendments is give them some defenses to 808. It's really that simple. The rest of this about chilling effect and all that-- I understand that. But we do that every day down here. And in fact, we have a bill that Senator McKinney is bringing up about changing the OHA board, which will cause a chilling effect to get board members. So now, are we going to be against that, Senator Cavanaugh-- John Cavanaugh? No. He's going to support that bill. But that has a chilling effect on getting people to be on free boards. I understand this is an, an issue. I understand we're talking about removing books. I understand all that. I'm talking about--

**DORN:** One minute.

**WAYNE:** --giving defenses to librarian and to teachers. And if you don't think-- and the argument is, well, people don't get charged today. Well, then if this bill passes, why would they start charging people tomorrow? You can't have it both ways. You can't say, well, yes, I know they can be charged today, which everybody will admit, that under 808, they can be charged today-- and then say, well, nobody's being charged. Well then, why would they be charged tomorrow? You-- we just can't have it both ways, colleagues. Either we're afraid of them being charged, and if we are, then let's give them proper defenses to 808. And the only way we can do that is to get this through General File, come up with an amendment. And to say that we should-- that's the committee. They should just wait. And if it comes to General File, it has to be ready for prime time. Let me tell you, there-- every bill down here at some point gets an amendment, even if

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it's an E&R amendment. Every bill gets an E&R amendment, because nothing is ready for primetime on General File.

**DORN:** Time.

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

**DORN:** Senator DeKay would like to recognize 23 fourth grade students and 4 teachers from Plainview Elementary in Plainview, Nebraska, in the north balcony. Please rise and be recognized by your Nebraska State Legislature. Mr. Clerk, do you have a motion on your desk?

**CLERK:** I do, Mr. President. Senator Albrecht would move to invoke cloture pursuant to Rule 7, Section 10, on LB441.

**DORN:** Senator Albrecht, for what purpose do you rise?

**ALBRECHT:** Call of the house and roll call, regular order.

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

**CLERK:** 28 ayes, 2 nays to place the house under call, Mr. President.

**DORN:** 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 McKinney, Senator Blood, Senator Dover, Senator Slama, Senator Ibach-- Senator Wayne just checked in-- please return to the Chamber and record your presence. The house is under call. Senator Slama, please return to the Chamber. The house is under call. All unexcused senators are now present. There has been a request for a roll call vote to invoke cloture. 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 no. Senator Bosn voting yes. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting no. Senator Brewer voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Erdman voting yes. Senator Fredrickson voting no. Senator Halloran voting yes. Senator

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Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting no. Senator Hunt. Senator Ibach voting yes. Senator Jacobson, Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting no. Senator von Gillern voting yes. Senator Walz voting no. Senator Wayne voting yes. Senator Wishart voting no. Vote is 30 ayes, 17 nays, Mr. President, on the motion to invoke cloture.

**DORN:** The motion for cloture fails. I raise the call. Mr. Clerk, for next item.

**CLERK:** Thank you, Mr. President, a few items. Your Committee on Nebraska Retirement Systems, chaired by Senator McDonnell, reports LB-- LB196 to General File, with committee amendments. Additionally, new A bill, LB287A, from Senator Brewer. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying of the provisions of LB287; and declares an emergency. New LR, LR334, introduced by Senator Raybould. That will be referred to the Executive Board. Additionally, amendments to be printed from Senator Raybould to LB1288. And 2 confirmation reports from the Transportation and Telecommunications Committee concerning appointments to the Aeronautics Division and the Board of Public Roads Classifications and Standards. Mr. President, the next item on the agenda, General File, LB1306, introduced by the Education Committee. It's a bill for an act relating to education; changes provisions relating to fees for a certificate or permit issued by the Commissioner of Education; eliminates and changes funds; changes, provides and eliminates powers and duties of the State Board of Education and the Commissioner of Education relating to standards of professional practices for teachers and administrators, investigations and hearings relating to misconduct by certificate holders, and the power to issue writs of subpoena or subpoena witnesses as part of an investigation of misconduct; eliminates obsolete provision-- excuse me-- eliminates provisions relating to the Professional Practice Commission; harmonizes provisions; repeals the original section; outright repeals several sections in Chapter 79. The bill was read for the first time on January 17 of this year and referred to the Education Committee. That committee placed the bill on General File. There is nothing pending on the bill, Mr. President.

**DORN:** Senator Murman, you're recognized open on LB1306.

**MURMAN:** Thank you, Mr. President. And thank you, Speaker Arch, for recognizing LB1306 as a Speaker priority. This bill, introduced by the members of the Education Committee, was brought to us by the Department of Education after the department and Governor determined to the Private [SIC] Practices Commission to be a bit out of-- be a bit outdated commission. To explain the need for this bill, I will first go into the context of how the PPC currently works. Currently, when a teacher has an alleged violation of the Standards of Professional Ethics and Practices, a panel of 12 educators, appointed by the Governor, and a hearing officer meet quarterly for a hearing. That commission then makes a recommendation to the Board of Education regarding the status of that teacher's certificate. The final decision is still with the Board of Education. The PPC just makes that recommendation. The problem with this system is that there's a huge backlog of teachers whose certificates have come under complaint, but are told to wait longer and longer. I have heard from PPC members that it can take nearly a year for the hearing to happen. During this time, that teacher may still be in the classroom. If that teacher did something deeply unprofessional or wrong, letting them stay in the classroom for almost a year and continuing to teach is just plain inappropriate. And on the other hand, if a teacher didn't do anything wrong, we don't want them to have to wait for months and months not knowing the future of their career. This is the reason groups such as the NSEA and Association of School Administrators came in and supported this bill. They want their educators to have the peace of mind-- have that peace of mind. Under LB1306, a teacher whose certificate has a complaint, still has a hearing, but just with a hearing officer and not the full panel of teachers. The State Board of Education still gets the final say. By making this change, we're going to be able to greatly reduce the hearing backlog and give our educators the right to a speedy trial. I'll conclude by noting this bill was sponsored and voted out by every single member of the Education Committee, saves the state money, and has the support of the Governor, the NSEA, the Department of Education, and Council of School Administrators. And by the way, I've passed out a couple of handouts that show what I just said. I passed out these handouts explaining the need for this legislation that I would urge everyone to read. With that, I'll yield my time and ask for your green vote on LB1306. Thank you, Mr. President.

**DORN:** Thank you, Senator Murman. Seeing no one else in the queue, Senator Murman, you're recognized to close. Senator Murman waives. Colleagues, the question before the body is the approval of LB1306.

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All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Mr. Clerk, record.

**ASSISTANT CLERK:** 38 ayes, 0 nays on the motion to advance the bill, Mr. President.

**DORN:** LB1306 is advanced. Mr. Clerk, next item.

**ASSISTANT CLERK:** Mr. President, the next item for consideration is LB876, legislation introduced by Senator Holdcroft. It's a bill for an act relating to infants; amends Section 29-121 to adopt the Newborn Safe Haven Act; to prohibit prosecution for persons complying with the Safe Haven Act; and repeal the original section. Bill was introduced on January 3 of this year, referred to the Committee on Judiciary, which reports the bill to General File with committee amendments attached.

**DORN:** Senator Holdcroft, you're recognized to open.

**HOLDCROFT:** Thank you, Mr. President. Good morning, colleagues, and thank you for the opportunity to discuss LB876, the Newborn Safe Haven Act. I would also like to thank Speaker Arch for designating LB876 as a Speaker priority bill for this session and the members of the Judiciary Committee who voted this bill to General File. LB876 [RECORDER MALFUNCTION] Newborn Safe Haven Act simply increases the options for a desperate parent to surrender their newborn baby without fear of criminal prosecution. First of all, I would like to thank the 33 members of this body who have signed on to LB876. In particular, I wish to thank Senator Machaela Cavanaugh and Senator Rita Sanders, who had similar bills but allowed me to take the lead. They were the first to sign as cosponsors to this bill. This bill was advanced out of the Judiciary Committee on February 28 with a vote of 5 in favor, 2 opposed, and 1 present not voting. There were no opposition testifiers during the hearing on February 7. There were 154 proponents in the online comments for the bill, with only 2 out-of-state opponents. The Nebraska Department of Health and Human Services was among the 2 neutral testifiers. As most of you are aware, Nebraska's current safe haven legislation was initiated with the passage of LB157 in 2008. Despite language in drafts of the bill specifying the age requirements for a surrendered child, the final bill was passed without such language. This led to children of all ages, and even from other states, being surrendered under the new law. A special session with the sole purpose of providing a fix for the broad law was held later in 2008, and LB1 from that session added the words "30 days old or younger" to the statute law. According to the Nebraska Department of

Health and Human Services, at least 6 babies under 1 year of age were abandoned in 2023 versus 1 baby surrendered under the current Safe Haven law. Since 2008, approximately 14 babies have been surrendered under the Safe Haven law and as many as 200 have been abandoned. I believe LB876 directly addresses the disparity between these 2 numbers-- these numbers, and should, in theory, reduce the number of abandonments to zero. Under the current law, only hospitals are approved drop-off locations. LB876 expands the list of approved drop-off locations to include fire stations and law enforcement agencies that are staffed 24 hours per day, 7 days per week, emergency medical service providers, and newborn safety devices. It also redefines newborn infant in state statute from 30 days old or younger to 90 days old or younger. The fiscal note for this bill is to provide funding for an ongoing awareness campaign for the Newborn Safety Haven Act by the Nebraska Department of Health and Human Services. It will also fund a website to be maintained by the department that provides education and resources connected with the act. As mentioned in the bill, the website, among other things, shall also provide a method for a parent to reconsider the surrender of a newborn infant, and allow an individual to undergo paternity testing for the purpose of determining the paternity of a surrendered child. Now, I'm going to talk just a minute here about the newborn safety devices, because that's where I think the opposition to this bill will come. So for the newborn safety devices, there is no mandate. There's no mandate or obligation in this bill for their purchase or installation by any approved drop-off location. And these safety devices can only be installed at hospitals and fire stations that are manned 24/7. Those are the only 2 locations available for the safety devices. The funding in the fiscal note for the devices is only for the installation of a receptacle once it has been purchased, and a location established by the local community group. So it's really up to the community to decide if they want to have these devices, and they will have to come up with the funding for them. I'm sure we'll talk more about that in a moment. Again, as you can see, LB876 has been cosponsored by a large and diverse number of senators from our body. I believe it is a direct answer to the question we are asking women to bring their babies to term. Now, what are we doing to help them? The first handout that you were provided is the most recent information packet for Safe Haven baby boxes. And these are not the only option, but they appear to be the one that are most widely used. They are currently used in 14 states, and they've had success, tremendous success. The most up-to-date information indicates that there are at least 1 of their boxes installed in 14 states. The next handout celebrate the lives of 3 babies that were saved through the Safe Haven baby boxes at fire stations in Alabama

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and Missouri just this year. Now, with my remaining time, I just-- well, I think I'll stop there and get back on the mic to talk about the difference between abandonment and surrender. For now, thank you, Mr. President. I yield the remainder of my time to the Chair. Thank you.

**DORN:** Thank you, Senator Holdcroft. As the Clerk has stated, there is a committee amendment. Senator Wayne, you're recognized to open.

**WAYNE:** Thank you, Mr. President. This is going to be somewhat unusual. It's unusual because the amendment was worked on by the Vice Chair in this committee. And when I got the amendment, I'll be full transparency, it was the day of, and so I was a no on the amendment. So I'm going to yield the rest of my time to the Vice Chair to explain the amendment, because she worked on the amendment. Thank you, Madam-- Mr. President.

**DORN:** Senator DeBoer, you're yielded 9:20.

**DeBOER:** Thank you, Mr. President. I wanted to work on some aspects of this bill that I was concerned about. I want to thank Senator Holdcroft, who was willing to work on them with me. The Department of Health and Human Services also provided most of the work for this as well. It does a number of things, allowing, for example, that if a child is abandoned in one of these safe haven situations, it's not considered legal abandonment. Some of the ramifications for that would be the effects on other children in the home. So if someone abandons a child, that opens up a DHHS investigation. The green copy of the bill had provided for the criminal, the lack or the ability to keep criminal liability off. But it did not address the issue of DHHS looking into the situation and possibly Child Protective Services. So there were a number of other things that are sort of minutia things, like how to provide this birth certificate; making sure that we indicate that the juvenile court has jurisdiction over the children that have been, been given up in this way. So I wasn't really prepared. Sorry. But there are a number of protections in here. Worked on this with DHHS to make sure that there is a-- basically a mechanism around this process, so that in addition to the ones that Senator Holdcroft had in his green copy, there are sort of a full range of mechanisms and procedures around this process for turning over a child to make sure that there's no civil liability or DHHS, Child Protection Services, that there are mechanisms for generating a birth certificate, that there are mechanisms for the court to take jurisdiction over the child. That there are ways for the potential fathers to have some ability to be found and notified. Some of those

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things are included in Senator Holdcroft's green copy, but then additionally sort of fleshed out completely in the DHHS, which is the committee amendment. So I appreciate Senator Holdcroft's working with me on this to provide for all the kind of dotted i's and crossed t's on the issues of Child Protective Services and jurisdiction over the infant. Thank you, Mr. President.

**VON GILLERN:** Thank you, Senator DeBoer. Senator Riepe, you're recognized. Senator Riepe, hold, please. Mr. Clerk, please.

**ASSISTANT CLERK:** Thank you, Mr. President. I do have a priority motion. Senator Blood would move to bracket the bill until April 11.

**VON GILLERN:** Senator Blood, you're recognized to open.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I stand opposed as written to LB876. And I disagree with what the Speaker said this morning. I believe when people actually listen to debate and they listen to facts that they quite often will change their votes. And I do know that many of you cosponsored on this, but I ask you to listen to the facts and data that I'm sharing with you this morning and to take it into consideration. And I do propose a solution to making this bill, bill whole so it can move forward when we are all done with this discussion. So as you may know, Safe Haven laws were originally adopted with the purpose of reducing infant abandonment and infant homicide. They were not adopted to replace abortions or to be used as an alternative for women who cannot access abortion. Data shows women who are unable to get an abortion rarely use safe havens or give their child up for adoption. Safe havens are really part of a bigger picture about choices for women and reproductive justice. Organizations against baby boxes Adoptee Rights include, excuse me, organizations against baby boxes include Adoptee Rights Law Center, Bastard Nation, National Safe Haven Alliance, Florida, A Safe Haven for Newborns, Broward County Medical Association, Florida Adoption Council, Florida PTA; in Illinois: Chicago Bar Association, Illinois DFCS [SIC], Save Abandoned Babies Foundation; in Indiana: Indiana DCS; Maine, ACLU; Missouri, Missouri Open; New York, New York Adoptee Rights Coalition; Oklahoma: Equal Rights Oklahoma, Oklahoma Original Birth Certificates for All Adult Adoptees; Texas: Abrazo Adoption Association, Texas Adoptee Rights Coalition. These are just a few of the organizations that are against the baby boxes. If you look at legitimate safe haven nonprofits, they are against these baby boxes. And I'm going to explain the details as to why. So it is very loud on this floor right now, so I'm not sure you'll be able to hear me. The United Nations Committee on the Rights of the Child decided that haven boxes only

encourage parents to give away babies. They argued that male relatives or pimps could easily abandon the children against their mother's wishes. The committee was advocating for a complete ban on the practice. Safe haven groups against these boxes have argued that the boxes don't meet public building safety standards. They can allow someone who kidnapped or trafficked a child. It's about the children, right? I hope you guys are listening. I see a lot of people that are not on the floor. Please listen to this. Don't vote for this bill because it has the word baby in it because these are not safe for babies. They can easily allow someone who kidnapped or trafficked a child to escape detection. Parents who have neglected or abused a newborn could also get away with it. Additionally, the boxes give terrorists an easily access spot to place a bomb or toxic substance that could endanger hospital workers or firefighters. And I want you to know that I did look at this bill 2 years ago; and after investigating it, I decided that this was a bad idea. And I had not planned on standing up against this bill until the person who invented the bill and created this nonprofit that charges you \$15,000 per box did a TikTok video of which I handed out the other day. If you were to look at this video, you would think that this woman perhaps might want to see a licensed mental health professional because she was off the rails. That last picture might look like I took it and expanded her collagen- filled lips. But that was the last part of the TikTok where she literally was crying out my name with her mouth smushed against the camera. Not very professional, friends. So I want you to know that it doesn't matter that there's no mandates that we're forcing people to put these boxes in. We're opening the doors for these grifters to come into Nebraska. The manufacturers of these baby boxes, by the way, also make pig troughs. In fact, they have a unit that is almost the spitting image of the safe haven box, but it costs around \$600. These baby boxes start at \$15,000 with a \$500 a year fee. And we have zero idea when it comes to the shelf life or the kindling point if there were an emergency with the electricity. These boxes are not inspected or approved by organizations like the FDA, American Society of Testing Materials, CPSC nor is it approved by the Underwriters Lab. If you look at the videos of these boxes, it's unlikely they would pass inspection as a legitimately safe product. Friends, they look like a pizza box, a pizza oven on one side and other side it's basically clear plastic. Please look at the video and you'll see what I'm talking about. We, after much research, found out that the T handle found on the outside of the box can be found at Home Depot. It's a handle designed for garage doors. The hinges used for things like kitchen cabinets. We have access to a letter-- I really hope you guys are listening because there's so much noise. I know Senator Riepe is.

Thank you, Senator Riepe and Senator DeBoer and Machaela, excuse me, Cavanaugh, Senator Fredrickson. We have access to a letter from the Pfannenberg Corporation. They have requested that safe haven baby box groups stop using their commercial industrial heater inside baby boxes. However, the boxes are still being sold with those very heaters, but they likely will never have an official recall because it's never been certified. It's not certified by any nationally recognized text-- testing lab. These boxes have never passed an NRTL certification, not ever. If you look at the FAQ on their website, it says on item one from the nonprofit that at every single stage of design, development and deployment the box undergoes stringent testing. And then it contradicts itself and it says: While no standards exist, the Safe Haven Baby Box Organization is developing standards by adopting the most stringent requirements. In other words, they're testing themselves by not testing themselves. Buyer beware. They say since it's not a medical device, no FDA needs to be utilized and it's not available for sale to the public so no CSPC [SIC] regulation needs to be done which is why, by the way, they started the nonprofit so they could avoid all of these-- all of this oversight. The FAQ goes on to say that it is UL approval-- that UL approval is not legally required. To all the electricians, the union electricians watching this today, I'm telling you, you wouldn't put a lamp in your home that isn't UL inspected. But they're going to put a baby in a box that looks like a pizza oven in something that is not UL inspected. But it is about the babies. So who is this nonprofit associated with? If you saw your handouts from 2 days ago, you saw screenshots of the person which we just talked about, who runs this nonprofit. She and her husband invented the boxes. If you look at the 2022 wages for this nonprofit, you'll note that Monica Kelsey was paid \$96,718 and her husband, \$74,000 \$947,000 [SIC] Seems pretty lucrative for this couple, not very charitable, but lucrative. So let's talk about this TikTok post by Monica a little bit further that I really want you to possibly view. I know that we're avoiding TikTok because of the China issue; but if you have somebody who has it on their phone, I encourage you to look at it because this woman is off the rails. When anybody opposes her, and apparently somebody from our Exec Session passed that information on to her, because within 24 hours there was a TikTok up. So thank you. I would not have known it existed again had not all of the legitimate organizations--

**von GILLERN:** One minute.

**BLOOD:** --that are safe haven organizations had contacted me to let me know that it was up there and who this woman really was. I'm going to talk more about the legalities that are involved and some of the major

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national organizations that are against these boxes and why. I really, truly hoped, even though I talked very quickly, that you paid attention to all the dangerous issues that are involved with these baby boxes. But then we're going to start talking about some of the legal issues, and I think you're going to be appalled. Thank you, Mr. President.

**DORN:** Thank you, Senator Blood. Senator Riepe, you're recognized to speak.

**RIEPE:** Thank you, Mr. President. I'd like to start off by asking a question of Senator Blood if she will take a question.

**DORN:** Senator Blood, would you yield to a question?

**BLOOD:** Absolutely.

**RIEPE:** My question is this. I think you stated that the cost was \$15,000 per box.

**BLOOD:** Um-hum.

**RIEPE:** I read somewhere that it was \$15,000 per box per year.

**BLOOD:** I don't believe so. Our information shows \$15,000 per box and then \$500 or more per year.

**RIEPE:** OK. Thank you. Thank you for the clarification. Mr. Pres-- Mr. President, I'd also like to ask Senator Holdcroft if he would take a couple of questions.

**DORN:** Senator Holdcroft, will you yield to a question?

**HOLDCROFT:** Yes, I will.

**RIEPE:** Thank you, Senator Holdcroft. My first question would be is, do we have a frequency of occurrences in Nebraska?

**HOLDCROFT:** Yes. I think I mentioned that in my opening.

**RIEPE:** [INAUDIBLE]

**HOLDCROFT:** Let me see here. Actually, I have the history over the last, since 2008. Now, last year, there were 2 babies that were surrendered using the Safe Haven Act, which currently is only hospitals face to face. And there were 6 abandoned children. In other words, children that were not-- did not use the, the Safe Haven Act.

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So they're, they're open to prosecution. Over-- since 2008, I think is what I, I had in my opening, we have-- we have had about 200 babies that were abandoned. Only 14 of them were surrendered under the Safe Haven Act. And so that's, that's really the purpose of the bill is expanding the number of surrender points and also incorporates this safety device, baby-- safe haven baby device.

**RIEPE:** OK. Following along on that, my next question would be how many boxes are proposed for Nebraska? And is there a distribution plan?

**HOLDCROFT:** No. I mean, this is totally voluntary. There's no mandate that the hospitals-- they, they can only be installed in hospitals and at fire stations.

**RIEPE:** OK.

**HOLDCROFT:** And we are not providing any funding for it. We're looking for the local communities to raise the funds to buy that. And we've had a number of organizations have expressed an interest in doing that.

**RIEPE:** OK. Thank you. That answers another one of my questions. Will those local communities also be accountable for servicing the boxes?

**HOLDCROFT:** Yes, that will be their responsibility. We are not providing any funding for that from the state.

**RIEPE:** OK. Another question I have, if you would be kind enough, was what happens in a power outage, if you will? I assume they, they have power there because they have to have alerts and warmth and cooling and--

**HOLDCROFT:** Yes. The only requirement in the bill is that the box be padded and climate controlled and have an alarm system. That's the only requirement. There is-- there are a couple of different companies that provide these devices. We gave a handout on the one there. I am not sure about its power backup, but that's part of the reason that we, we, we, we restricted them to hospitals and to fire stations, which typically have some kind of a backup power system.

**RIEPE:** OK. Thank you very much. I guess my question was, too, is who services these boxes? I know that's a local accountability, but there's probably some technical knowledge because there's potential liability if the boxes aren't functioning properly and certified in some way.

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**HOLDCROFT:** Yeah. So that goes back to the locations. These will only be--

**DORN:** One minute.

**HOLDCROFT:** Thank you, Mr. President. --only-- they will only be-- can be installed at the hospitals and at fire stations. We did have both the Hospital Association and the fire chiefs were-- I take that back. The fire chiefs testified, and, as proponents of this bill. Hospitals, I have to go back and check. And I have an amendment that's coming up that satisfies some of their concerns.

**RIEPE:** OK. If the-- if the local communities are accountable for this, then there's no real fiscal note for the state in this?

**HOLDCROFT:** There is a fiscal note. It's about \$80,000. There's 15-- \$15,000 to establish the website and to provide grants if communities come forward to help them with the installation. And then there is \$65,000 for training for, for 911 operators, for, for EMS personnel, fire station personnel.

**DORN:** Time. Thank you, Senator Riepe--

**RIEPE:** Thank you,

**DORN:** Senator Blood and Senator Holdcroft. Senator von Gillern would like to introduce-- recognize his wife Mary von Gillern out of Omaha, Nebraska. She is located under the north balcony. Please stand and be recognized by your Nebraska State Legislature. Senator Raybould, you're recognized to speak.

**RAYBOULD:** Good morning, Mr. President. Good morning, colleagues. I would like to yield the balance of my time to Senator Blood.

**DORN:** Senator Blood, you're yielded 4:50.

**BLOOD:** Thank you, Mr. President. And thank you, Senator Raybould. So, as you heard, we are providing funds because we will be promoting these boxes, these boxes that have no safety precautions, these boxes that are making individuals wealthy. And some people might even think that these people are grifters based on the information that we're going to be sharing with you. We're going to be providing grants for boxes. Although they're not buying the boxes, we're providing people the means to get the boxes, training and a website. So we're promoting the scam with state tax dollars. I want to address Bastard Nation, and although I'm not, like, thrilled with the name of their organization,

it is an adoptee rights organization and it is the largest adoptee rights civil rights organization in the United States. And they have come out strong against these baby boxes because adoptee rights and adoption reform organizations throughout the United States oppose deceptive relinquishment practices that are rooted in shame and secrecy, that lead to drastic, permanent solutions to temporary problems and create a population of adopted people who have given birth but have no birth records, identity or history. We seek ethics, transparency, and accountability in adoption and in related child welfare welfare practices, not Band-Aid and gimmick solutions to social, political, and mental health problems that cause newborn discards. Sorry, Senator Erdman, I have to use my, my outdoor voice. It's loud behind me. Contrary to longstanding and established child welfare policies, the use of baby boxes, sometimes called newborn safety devices, creates a secretive and shadowed child welfare system that eliminates informed consent, a child's identifying information in any record of the social and medical history of newborns. Baby boxes operate to eliminate a child's right to identity by eliminating accurate birth registrations and records. It can modifies infants and normalizes legal baby abandonment as a consumer choice without acknowledging the lifetime psychological consequences for the baby and the mother, including but not limited to abandonment issues, shame, guilt, substance abuse, depression, low self-esteem, and suicidal ideology. Boxes represent state promoted throwaway culture. Some critics call them instruments of child abuse. It replaces professional best practice standards with unprofessional and unethical relinquishment procedures. Baby boxes instead give vulnerable parents a right to abandon an infant out of convenience or ignorance, with no counseling, documentation, or discussion of established alternatives such as adequate medical care, financial and material family preservation assistance, or crisis nurseries. It deprives the nonsurrounding-- surrendering parent the right to hear, excuse me, the right to rear here-- her or his own child. Baby boxes eliminate any protections to prove that a person using the box has a legal right to surrender the baby. Embarrassed, frightened or abusive partners, spouses or family members, and even sex traffickers will use and undoubtedly have used baby boxes without the consent or knowledge of the other parent with no repercussions. Baby box proponents dismiss the real, dangerous and violent situations experienced by women, simply advocating that if your baby is taken, just call the police. It disenfranchises natural parents, particularly the nonsurrendering parent, usually the father, of their right to due process by eliminating their ability to--

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**ARCH:** One minute.

**BLOOD:** --educate the child, thus denying them knowledge of the dependency proceedings to which they are a party. State-based putative father registries touted as a safeguard are rendered useless, since records are filed by the name of the mother, who remains anonymous by law. I would yield that time I have left over as I'm in the queue to talk again.

**ARCH:** Thank you, Senator Blood. Colleagues, as mentioned earlier today, we're going to pause debate at this point because we have the honor of welcoming back to the Chamber today, some former members of the Legislature. I will announce each senator by name in the order of the list I was provided, along with their years of service and the district each person represented. I would ask each former legislator to come to the front of the Chamber when I announce their name. Beginning with District 36, Senator Matt Williams, who served from 2015 to 2023. District 24, Senator Mark Kolterman, 2015 to 2023. District 28, Senator Patty Pansing Brooks from 2015 to 2023. District 41, Senator Kate Sullivan, from 2009 to 2017. District 35, Senator Mike Gloor, from 2009 to 2017. District 23, Senator Jerry Johnson, from 2013 to 2017. District 33, Senator Les Seiler from 2013 to 2017. District 24, Senator Greg Adams, from 2007 to 2015. District 6, Senator John Nelson, from 2007 to 2015. District 38, Senator Tom Carlson, from 2007 to 2015. District 2, Senator Dave Pankonin, from 2007 to 2011. District 27, Senator DiAnna Schimek, from 1989 to 2009. District 26, Senator Marian Price, 1999 to 2007. District 36, Senator Jim Cudaback, 1991 to 2007. District 38, Senator Ed Schrock, 1990 to 1993 and 1995 to 2007. District 10, Senator Carol McBride Pirsch, 1979 to 1997. District 22, Senator Lee Rupp, 1983 to 1998. And District 41, Senator Vickie McDonald, 2001 to 2009. Welcome, Senators. Colleagues, please join me in a final appreciation for our former members and their years of public service to the state of Nebraska. Mr. Clerk, for a motion.

**ASSISTANT CLERK:** Mr. President, priority motion. Sen-- excuse me. We have one item to be read across. Committee on Urban Affairs reports LB947 to General File with committee amendments. Now a priority motion. Senator Ben Hansen would move to recess until 1:30.

[RECESS]

**ARCH:** Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to

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reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

**ARCH:** Thank you, Mr. Clerk. Before we begin, Senator Dungan would like to welcome some guests that are located in the north balcony. This is the Youth Lobby School Number 16 from the Asian Community and Cultural Center. Please rise and be recognized by your Legislature. Before turning to the agenda, Mr. Clerk, do you have any items?

**ASSISTANT CLERK:** Mr. President, new A bill, LB1368A offered by Senator Ibach. It's a bill for an act relating to appropriations; to appropriate funds to carry out the provisions of LB1368, One Hundred Eighth Legislature, Second Session, 2024. That's all I have at this time.

**ARCH:** Thank you, Mr. Clerk. We will proceed to the first item on this afternoon's agenda.

**ASSISTANT CLERK:** Mr. President, when we recessed for lunch, under consideration was a motion to bracket LB876 until April 22, that offered by Senator Blood.

**ARCH:** Senator Holdcroft, you are recognized to speak.

**HOLDCROFT:** Thank you, Mr. President. I'm speaking on the bracket now, is that correct? Well, first, let me clarify a few things about, about funding because I think there are some misleading statements. There is funding in this. Under Section 4, there is \$15,000, and that is funding for grants for the installation of these, these baby safe haven devices. And, and that's not promoting-- we're not promoting any particular product. But if the community decides they want to go to the steps of purchasing and paying for operation of a, one of these devices, then DHHS will have some funding to help them with the installation. And part of that is to make sure that the installation is done correctly. So and again, these devices can only be installed at 24/7 manned fire stations and at hospitals. So the-- also the other piece of the funding is from Section 5 of the bill. It's \$50,000 plus \$10,000 per year thereafter. And it's to provide for an information public-- public information system. And that includes the creation and maintenance of a permanent interactive website. And the idea of the website is not to promote a product, but to identify where the surrender locations are. And again, the surrender locations can be at a hospital, it can be at a fire station, it can be at a law

enforcement. It can include a 911 call. And to make sure people understand where these things are, we will have a website that actually identifies those locations. There will be distribution of literature at statewide locations. There will be a creation and distribution of decals and plat-- placards. And so not all, all fire stations will be able to accept, not all law enforcement stations will be able to accept children. They'll have to have-- they'll have to have training and they'll have to have these placards posted at those locations. So essentially that's the funding. And again, there's training involved for that. It's training for emergency care providers, 911 operators, hospital staff, firefighters, law enforcement officers or any member of the public express-- expressing an interest in such training. And that will be administered through the Department of Health and Human Services. So let me go back a little bit. I just wanted to make sure people understand the difference between abandonment and surrender. Today, you can surrender a child who is 30 days or younger only at a hospital face to face. And when you surrender a child, you are then not subject to prosecution. If you were to give that same child to a firefighter or fire station, you are guilty of abandonment and you can be charged with a-- with a crime. If you were to give that child to a law enforcement officer at a-- at a station-- at a police station, then you are guilty of abandonment and you can be prosecuted. If you were to dial 911 and turn your child over to an EMT to be taken to the hospital, you would be guilty of abandonment and you would be-- could be prosecuted. If you were to take a child who's 45 days old to the hospital and surren-- and turn it over there, you would be guilty of abandonment and you would be subject to prosecution. This bill turns all of those abandonments into surrendering and allows that child to be safely turned over to the state to be taken into-- to its care and eventually, hopefully be put up for adoption. There is an option to reclaim your child. And that's also part of the website.

**ARCH:** One minute.

**HOLDCROFT:** Thank you, Mr. President. The website will lay out procedures if you reconsider and you want to reclaim your child. Now, back to the boxes just a little bit more, because I know that's a, a topic of interest. They are not mandated, OK? No one-- we're not mandating that anyone install these boxes. It's really up to the community. It's up to the-- to the fire chief at the fire station to decide whether he wants to take this, this liability on. It's up to the hospital managers to decide whether they want to install this in the hospitals. So all we are giving here is an option to the community. They have to raise the funds. They have to raise the funds

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for, for continued operation. And so-- and we are not promoting any particular box. There is one out there that's-- it's been operating in, in 40, I'm sorry, in 14 states, including Iowa.

**ARCH:** Time, Senator.

**HOLDCROFT:** Thank you, Mister--

**ARCH:** Senator Blood, you are recognized to speak.

**BLOOD:** Thank you, Mr. President. Friends, friends all, I want to say that I, of course, stand in support of my bracket motion. But I want you to know that on almost everything that Senator Holdcroft said, I agree. We should have more locations. We should allow people to give their child over by dialing 911. The more resources that we provide, the better. And later on, I've offered up an amendment that takes the box out of the bill. It is the box that I am against. Now, I did talk about the Safe Haven Baby Box nonprofit, because they're the ones that reached out to me on TikTok, and we actually did call them. And they, as has been said all over the country, will not share their blueprints, will not tell you how their boxes are made. And we know that when our child goes into a crib, into a car seat, into a playpen, that that is inspected for safety. But that is not the case of these boxes, regardless of which company you're looking at. And we did go to the Patent Office for more information, and it lacks information and data as well. My concern is that we are putting babies at risk. If this is truly about the babies, we should go ahead and support more locations. We should go ahead and support 911 being able to come so somebody could relinquish their child to 911. But a baby box that looks like a pizza oven, come on, friends. Babies aren't bank deposits. There's something wrong with this picture. And if Senator Holdcroft were to pull this bill today, any community in Nebraska could go ahead and do this without our legislation. What would be-- what would be sad about that is that the additional locations that are in the bill are a good thing. It's the box that needs to go. We're trying really fast to print out some handouts for you. And I really hope you take a minute and read them before you put them in recycling. But I'm going to keep talking about the concerns that I've heard from organizations all over the United States. This bill does allocate funds for safe haven box grants. If you look at this one particular organization that we've been tracking, we know that Indiana put \$1 million into these boxes so they get them from this nonprofit. And we know this because it's in this nonprofit's records. \$1 million divided by \$15,000, that's a lot of money. New Mexico, \$330,000; San Antonio, Texas, \$438,000; Beech Grove, Indiana; it all adds up to \$1,916,520 in

grants they received. \$129,000 was for general operating expenses because apparently they're not viable without other people giving them money. Now, there's nothing wrong with nonprofits getting grants, but it's not mentioned on their website or their annual reports. And don't most legitimate nonprofits publish annual financial reports or produce them upon request to anyone? So any nonprofit that's raking in these types of funds usually has better transparency. Why does the, the major contributor to baby boxes that is pushing for this legislation all over the United States, especially with groups like the Knights of Columbus, not being more transparent? They say the words, but there is nothing at all that shows they're transparent about their finances or about the safety of the box. And they can't be transparent on the safety of the box because there is no organization--

**ARCH:** One minute.

**BLOOD:** --that inspects these boxes. It's self-inspected. You talk all the time about the babies and the children, but you're willing to put a baby in a box that has an industrial heater on it that hasn't even been tested for UL safety. And you want to put the baby in the box. Baby in the box. I know that a lot of you missed a lot of introduction, because it was so noisy in here before lunch. And I'm going to bring back some of the facts and some of the concerns that I've heard from across the country. But I want you to know that this was brought to me after I declined to do the bill 2 years ago from organizations that are against this bill. And most of those organizations are safe haven nonprofits. Thank you, Mr. President.

**ARCH:** Senator Armendariz, you are recognized to speak.

**ARMENDARIZ:** Thank you, Mr. President. First I want to say I really appreciate Senator Holdcroft bringing the legislation and I 100% support expanding the safe haven law from 30 to 90 days. It-- it's a-- it's a great bill. I do have serious concerns about the box as well. Now, in my professional life, I've negotiated software contracts for several years. And one thing I do know, many things I do know about software is there are failures. There are glitches. It's not if it happens, it's when it happens,, and they happen and they happen repeatedly. Not only that, telecommunications companies that connect the connections, I imagine there will be some kind of a data connection to the box to transmit data over. No, no company will guarantee 100% uptime on their connection. No company will. What they do provide is service level agreements for when there is a failure, and there are failures that happen all the time. We just talked about 911 being down. Telecommunications companies go down. There are fiber

cuts. There are cybersecurity hacking events. It is a matter of when that happens, not if that happens. I have negotiated with top software cybersecurity companies and jokingly asked them to guarantee me that we will not be hacked after paying them several million dollars. And they, of course, will not guarantee that. There is no guarantee that there will be no hacking, no outages, no failures in the software. And with that, that really concerns me that there would be a life at stake. And on top of that, I do speak for the taxpayers of the state who would also be on the hook of, I imagine, a horrific lawsuit if that would happen. So I wouldn't be able to stand by and support state sanctioning the use of a box by any community in the state, because there is not a guarantee that that life would be safe 100%. Thank you for your time. Thank you, Mr. President.

**ARCH:** Senator Clements would like to recognize and welcome 34 fourth grade students from Elmwood Murdock Public Schools in Elmwood, Nebraska. They are located in the north balcony. Students, if you would stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh. You are recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. Good afternoon, colleagues. I am a cosponsor of LB876, as Senator Holdcroft mentioned in his opening remarks. I had been brought this issue to my office in the fall, and I was interested in pursuing it. And then I found out that Senator Holdcroft was also interested in pursuing it. So actually, at Legs Council we discussed it, and I said it'd be great if he was taking the lead and I would sign on. So I appreciate him bringing the bill forward. I have been sitting here listening, and I, I do have some concerns about the box. And I apologize to Senator Holdcroft and Senator Blood. I did not tune into this at great detail prior to today because, you know, it's the session and it's drinking from a fire hose. But I am-- I am concerned about a couple of things about the box specifically. I'm not concerned about the policy, but I'm concerned. And maybe Senator Holdcroft, would you mind answering questions?

**ARCH:** Senator Holdcroft, will you yield?

**HOLDCROFT:** Yes.

**M. CAVANAUGH:** Thank you, Senator Holdcroft. So something was brought to my attention, actually, by one of our hospital administrator colleagues, Senator Riepe, that hospitals have backup generators and fire stations might not. So my concern would be what happens if we have-- if somebody installs a box, do we have safeguards in place if the power goes out and they don't have a generator?

**HOLDCROFT:** Well, it would depend on the fire station, I would assume. But again, these, these boxes are only authorized to be at fire stations that are manned 24/7. So if they need to, they could actually post someone at the box. Secondly, you know, we chose these locations on purpose, hospitals and 24/7, because they-- both of them are good at maintaining equipment. And I would expect that the fire station, the firemen would, would take on the responsibility of ensuring that these newborn baby devices are operating properly.

**M. CAVANAUGH:** Thank you for that. So if they're in, like, a smaller region where there isn't a hospital, a fire station obviously is a good option. But if they don't have the facility or they're not 24/7, they cannot have one of these boxes. They can accept a child, but they can't have the box. Correct?

**HOLDCROFT:** That's correct. And they would-- they can always call 911 and dispatch. I mean, everywhere in Nebraska, you know, there's a 911 and you can get EMTs. It may take them a couple of hours, but that's an option. That's part of this.

**M. CAVANAUGH:** OK.

**HOLDCROFT:** And I've also been handed a note that says fire stations in Nebraska do have emergency generators.

**M. CAVANAUGH:** Oh, well, that's good news. OK. Thank you. I appreciate you yielding to my questions. I have been sitting here listening, and I'm going to continue to listen. I very much support extending safe haven laws. I, I might have concerns about the boxes, but I do want to listen and read through the materials that have been handed out on the floor today because, as I said, I have not tuned in as well as I should have. But I appreciate the debate and the conversation with Senator Holdcroft and Senator Blood. Thank you, Mr. President.

**ARCH:** Senator Wayne, you are recognized to speak.

**WAYNE:** Thank you, Mr. President. Colleagues, I want to talk a little bit more about this amendment. There are some true fundamental issues with this amendment. And if you remember, I didn't-- I didn't open on this amendment because I didn't work on this amendment, nor did my staff. It was presented and we voted on it at the-- the day it was presented. And I was a no vote. So I'm going to go through this amendment. It'll probably take me a couple times. But if you are a parent, you probably need to listen to this and about this amendment, because there's a lot of inconsistencies and a lot of problems in

here. So Section-- so this-- the existing safe haven law is a defense to prosecution of a crime if you leave a child 30 days or younger with an employee at a hospital. This bill would effectively extend this date for 90 days for a child if (1) left at a hospital staff, fire station or staff law enforcement agency; (2) with an emergency medical care provider responding to 911 call; or (3) a newborn baby device. This is partly OK, but let's talk a little bit more about this amendment. A person can drop off an infant, but the bill also allows another person. It isn't just a parent that can drop off a infant. The issue is anybody can drop off an infant. On page 3, lines 1-5, the bill creates a presumption that the person surrendering the child is the parent or has parents' authorization. There's just a presumption that if you drop off this child, you have the authority to do so. There is a whole process for establishing the parentage in the amendment. But the bill establishes the-- the bill establishes the presumption that the person who dropped it off is the parent. Why is that important? On page 17, line 13-20, Section 14 specifically prohibits DHHS from attempting to identify the parents or relatives of the surrendered child. Any person could take a child and surrender custody, whether it's their parent or not, because DHHS is prohibited in this bill for searching for the parent. This bill would create a presumption that the person or parent had the authority to do so. Then we're going to talk a little bit about juvenile, why it's even more confusing. So in juvenile courts are statutorily created. They're not-- they're not in the constitution. They are created by statute. They only have authority if we give them authority. This amendment tries to make changes to the juvenile jurisdiction to determine if the child was properly surrendered. Section 43-247 is the normal section of juvenile court jurisdiction. This amendment adds jurisdiction over newborn infants surrendered by this bill inside the existing 3(a) law. 3(a) law is abuse and neglect. That's how courts get jurisdiction. But the bill does not provide authority to juvenile courts to determine if the child was even properly surrendered. So it's unclear if you're the parent of this child how you can establish your rights back. Nevertheless, they would have to do it under Section 16, which is you either have a-- you're a parent being charged with neglect, termination of parental rights, which is Section 6, or parent determination, which is Section 10. So let's say we're going to go patern-- paternity determination Section 10. Well, the issue is on page 18, lines 9 and 2, the juvenile court can take action to terminate the parental rights, but they can't do so unless they go out and search for the parent. Now, think about that. The law is inconsistent. It says that HHS cannot even go out and try to locate the parent, but the court can't terminate the real parent's rights

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until HHS goes out and looks for the parent. So the law in of itself is inconsistent in this exact same bill. Either juvenile courts--

**ARCH:** One minute.

**WAYNE:** --HHS can go out and determine who the parent is to terminate their rights. Or they can't. And right now the bill says both. That makes it very complicated to follow. So either the court has jurisdiction to do it, and HHS has the ability to go out and search for the parent, or they can't. But right now in the bill, it says they can't, but they can't-- they can't terminate their parental rights until they do in the same bill. That, that doesn't work. So there's that issue. But the biggest issue is how do you establish custody. And I'm gonna talk more about this amendment. So if a newborn is born and I think about a domestic violence situation, dad has kid, dad just drops off kid, HHS is prohibited to go look for mom. Mom calls HHS. It is unclear how mom can get into court unless they hire an attorney to get kid back. I hope people see a problem with this. We're essentially allowing--

**ARCH:** Time, Senator.

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

**ARCH:** Senator Jacobson, you're recognized to speak.

**JACOBSON:** Thank you, Mr. President. I rise in opposition to the bracket motion and in support of the base bill, LB876. I think that, that Senator Wayne has brought up some issues that maybe we need to work through. But I don't think we want to lose sight of what we're trying to do here. And we can-- we can talk all day long about the company that builds the baby boxes. And I'm guessing if I got a, a communication with them and they put stuff up on the internet about me, I might be upset with them too. But I don't want that to get in the way of us making a decision that will help save more babies' lives. I've been very consistent since my time here in the Legislature. I am pro-life and I am strongly pro-life, and I'm also pro-life to the extent that I believe it is important for the state to provide support, both prenatal and postnatal. And I think it's incredibly important that we make certain that we do take care of these kids. I don't think anybody in this body would disagree with that. We may have differences on how we do it, but I think everybody in this body-- body is solidly in support of saving children and caring for children and doing what's best for them. So I am looking at this bill, which in my mind, number one, provides more ways and more

locations to drop these infants off. I think that's a good thing. Let's don't lose sight of that. I think we need to recognize that there are situations where there are young mothers who may be going through postpartum depression and just are overwhelmed and having an outlet is critically important to the alternatives that happen. These baby boxes, no matter how they are built, are better than a dumpster. So I think we need to keep in mind the big issue and work through some of the details. But we need to look at the bigger issue, and that's saving more young babies. And I'm all in on that. And I'm supportive of Senator Holdcroft's bill. Thank you, Senator Holdcroft, for bringing it.

**ARCH:** Senator Blood, you are recognized to speak.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I don't disagree with much of what Senator Jacobson said, and I'm sure that he probably missed what we talked about when it came to the safety of the box. So if indeed we are pro-life and we want to extend as many resources as we can, we can still do that with the bill without including the baby box. I'm going to read you a couple of things. I want you to know that as of today, the baby box bill is dead in New Hampshire. They have suggested instead to do an interim study for many of the same reasons that we've talked about already on the mic. In Maryland, the American College of Obstetricians and Gynecologists wrote a letter on behalf of the Maryland section of the American College of Obstetricians and Gynecologists and the Maryland chapter of the American Academy of Pediatrics. We submit this letter of information for Senate Bill 873. Senate Bill 873 proposes to modify the current liability immunity when a mother or a person who has the mother's permission leaves an unharmed newborn with a responsible adult within 10 days after birth, and the responsible adult takes a newborn to an unauthorized facility, as defined by the Department of Human Resources. The bill alters the time frame to 60 days from birth, and also authorizes designated facility to accept the newborn in a newborn safety device, which reads as if it is some type of box that has certain capabilities to monitor the newborn. The bill includes requirements for funding a public education, the framework and legal requirements for surrendering a newborn. While the safe and legal surrendering of a newborn by a mother who does not want to retain custody is important, there is no research or clinical evidence of the safety or appropriateness related to the device that is described in the legislation. Before advancing the legal framework provided in this bill, there should be a clear and uncontro-- uncontroverted clinical evidence supporting the use of these devices. As you heard earlier, there is no such evidence. So I'm going to go back to what I said

earlier because many of you missed it. The manufacturer of most of these baby boxes, and we're gonna use the Safe Haven one as an example because they're the ones that are really pushing this legislation, this particular manufacturer also makes pig troughs. In fact, they have a unit that's almost the spitting image of the safe haven box. We know it costs probably under \$1,000 to make, but the baby boxes start out at \$15,000 with a \$500 a month fee. So what we are doing is promoting an untested, potentially unsafe baby box through legislation. And we have zero idea when it comes to their shelf life or the kindling point-- I wish Senator McDonnell was here being an ex fire chief-- when it comes to the shelf life or the kindling point. These boxes are not inspected or approved by organizations like the FDA, American Society of Testing and Materials, CPSC, nor is it approved by the underwrite-- Underwriters Lab. If you look at the videos of these boxes, it's unlikely they would pass inspection as a legitimately safe product. That's the point I'm trying to make. We can stand and say we're pro-life and want to do as much as we want for the babies, but what we're doing is we're putting these babies at potential risk, not to mention all the other issues we talked about. If you look at the T handle found on the outside of the box, I can get that from Home Depot. It's a handle designed for garage doors. The hinges that are used on these boxes are used for things like kitchen cabinets. Safe haven groups across the-- across the country have reached out to me against these boxes, and have argued that the boxes don't meet public building safety standards. Because that's what happens, friends. They cut a hole in the wall of the fire station, they cut a hole in the wall at the hospital and insert the baby boxes. They can allow someone, as you heard Senator Wayne allude--

**ARCH:** One minute.

**BLOOD:** --who kidnapped or trafficked a child to escape detection. It's funny you're worried about trafficking on some of your other bills, but not this bill. Parents who have neglected or abused a newborn could also get away with it. Additionally, the boxes give terrorists an easily access spot to place a bomb or toxic substance that could endanger our hospital workers or our firefighters. Thank you, Mr. President.

**ARCH:** Senator Wayne, you are recognized.

**WAYNE:** Thank you. I know lots going on. People are talking, but I am just, like, kind of dumbfounded that the county attorneys didn't pick up on this big issue. Under Section 15, page 7, lines 21-23, hear me closely. This protects parents of a sibling of a surrendered infant

from prosecution under the Nebraska Juvenile Code for neglect. So what that means is if a woman has a child and gives that up for-- surrenders it under this bill, the father could have another child and never be charged with neglect because they are immune from prosecution underneath this section, because they are-- their child is the sibling of an infant that was surrendered underneath this bill. That's super broad. And, you know, I guess if I had brought this bill, county attorneys would have been outside working against this section. So maybe they didn't read it. And now they're here about it. And we'll, we'll hear about this on Select File. But that section right there I'm even star-- starring it because you're forever barred from prosecution if you drop a kid off. You can't even yourself have a mother down the road can't be-- can't be charged because you'll have a sibling of that child underneath this amendment. Last, another one on page 18, line 9-12, a juvenile court-- again, I said this earlier, but it's so funny to me because it's really, really interesting-- can terminate the parental rights and it can't do it until DHHS searches for the putative father or parent in a registry. But Section 14 says they are barred from making any attempt to locate the parent. So they can't even-- they can't even do their job according to-- if they were to follow both sides of the law. Section-- page 19, lines 2-4, the burden of proving that you are the parent is on the parent. Lord have mercy. Somebody I don't even know drops off my new kid because I thought I left him there, or now they think it's domestic violence and maybe I shouldn't have this child within 90 days, they can drop off this kid with nobody around, put it in a box, and then I have to pay to prove that I'm the parent. And the burden is on me, not on the state. So there's a constitutional problem with this section because it's called the parental preference doctrine. What the parental preference doctrine says is I have a constitutional right to be a parent. And the burden is on the state to say that I shouldn't have that right. If anybody has done guardianships, the reason you can keep going back to court over and over if you have a minor is because that parent you are taking their rights from or kind of suspending their rights is a good way of putting it because you're the guardian of their child can come back at any time. The court must appoint counsel because it is a constitutional right called the parental preference doctrine that has to be overcome. And just because a baby is surrendered by the mother or the father because it could be reversed, or somebody who doesn't think that I should have a baby, I have to now pay an attorney to go into court. And to make matters worse, you try to put the burden on me. That is unconstitutional. There's a constitutional problem. So all other juvenile court proceedings of this bill are a complete, what I

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would say, mess. Juvenile court is very complicated. Terminating a parent's right--

**ARCH:** One minute.

**WAYNE:** --is a long and draw-- it's so long we have a special statute that says if a child is placed out of the home for 15 months, the court has to automatically find whether that parent's right should be terminated or not. And they shall-- it says the prosecutors shall file a motion to terminate a parental right. Because we've said as a state 15 months out of the home, parents, you're not getting your act together. We should go ahead and move to terminate a parent's right. This says if somebody's random who has my kid, not even that, somebody is upset with me, can drop off this child, and now I have to pay to do it. And HHS is prohibited for trying to locate me. That's just the complexity of the bill. Now let's start talking about the practical realities. Small town. Let's just use not even small town. We'll go with Omaha, great big town.

**ARCH:** Time, Senator.

**WAYNE:** Thank you. Right when I get to going. Thank you, Mr. President.

**ARCH:** Senator Machaela Cavanaugh. There has been a request to place the house under call. Question before the body is shall the house go under call? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**ASSISTANT CLERK:** 12 ayes, 2 nays to go under call, Mr. President.

**ARCH:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Day, DeBoer, Vargas, John Cavanaugh, please return to the floor. The house is under call. Senator Day, DeBoer, John Cavanaugh, Aguilar, please return to the floor. The house is under call. Senator Cavanaugh, we are missing Senator Day and John Cavanaugh. May we proceed?

**M. CAVANAUGH:** Yes.

**ARCH:** Senator Cavanaugh, you are recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I apologize for calling you all back to the floor, but I am a cosponsor of this bill, as apparently 33 of you. And so I think it's important that we hear

what Senator Wayne is saying because he is raising some concerns about the amendment that I think are vitally important for us all to understand if we're going to move this bill forward. So I will yield the remainder of my time to Senator Wayne.

**ARCH:** Senator Wayne, 4 minutes, 30.

**WAYNE:** Thank you. First of all, here's what I would say that if this bill was adopted, I would file-- if the amendment is adopted, I'm going to file a motion to recommit to the-- to the hearing, I mean, to the committee, because I think we have to have another hearing on this. The amendment itself restructures the juvenile code, Section 43, in ways that was not, not, not actually heard. Now, I would tell you the issue was brought up on how parents will be notified and how you can locate them. But if we're going to make this many changes to the juvenile code, as committee Chair, I definitely think we're going to have to have the people in the room, not just HHS, but some judges understand how the juvenile code is going to work in this situation. And again, I'm going to point to a couple of things. Section 15, pages 17, lines 21-23, if you are the parent of a sibling that is surrendered, you are forever barred from being charged with neglect. So a parent mom-- now don't get caught up on the genders. I'm not just using people because it's easier for me to talk in, in terms. Mom's in a domestic violence situation with, with Dad, gives up kid. Dad can never be charged with neglect on any other kid on the statute because they are the parent of a sibling who was surrendered. Problem. Second, the burden on proving you are the parent is on you. That is nowhere in our state law ever until this bill. The parental preference doctrine says this burden is on the state to terminate my parental rights, even if there is a guardianship, which means my rights are intact. But Senator Erdman thinks I'm unfit. So he files a petition to raise my kids as the guardian. I can walk in and say no. The burden is on Senator Erdman to prove that I'm unfit. This says we're going to flip that burden and the parent has to prove not that they're unfit. They have to prove that they are the parent. Now, here's where it gets dicier because I have another bill on this that if the parent is in a marriage, I don't even have an opportunity to prove that it's my kid. Because in Nebraska, we have the presumption that if you're married, there's 2 parents already there. So I could go in court, file a petition. I can't even overcome the presumption unless a court orders DHHS to give up kid for a hair follicle. And the court can say no. We already have 2 parents. We have mom and the guy in Alabama she hasn't seen for the last 15 years, but they're still married because in Nebraska, that is the presumption. How do I know that? Because I had that case and the judge went against the law and said, I don't care,

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I'm doing right by this child, and eventually ordered DNA testing from the kid who was in the Department of Health and Human Services custody. And he was the parent. And that kid and parent are now together, not because of me, because I told the judge, I don't know how legally we get there. She said, I don't-- she said, I don't give a damn. We're going to do it. But not every judge is that way. Now, you may not believe me, but I would ask you to talk to other--

**ARCH:** One minute.

**WAYNE:** --people in juvenile courts. We have a presumption in Nebraska that if you're married, those are the parents. The only way to overcome that is through DNA. If the kid is in the custody of the state, the state does not have to give up the kid for DNA testing. So I may not, even underneath this bill, be able to prove that I'm the dad. This is why we have to vet amendments better and language better. Is some of this fixable? Yes. But the juvenile code stuff, I'm gonna talk more about it. It's unworkable right now, the way it's written, because it's put into Section 43, which is neglect, termination of parental rights and those things. And we're talking about safe haven over here. In order to establish new custody or new parental rights, the current parental rights have to be terminated. But under this bill, HHS is prohibited from doing so.

**ARCH:** Time, Senator.

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

**ARCH:** I raise the call. Senator Holdcroft, you are recognized to speak.

**HOLDCROFT:** Thank you, Mr. President. Would Senator Wayne yield to some questions, please?

**ARCH:** Senator Wayne, will you yield?

**WAYNE:** Yes.

**HOLDCROFT:** So, Senator Wayne, this is a Judiciary Committee amendment, correct?

**WAYNE:** Yes. That I voted against.

**HOLDCROFT:** Yes. But I mean, it was submitted here on the 2nd of February, over a month ago. And I was, of course, at the Execs on the

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Judiciary Committee. I don't remember any of these issues being brought up when we were discussing this bill in committee.

**WAYNE:** Well, I'm glad you brought that up, because you don't remember voting for many things in executive-- in Judiciary, either. But these were brought up to as concerns. As a matter of fact, it was a long discussion about how parents can prove to what-- that they are the parent, and how some random babysitter couldn't drop off your kid and you have no way of getting them back. That was discussed in the hearing and discussed afterwards multiple times.

**HOLDCROFT:** Well, I don't remember those. But to answer some of those questions, if a third party does turn in a child, and they do not have the permission of the parents, well, then they're guilty of kidnapping and they would be pursued in that manner. So this is your--

**WAYNE:** But how do you know if they don't have authority because you don't have investigate to-- you can't investigate whether they have authority.

**HOLDCROFT:** Well, I would certainly hope the parents would come forward and then say, where is my child?

**WAYNE:** And if they do, they have to go to court and prove to themselves-- prove to the court that they are the parents.

**HOLDCROFT:** Well, that and that is-- there's a procedure for that. But I would certainly think it wouldn't get that far. There would be an investigation by law enforcement, and law enforcement would, would reunite the baby with the family. I think [INAUDIBLE]

**WAYNE:** But law enforcement can't investigate. Sir, underneath your bill, they cannot look for the parents.

**HOLDCROFT:** Well, the DHHS cannot, but that doesn't mean law enforcement cannot be involved.

**WAYNE:** So you're saying law enforcement can now investigate abandonment at the safe haven? Going to put that chilling effect out there.

**HOLDCROFT:** Well, it's not under safe haven if it was not surrendered with the permission of the parents and, therefore, law enforcement could be called in to investigate that.

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**WAYNE:** But your bill-- your bill, would you agree to this, creates a presumption that the person dropping off the baby is the parent.

**HOLDCROFT:** A rebuttable assumption.

**WAYNE:** Thank you. And who has to rebut it?

**HOLDCROFT:** Well, the parents can rebut it.

**WAYNE:** At a cost to the parents.

**HOLDCROFT:** Well, not much of a cost. All they have to do is call the police and ask the police to investigate.

**WAYNE:** Not true, sir. According to your established rules, it co-- you have to get into juvenile court. And that-- that's a \$85 fee here in Nebraska, if not more.

**HOLDCROFT:** Well, let me ask another question. If we pull, if we vote down the Judiciary Amendment and we go back to the original bill, do you have a problem with that?

**WAYNE:** We still haven't addressed the issue of-- yes, I still do. It's not as big. I still have an issue of how do you address biological parents getting their kids back?

**HOLDCROFT:** Well, then would you be willing to work with me on adjusting that amendment so that we can make an amendment on Select File?

**WAYNE:** As I just told Senator Cavanaugh, I think we can work on a lot of things around the juvenile code. That is something I don't know how we get done in the next 13 days. I will try. I have no problem trying with you, but I'm not in support of moving a bill right now from General to Select that has-- that takes away parents' rights.

**HOLDCROFT:** Well, this was-- obviously I-- thank you, mis-- Thank you, Senator Wayne. Obviously, I'm not a lawyer, but this was worked by Senator DeBoer with DHHS on-- and I-- and I thought we had things worked out going forward. I relied on, on the committee to-- and their commitment, too, on this. So I am willing to either--

**ARCH:** One minute.

**HOLDCROFT:** --vote down-- I believe in my bill as written, and I am willing to go forward with just LB787 [SIC LB876] without the

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amendment. And then I'm happy to work with Senator Wayne on an amendment on Select File. Thank you, Mr.--

**ARCH:** Senator Wayne, you are recognized.

**WAYNE:** I will take that up. I will-- I haven't done this very often. I will sure vote no. I mean, Senator Blood's bracket motion, I think her, her issues-- and I'm not going to speak for Senator Blood-- are bigger than just mine. But if we vote down AM256, my staff and I will try to figure it out, how to make things better. I think the bill by itself is better. There are still concerns about how you deal with the presumption. And the reason the presumption is important, colleagues, is just because you call law enforcement to investigate. the presumptions already in the law that they're, they're, they're the, the proper person to surrender the baby. So you would have to have enough evidence that you would even get law enforcement to think about overcoming the presumption. I think that's very difficult. My bigger issue is when you get into juvenile court, oftentimes juvenile court is not about sometimes whether it's the right parent. It's about it's the best parent in any time. And my problem is we deal with a lot of communities and where I'm from who don't necessarily like calling law enforcement to get involved. And so I'm concerned about that. The other concern I have, like I said, I've already laid out in the amendment. So if we vote down the amendment, I think, again, I just talked to my legal counsel. We got a couple other bills we're working on, but we will figure out how to-- how to do this. And I have no problem calling some judges and trying to figure out what's workable. And again, I'm mindful that Douglas and Lancaster and Sarpy County do things a little differently in juvenile court. And for those who don't know, I don't mean to lecture, but really, outside of those courts, in fact, Senator Holdcroft brought a bill this year-- I think it might have already passed-- where we're trying to deal with juvenile courts in rural areas, because juvenile courts in rural areas are also your county court, so they do things a little differently. They still follow the law. I don't want you to think we're not following the law, but we have dedicated juvenile judges in the 3 counties that I was talking about. There's some other counties that do too. But-- so we have to figure out that. But I have no problem figuring that out. And I will say this has been on the agenda for a while, but I was working on obscenity the last 3 days, trying to get an amendment done there. I'm one person. I'm trying my best. I will try to get you an amendment going forward, but I can't promise you anything. But I'll take up the challenge. Thank you, Mr. President.

**ARCH:** Senator Erdman, you are recognized to speak.

**ERDMAN:** Thank you, Mr. President, and good afternoon. It's interesting to listen to the conversation that Senator Wayne brings up, but it stirs up a question in my mind is, Bill Drafters drafted this amendment in this form. And I have, as you may expect, sent up several bills to Bill Drafting and had suggested how I preferred them to be written, and they have numerous times come back with a different interpretation of what I wanted to do. And they have stated the reason they did that is because what I wanted to do was in violation of a statute or it was unconstitutional. So I find it very peculiar that this amendment got this-- moved this far through the system with the issues that Senator Wayne presented to us today. I'm not a lawyer, but I would assume that anybody that is writing a bill or amendment would have the ability to understand that it's contradicting what they're trying to do, contradicting each other with what they're trying to do in this amendment. And I believe that Senator Holdcroft was just offered an opportunity to save his bill by Senator Wayne. And I think that would be a great advantage to make sure that this bill is going to be right if it does pass. Because if we continue the way it is today, I'm, I'm a no vote. And so Senator Holdcroft can use that information for whatever he thinks it's worth. But I think Senator Wayne has described very thoroughly the issues that we have, and with him offering to help fix that, I think that's a great opportunity. And I would yield the rest of my time to Senator Wayne if he would like it.

**ARCH:** Senator Wayne, 3 minutes 10 seconds.

**WAYNE:** Thank, thank you, Mr. President. And so what happens in typically in bills-- and I'm just kind of talking here-- is there's already a current law. Right? And so at the hearing what Senator Holdcroft was trying to do was extend it to 90 days and add other locations. Where it got a little dicey was the box. And then when the box got brought up, there were multiple conversations about, well, what if? And the reason, the what ifs came about is because when you have a box, you don't know who's dropping the baby off. So it became, well, what if it's a domestic violence situation and mom's just trying to get out of the relationship or dad is trying to get out of the relationship. This baby is holding them together. And in an irrational thought, they drop the baby off. What happens then? Because that is like a real-life situation that can happen multiple times. So what happens then? And so then this conversation kind of evolved into what does DHHS do in these current situations. And I think it was an attempt to put some regulations into statute. But the problem is, I think it made it more complicated when we start talking about opening up different sections. So what I'm kind of proposing here maybe is you

just take the current law and add a couple other locations. I think Senator Holdcroft is still going to run into problems when we start talking about a box. The box issue is a couple. One, most fire departments across the state don't have a backup generator that's going to run the entire time. In Lincoln, there's only I think 2 out of the 11. Omaha is a little different. They have a few more. The question is we have cold/heat, I mean hot, cold, stormy weathers, icy weathers. Where's the box at? Outside. If it's outside, to Senator-- well, I don't think-- she didn't tell me. I can't give her name, but Senator asked me, well, who's liable if there's a manufacturing error, if it's cold outside and a baby dies? I don't have an answer for that. What happens to the firefighter who picks it up or maybe goes out on a call--

**ARCH:** One minute.

**WAYNE:** --or runs home for an emergency and somebody can prove, had that fire truck or somebody been there 4 hours before, that child could still be alive? Who's liable? Then on top of that, who actually brings the, the suit? Right? Like former parent, new parent? I don't know. So that's the problem when we start getting into bills. You start thinking about what ifs. And I think if it's just a clean expand to 90, expand locations, I don't think there's an issue. The issue with the box is nobody can lay eyes on who's dropping it off. Then that begins this conversation of who's baby? What happens? How do parents do this? How do we do it? And I know in Missouri it's been passed. I just-- there's a lot of red flags here. And I wish it was easy to say, well, it works in another state, it should work here. I mean, I feel that way about a lot of the bills that I do like medical cannabis, but it doesn't work that way. We got to deal with Nebraska law. So--

**ARCH:** Time, Senator.

**WAYNE:** Thank you. I think it's the box issue. Thank you, Mr. President.

**ARCH:** Senator Machaela Cavanaugh, you're recognized and this is your last opportunity on this motion.

**M. CAVANAUGH:** Thank you, Mr. President. I am relieved to hear that we can work together in concert to address the concerns that have been brought up this afternoon by Senator Wayne. I, like Senator Holdcroft, am not an attorney, and I was not aware of the intricacies of the juvenile court system. And so I want to make sure that we are

expanding the age for this safe haven program without causing harm unintentionally to families in the future. So I, I am going to sit here and listen to the remainder of the debate. And I would like to yield my time to Senator Blood to hear more about her concerns. Thank you, Mr. President.

**ARCH:** Senator Blood, 4 minutes.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I am in total agreement with Senator Wayne. I'm glad that he was able to be on the floor to, to use his lawyer speak and better define what's going on with that amendment. And I would like to say that he indeed did talk about all of this in our hearing. So I know we take in a lot of information, but that stuck in my head. Although not a lawyer, I did want to add something to what he said. So this bill contravenes family reunification guidelines of the Federal Adoption and Safe Families Act and dispenses with tribal rights embedded in the federal Indian Child Welfare Act, which can also lead to federal litigation. So if we do have trafficking especially and it is a Native child, we will be violating the child-- Indian Child Welfare Act should that happen. There's other things we need to talk about. Baby boxes don't address the causes of infant discard. Anonymously dropping a baby into a box and walking away does not solve the root causes of newborn discard, which are poverty, inability to secure medical treatment and reproductive healthcare, denial or ignorance of pregnancy, substance abuse and physical and sexual abuse, shame, crime, mental illness, dysfunctional families, social isolation and poor communication skills. It encourages women to keep problematic pregnancies a secret. The promotion of baby boxes discourages family and professional communication and eliminates assistance for sexual and physical abuse, mental illness, substance abuse, and social isolation factors that cause nearly every newborn discard. Studies indicate that once a pregnancy is acknowledged and discussed, the chance of discard almost always disappears. But of course, the funding that we have in education doesn't do that; educates you on where you can drop off the babies. It hide cream-- hide-- hides crimes such as rape, incest, spousal and partner abuse, and again, human trafficking. It promotes and supports nonprofits like Safe Haven Baby Boxes, which is a million dollar corporation that controls the manufacture, promotion, sales, installation and referral of women to baby boxes in the United States. It has created the baby box market and lobbies Legislatures all over the United States, produces boxes at its own factory, installs the devices, operates a hotline that refers pregnant women to box locations near them, not for counseling, not for services, and holds press conferences when a newborn is left in a box. Rather than protect

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the legitimate privacy interests of the infant, it uses box children as fundraising tools for its ministry. It discourages women from seeking pre and postnatal care, instead encouraging dangerous and unsafe unattended births in the community--

**ARCH:** One minute.

**BLOOD:** --outside of a hospital. Please do not stand up and tell me you are pro-life and pro-baby. We need to have more resources, no matter what they are or how ridiculous they are, today because these boxes are unsafe, untested and are not another tool. Another tool is expanding the resources, expanding the ability for 911, and utilizing funds to prevent things like this from happening. Babies aren't bank deposits. They don't belong in a box. This isn't the 1800s where grandma put a cookie jar with warm water in it and a baby in a drawer to keep them safe. These people are not legitimate and are doing this scam all over the United States. Thank you, Mr. President.

**ARCH:** Senator Walz, you are recognized.

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

**ARCH:** Senator Blood, 4 minutes, 50.

**BLOOD:** Thank you, Senator Walz. I appreciate the time. So. I want you to know, friends, again, the organizations that have contacted me have all been safe haven organizations who are against the boxes because they feel that it's become a scandal, a sham. That the people that have been pushing for these bills are grifters. Now, I'm not saying that because legally that would be inappropriate for me to say this person is a grifter, but I can tell you what people pass on to me. We did pass out multiple articles for those of you that like to read. And there's a really good one called "Opinion: Safe haven boxes are not an abortion ban solution, because that is really kind of how these boxes started. You may not recognize the person as being the same on TikTok, because since this picture, she's had a lot of plastic surgery and collagen. But that is the same person that was on the TikTok. And it talks about a doctor from Wisconsin who really talked about his experience. And he says: I'm troubled by the Supreme Court using a historically inaccurate assertion of a modern innovation to partially justify their decision when it comes to children being left in these boxes, and also emotionally nullify the complex journey that any pregnancy can be. We would do well to recall that the medieval baby boxers-- boxes were largely a reflection of the fact that pregnancies out of wedlock was considered shameful, not to be publicly visible or

talked about. He is saying, basically, that when it comes to a parent choosing to place their child for adoption, they should first have full access to counseling and support, and that safe haven boxes don't provide that. And I know that there are people that look at this as an opportunity for babies to get adoptive parents, and I don't take issue with that part. But when you look at our amendment especially, it's problematic. It did not have a public hearing. Both Senator Wayne and I voted no in the hearing after he explained why it was problematic. And can it be fixed? Maybe. But what I can say that we can do today is that I have an amendment, and the amendment supports everything that Senator Holdcroft wants to do, minus the baby box. I'm asking you today to consider if a box goes in Omaha in an area that has rolling brownouts over the summer when everybody's using their air conditioning, are you comfortable with someone putting a baby in the box when that area loses electricity? When you buy your family members car seats, cribs, playpens, would you put your precious cargo in something that had never been inspected? You cannot even give a car seat after you've used it to a place like Goodwill because it's not safe. But many of you are willing today to make this OK. And you can say, well, you know, they don't have to do it. It's permissive. We are opening the door, as some states have, for this nonprofit and others, but usually it's the Safe Haven Baby Boxes nonprofit, to come in and start digging holes in hospitals and fire stations and wherever else we're, we're giving them permission to, to hand over babies without any kind of building code involved. We're putting them in a situation that is unsafe. And I just-- how many trafficking bills did we have, antitrafficking bills this year? Like 6, 7?

**ARCH:** One minute.

**BLOOD:** But you're OK with putting a box in a wall where a trafficked baby, a victim of trafficking's baby can be put in a box without that parent's permission. Or a Native baby is stolen and put in the box without that family's permission. I don't get the connection here. I don't understand how this is OK. We can't keep standing and saying we're pro-life and pro-baby and then the biggest things that hit us in the face that are clearly wrong we're going to support because the word "baby" is in this bill. Friends, I support expanding resources. I support 911. But please, when my amendment comes up, vote to take the box out. Senator Holdcroft still gets to go back home and say, I saved babies. Right?

**ARCH:** Time, Senator.

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

**ARCH:** Senator DeBoer, you're recognized.

**DeBOER:** Thank you, Mr. President. Colleagues, there's a lot of egg on my face right now. So I had a lot of concerns in the hearing. And then my thought was, let's see if there's a solution to those concerns. DHHS approached me and said, here were their-- some suggestions they had for the bill. I looked at them. Clearly I didn't look enough or with the right background. And I suggested the changes to Senator Holdcroft and now that's why we're here. So obviously there are problems here that I was not aware of. And I apologize to all of you and to Senator Holdcroft for not having discovered them myself sooner. I'm not sure how I would have done that. I'm very glad for Senator Wayne and the counsel of the Judiciary Committee for finding them. And I'm hopeful that Senator Holdcroft, Senator Wayne, the committee can find a way forward to help Senator Holdcroft with his bill. Thank you, Mr. President.

**ARCH:** Senator McKinney, you're recognized.

**McKINNEY:** Thank you, Mr. President. I yield my time to Senator Blood.

**ARCH:** Senator, Senator Blood, 4 minutes, 50.

**BLOOD:** Thank you, Mr. President. And thank you so much, Senator McKinney. Friends, I have talked for a long time on this bill. You see that I have researched this for months. I do not take this lightly. I am serious as a heart attack, friends. The box needs to go. But everything else, once fixed, working with Senator Holdcroft and Senator Wayne, should stay. We just need to fix the "glitchiness" of the amendment and hopefully that can be done. But it is my understanding that Senator Holdcroft has discussed with both me and Senator Wayne. I don't say understanding. He did discuss it with me and with Senator Wayne, that we may have some middle ground that we are going to come to. And I don't want to take away his, his spotlight. So I will not say what that is. I'll allow him to, to do the honors. But, friends, I'm not going to be here next year. These bills are being shopped all over the United States. I want you to remember the conversation, the debate today. Because why would you ever put a baby in an untested receptacle that has no backup, that is being pushed by grifters? And if you don't believe they're grifters, please go to their TikTok page. But don't sign up because you know the China thing. But seriously, these people are off the rails. And when you oppose them, they take that to social media immediately. And we are seeing places shut down. Ohio shut down 2 fire stations because they were unable to man them 24/7. There are issues with putting these

in-- these boxes in certain areas. But by providing 911, by expanding services, they'll have many options as opposed to a box here and there. And we shouldn't help grifters become millionaires because they've created a layer of sympathy when it comes to these children. But we also should not allow people to take away Native children, to take away the children of, of victims that have been trafficked, for people that feel shame and haven't gotten the services that they need for their pregnancy. We should be doing everything we can with the funds that we have to make sure that this doesn't happen to a woman. And I don't see us doing that. And every week we're about the children. We're about the babies. Well, women are more than receptacles. Women are the ones that carry these children. And we want healthy pregnancies and we want safe pregnancies. We need to be investing in that and quit talking about it. Let's put our money where our mouth is and the baby boxes don't cut that. Thank you, Mr. President.

**ARCH:** Senator John Cavanaugh, you are recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. I originally pushed my light because I thought Senator Blood would want more time, but it sounds like she's done. Or did you want time? I, I-- she can wave to me if she wants time. It sounds like-- I'll say something real quick. I do appreciate the conversation. I appreciate especially Senator Blood's tenacity on things, which is, you know, sometimes she doesn't get credit for and she, you know, can carry a conversation. And she does a lot of homework and can bury you in facts and figures and analysis, which I appreciate. But I also wanted to just call out, I really appreciate the work of Senator Holdcroft and Senator Wayne and Senator Blood on this and then anybody else and Senator DeBoer working on this issue. It sounds really complicated, and I'm glad to not be in the middle of it. But I just think it bears pointing out when we're having people that are saying people aren't willing to compromise on bills and work on things, I think it's really important to raise up when people are effectively doing that and finding that common ground. And the conversation leads to finding the solutions. So having a robust conversation on the floor is really important. And people talking about what actually is in the bill, what it actually does is really important. And so silencing that I think would be really bad. So anyway, I would yield the remainder of my time to Senator Blood if she would want it.

**ARCH:** Senator Blood, 3 minutes, 45.

**BLOOD:** Thank you, Mr. President. And thank you, Senator Cavanaugh. Friends, I know I gave you a lot of handouts, and hopefully they didn't go right from your desk into recycling. The one I'd like to bring to your attention is the one that says: Our new video: pot, meet kettle, baby box legislation in Nebraska. This was posted on the internet on March 12, and it is a blow-by-blow description of the video that was posted by Mrs. Kelsey of Safe Haven Boxes, who has gone ballistic on the video. And even though she claims she takes no taxpayer funds, as I pointed out earlier, she indeed does. And I think taxpayers from those states, once it starts being leaked out to other states, because we did do a press release to share this information, they're not going to be very happy how their money was being spent because they were misled, not to mention the organizations that have given them millions with deceptive requests. So they were curious what's going to happen in Nebraska. They say we don't have a record of what went down, when or where, except for Mrs. Kelsey's public hissy fit, where she says, I'm plainly stupid, by the way. But they encourage you to watch the meltdown, and they say, we don't know what's going to happen to LB876-- an amendment, a pull, a new bill, death by sine die. But How to Win Friends and Influence People is clearly not on Mrs. Kelsey's reading list. And I don't think calling a Legislature-- legislate-- legislator an ass will get what Mrs. Kelsey thinks it will. Thank you, Senator Blood. So I just want you to know that I'm more than willing to take abuse on social media. And I have over this bill, because ultimately, we're going to come up with a much better bill, and I can live with that. And I think you can too. So sometimes it's OK to be made fun of for the greater good of our babies and the state of Nebraska. Thank you, Mr. President.

**ARCH:** Senator Holdcroft, you're recognized. This is your last opportunity on this motion.

**HOLDCROFT:** Thank you, Mr. President. So we've come to a plan, a way ahead with this bill. I've talked to both Senator Wayne and Senator Blood and this is the plan. Senator Blood does have an amendment coming up that pulls out the, the boxes. However, it includes all of the language, the DHHS language that Senator, that Senator Justin [SIC] has some issues with, as does the Judiciary Committee. So our plan then, Senator Blood will pull her amendment. We will vote down the committee amendment. I will agree to pull out the boxes from my bill through an, an amendment that we will have on Select File. So my-- our way ahead again is to vote no on the committee, Judiciary Committee amendment to get rid of that DHHS language. I will work with Senator Wayne and Senator Blood to pull the boxes out of my bill and

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to include some language that will satisfy Senator Wayne. That is the way ahead. Thank you, Mr. President.

**ARCH:** Senator Bosn, you are recognized to speak.

**BOSN:** Thank you, Mr. President. I would yield my time to Senator Wayne.

**ARCH:** Senator Wayne, 4 minutes, 50.

**WAYNE:** Thank you, Senator Bosn. Thank you, Mr. President. I just want to confirm for you, got to check and verify all the time here, that we have pretty close to an agreement. We just got to work on the language. So what I'm asking you to do is vote no on Senator Blood's bracket if she doesn't pull it; vote no on the Judiciary amendment. And then on Select File, I just can't get an amendment done today. I apologize, I just can't. And let me back up and say Senator DeBoer got on the mic and said she had egg on her face. I will tell you, egg on the face and getting on the mic is a, a sign of someone trying to work. I literally just did that the other day with Senator Ibach's bill. When you are trying to find compromise and you are trying to work, you run with things. And the fact of the matter is, is I didn't recognize the issues until literally like an hour or 2 before this, or I would have ran around and told people. I just haven't looked at the bill. I had another bill, obscenity, from Senator Albrecht that came out of my committee that I was working on an amendment that went nowhere. But again, I was trying to work on an amendment. On top of that, Friday we had a bill that I was filibustering or getting-- slowing things down so we didn't get to. Monday, I was pretty much on the mic all morning, so I didn't even look at this agenda. And the fact that we're moving a little faster is how we got there. So I would tell Senator DeBoer to wear that with pride. Because when you are trying to work and you are trying to get things done, Bill Drafting sometimes doesn't always think in the way that we want them to, but they do a hell of a job with all the bills they got. And sometimes we don't recognize everything. And again, that's just the nature of us trying to come together and come to agreements. And that is the beauty of this floor, to be quite honest, is that we find a problem that we didn't think of and we fix it on the next round. And that's what I would ask everybody to do here. Vote no on the AM Judiciary Committee, and we'll have an amendment on Select that we could have a Kumbaya moment and get this done. Thank you, Mr. President. And thank you again, Senator Bosn.

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**ARCH:** Senator Clements would like to recognize a guest, his wife Peggy from Elmwood. And Senator Erdman would like to also recognize a guest, his wife, Cathy, from Bayard. Both are located under the south balcony. Please rise and be welcomed by your Legislature. Senator Blood, you are welcome to close on your bracket motion.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, what a fun debate once we got rid of all the noise today. I don't know if you know this, but Senator Holdcroft and I were actually opponents, not in this last election cycle, but the cycle before that. And I think this is a really good example, Senator Holdcroft, of how we can have, like, a Kumbaya moment even when one wins and one doesn't. You did win your next election. And that's something positive. We were able to discuss things in an adult manner. We were able to hopefully fix things. And that's how the Legislature is supposed to work. And that's how it used to work. And it did used to work this fast, too, by the way. It didn't take days of abuse, yelling at people, calling names, keeping our heads down, ignoring each other, pretending no one's on the mic and talking. And so I'm just very proud of this body for what I hope is going to happen today. And with that, I would pull my bracket motion.

**ARCH:** Without objection, so ordered. Mr. Clerk, for an amendment.

**ASSISTANT CLERK:** Mr. President, I do have amendments to the committee amendments, the first offered by Senator Holdcroft, AM2953.

**ARCH:** Without objection, so ordered.

**ASSISTANT CLERK:** Senator Blood then has an amendment to the committee amendments, AM3120.

**BLOOD:** I'd like to pull that motion.

**ARCH:** Without objection, so ordered.

**ASSISTANT CLERK:** In that case, Mr. President, I have nothing further to the committee amendments.

**ARCH:** Senator Wayne, you're recognized to close on AM2458. Senator Wayne waives close. Colleagues, the question before the body is the adoption of AM2458 to LB876. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**ASSISTANT CLERK:** 0 ayes, 35 nays on the adoption of committee amendments.

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**ARCH:** The amendment is not adopted. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, Senator Blood would offer AM2779, but I have a note she wishes to withdraw.

**ARCH:** Without objection, so ordered.

**ASSISTANT CLERK:** In that case, I have nothing further pending on the bill.

**ARCH:** Colleagues, the question-- oh, Senator Holdcroft, you are welcome to close on LB876.

**HOLDCROFT:** Thank you, Mr. President. Just to reiterate, I ask for your green vote on this, and I will work with Senator Blood and Senator Wayne on an amendment to remove the boxes and get the proper language for DHHS actions. Thank you, Mr. President.

**ARCH:** Colleagues, the question before the body is the advancement of LB876. All those in favor vote aye; all those opposed vote nay. Has everyone voted who wishes to vote? Please record, Mr. Clerk.

**ASSISTANT CLERK:** 38 ayes, 0 nays on the motion to advance the bill.

**ARCH:** LB876 advances to E&R Initial. Mr. Clerk, next item.

**ASSISTANT CLERK:** Mr. President, next bill, LB1030 offered by Senator Bostelman. It's a bill for an act relating to highways and roads; to create a working group; to change the County Bridge Match Program; provide for transfer of funds; repeal the original sections; declare an emergency. The bill was introduced on January 5 of this year, referred to the Transportation Telecommunications Committee, placed on General File. There are no committee amendments.

**ARCH:** Senator Bostelman, you are welcome to open on LB1030.

**BOSTELMAN:** Thank you, Mr. Speaker, and good afternoon, colleagues. I want to offer my thanks to Speaker Arch for selecting LB1030 as a Speaker priority bill. LB1030 creates a County Bridge Match Working Group consisting of 3 individuals from the Department of Transportation chosen by the director and 2 representatives from a list of county highway superintendents, county supervisors, surveyors, or county engineers. This working group would be responsible for scoring and awarding County Bridge Match Programs, grants to counties. The bill also provides 2, \$4 million transfers from the Road Operations Cash Fund to, to the Transportation Infrastructure Bank

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Fund to be used for the County Bridge Match Program. The first transfer would be-- would occur on June 30, 2024, and the second June 30, 2025. The road operations cash generates approximately \$4 million in interest annually, so this transfer is essentially the interest from this fund. Over the interim, my office conducted a survey of county highway superintendents and also met with several of them, asking what changes they would like to see in the County Bridge Match Program. The overwhelming response was they would simply like to be more involved in the process of awarding and scoring the grants. They indicated that when they are applying for the grants, they aren't entirely sure what the department is looking for. They believe having some county officials involved in the process would bring some clarity to the process, while also giving the department a county-- a county official's perspective when awarding grants. This fund is critical to our counties to assist them in repairing and replacing aged structure. The bill was voted out of committee with an 8-0 vote, received no opposition during the hearing, and the Department of Transportation testified in support of the bill. With that, I ask for your green vote to LB1030 and its advancement to Select File. Thank you, Mr. Speaker.

**ARCH:** Senator Clements, you are recognized.

**CLEMENTS:** Thank you, Mr. President. I stand in support of LB1030 to enhance the County Bridge Match Program. I had a bill. My county requested me to bring a bill asking for \$5 million of ARPA funds because they have bridges that they need work or replacement and maintenance. And this would really give them better opportunity to qualify. The bill did not make it through the Appropriations Committee priority list. And so I wasn't able to provide funding that way. But I'm hoping that the-- this county bridge match enhancement will help my county and other counties access these funds more readily. Thank you, Mr. President.

**ARCH:** Seeing no one in the queue, Senator Bostelman, you're welcome to close. Senator Bostelman waives close. The question before the body is the advancement of LB1030. All those in favor vote aye; all those opposed vote nay. Has everyone voted? Mr. Clerk, please record.

**ASSISTANT CLERK:** 35 ayes, 0 nays on the motion to advance the bill.

**ARCH:** LB1030 advances to E&R Initial. Mr. Clerk, next item.

**ASSISTANT CLERK:** Mr. President, LB840 offered by Senator McKinney. It's a bill for an act relating to cities; to adopt the Poverty Elimination Action Plan Act. The bill was introduced on January 3 of

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this year, referred to the Urban Affairs Committee. That committee placed the bill on General File with committee amendments.

**ARCH:** Senator McKinney, you're welcome to open.

**McKINNEY:** Thank you, Mr. President. And good afternoon, everyone. Today we'll be discussing LB840 and the Urban Affairs Committee package, which includes LB881, which is Senator Ballard's bill; LB1046, which is Senator John Cavanaugh's bill; LB530, which is a bill I introduced; and LB843, which is another bill I introduced. LB840 creates the Poverty Elimination Action Plan. Under the plan, cities shall include their efforts to eliminate poverty. The following key components of the plan includes needs assessment, community engagement, affordable housing and healthcare access. This plan shall be reevaluate-- shall be reevaluated every 2 years and updated every 5 years. This act is only applicable to cities of the metropolitan class and primary class, which means Omaha and Lincoln. In my experience, I believe cities can take a more impact-- more impactful actions to combat poverty. Excuses abound in the transparency of the effectiveness, effectiveness of implemented initiatives is often lacking. There's clear room for improvement across the board. While the Poverty Elimination Action Plan cannot solve every issue, it stands as a crucial starting point, ensuring accountability and providing insights for areas of enhancement. LB840 was brought onto the floor by a 7-0 vote out of the Urban Affairs Committee. LB881 comes to us from Senator Ballard, and it amends the Middle Income Workforce Housing Reinvestment Act. In sum, LB881 would allow cities outside of Lincoln and Lancaster County and cities outside of Omaha and Sarpy, Sarpy County to receive work-- workforce housing grants through the Middle Income Workforce Housing Act. LB991 was amended into LB840 on a 6-0-1 vote out of the committee. LB1046 comes from Senator John Cavanaugh. LB1046 would require under Nebraska Housing Agency Act in a city of the metropolitan class, appointment of counsel for residents in a termination hearing or evict-- or eviction proceeding. The cost of any court-appointed counsel shall be paid by the Housing Authority. LB1046 was amended into LB840 on a 7-0 vote out of committee. LB530 changes provisions of the Nebraska Housing Agency Act for cities of the metropolitan class. Some of the changes include-- includes the following. There shall be 9 commissioners for a local housing agency, which means we're adding 2 resident commissioners. Allow commissioners to serve a term of 4 years. There will be 3 resident commissioners as I mentioned. A housing agency in a city of the metropolitan class shall establish and implement a complaint and grievance process. Finally, all contact information for housing agency staff and commissioners shall be publicly available at

agency offices and on the agency's website. LB530 was amended into LB840 on a 6-0-1 vote out of committee. LB530 stems from seeing the atrocities of the Omaha Housing Authority. I know somebody mentioned that there is a lot of articles that have been passed around pertaining to the Omaha Housing Authority. I passed those around because I want everybody in this body to understand why we're trying to address the Omaha Housing Authority and why it is needed. Residents in Omaha do not feel as though the Omaha Housing Authority cares about their concerns and are doing the necessary things to address their concerns as you can see in all of these articles. Next, there's LB843. It amends the Middle Income Workforce Housing Act by first, first Increasing the workforce housing investment grant program maximum from \$5 million to \$10 million. Secondly, applicants of the grant program provide matching funds would have their match decreased from 50% to 25% of the amount of such grant funds. These changes are necessary to keep up with the current cost of homebuilding. The \$10 million would allow for more housing to be built, and a 25% match will allow for more people to be able to meet that requirement. Similar changes were made to the rural workforce housing fund last year in Section 19 of LB191, which passed last year. Therefore, is it appropriate-- it's appropriate time for these changes to be made in the Middle Income Workforce Housing Fund. LB843 was amended into LB840 on a 6-0-1 vote out of committee. LB840 brings together solutions to some of the biggest issues in our state: poverty, evictions, homebuilding and fair living conditions. It's crucial that we start taking actions to solve these issues. And that's why I brought LB840, and that's why we amended those other bills into this package. I know people have questions and I'm willing to answer all of your questions. My idea behind the Poverty Elimination Action Plan was not that I thought it was the responsibility of the cities to take poverty on themselves. But what I-- in, in, in thinking about the bill, I was sitting one day and I was like, I've never seen anyone actually-- no level of government actually step up and create an action plan to even try to eliminate poverty. And I think that's part of the problem. Yes, I think everybody has a responsibility: the person, the community, this body, other bodies. And I don't think we ever can solve poverty unless everybody starts doing their part, whether that's the person, their family and the community; whether it's this body, the city or whoever else. I think we should be stepping up to try to create action plans to try to address it. So that's why I brought that-- brought that bill. The reasons for the things we're trying to do with OHA or public housing authorities is because they, since my time being here, it's been issue after issue after issue after issue after issue, which you could see through all of these articles. And it was just another story

that popped up that Senator John Cavanaugh sent to me overnight. I don't even know if I printed that out, but every week it's something else. And all we're-- all I'm attempting to do is to give the residents a voice and try to hold the housing agency more accountable for what's going on in Omaha. Those provisions only are for Omaha Housing Authority. It doesn't address the rest of the state. I know other housing agencies have reached out to members of the body with concerns. I am not attempting to go after those housing agencies. I don't want to. I haven't seen any stories about other housing agencies having issues, or even having issues that even rise to the level of concern of the housing authority in Omaha. And then also, I know there were letters being sent around that my office didn't or was not open to conversations. And I would like to say on the mic, as I actually told the Housing Authority yesterday, that is a lie. I checked with my staff and I had them double and triple check to see if anybody from the Housing Authority reached out to my office through a phone call or email to set up a meeting. That did not happen. The crazy thing is, they--

**ARCH:** One minute.

**McKINNEY:** --reached out to Senator John Cavanaugh for a meeting and didn't even reach out to me. And he invited me because he didn't want to have the meeting without me. But I'll get back on the mic and speak further. But I think the provisions of the package are things we should be doing in the state of Nebraska, because I think they're very important to look at housing, to try to look at addressing poverty and trying to make the lives better for Nebraskans. And I hope I could get your support. Thank you.

**ARCH:** Senator McKinney, you are now welcome to open on the committee amendment.

**McKINNEY:** Well, I'll keep going. So as far as the committee amendment, as I mentioned, it has Senator, Senator Ballard's LB881. And what that does, it allows for cities outside of Lincoln, Lancaster, which was Waverly, I believe Senator Ballard had mentioned in his-- in a hearing that wasn't allowed to apply for middle income workforce housing. And through the committee process, there was concerns about Sarpy not being able to apply as well, an amendment was worked out and that got attached to the bill and we voted that out. LB1046 which is-- which is Senator John Cavanaugh's bill, which he'll get on the mic and speak about, addresses allowing residents the right to counsel in termination hearings and evictions for public housing residents. This is not about private property owners or anything like that, just for

public housing residents. The Omaha Housing Authority did not show up to the hearing. They did not show up to the hearing. And I don't even believe there is an online comment with a position. We, we did have a meeting yesterday and they said they didn't oppose the bill. But now they sort of oppose it because they would have to pay the cost or something, but they didn't show up to the hearing and expressed no position at all. And they just showed up this week with concerns and questions. With LB530, they did show up last year and a lot of their concerns we addressed in an amendment to LB530 because last year there was things with elections and the CEO being elected and all those type of things, and having to live in Omaha. And through the interim and to now, we made a lot of changes to LB530 that was different from the original bill of LB530. And I just want to be clear. I am only trying to hold them accountable, and it's only is for the public housing agency in Omaha. This is not for anyone else. It is only for the Omaha Housing Authority. So no other housing agency will be impacted. I will not attempt to go after any other housing agency. If any of you guys would like to go after them, then that's you all. But I will not attempt to. That's-- I'm saying that on the record. I don't have any type of energy to do so. I just would like to hold the, the housing agency in my community that has not done right by the individuals that I represent accountable for the things that they haven't done. Because when you get article after article, neighbors' complaints about the Omaha Housing Authority falls shorts. City-state leaders call for actions for unsanitary living conditions in Omaha's Underwood Tower. People demand action on vacated apartments left wide open in north Omaha. Infestation of bedbugs, roaches, Under-- Underwood Tower residents feel silenced about unsanitary living conditions. Omaha Housing Authority examine-- examines tenants' concerns about bedbugs infestation. Omaha Public Housing residents are facing evictions more often and sometimes over small debts. We're talking sometimes \$30 and \$60 people are being evicted. These are people who are living on fixed incomes. These are senior and not all elderly, I won't say that, but some of our seniors who are living on fixed incomes being evicted for \$30 and \$60. Extremely poor housing tenants are entitled to rent exemptions. In home-- in Omaha, they got eviction notices. I would mention they stopped evictions in November, but they didn't stop evictions in November because they wanted to do the right thing. Actually, they stopped evictions in November because it was a-- it was found that they were not notifying residents that they had the ability to go through a grievance process. So they're potentially about to go through a class action lawsuit because there were people being evicted that they didn't notify that they had an option for a grievance. That's why they stopped evictions and they plan to start them back up.

So if you have questions, I'm open to the questions. I just want you guys to know Terrell is not acting vindictive. I'm not-- I don't have a personal vendetta against anybody. I've talked to the people in the housing authority many times, and I told them I work for the people. My only concerns are the people. And most of the conversations I've had about-- had with these people, they rarely have ever brought up the residents and, and trying to do better about the residents. It's about protecting their seats on the board; them feeling, I guess, attacked; those type of things. I'm willing to meet with people. And we also through the conversation, since we started having conversations, we are working on another amendment to address some, some, some, some things that have been brought up which I'm amenable to, that I don't think are too bad or take away from the overall mission and intent of what we're trying to do with these bills. But if anyone tells you Terrell has refused to talk to them, that is a lie. If anyone tells you Terrell was trying to be vindictive and in trying to attack people, that is a lie. I work for the people. And if the people bring me concerns, I'm going to address those concerns. If you had this amount of stories about a agency in your district not doing right by the people that you represent, what would you do? So with that, I'll yield the rest of my time and I'll get back on the mic later. Thank you.

**ARCH:** Mr. Clerk, for an amendment.

**ASSISTANT CLERK:** Mr. President, Senator McKinney would move to amend the committee amendments with AM3092.

**ARCH:** Senator McKinney, you're welcome to open.

**McKINNEY:** OK, so AM3092, I believe that's the one that would say that the mayor does not appoint the CEO of the housing authority. And you know how that amendment came about? We talked to people. People reached out to us, and we had a conversation. It was like, you know what? That's cool. That doesn't need to happen. But that comes through conversation. That comes through actually reaching out and not going around spreading false stories that you reached out and somebody's refused to not talk to you. That, that is how that happens. That is exactly how that happened. The city of Omaha actually reached out and said, you know, we really don't want to be put in that position. Are you open to making that change? And I was like, yeah, I am. I'm-- it's really to me because it's not personal. It's not about the CEO. It's not about the board members. It's about the people. And it's trying to make sure that whatever goes on in Omaha Housing Authority serves the best interests of the people that the housing authority is supposed to

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serve. So that's how we got to this amendment. And if you have any other questions, I'll be open to them. Thank you.

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

**J. CAVANAUGH:** Thank you, Mr. President. I rise in support of AM9 or AM3092 and AM2862 and LB840. It represents the work of the Urban Affairs Committee. As Senator McKinney pointed out, there are a number of bills in this. My bill is a bill called LB1046, which was introduced at the beginning of the session. Had a hearing, I believe was January 25, if I remember right but I'd have to check, and had no opposition at the hearing. It had one letter of opposition that was from the city of Omaha and as amended, remedies the city of Omaha's opposition. There was lots of testimony in favor of this bill and the testimony that was in favor-- you could certainly read the transcript; you could look at the committee statement-- but really, it's captured by these articles that Senator McKinney handed out, which this bill has-- is very narrowly tailored to address this specific concern. So, you know, we have a lot of conversations, bills are overbroad and what have you. But this one specifically is tailored to affect housing agencies, where they are the operator of the property in a city of the metropolitan class. So that-- there's kind of a couple of layers that you need to understand. I know there's some confusion in folks who are reaching out to you, perhaps. So first off, city of the metropolitan class. There's only one of those right now so city of Omaha. And we're talking about public housing agencies. So in the city of the metropolitan class, the public housing agency would be Omaha Housing Authority. And then within that structure, there are properties that are operated by OHA, owned and operated by OHA, which is about 28 properties, is what we're told. And then there are other properties that are scatter site or or, I'm sorry, not scatter site but the Section 8 housing where they give a voucher to a tenant, and that helps pay the rent for that tenant. This bill only applies to folks who are being evicted who live in those properties owned and operated by OHA and where OHA is the landlord evicting. So that's what this bill does or who that affects. It-- what it does is provide legal counsel in evictions for those tenants that are in that situation. So as, in last year, Omaha Housing Authority evicted, I think it was 408 folks that met, or overall so that met that, that requirement. So, as Senator McKinney pointed out with these articles, Omaha Housing Authority has been evicting people for amounts as little as I think it was \$60 or something, for-- which amounted to a fee assessed from a misplaced key, and then a new key was issued, and the person then didn't pay for that new key. Obviously, I know folks in here have strong feelings. We've had a couple of conversations about

landlord-tenant issues. This is different than those conversations, and it's different for a few reasons. One, public housing is housing of last resort. We heard at the hearing on this bill that the folks who are evicted from public housing are way more likely to become homeless, mean living on the street within 30 [RECORDER MALFUNCTION]

**J. CAVANAUGH:** --that eviction than someone evicted from a private resident landlord. And what that means is that the burden to the city of Omaha, in this case Douglas County, and all of the other entities is-- and our public-- our, our nonprofits is high as a result of these particular evictions. It's higher than evictions from these other ones. The other distinction is this is a governmental agency funded by federal funds, largely. And so this is a governmental actor kicking people out of their homes. So it's government action--

**ARCH:** One minute.

**J. CAVANAUGH:** --against citizens. Thank you, Mr. President. I guess I will need to push my light. I thought I'd have people to do it. So I'll, I'll continue explaining it, but there's a lot of questions on the floor. I appreciate folks engaging on this and talking to me. I do support the other parts of this bill as well. And I'll push my light and tell you the rest of the story. But I really appreciate folks listening, asking questions, and we would appreciate your vote on all parts of this bill to move forward. Thank you, Mr. President.

**ARCH:** Senator Ballard, you're recognized.

**BALLARD:** Thank you, Mr. President. I rise in support of AM2862 and would like to thank Senator McKinney and the Urban Affairs Committee in including LB881 in the Urban Affairs package. As McKinney-- Senator McKinney said, LB881 allows communities inside a, a, a city-- or a county of the-- Lancaster County to apply for middle income workforce housing. Currently, this was brought to me by my community in Waverly in District 21 that do not apply-- that do not qualify for middle income housing or rural housing because they reside in a county larger than 100,000. This would help as-- for communities such as Waverly, Bennet, Hickman, that are growing, that a lot of their housing and population work in Lincoln, allow them to build more affordable housing that allows these cities to grow and contribute to larger communities. So with that, I appreciate the committee and would yield my time back to the Chair.

**ARCH:** Senator Linehan, you're recognized to speak.

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**LINEHAN:** I think that-- I'm going to waive. I'm sorry.

**ARCH:** Senator Erdman, you're recognized to speak.

**ERDMAN:** Thank you, Mr. President. Good afternoon. I was wondering if Senator McKinney would yield to a question or two?

**ARCH:** Senator McKinney, will you yield?

**McKINNEY:** Yes.

**ERDMAN:** Senator McKinney, thank you. On, on LB840 on-- and, and you have it-- maybe you have that bill there in front of you on page 3. On page 3, it says no later than July 21st [SIC], '25, each city shall establish and adopt a five-year Poverty Elimination Action Plan. So if we sign-- if we pass this bill and the Governor signs it, and he signs it on the 18th day of April, this, this bill won't go into effect until July 18th. There's no emergency clause on this bill. Do you think that this bill should have an emergency clause so it goes in effect before the due date that the information is due?

**McKINNEY:** I would-- I would say, yeah, but I also wanted to be flexible and give the city of Omaha and the city of Lincoln some time to put it together.

**ERDMAN:** OK. OK. I'm just curious about that because that-- that's a little strange and then on-- down on line 12, page 3 of LB840, I'm going to read this so you don't have to look it up if you don't have it there. But it says the plan-- here's what it says under section (b). Plan for the use of federal, state, and local incentives to eliminate poverty in high-poverty areas, qualified census tracts, and economic redevelopment areas. And then it goes on to say-- the next line, page-- line 15: Each city shall reevaluate its Poverty Elimination Act every two years and update its plan every five years to ensure its effectiveness and relevance. My question is how will we know-- what are you judging this against to know if you're successful in eliminating poverty? What qualifications are you going to use to say, yes, we've met our plan or, no, we haven't? What is the qualifications for eliminating poverty?

**McKINNEY:** It's-- one, it's putting together a plan and just evaluating it to, to see-- that's the purpose of just evaluating to see, like, what, what are we doing? One, we-- you put a plan together. You evaluate every 2 years and just look at it and say, OK, we put a plan together, let's evaluate it. What have we been doing and how impactful have those efforts been?

**ERDMAN:** Can you-- can you give me some examples, in your opinion, what would be some of the things that would be in the plan that would help eliminate poverty?

**McKINNEY:** It's just, one, looking at the needs assessment. What are the needs of the community? So if, if, if you do a good needs assessment and a good needs assessment evaluation, you understand the needs of, of the community. So then after 2 years you could go back and evaluate and say, OK, how are we meeting those needs of the community?

**ERDMAN:** OK. It goes on later on in the bill to explain some of those things. But it just seems peculiar that the goal is to eliminate poverty, but we don't see any specifics about how when, when we reach that goal, we have now claimed that we've made it. So I, I appreciate that. Thank you for answering those. I wonder if Senator John Cavanaugh would yield to a question or two?

**ARCH:** Senator Cavanaugh, will you yield?

**J. CAVANAUGH:** Yes.

**ERDMAN:** OK. Senator Cavanaugh, I gave you a document that I received from the partners of west Nebraska housing. And I want to read a little bit here to you and then you have that document. I want you to respond to that, if you would. Here, here was their concern. It says on page 4 through 18 of AM2862, it makes significant changes to the Nebraska Housing Agency Act, primarily targeting Omaha Housing Authority, and we agreed that that was true, in ways which way make-- which may make agencies--

**ARCH:** One minute.

**ERDMAN:** --ungovernable and, and negatively affect the operation available of affordable housing in Omaha. Is that-- is that a correct statement or not?

**J. CAVANAUGH:** I don't believe so.

**ERDMAN:** OK. You don't believe that's correct, so. I received this from Chappell, Scottsbluff, Gordon, Sidney, and other housing, you know, people and I don't know if we'll have time to get to all that. I'll put my light on again and ask you questions next time.

**J. CAVANAUGH:** I appreciate it. Thank you.

**ARCH:** Senator von Gillern, you're recognized.

**von GILLERN:** Thank you, Mr. President. Would Senator John Cavanaugh yield to a few questions?

**ARCH:** Senator Cavanaugh, will you yield?

**J. CAVANAUGH:** Yes.

**von GILLERN:** Senator Cavanaugh-- and I mentioned this to you-- if you could give me a little bit more clarity in your LB1046, which was incorporated into the amendment that calls specifically for providing legal representation to Omaha Housing Authority residents. Can you-- can you tell me a little bit about that, about how, how that would happen, how that would be funded, how that would be paid for and, and, potentially, maybe the, the net benefit of doing that?

**J. CAVANAUGH:** Sure. I appreciate the question, Senator von Gillern. And-- so the bill requires that OHA pay for it. It doesn't require them to pay for it in any specific way. So first, I would say, well, right now, the fiscal note is from the city of Omaha's estimation. It was for 408 evictions, which was last year. Again, there's currently a moratorium on evictions, but-- and that-- I don't know what number they were basing that on. But I did a quick back of the envelope math here with court appointment rates in Douglas County of \$65, and even at \$5 a case, it's only about \$130,000. So I would point out that OHA collected 170-- I'm sorry, \$134,000 in legal fees in 2022, and they estimated \$149,000 in legal fees that they would collect in 2023. And I would just point out to you, I asked OHA about this-- and I can talk more on my time about it-- but when we did have a meeting, if those funds would be available for that and they did not know if that was an allowable expense for that fund. So that's one option. I would say there's other options for them to seek foundation aid for it. And we're happy to talk about that. We're happy to help them look for other funding sources. But to your other question about what is the value to this, there are folks who are being evicted illegally by OHA, which is evidenced by the problem of their moratorium. That has a huge-- and that will have a more of a cost and impact on OHA itself. And those folks who have, like I said in my opening, who have become evicted by OHA are much more likely to become homeless. And that has a cost. So-- and then we, the city of Omaha and Douglas County in particular, bear those costs but also the nonprofits. So there's a lot of positives by not illegally evicting people.

**von GILLERN:** OK.

**J. CAVANAUGH:** But, ultimately--

**von GILLERN:** I've got another question--

**J. CAVANAUGH:** Yep, sorry.

**von GILLERN:** --I want to squeeze in before we get too far. If they-- if, if legal counsel is not appointed for them, is there volunteer legal counsel that's, that's typically available in these eviction scenarios?

**J. CAVANAUGH:** So I might not have enough time to answer all this, but about half of folks who go to court have-- or go to court and get a volunteer lawyer, these are more complicated cases. And I can-- you know, I've done these volunteer cases. I wouldn't say I would be equipped to take an OHA case when I walk in the door there, because I'm not-- I'm not familiar enough with the technical aspects of specific to OHA. So there is a benefit of kind of economies of scale by having somebody who focuses on that as well, as opposed to having just a volunteer lawyer off the street who is not familiar with the specifics and, potentially, could be doing themselves a disservice by not providing accurate legal representation.

**von GILLERN:** Would, would you be concerned about having a-- an attorney on-- under contract that OHA is paying for that's supposed to be representing OHA residents against OHA?

**J. CAVANAUGH:** I think there is a way to structure it where it would not be a conflict. I think that there are other incidences where an entity is paying in a similar fashion. I, I personally think that they would-- the best course for them would be to contract with some other entity outside and pay them a flat fee for the year. But we're trying to be flexible with giving them lots of options to service this to get to the ultimate endgame of making sure we're not unlawfully evicting people.

**ARCH:** One minute.

**von GILLERN:** OK. Thank you, Mr. President. You mentioned that they had collected legal fees. I didn't catch the numbers, it was over \$100,000. Where have they collected those, those? Is that funding that came from the feds, from-- where did that funding come from?

**J. CAVANAUGH:** So that is my-- well, I'm not an expert in their budget, and this is probably a good conversation to have with them and continue. It's just a line item in their budget. My guess would be

they assess a fee on evictions and charge it against the tenants when they evict them.

**von GILLERN:** OK. All right. OK, we can work off the mic on a couple of additional questions. Thank you.

**J. CAVANAUGH:** Thank you.

**von GILLERN:** Thank you, Mr. President.

**ARCH:** Senator Jacobson, you're recognized.

**JACOBSON:** Thank you, Mr. President. Well, I, too, have some questions here, and I kind of want to follow up a little bit on some of the questions that Senator von Gillern asked. First, I, I just want to say, again, that I grew up on a rented farm with no running water in the house. We were dirt poor, and one of the things I found growing up was you know what? Poor is the state of mind. If you apply yourself, you can get out of poverty. But if we're going to constantly be handing money out every step of the way, no one's ever going to change. I believe there's something in the Bible about giving a person a fish and feeding them for a day, or teaching them how to fish and feed them for a lifetime. There's SNAP. There's low-income housing. There are all of these credits out there and where does it end? Where does it end? I'm looking at the bill and now we're going to-- we're talking about illegal evictions. Well, what is an illegal eviction? I mean, if someone's paying their rent, they're not going to be evicted. So what's an illegal eviction? And now the taxpayers are going to pay money to attorneys to go fight the Housing Authority who's providing discounted housing to stop an eviction. So I guess what we may be saying is, let's just get rid of charging rent and just build more housing facilities and do it for free. I mean, that's seems to be the endgame here. I also look at this and I look at LB843, and I'm seeing that the middle income workforce housing program, we talked a little bit about that yesterday. We moved an additional \$12.5 million into that, that was supposed to go to rural housing, rural workforce housing. And now we're going to move the grants from \$5 million to \$10 million, and we're going to reduce the match from 50% to 25%. So why is that just middle income? Why not rural workforce housing? Why doesn't rural workforce housing get the same deal? I thought that-- we talked about yesterday. So-- and I'll-- and, and, Senator McKinney, if you want to respond to that I would love to have-- and I-- if I could ask a question to Senator McKinney, I'd love to have him answer that piece of the question if he would.

**ARCH:** Senator McKinney, will you yield?

**McKINNEY:** Yes.

**JACOBSON:** Thank you.

**McKINNEY:** Senator Jacobson, we're trying to match rural and middle. Rural, rural has already a 25% match. Middle has 50. We're trying to match rural. That's why we're making a change. And we're changing the cap from 5 to 10 because the reason why the money isn't being spent down is because a lot of the agencies, like Habitat, are already at the cap and they can't-- they can't access more dollars for the money to be spent down.

**JACOBSON:** So let me be clear. So what we're saying is that they've got more money in the fund than they can use under the current guidelines.

**McKINNEY:** There's money in the fund that can't be used because a lot of the agencies that do the work are at the cap.

**JACOBSON:** Cap, as far as how much they can receive?

**McKINNEY:** Yes.

**JACOBSON:** OK. Now, is rural workforce also a \$10 million cap?

**McKINNEY:** To my knowledge, yes. I could double check, though.

**JACOBSON:** OK. I mean, if, if we're going from 50 to 25 to match up rural workforce housing, I'm A-OK on that. I'm guess I'd be curious if we're doing the same on the other. And I'm also concerned that now that we moved another \$12.5 million--

**ARCH:** One minute.

**JACOBSON:** --to this, are we just going to sop that up now with the 10 million? Where this money could have been used out in rural workforce housing, because it sounds like we were-- we were running into a situation where we had excess money. And, perhaps, that's why the committee chose to go the way it did originally with the recommendation yesterday. So I just want to confirm that.

**McKINNEY:** Well, we had excess funding because a lot of the agencies couldn't request more dollars. That was a problem last year. And that's why the Governor from-- a part of his veto was because it was a

lot of money that wasn't being-- that wasn't spent because a lot of-- a lot of those agencies couldn't spend down the dollars.

**JACOBSON:** I got you, and, and I understand that. I'm just thinking that could we have spent the dollars out west if we were under the same program? That's, that's probably where I'm at. I'm not asking you to answer that. I, I appreciate your answers. But-- and I didn't speak to you before so I feel bad about asking you the questions, but thank you.

**ARCH:** Time, Senator.

**JACOBSON:** Thank you.

**ARCH:** Senator McKinney, you're recognized.

**McKINNEY:** Thank you. So to be clear, LB840 in the package would not have any fiscal impact. None of these bills have any fiscal impact at all. We're not trying to give anybody a cent, really. There's no fiscal impact. LB840 is just saying, hey, let's put together a plan to look at eliminating poverty. I don't see a-- I, I honestly don't know how anybody could have a problem with trying to put together a plan to eliminate poverty. The, the stuff around OHA, as Senator Cavanaugh was stating, is the Omaha Housing Authority has not been doing a great job. And why he, Senator Jacobson, why he said illegal evictions is because I stated earlier they paused their evictions because it was found that they weren't notifying residents that they had an option to seek grievances, so they were being evicted without being allowed to go through a grievance process. So, yes-- technically, yes, it's illegal evictions. So that's what had happened. I'm not sure where the other questions are coming from. This, this whole package is trying to help people and trying to find creative ways to address poverty, look at what is supposed to be one of the biggest crisis in our state, and is housing, and trying to provide more flexibility for individuals that are trying to tackle our affordable housing crisis or our housing crisis in the state, and trying to assist different municipalities with their issues. And that's what we're trying to do with this package. And so I hope that I can get your support. I'm not try-- again, portions of this is only-- as far as the Housing Authority-- is only, only limited to Omaha. I'm not trying to go after other housing agencies. The, the housing elimination action plan was more expensive, but after the hearing and talking to other, other municipalities, we limited it to just Lincoln and Omaha. Lincoln and Omaha do not have opposition to this, that the, the municipalities that did have opposition, we amended them out of the bill and they are now OK-- now

neutral and OK with the bill. They don't have opposition just to be clear. Thank you.

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

**J. CAVANAUGH:** Thank you, Mr. President. I appreciate everybody's interest in this. And, and, again, I would point you to the fact this is a real conversation. People have real questions. One of the reasons people have real questions is there was-- some opposition to this bill was ginned up late last week, and letters were sent out to most of your rural or other housing authorities and agencies to put fear into people. And I didn't-- I was remiss in not pointing this out. Senator McKinney pointed it out in his introduction. We had the hearing on this bill. Nobody came in opposition. We didn't hear anything from OHA or from anyone about it and then it was put into the committee package and it was coming up-- basically, we knew it was coming up pretty soon because it's the committee priority bill on the floor. And I got an email last Friday asking to meet and discuss this bill. And it was directed to me. And I said, well, this is-- Senator McKinney's bill is, is implicated here as well. I'm going to ask him to join this meeting. So we offered to meet Monday or Tuesday. We met on Tuesday, which was yesterday. I know it's hard to remember with this week. But we had the meeting, and I would call it productive. We had a very robust conversation about the Omaha Housing Authority's issues with this. We had a conversation that talked-- covered why this bill exists and why it is where it is now. But what I will tell you, colleagues, is we write bills, but we need input from the folks these bills affect. And when folks stall, don't come to hearings, don't give us their input and then are upset when a bill is moving, that makes me angry. Right? I think it should make all of you angry. If one of your bills was on the agenda-- we all know how hard we work to get a bill to move, but we all-- when your bill's on the agenda and it's moving and you have had no opposition, and at the 11th hour somebody shows up and tells you all of these problems, that's frustrating. And what I will tell you is we had this meeting. It was contentious at times, but the result of that meeting was we think we can make some changes to this bill between now and Select to alleviate some of the concerns that were articulated, maybe not all of them, because part of this is, this bill is about holding Omaha Housing Authority accountable, specifically. And they are-- shocking, agencies do not like to be held accountable. We all know that, nobody wants to be called on the carpet, as it were. But so they're not going to be happy about everything in here, but we can have a conversation and make some changes that address their concerns. But we could have done that before this bill is up now if they had reached out to us and engaged.

So that's why, at this point, we're asking folks to vote for this bill and move it forward. And I am telling you, Senator McKinney and I have worked with them, we are having continuing conversations where we're getting some pretty dense information to digest to work on potential proposals that address some of the concerns. So we will do that, we will work on it between now and Select. But to go back to what we're actually talking about here, illegal evictions is what we're talking about. And we're talking about different-- Senator Jacobson, then people not paying. One-third of all residents in OHA qualify for the minimum amount. So OHA is subsidized housing. So it is housing of last resort. It's meant for folks who are poor, right? Average income in OHA, \$15,000 a year. So that's the average income. But one-third of everybody qualifies for their minimum amount, which I'm told I think it's \$50 a month. So what Senator McKinney was talking about is the grievance process they weren't notifying people of. Which means that when someone says they're going to increase your rent, people have an opportunity to object because this is income-based rent, people could say, no, my income didn't go up or my income went down or I have a justification for less rent. So, Senator Jacobson, if it's just for not-- nonpayment, it's not just for nonpayment, it's because they weren't assessing the correct rent that they're supposed to--

**ARCH:** One minute.

**J. CAVANAUGH:** --under the federal guidelines. So that's why we're talking about it's important to make sure that people's rights are represented and that we're doing this right. Because the disproportionate impact that these evictions have on our communities and the people were talking about, and that the intention here is, is to provide a safety net for our most marginalized folks. So the government is the actor and it is violating people's rights. We have a responsibility and an opportunity here to set that right in this bill. I'll push my light again because I got, apparently, more to say, but I appreciate the questions on and off the mic. I would happily entertain more questions to clarify any the concerns that folks have had raised. But this is a good bill with all of the parts in it. And it is something that will be meaningful to the people we're talking about. But the people we're talking about are only the folks in the housing agency, owned properties--

**ARCH:** Time, Senator.

**J. CAVANAUGH:** --in the city of Omaha. Thank you, Mr. President.

**ARCH:** Senator Day, you're recognized.

**DAY:** Thank you, Mr. President, and good afternoon, colleagues. The first thing that I wanted to mention was Senator Jacobson had a question about the cap on the rural workforce and the middle income and the difference between the two. Thankful to our wonderful Urban Affairs Committee counsel, Elsa Knight, who checked for us, and the rural cap is currently at \$10 million. So we would just be equating the cap as well as the percentage buy-in that we mentioned earlier down to 25%. So we would just be making those two equal, one would not be higher than the other or lower than the other anymore. The other thing that I wanted to mention about the cap is I think what we're seeing-- what, what this illustrates-- the need to raise the cap on middle income illustrates the high level of need for this type of housing in these areas. If agencies are meeting the cap already and cannot get the other funds that are just sitting there and not being used, then we are literally illustrating the need-- the high level of need in these areas. It's not like there's just money sitting there that we're just adding more funds to and no one is using them. We are using them, but we can't access them because of the cap. So that illustrates the high level of need in these areas and the need to increase the cap. Also my Sarpy County senators, Senator Holdcroft, Senator Blood, I want to make sure I perk your ears up a little bit because there is a piece of this bill that is really important to Sarpy County. Within the committee amendment, as Senator Ballard mentioned his LB881 is in there which expanded eligibility to the areas within Lancaster County outside of Lincoln. Thanks to John Cavanaugh-- Senator John Cavanaugh for his catch in working with me to make sure that we had an amendment to Senator Ballard's bill so that we would also be including Sarpy County in that because of the similar geographical proximity to larger cities. And that was amended into Senator Ballard's bill and that was amended into the committee amendment. So this is a really important piece of legislation for workforce housing and economic development in Sarpy County. So please make sure you are supporting AM3092, AM2862, and LB840 if you are a Sarpy County Senator. Thank you.

**ARCH:** Senator Linehan, you're recognized to speak.

**LINEHAN:** Thank you, Mr. President, and good afternoon, colleagues. I rise in support of both amendments and LB840 for a couple of reasons. First of all, Senator McKinney is the Chair, it's his committee's bill, and I think we need to respect that. So that's one reason. Another reason is more-- I understand, like, the title eliminating poverty is something we should all work on everyday. And I also understand that it's probably unlikely that we'll ever eliminate poverty. I get that. But what I see in Omaha is we have a lot of

people, good-hearted people trying to do things, but it, it doesn't change anything. And I'm not talking about, you know, just little amounts of money. I'm talking about nonprofits spending tens of millions of dollars, but it's not coordinated. And I think we could-- I think if the cities had a plan and somebody just said, well, plans don't always come to fruition, I, I get that, but at least you have an idea of what everybody else is doing. This idea that people go off, whether it's this nonprofit or that nonprofit or, I'll just throw them out there, the Catholic Church or Lutheran Family Services, and there's no one place where they can all go and see who is doing what. That seems like that would be a very good idea, and in the long run would actually help address poverty making sure that-- and also coordinating what, what the state government does and what the federal government does. I mean, I'll give you just an example of one thing that I've asked for an LR on this summer, of which I will be asking several of you to participate in, early childhood education. We got faucets turned on all over, we've got faucets turned on at Department of Health and Services, we have faucets turned on at the Department of Education, we have tax credits we passed here. We have other amounts of money that people are asking for, but nobody-- I guess the Buffett Foundation has something on their website right now, I have not looked at it. But, but it's not coordinating, folks. We don't-- we don't even know really-- I don't think, maybe some of you do. Do, do we know exactly how much we have appropriated for that in the last 5 years? So the idea that people should have plans, and coordinate and talk to each other, I'm 100% behind, so. Thank you, Mr. President.

**ARCH:** Senator Erdman, you are recognized to speak.

**ERDMAN:** Thank you, Mr. President. So, Senator Cavanaugh-- John Cavanaugh, if you'd get back on the mic, I'd like to ask you a few more questions.

**ARCH:** Senator Cavanaugh, will you yield?

**J. CAVANAUGH:** Yes.

**ERDMAN:** OK. Senator Cavanaugh, here's a statement that I got-- I received from the rural housing people, the housing in my area. It says they, they believe the proposed changes to the Housing Agency Act will negatively impact federal funding for public housing in the state of Nebraska, irregardless if they're in Omaha or not. Is that a true statement?

**J. CAVANAUGH:** I don't think that's true. I think that's probably some nuance that, that I maybe am not equipped to answer right now. If I could, I would expand. So this bill only applies to OHA so it's not going to affect any federal housing funding for anybody else. I don't know what the justification for the assertion it would affect the funding overall to OHA. So I, I guess I'd have to know what their basis for asserting that is to answer that question.

**ERDMAN:** All right. I understand that. I noticed that-- and this is not your bill, but specifically on LB840, the fiscal note said it's no cost to the state. And so my concern is, you know, it's no cost to the state, it's going to cost Lincoln and Omaha or somebody something. Right? Would that be a fair assumption?

**J. CAVANAUGH:** I would imagine there'll be some amount of effort exerted. But my recollection of the hearing-- and, again, you correctly say that this is not my bill, was that Omaha and Lincoln basically said we kind of have staff who's equipped to do this. And so they may be tasked to do it, but might want to check with them specifically, but they didn't-- Omaha-- the reason the bill got constrained to just Omaha and Lincoln is they basically said, yeah, we're fine with doing this. And they didn't seem to have a problem with, with what it would take for them to do it.

**ERDMAN:** OK. So we'll get back to this-- to the, the housing deal. It says the unfunded mandate that could-- it could financially cripple the agency and/or undercut their ability to do and manage their property. Would that be true or not?

**J. CAVANAUGH:** I absolutely disagree with that. This is an agency that has a budget of \$78 million. We're talking about providing lawyers to maybe 400 people. And as I said to Senator von Gillern, I think \$65 an hour, my math was that's about \$136,000. So if, if they're going to say \$136,000 is going to financially bankrupt a \$78 million agency, I think they have a bigger problem than what we're talking about here.

**ERDMAN:** OK. Thank you. Senator McKinney, will you yield to a question?

**DeBOER:** Senator McKinney, will you yield?

**McKINNEY:** Yes.

**ERDMAN:** Senator McKinney, you may have heard my question to Senator John Cavanaugh about the fiscal note.

**McKINNEY:** Yeah.

**ERDMAN:** And the fiscal note says there's no cost to the state, but it could cost Lincoln and Omaha. Are you in agreement that there's no cost to the state? And if you are, do you have an idea whether it would be a cost to the city of Lincoln or Omaha?

**McKINNEY:** I'm not sure what the cost-- well, it wouldn't be a cost to the state. I'm not sure what the exact cost would be for the city of Lincoln and Omaha, but I've talked to people, individuals from both the city of Lincoln and Omaha. They are already sort of doing a lot of this and there-- and there is also different entities in both-- that operate in both Lincoln and Omaha that already do a lot of this that have offered up their services to assist both Lincoln and Omaha with help with putting together these plans. So I'm, I'm not too concerned, and it didn't seem like Lincoln and Omaha was too concerned about the cost as well.

**ERDMAN:** OK. All right, thank you for answering the question. Thank you.

**DeBOER:** Thank you, Senators McKinney, John Cavanaugh, and Erdman. Senator von Gillern, you're recognized.

**von GILLERN:** Thank you, Madam President. Would Senator John Cavanaugh yield to some questions?

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

**J. CAVANAUGH:** Yes.

**von GILLERN:** Thank you. Senator Cavanaugh, we had a conversation off mic and, and talked about the fact that OHA has some concerns about, particularly, the questions I asked you a little bit ago regarding legal defense of tenants that are-- that, potentially, could be evicted. And I just want to confirm you've, you've had conversations with OHA. Are there potentially some changes that you're considering and making to your-- to your bill or, or to, I guess, to the amendment and if you're at liberty to say what those might be and, and what that might look like going forward?

**J. CAVANAUGH:** Sure. Well, I don't want to commit to anything in particular. So thank you for this question, Senator von Gillern. What I would say is, again, we had our first conversation yesterday, Tuesday, and we actually have had several conversations out in the Rotunda today and gotten some more information. And there are some, I would say, concerns that I think are really addressable that we can get to. And Senator McKinney and I are very happy to work on that and

get the bill, because we are-- we feel strongly about the objective of this bill and amendments that are going to serve the intention of the bill and make it actually work better, which, again, experts engaging with us help us to craft bills that actually work the way we want them to. And so we are committed to bringing an amendment on Select that will address at least some of those concerns. I'm not sure where we're going to be on all of them. I would say they, they enumerated 5 to 6 concerns. And I would say we've got some really solid ideas on about 4 of them. And so we're kind of still-- there's some really dense information, essentially, to digest on some other ones and we're just going to need a little bit-- we couldn't get an amendment drafted for today. But, yes, we're, we're committed to working with them, continuing the conversation. We appreciate them finally engaging with us about it. And we will embrace it in the spirit in which it is intended, which is, I think, collaboration to serve the residents of the Housing Authority.

**von GILLERN:** Thank you, Senator Cavanaugh. Would Senator McKinney yield to a question?

**DeBOER:** Senator McKinney, will you yield?

**McKINNEY:** Yes.

**von GILLERN:** Senator McKinney, I'm not asking you to, to affirm what Senator John Cavanaugh said. I believe everything that he said. I just want to make sure that you're of a similar mindset of working with OHA to try and reach a resolution and, and try and move this forward in a way that still achieves your goals, but, but is possibly a more workable scenario for them.

**McKINNEY:** Yes, I've told them, like I'd tell anybody, I'm willing to sit down and talk to anybody and try to find a pathway to find solutions that, as best as possible, makes, you know, if you-- maybe not always make everybody happy, but at least get to, you know, a space where it-- where it's not as-- get to a, a better space I would say that.

**von GILLERN:** OK. Good.

**McKINNEY:** So, yes, I'm open to that.

**von GILLERN:** If you're committed to do that, then I-- then I stand in support of the bill and the amendment. Thank you.

**McKINNEY:** Yep. No problem.

**von GILLERN:** Thank you, Madam President.

**DeBOER:** Thank you, Senator John Cavanaugh, Senator McKinney, and Senator von Gillern. Senator Vargas, you're recognized.

**VARGAS:** Thank you very much. I won't-- I just want to make sure that I got up and talk in support of the intent of the bill and what Senator McKinney is trying to do here. While I necessarily wouldn't agree with every single component of this, I think that there's a couple of things that I think are important to call out. Plans are not bad things. Having the intent to have plans help us to inform how municipalities can and should do more. And in, in this particular instance with OHA, you know, in my experience, both working with them and seeing what accountability looks like, I think that we can do a better job of accountability and also working with them. I trust empowering Senator McKinney to do everything he can between General and Select to then improve upon this. And it's good to hear from Senator John Cavanaugh that, look, compromise doesn't mean that they're going to agree on everything that they're intending to do. That's, that's not, in my opinion, the goal of this. It's that there are some things that they could possibly work on and find common ground. There might not be common ground they find on certain things. What I, ultimately, care about is whether or not we are reducing unnecessary evictions, whether or not we actually are reducing poverty. We're creating more fairness and equity in the system for residents, the voices of the people that are actually on the OHA Board that are more representative of the people that are-- that are being impacted, not only by housing insecurity or are-- or are on many of the programs that are equated with poverty, we want to make sure that their voices are being included in the policy that is shaping their day-to-day life. And then second, separate aside from some of the other amendments, look, for rural and middle income workforce housing, the, the endgame here is-- and I think Senator Day said this pretty aptly, which is if we're expanding them, it's because there's need, there will not be funding for this after the end of next year, I assume they will get all the money out, especially now that we're expanding it and allowing more allowable uses. So for everybody watching, especially for those within the middle income, we are opening it up. By opening it up, we're also creating more competition. Competition is not bad, but it also means that people that have received it in the past from Douglas County and Lincoln, there's going to be less of the piece of the pie available, and you're going to have to really demonstrate how you are the most effective, potential grant applicant for this. And the same thing for the rural workforce housing. In the future for both of these, we should be finding a more

sustainable source of funding for both. I've been on the mic and said that the doc stamp tax is one really good use of that. And negotiations should start now for next year when I'm not here. I'll leave that up to those that have been working on this bill in the past, but we should absolutely provide parity, which is what this does stand to answer Senator Jacobson's questions about both the programs. This is providing some parity. We didn't fix it last year. As you know, we-- it wasn't easy to, to amend a lot of bills and make up some of these fixes. So this does that with some of it providing parity at least with the matching grants. I'm indifferent on the increasing to the \$10 million because I still believe we need more diversity in the groups that are receiving it as long as the most effective and the most successful, sort of the most efficacy in terms of programs are being awarded. That's what I really care about. And so, yes, I'll support this, support what the committee is trying to do. And we'll look to what the amendments look like and as long as we are doing right by residents and constituents as much as we are OHA. Thank you.

**DeBOER:** Thank you, Senator Vargas. Seeing no one else in the queue, Senator McKinney, you're welcome to close on your amendment.

**McKINNEY:** Thank you, Madam President. In, in closing, I just want to say with the Poverty Elimination Action Plan, I just want to get to a space where we start at least trying to address poverty in, in some type of way. We may never, actually, eliminate poverty, but I think we should try. I think we should do things to try to address it as best as possible. And I think we all have a responsibility in our capacities to try to do something about it. And that's why I brought that portion of the bill. As far-- as far as OHA and the provisions of the-- of the amendments that address OHA is just trying to hold them accountable and give the residents of OHA a voice, a stronger voice, and for them to know that the Legislature is paying, paying attention and that we care about them. Because I get calls all the time about this and they ask me, Senator McKinney, what are you going to do about this? They don't feel like anybody cares at any level of government, because all of these stories keep popping up and nothing is changing and that's why we're trying to address it. As far as the middle income workforce housing and the changes, we're just trying to do all we can to address housing in the state of Nebraska. If it's a-- if it's such a crisis, I believe we should do all we can to provide more access to housing as fast as possible in all areas of Nebraska so we can have more access to housing for Nebraskans, especially with dollars that should go to them. And with that, I ask for your green votes on AM3092 and AM2862 and the underlining bill. Thank you.

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**DeBOER:** Thank you, Senator McKinney. The question, colleagues, is the adoption of AM3092. All those in favor vote aye; all those opposed vote nay. 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:** 22 ayes, 4 nays to place the house under call, Madam President.

**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 presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Armendariz, Wayne, Riepe, Hunt, the house is under call, please return to the Chamber. The house is under call. Senator Wayne, the house is under call, please return to the Chamber. All unexcused senators are now present. Senator McKinney, there was a vote open. Would you accept call-in votes? We're now accepting call-in votes.

**CLERK:** Senator Wayne voting yes. Senator Conrad voting yes. Senator Bostar voting yes. Senator Hunt voting yes. Senator Ibach voting no. Senator Riepe voting yes. Senator Armendariz voting no. Senator Dover voting no.

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

**CLERK:** Madam President, 28 ayes, 10 nays on the adoption of AM3092.

**DeBOER:** The amendment is adopted. I raise the call. Returning to debate on AM2862. Seeing no one else in the queue, Senator McKinney, you are welcome to close on-- Senator McKinney, you're welcome to close on AM2862.

**McKINNEY:** Again, this is the committee amendment. And if you weren't on the floor, I would repeat again that LB840 is the Poverty Elimination Action Plan. And it's my effort and I think it should be all our effort to do all we can to try to eliminate poverty. It's not the solution. I don't think anybody has a complete solution to eliminate poverty, but I think we all have a part to try to do-- to try to eliminate poverty. Also, I think as a body and as senators, I think we have a responsibility to try to do all we can to assist the residents that live in Omaha Housing Authority's jurisdiction to try to help them assist them, because as you've seen from all these stories that their concerns have not been addressed. Lastly, I think with the middle income workforce housing, I think we should do all we can to try to address the housing crisis in the state of Nebraska. And

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with that, I'll ask for your green vote. Thank you. Roll call vote, reverse order.

**DeBOER:** There's been a request for a roll call vote. Colleagues, the question is the adoption of the Urban Affairs AM2862 amendment. Mr. Clerk, please call the roll in reverse order.

**CLERK:** Senator Wishart voting yes. Senator Wayne voting yes. Senator Walz voting yes. Senator von Gillern voting yes. Senator Vargas voting yes. Senator Slama voting no. Senator Sanders. Senator Riepe voting yes. Senator Raybould. Senator Murman not voting. Senator Moser voting yes. Senator Meyer voting yes. Senator McKinney voting yes. Senator McDonnell voting yes. Senator Lowe voting no. Senator Lippincott voting no. Senator Linehan voting yes. Senator Kauth voting no. Senator Jacobson voting no. Senator Ibach voting no. Senator Hunt voting yes. Senator Hughes voting yes. Senator Holdcroft voting yes. Senator Hardin voting no. Senator Hansen voting yes. Senator Halloran not voting. Senator Fredrickson voting yes. Senator Erdman voting yes. Senator Dungan. Senator Dover voting no. Senator Dorn voting yes. Senator DeKay voting yes. Senator DeBoer voting yes. Senator Day voting yes. Senator Conrad voting yes. Senator Clements voting no. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting yes. Senator Brewer voting yes. Senator Brandt voting yes. Senator Bostelman voting no. Senator Bostar voting yes. Senator Bosn. Senator Blood voting yes. Senator Ballard voting yes. Senator Armendariz voting no. Senator Arch voting yes. Senator Albrecht voting no. Senator Aguilar voting yes. Vote is 31 ayes, 12 nays, Madam President, on adoption of the amendment.

**DeBOER:** The amendment is adopted. Returning now to discussion of LB840. Is there anything else on the bill?

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

**DeBOER:** The question is-- oh, Senator McKinney, you are welcome to close on LB840. Senator McKinney waives. The question is the advancement to E&R Initial of LB840. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Mr. Clerk, please record.

**CLERK:** 30 ayes, 11 nays on advancement of the bill, Madam President.

**DeBOER:** It is advanced. Senator Cavanaugh, for what purpose do you rise?

**M. CAVANAUGH:** Point of personal privilege.

**DeBOER:** Please state your point.

**M. CAVANAUGH:** Thank you, Madam President. Colleagues, I have just filed a resolution. I have spoken with Senator Slama, Senator Cavanaugh, Senator Dungan, people directly impacted. I would like to thank Senator Slama and von Gillern for their words on the floor yesterday in relation to what transpired. This is not a partisan issue, nor a gender-specific issue. This is something that we should all care about deeply. As a victim of sexual violence myself, Senator Halloran's words have harmed me in ways that I have yet to fully process. I'm grateful to my family, my friends, several of my colleagues, but not all, and especially my husband, Nick, for their love and support. I want to acknowledge that I am not the only person in this body who was brought into this vitriol. Senator John Cavanaugh and Senator George Dungan's names were dragged into the vulgar transgression. On Monday evening, Senator Halloran read what he himself described as pornography on the floor of the Nebraska Legislature. While reading what he acknowledged to be profane passage of a book, Senator Halloran invoked my name, and he did so in such a way that it sounded like he was demanding me to perform a sex act upon him. I cannot recall any time in recorded history where such a transgression has transpired in a deliberative democratic legislative body. This behavior cannot be repeated or normalized. Senator Halloran must be held accountable, and this body must stand up for dignity and integrity. The language used by Senator Halloran was so offensive that the local news had to bleep out the language, an extremely uncommon occurrence, as did the national news over the lunch hour when Senator Slama spoke and they showed the clip. Senator Halloran stated on this floor yesterday morning that he invoked my name and/or my brother's name because he wanted to make sure we were listening to him read profane language on the floor of the Legislature. I do not believe that is an acceptable reason for what he did. It is for this reason that I am submitting a resolution to the Executive Committee formally accusing Senator Halloran of sexual harassment. This incident will not be whitewashed nor minimized. I have heard from people all over the state and the country. What happened on Monday night was disgusting and offensive to me, but this resolution isn't about me. It's about every survivor in the state who listened or will hear about what happened and be further victimized, further traumatized. It's about using the power of this office, of all of our offices, to ensure that we are not causing harm to the very people we claim to care so much about. It's about consequences. Demonstrating that there are consequences to victimizing people, to taking away their consent, to silencing them and shaming, to abuse. Colleagues, this is a grave

situation and it should be treated gravely. It should be treated also with compassion and it should be inclusive of the people who were named. I appreciate Senator Aguilar for taking initiative, but no one spoke to me. No one asked me-- and I will not speak for my brother, but I think he might say the same thing-- what we wanted, what we needed. And it feels very patronizing to have my colleagues go into a room without me, without Senator Slama, without Senator John Cavanaugh, without Senator George Dungan, and decide how to proceed. This is how we will proceed. It will be in public and it will be transparent. And there will be a hearing. Thank you, Madam President.

**DeBOER:** Senator Slama, for what purpose do you rise?

**SLAMA:** Point of personal privilege.

**DeBOER:** State your priv-- state your point.

**SLAMA:** Thank you, Madam President. Good afternoon, colleagues. I'm, I'm not going to retread the water that Senator Cavanaugh has already gone down, but I just want to give some light to this from a pro-- procedural perspective. The investigation that was announced this morning, while I respect that it can be seen by the public as being better than doing nothing-- and I have nothing but respect for Senator Aguilar-- the investigation that was announced this morning is clearly an attempt to slow-walk this until the end of session. We don't need an investigation. We don't need to waste taxpayer resources hiring an outside counsel. We owe it to the people of Nebraska to take care of this now. If we cannot take immediate action on something that is said on camera to the entire state, our policies are not sufficient. To pretend like our policies are sufficient when, as we announced an investigation, it is important for people who haven't operated in this space to realize is that the outcomes we can have at the end of whatever investigation the Executive Board is putting together, which, mind you, I'm a member of the Executive Board. I'm the only female on the Executive Board out of 49-- out of 9 senators on the Executive Board. I was not notified that this was going to be announced today. Moreover, those impacted were not notified that this was going to be announced. So not only are we announcing an investigation according to our policies, but in the process of announcing that investigation, we are already violating that policy because we've failed to loop in the senators who were actually harassed. So we can't have an investigation under any kind of harassment policy when those harassed aren't looped in to the fact that an investigation is going to happen until it's announced on the floor. Moreover, the three outcomes we can have at the end of this investigation are the exact same that we can have now.

Three options: a letter of condemnation from the Executive Board, a censure, or an expulsion motion. Senator Cavanaugh has taken the initiative to file a resolution to, I believe, censure, right? Which I support us taking up. We don't need an investigation. We deserve to have this, as these comments were made, this investigation happened just as publicly. An investigation only serves to slow-walk this, sweep it under the rug. Which I know has offended some people. I don't care. I got accosted for that yesterday, for saying that we were going to sweep this under the rug. And then sure enough, this morning, an investigation to do just that, to slow-walk things so that we can't take action before the end of session, which disqualifies two out of the three options we have, would be off the table. Like, I get that what Senator Cavanaugh is doing is inconveniencing certain people. But at the end of the day, we are lucky as a state that this is the highest cost we have for the completely inadequate policies we have now in dealing with workplace harassment. God forbid, next year, as we're sitting here every single year, every year I've been here, we've been a national joke. Like, you all realize this is on CNN, this is Yahoo, this is AP, MSN. The entire country is looking at the state of Nebraska going, wait, what did he say? And why haven't they-- oh, they're invest-- they have to investigate the thing that they caught on camera that he shared to the entire-- why? Every single year, it is some variation of this. And thank God we're dealing with this now because, God forbid, next year it's some poor staffer that gets victimized and they have the good sense to lawyer up and sue the state. Because our harassment policies, our workplace professionalism policies are so inadequate even compared to other state legislatures. So we're going to have this debate. We're going to have it publicly. And I wanted to give some color to what this process was going to look like and why I'm supportive of it. And I would like to thank the Cavanaughs for their grace during this process. You have shown a lot more grace than I'd be able to. And, yeah, I look forward to moving forward with this discussion and this debate happening in the full light of day. Thank you, Mr. President-- Madam President, so sorry.

**DeBOER:** Thank you, Senator Slama. Mr. Clerk.

**CLERK:** Some items, if I could, Madam President. Your Committee on Revenue, chaired by Senator Linehan, reports LB1032 [SIC--LB1023] and LB937. A corrected committee report on LB937, both to be placed on General File with committee amendments. Amendment to printed from Senator Clements to LB1027. As it concerns the legislative agenda, Madam President, General File, LB1329, introduced by Senator Murman. It's a bill for an act relating to the Nebraska Career Scholarship Act; changes provisions relating to an award to a student attending a

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community college, state college, private college, or the University of Nebraska under the act. Madam President, excuse me, LB1392-- LB1329, introduced by Senator Murman. My apologies. Senator Machaela Cavanaugh has a motion to indefinitely postpone the bill pursuant to Rule 6, Section 3(f).

**DeBOER:** Pursuant to the rules, Senator Murman, you're recognized to open on the bill.

**MURMAN:** Thank you, Madam President. LB1329 with AM2831 is the Education Committee's first priority bill, which represents a lot of hard work from all the members of the committee. Amended into LB1329 is LB855, LB962, LB1012, LB673, LB1385, and LB1339. I don't necessarily have the time to go into each of these bills, so I will invite each of the original sponsors of those bills to get on the mic and introduce their part. LB329-- LB1329 seeks to strengthen the career scholarships program. To provide some context, career scholarships were created in 2020 as a way to curb the brain drain in Nebraska with the goal of getting successful students to go to a Nebraska school and be connected with an internship before graduation. The scholarships are intended to specifically attract critical jobs that we need more of in this state that will reward those graduates with a good salary right here in Nebraska. At the university level, about half of the scholarships that have gone out have gone to engineering, around a fifth have went to computer science, and around a fifth have went to healthcare programs. These are jobs that our economy needs. And in many cases, we have been struggling with a shortage in these roles. At the state college level, I don't have exact data, but I do know education is a top use of the scholarship which is, of course, a sector in the workforce we need more of. A 2023 article in the Journal Star wrote that the scholarship was both an effective recruiting tool to keep top Nebraska students close to home, and students who received the scholarship are more likely to finish their degree. One student who was trying to decide between UNK and Northwest Missouri State University to study speech language pathology said it definitely played a big factor in choosing a college. It was important to me to not be drowning in debt. Despite the quality of the program, there are still some flaws that still this bill is hoping to fix. I and the members of the Education Committee have done a good bit of work here, meeting with the community college system, the State College System, and the Council of Independent Colleges to make sure everything in here they're on board with. They all want this program to succeed so there's just a few modifications that I'll go into. Firstly, the original bill did not account for students who may have earned a credential through dual enrollment while still in high

school. As early college or dual enrollment programs become more common, we want to make sure the scholarships include them, especially when we consider the goal of this scholarship is to attract high-performing students and students who are taking dual credit in high school. They will likely be in that category. Secondly, the original bill also had some challenges with original reporting dates, so this modifies those dates to be better in line with census and graduation data. Next, this bill shifts the administration from the Department of Economic Development to the Coordinating Commission for Postsecondary Education. The community colleges and independent colleges have expressed that the CCPE would be better involved in this process and is a more logical fit. Next, this bill would allow for scholarship eligibility to consider high school GPA of 3.0 or higher. Because some schools have been moving toward a test optional, this would be a logical change. Finally, this bill adds ROTC as an eligible program of study. This was a recommendation that came to us after learning that some of our schools' ROTC enrollment has been struggling, and the program risks being the chop-- on the chopping block. When we consider the fact that both our U.S. Military and Nebraska National Guard are going through substantial recruiting shortage, adding an extra incentive that our colleges can offer to encourage ROTC students would be a good addition. To conclude, the Career Scholarship Act set up a great program, and LB1329 seeks to strengthen it with several important but relatively simple changes. With that, I'll first yield to Senator Conrad to introduce her part of the bill and that is LB855.

**DeBOER:** Senator Conrad, you are yielded 4 minutes, 24 seconds.

**CONRAD:** Thank you so much, Madam President. And thank you so much to my friend, Senator Murman, for the additional time to talk about one of the components in the committee bill that I'm very excited to bring forward. I think if you will look at the entirety of this Education Committee package and, and you know from experience in this body, we have an incredibly politically diverse Education Committee, and we have worked through some of the most complex and controversial issues before the Legislature maybe to rival-- OK, I hate to pick committee-- favorite committees, but maybe to rival only our friends on Judiciary. But still, we were able to put forward a host of consensus issues to address student needs, to address curriculum, to address teacher shortage, and to address school safety, among other key legislative priorities for the Education Committee. I'm very grateful to my colleagues on the Education Committee for the inclusion of LB855, a measure that I introduced. I think back on the first day of session this year, to end the abusive practice of school districts turning

families over to collection agencies for unpaid school meal debts when it came to their kids buying school breakfast or school lunches. After doing a bit of research and analysis in conjunction with news reporting on the topic, it seems that this was a fairly limited practice in approximately a handful of our school districts in Nebraska. And the ones that had utilized this tool had utilized it in the distant past or quite sparingly. However, there were still some districts in Nebraska that-- and it was their prerogative under existing law, turning families over to collection agencies for unpaid school meal debts, including right here in my home district at Lincoln Public Schools. There was a lot of media attention around this practice. We had a great hearing on it. My bill has been included in the Education Committee package. There's a zero dollar fiscal note to it, there was a very limited amount of opposition, and there was a significant amount of support. Friends, let me tell you that the-- this issue impacts primarily, primarily families who are living right on the edge. Many families, neighbors in need who qualify for free or reduced lunch have support and access to school nutrition programs through those existing services. But sometimes the paperwork gets messed up, or sometimes it doesn't get filed in time, or sometimes the family is right on the edge and really having trouble making ends meet and can fall behind on school meals. So, typically, families will rack up very modest debts when it comes to school lunch or school breakfast accounts and that--

**DeBOER:** One minute.

**CONRAD:** --thank you, Madam President-- can cause a great deal of shame and anxiety for the families and children. And then when that modest amount of school debt is turned over into the collections process, the court process, that can create a cascading set of consequences for families when it comes to their credit score, employment implications, future rental and housing implications, and the list goes on and on. So the Education Committee rightly saw fit to end this practice uniformly by adopting components of LB855 into LB1329, and I would urge your favorable support thereof. Thank you, Madam President.

**DeBOER:** Thank you, Senator Conrad and Senator Murman. Senator Machaela Cavanaugh, you are recognized to open on your motion.

**M. CAVANAUGH:** Thank you, Madam President. So this motion I filed as sort of a preventative measure. There were things I'm concerned about in the committee amendment, but people have been working on that, and there have been amendments filed. And so I'm going to keep this up just for a little while so that everyone has the opportunity to read

the amendments that were filed today. So please do that. And I would like to yield my time to Senator Kauth so that she can open on her amendment.

**DeBOER:** Senator Kauth, you are yielded 9 minutes 30 seconds.

**KAUTH:** Thank you, Madam President. Thank you, Senator Cavanaugh. I brought LB1385 to this package. We've had some truly exceptional teachers in this state, and for us in Millard, as a parent, whenever I would go and speak with the student teachers at the schools or talk with college kids who are looking for student teaching positions, Millard has always been one of the top choices to get into. They want to work there. There has always been stiff competition for these jobs. I've had years when we've talked to kids and there have been 100 people applying for a position. Many teachers actually prefer to be substitutes in Millard in hopes of getting a leg up to secure a full-time position. But as members of this Legislature know all too well, we're now facing a severe teacher shortage, even in Millard. We need to be able to affect-- attract not just potential teachers living in Nebraska, but those who are outside the state and might be considering a move. I'm grateful to the Education Committee for including LB1385 on their committee priority. LB1385 is twofold. First, it allows reciprocity of teacher certifications with other states. To use this reciprocity, the teacher must have held their certificate for at least one year, be in good standing in all the states he or she holds that certificate, and have no pending investigation or complaints. Second, it directs the Department of Education to create a portal on the department website that allows a teacher to apply for endorsements, and it allows as an alternative to taking a course, the successful completion of a subject specific content examination. Basically, we trust that a fully certified teacher who demonstrates competency in a subject will be able to teach it effectively. This is going to save significant time and money. I've had several teachers reach out to me talking about how difficult it is to get certified in Nebraska after moving from another state. One actually said, you don't want new teachers here, do you? One male special education high school teacher-- a male special education high school teacher, that is an incredibly difficult position to fill, and his wife who teaches bilingual elementary school, they moved from Texas, and apparently Nebraska does not recognize a Texas teacher certification. They moved to be closer to family to deal with a special needs child. They cannot get certified here without significant additional time and cost. They would have to take additional classes and redo their student teaching. They are not teaching. These are people who love being teachers. They have an

incredible skill set that we desperately need and the state through bureaucracy is not allowing it. Another teacher with a master's degree and certified in three different states, even as a wife of a Military member of Offutt, which we are supposed to be able to have Military members have certification reciprocity. She has had such difficulty negotiating the Department of Education website. She took a teacher assistant job, which requires a high school diploma, while she waits the 8 weeks for her application to be processed. Now if she wanted to be a substitute teacher, she would-- while she waited, she would actually have to withdraw her teaching certificate application, reapply as a substitute teacher, and then wait another 8 weeks, because you can only have one application in at a time. We're making this unduly complicated. The goal of LB1385 is to make it more efficient for a teacher to use their subject specific skills, and make it easier for teachers from outside the state to make the move to Nebraska. I ask for your consideration of LB1385 within the Education Committee priority bill, and I yield my time.

**DeBOER:** Thank you, Senator Kauth. Senator, or Speaker Arch for a scheduling announcement.

**ARCH:** Thank you, Madam President. I am modifying today's agenda to allow the body to address a technical issue with LB1413. One of the two budget bills we advanced to Final Reading yesterday. In order to provide time for the Revisor's Office to make this technical correction and have the bills placed on Final Reading tomorrow, we will be taking up a motion by Senator Hansen to return LB1413 from Final Reading to Select File today at 5:50, right before our dinner break. Senator Hansen will explain the technical issue when we take up LB1413. Thank you, Madam President.

**DeBOER:** Thank you, Speecher-- Speaker Arch. Senator Kauth, you're recognized. Senator Kauth waives. Seeing no one else in the queue, Senator Machaela Cavanaugh, you're welcome to close on your motion.

**M. CAVANAUGH:** OK, colleagues, get ready. OK, so I know that there are amendments pending. There's been lots of conversation about it. There's lots of changes happening and I hope people took the time to review them. And with that, I will withdraw my motion and not put up any other motions. Thank you.

**DeBOER:** Without objection, so ordered. Mr. Clerk, for the title of the bill.

**ASSISTANT CLERK:** Thank you, Madam President. LB1329, offered by Senator Murman, is a bill for an act relating to the Nebraska Career Scholarship Act to amend 85-3002, 85-3003, 85-3004, 85-3005, and 85-3006, Revised Stat. Cum. Supp. 2022; change provisions regarding an award to a student attending a community college, state college, private college, or University of Nebraska under this act; change and provide definitions; to harmonize provisions; and repeal the original sections. This bill was introduced on January 17 of this year, referred to the Education Committee. That committee placed the bill on General File with committee amendments.

**DeBOER:** Senator Murman, you are recognized-- Senator Murman, you're recognized to open on the committee amendments.

**MURMAN:** Thank you, Madam President. Continuing with AM2831 and the next bill that is in with the amendment is Senator Wayne and, Senator Wayne, would you yield to a question to describe your bill?

**DeBOER:** Senator Wayne, will you yield?

**WAYNE:** Yes. Thank you, Mr. President. My-- and thank you, Senator Murman. My bill deals with using the correct maps in Nebraska. And so what this bill does, it says that the map shall be a, a map that we call a cylinder map that makes sure that we are showing the actual sizes and the right locations of maps. If you think about it, the only true way you can have a map that is correct is to have a globe. But when you take something that is sphere and you try to lay it out on paper, it gets distorted. So back in the 1500s, they decided that Gall-Peters was the easiest for people who were selling to use. And that's the maps that we see everyday, which has Greenland that looks like it's really, really big, and Australia that looks kind of small, and Africa that looks kind of small, and Russia that looks really, really big. The fact they are-- it's distorted because of how the map was, was created. It's so distorted that Atlas stopped using those maps years ago actually in the 1970s. So that's why in the Atlas and in the Encyclopedias you see the kind of spheres that are cut to try to show more. So what this bill does is says you have to use different maps. The [INAUDIBLE] map, or sorry, Mercator map as the-- as the official map. Now, I am bringing a technical amendment on Select File to just make sure some school districts are reading that they might have to get rid of their textbooks. There's a joke in here. They don't have to get rid of the obscene books, but I guess they don't get rid of them. So, anyway, too soon. All right. I'll keep-- leave that joke. I stopped halfway through. The point of it is, is we're going to have a technical amendment just saying, no, you don't ever throw away your

current books or your current maps. You can still use them. And my intention of the bill was never for them to be thrown away or not be used. But at some point in teaching about geography, we should actually have kids look at a real map. So the best way to explain is once you cross Grand Island and you keep going west, it seems like it's very long. But when you look on a map in Nebraska, you're, like, it doesn't seem that long. Well, because Gall-Peter-- Gall-- Gall-Peters actually shrinks it to where it's more square so it's easier to read. But, actually, Nebraska is kind of long so this just takes all that into account. So it's real-- not a problem bill, came out 7-0. Not an issue, it's just I want to clarify that school districts do not have to get rid of textbooks or throw away their current maps. I just want children to actually see the real maps and what is scaled right. So we're going to-- we're going to allow teachers to do that. Thank you, Mr. President. Thank you, Senator Murman.

**DeBOER:** Senator Murman, you're still speaking on your turn with 6 minutes and 45 seconds.

**MURMAN:** Thank you, Madam President. I would yield my time to Senator Ben Hansen to describe his section of the amendment.

**DeBOER:** Senator Ben Hansen, you're yielded 6 minutes, 32 seconds.

**HANSEN:** Thank you, Madam President. Well, first of all, I want to thank Senator Murman and the Education Committee for all the work they-- they've done on the underlying bill and my inclusion of my bill, LB673, into it which addresses school safety. I am passionate about the language because it is a step towards improving quick and effective response times by local law enforcement and first responders to our schools during emergencies. As a state we can do this by providing crucial updates to Nebraska's emergency response policies in our schools. I know I talked to a lot of my colleagues about this bill previously so I'm real familiar with it, but this is when we talk about the school mapping bill, this is the one we're discussing currently. Before I get into the details of the bill let me preface it with mentioning the support we have received from people across the state. As largest school district in Nebraska, Omaha Public Schools Board of Education states that updating their mapping data would, quote, save valuable time in the event of an emergency. According to Nebraska State Fraternal Order of Police, this would, quote, provide critical information and improve emergency response. I also spoke with Douglas County Sheriff, Sheriff Hanson, who is responsible for 10 high schools and middle schools. He says that this is a step towards

making, quote, our schools, students, and staff safer. These statements are just a glimpse of the resounding support I received from every member of law enforcement, school administrators, EMTs, or firefighters that I've spoken with about LB673. Most importantly, there are the parents who believe this will provide better protection of their children in attendance and help in any unforeseen crisis that are beyond our control. I might add that a similar bill has passed unanimously in several states across the country with 7 states enacting this law and 10 others that are currently pending. Out of all the states that have passed it, they have equaled 1,287 yes votes and zero no votes. So if we here, nobody will be the first no vote in all the states that have passed this. Our state requires that every Nebraska school has a safety policy in place. These policies are well-designed, thoroughly planned, and constantly looked at for ways to improve. We can thank our school administrators, teachers, law enforcement, security staff, resource officers, first responders, and many more. They have poured into this topic of safety for our students through ongoing training, drills, and conversation. You'll find consistency in these policies as they report back to Nebraska's Department of Education. In the case of an emergency, consistency is key to preparedness, response time, and the ability for policies to be operative. Another essential aspect to be effective emergency response is the information provided to first responders, along with the details of the nature of the emergency they need locations of classrooms, offices, hallways, and exits. They need to know where students are, where stairways and elevators are located, and this is where response mapping becomes necessary. What we find throughout the state is a lack of consistency in regard to school mapping. I'm happy to hear that this has been on the radar of some of our schools in Nebraska as they look to update their mapping systems. But due to lack of resources, others haven't been able to join in. Either way, updated or not, there is inconsistency, even in the case of schools working to update their maps each year using different programs. Excuse me. With the same maps, the same layout, the same designs, as soon as an emergency happens, it is important for law enforcement and first responders to have detailed maps in both electronic and printable formats immediately available to them. That will be the case with LB673's language. The bill I'm trying to incorporate today. The map requirements in this bill take into consideration specific aspects that would most benefit responding agencies. These maps would be-- be verified for accuracy during the annual walk through that takes place overlaid on current aerial imagery and grids. There would be specific labeling of details in school buildings and on school grounds. Any help a public safety agency might call in from other districts would

have access and would be familiar with the maps of the school where the emergency is because their district uses maps with identical markings. Again, that's consistency. They would have already been trained to identify the features of each location in the maps and precious time would be saved. There would be consistency again. To provide a grant that schools can use to update their maps, offer solution to the inconsistencies we are seeing with our school mapping systems. The emergency response mapping data this bill creates would be compatible with software platforms already in use by local law, local safety agencies, and schools. So where do the funds come from? It already-- it uses already set aside funds in the School Safety and Security Fund. Other states that have passed grant options for school maps are finding the estimated rate for mapping data is about \$3,500 per school, and it is estimated to cost a total of \$4 million if every school applies for a grant. I have been grateful for my discussions with the Department of Education on funding and appreciate their letters-- letter of support for the bill. They consider the mapping information in this bill as a channel law enforcement agencies and fire departments can quickly respond to an emergency event in a school, whether public or nonpublic. Safety and quick response times are something we desire for all our schools. Public schools will be able to apply for a grant through Department of Education and private schools to apply to the appropriate ESU who would pay and facilitate the implementation of emergency response mapping data. ESUs would then be reimbursed by a grant from the state Department of Education. In short, I'd like to refer back to what Sheriff Hanson stated about the policy. That this is wise, our schools need consistency.

**DeBOER:** One minute.

**HANSEN:** Thank you, Madam President. Micheal Dwyer, who I know very well, is a 38-year member of Arlington Volunteer Fire Department, a 12-year member of the state-- of the school board came to the hearing for LB673 in support. Let me just read briefly what he said. He says: The timing of this is interesting as our county, Washington County, is preparing a bill-- a drill around a, God forbid, school shooting involving law enforcement, fire and EMS, school admin and teachers, students and parents. Wednesday night we were talking about the campus and the challenges of knowing all the buildings, access entrances, hallways, and classrooms. Here was an actual call 6 weeks ago. Quote, Arlington Rescue call, Arlington High School, student injured in the gym. He says immediately, I'm thinking, which gym? We have three. Which door to enter? We have seven. Will it be unlocked? Where is the patient in the room? That's before we even get the patient's injury or condition. So this is real life, folks. There are updates to schools.

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There's potential for confusion in an emergency. Let's bring some consistency through updated mapping options--

**DeBOER:** Time, Senator.

**HANSEN:** --and keep our schools safe. Thank you, Madam President.

**DeBOER:** Thank you, Senator Murman and Senator Hansen. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Madam President. So I was very interested in Senator Wayne's explanation of the map. And so he's going to elongate the state and so I would assume that it'll take me longer to get home because it's going to be a greater distance. And so if that happens, then I'll get more mileage. So I'm, I'm looking forward to that. Senator Wayne, will you yield to a question?

**DeBOER:** Senator Wayne, will you yield?

**WAYNE:** Yes, yes.

**ERDMAN:** Senator Wayne, how many more miles do you think I'll get when you elongate the state?

**WAYNE:** There won't be any more miles. I know we're joking about this, but it won't be any more miles. We're just giving the correct view of the state. I have two maps back here if anybody wants to see what we learned in school versus what the actual map is.

**ERDMAN:** So you mean that's not going to happen, I won't get more mileage?

**WAYNE:** No, your mileage won't change. It-- it'll-- the correct map will just show how far you actually travel.

**ERDMAN:** And my house will be at the same location it was?

**WAYNE:** Well, not on the map that you're used to. It'll be on the right location on the map that I'll show you.

**ERDMAN:** So then will-- will my GPS be able to locate it then if it changes of the map?

**WAYNE:** No, it'll be-- you'll still be in the same spot on the GPS because it uses longitude and latitude. So it does encompass the, the sphere so it'll still be there.

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**ERDMAN:** OK. Well, I'm going to go home next week. I'll let you know how that goes. But I have a little time left, I'd yield that to you if you need it.

**DeBOER:** Thank you, Senator Erdman and Senator Wayne, Mr. Clerk, for an amendment. He yielded you 3 minutes and 22 seconds, actually.

**WAYNE:** OK. I won't take all that. My staff just reminded me I flipped what I was supposed to say. So it was the Mercator projection map that dates back to 1569 and that's what has been used in schools. And we are looking at updating it to the Gall-Peters or a centripetal equal area projection map, which all schools have access to. They are free, downloadable on the Internet. And, again, we're not telling them that they can't use what's in their books or can't use what they already have in their classrooms. We're just saying we should tell children what the world really looks like and we should show them what it looks like. And so having Greenland be bigger or Russia be bigger than Africa just isn't true. And so we should-- we should show them the correct maps. That's all it is. It's a great bill. And, yes, I have maps back here available for Nebraska. If you don't know what a real map of Nebraska looks like versus what we see, I have everything back here on my desk. And so I'd ask for a green vote. And sorry, Senator Erdman, I can't change the mileage from here to your-- to your home. I tried to but the-- well, the committee wouldn't let me out of committee with that. Thank you.

**DeBOER:** Mr. Clerk, for an amendment.

**ASSISTANT CLERK:** Madam President, there are amendments to the committee amendments. The first of those is AM3102 as offered by Senator Murman.

**DeBOER:** Senator Murman, you're recognized to open on AM3102.

**MURMAN:** I'll yield my time to Senator Walz-- excuse me, Senator Brewer to present his part of the package and I believe that number is LB1339.

**DeBOER:** Senator Brewer, you're yielded 9 minutes, 36 seconds.

**BREWER:** Thank you, Madam President. And, thank you, Senator Murman, and special thanks to the staff and the-- and his Education group that came up with this committee combination. The lead off that Senator Hansen did fits in really well with what I'm going to share with you. So this time last year, I was approached by my county sheriffs because they came to the realization that if they had a shooting and in, in

2023 there were 350 of those across the country, that their ability to respond was going to be, depending on the county and depending on the situation, probably somewhere between 15 to 30 minutes. And we'll talk a little about why that time frame is there. The problem is most of the shootings are over within 10 minutes. So we decided that we'd have an interim study to try and figure out what right looked like when it came to this issue. And so we had LR2022 and it went through and had a chance to have a lot of folks come in and share about what they thought needed to be done. And it was local schools, private schools, colleges. And what was obvious is that we needed to figure out a way that we could do it, but do it in a way that gave folks a peace of mind that we were in a good place. So as we went through and shaped what was LB1339, we looked at ways that it would be local control. So it would be local school boards that would have control over all the decisions about arming and security, the law enforcement and individuals-- the individuals that are authorized would be the only ones that can be armed and that we would require written policy. The team members-- team members would have special qualifications. Team members would have trainings in appropriate weapons and ammunition and an acceptable use of force policy. As we went through there, we found out that there are 20 states that allow carry with the permission of their school administrators. And I won't go through that long list, but the states that surround Nebraska are all covered in that with the exception of Colorado. Some states simply allow you to, to be armed in the school if you have a concealed handgun permit. That was Alabama, New Hampshire, Oregon, Utah. We didn't think any of that was going to be a good fit here. Texas has a state law now that requires armed security personnel in every school. So we had to take all of this and we had to figure out what would fit here in Nebraska and that's what we went through to, to develop LB1339. But as we researched that we came to some, some realizations that hit home. One was that as we looked at that response time, let me give you some examples. In Sheridan County, and I had a chance to dissect that since my brother is the sheriff out there, he has 7 deputies, but he also has 2,470 square miles. Now, not-- you're not going to have all 7 of those on duty at any given time. But if you divide it like that, that comes out to about 352 square miles per deputy. It's a little hard to respond there, but it gets worse as you go across the district. Cherry County, they have the sheriff and 4 deputies, 6,000 square miles. That means each deputy has 2,000-- has 1,200 square miles. So it's almost impossible to respond when you're in places that are that big. But it doesn't have to just be my district. If you run through and you look at Antelope County, they have 143 square miles per. Senator Murman's district in Red Willow, 239 miles. Senator Meyer, Wheeler County, 288

miles. Senator Jacobson, Thomas County, 714 miles. So what we have is a situation where we've-- we make it mandatory for kids to go to school, but we don't have a way to protect them. And as you get outside of Lincoln and Omaha, understand the difference. If you're in Douglas County, 339 miles, you have roughly 3 officers per square mile as opposed to 740 miles per officer. Lancaster County is a little better, you got 846 square miles, and you have about one officer per mile. But you can see how-- what we found out in this hearing was that the Class A schools, the bigger schools, they had resource officers, they had armed security in their schools. But we, we didn't have options for those out state schools because either they couldn't afford it or there just wasn't physically any police officers to be hired there. So how do we fix that problem? That's what LB1339 does. It goes through and sets the standards and the requirements. It figures out how we can have at the schools' choice, again, local control. They get to decide how they want to have their security plan set up. Now when we got done and LB1339 hit the floor, there was folks that brought issues to us and in a second I'll have a chance with AM3137 to explain more on that. Thank you, Mr. President.

**DeBOER:** Thank you, Senator Brewer. Senator Lowe, you're recognized.

**LOWE:** Thank you, Madam President. Would Senator Hansen yield to a question?

**DeBOER:** Senator Hansen, will you yield?

**HANSEN:** Sure.

**LOWE:** Senator Hansen, this mapping of our schools, the, the technology that's entwined in all of that, is that committed to just one company or can it be used for any and all companies?

**HANSEN:** Yeah, that's a good question, actually. We wanted to make sure that this was not restricted to just one kind of-- (a) because we can't because that's illegal and (b) we want to make sure that we're not hindering other people's ability or a school's ability to put this out for bid and get competitive bids. So on one hand, we didn't want to kind of tail this all down so only one company fits this that is school mapping. But we also do want to open up for everybody in the entire state so "Joe Schmo" in his basement can say he does school mapping and go do bids. And so we had to put some criteria in here, so we kind of caught that whole kind of a still large portion of people who do school maps throughout the entire country and what-- for other states as well. And so one of the-- and this-- I'm, I'm glad you're

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asking this question because I didn't get a chance to mention this on my opening is on Select File I will be bringing an amendment just to clarify some language from one of the companies to make sure that we don't leave out certain things, and that we're being, you know, you know, inclusive and-- with our-- with our language and make sure we're not cutting anybody out. And so on Select File, we'll be introducing just, just 3 letters that says including geo-rectified data when it comes to some of the-- I think it's on, on my-- it's on page 17, but that's not the amendment-- the right amendment. So I'll discuss this a little bit more on the-- on the amendment on Select File about the language we're adding in here just to make sure that we're including as many people as we can, but also the right kind of people, too, so. I hope that answered your question.

**LOWE:** Yes, it did. Thank you very much. I yield the rest of my time.

**DeBOER:** Thank you, Senator Lowe and Senator Hansen. Senator Hughes, you're recognized.

**HUGHES:** Thank you, Madam President. I would like to ask Senator Wayne a question if he would be amendable.

**DeBOER:** Senator Wayne, will you yield?

**WAYNE:** Yes, ma'am.

**HUGHES:** Senator Wayne, do you by chance ever watch West Wing?

**WAYNE:** Yes.

**HUGHES:** OK, just checking on that. And then just coming from schools, I'm always concerned about the unfunded mandate aspect of this, so I'm looking at the map issue. And so I heard you and Senator Erdman's discussion, but so I have another question about, you know, the elongating of Nebraska. Will that by perchance change the timeline-- the time zone line when we go to the Gall-Peters or the AuthaGraph map?

**WAYNE:** It will not. That is-- that's a good timing on a joke. No, it doesn't change anything at all. The maps don't change anything and it's not an unfunded mandate as it-- they can download them free.

**HUGHES:** So there is no-- you're saying then that there's absolutely no fiscal note to any of the public schools, our 244 public schools in the district if we push this through.

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**WAYNE:** No. So I'm bringing an amendment on Select File. I met with Blair's-- Blair School yesterday and some other schools called and we have an amendment that we're going to bring that allows for GIS systems and current textbooks that are copyrighted '25, 2025 and below. And then you don't have to get rid of any books, we just want you to download this-- a map that shows the correct Earth. I don't know, I'm trying to think of the correct map of Earth. That's the best way I can say it. I don't--

**HUGHES:** Map of the world.

**WAYNE:** Planet. Planet. Thank you, Senator Bosn. Planet. Planet.

**HUGHES:** All right. Thank you, Senator Wayne. And thank you, Chair. I yield the rest of my time.

**DeBOER:** Thank you, Senator Hughes and Senator Wayne. Senator Walz, you're recognized.

**WALZ:** Thank you, Madam President. I just wanted to take a brief couple of minutes to explain my amendment. A portion of this amendment includes my bill, which is LB1012, which would open the Qualified Capital Purpose Undertaking Fund, or QCPUF, to include safety infrastructure concerns. I want to thank Chairman Murman and the members of the committee for including this in the committee bill. Last year, our body took significant steps to address safety concerns in our school by appropriating \$10 million to School Safety and Security Fund. I'm happy to say that the grant application closed last week and the awardees will be notified the beginning of April. Nebraska is only 1 of 3 states that provides no state dollars for school construction. After this grant process had begun and ended, it became clear that infrastructure needs are significantly higher than what we had provided money for. Currently, QCPUF allowed the school district to create this fund for specific abatement projects, including actual or potential environmental hazards, accessibility barriers, life safety code violations, life safety hazards, or mold abatement. LB1012, through this amendment, simply adds school safety infrastructure concerns to that list. QCPUF was created to provide safe and accessible environments for our students and staff and I believe the school safety infrastructure concerns are a natural fit to this goal. Thank you, Madam President.

**DeBOER:** Thank you, Senator Walz. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Madam President, and good afternoon-- good evening. I listened to what Senator Brewer had to say about the rural law enforcement. Senator Brewer, you didn't list any of my counties, but my county would be very similar to those that have the 600, 700 miles per law officer. I appreciate that very much. I, I really appreciate the tenacity you have that you stick with an idea and a concern until you have covered all the concerns and you work with the Class A schools and those who had opposition to this bill. And, and I appreciate that you brought it this far. I'm in 100% support of this, and I do appreciate your efforts. And I believe you would need some more time so I would yield the rest of my time to you, sir.

**DeBOER:** Senator Erdman, who would you yield your time to?

**ERDMAN:** Colonel Brewer.

**DeBOER:** Senator Brewer, you're recognized for 4 minutes-- you're yielded 4 minutes.

**BREWER:** Thank you, Madam President. One of the things I didn't read on my first time up was AM3137 so I kind of owe that to folks. And I think if you understand what went into the decision to do this, and I, I thank Senator Machaela Cavanaugh for helping with this because it was pointed out that the only ones that really have oversight of the whole state is Nebraska State Patrol, and the only ones that have statewide oversight of education is Department of Education. So, consequently, this is the amendment. Let me read it to you now: The State Board of Education shall, in consultation with the Nebraska State Patrol, develop a model policy relating to the authorization of the carrying of firearms by authorized security personnel as described in subdivision (3) (a) of this section. The policy shall include, but not be limited to, the appropriate number of training hours required for such security personnel. So what that is doing is combining-- and, and why do we do that? Well, because we're covering the whole state of Nebraska. So the policy can't be just for Cody-Kilgore or for Creighton University. It, it has to be able to cover the whole gamut. So that was the reason for that amendment. It was through the process of understanding that the Class A schools, the larger schools, currently have armed security with their resource officers, so it was not necessary to include them in this. They have it covered. And so those are the 2 portions of amendments that we made to LB1339, which ultimately came part of LB1329. Thank you, Madam President.

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

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**M. CAVANAUGH:** Thank you, Madam President. I just wanted to echo Senator Brewer's sentiments that I appreciate him working with me on this amendment. I am, probably not surprising to anyone, not in favor of the gun portion of this bill but I think that this is a really good compromise and, and thoughtful. So thank you to Senator Brewer and I yield the remainder of my time.

**DeBOER:** Thank you, Senator Machaela Cavanaugh. Seeing no one else in the queue, the question is-- oh, Senator Brewer, you are recognized to close, which you waive. Now the question is the adoption of AM3137. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk.

**ASSISTANT CLERK:** 33 ayes, 0 nays on the adoption of the amendment, Madam President.

**DeBOER:** It is adopted. Mr. Clerk, for the next amendment.

**ASSISTANT CLERK:** Next amendment to the committee amendments is AM3102 is offered by Senator Murman.

**DeBOER:** Senator Murman, you're recognized to open on AM3102.

**MURMAN:** Thank you, Madam President. I will yield the rest of my time to Senator Brewer to describe this amendment.

**DeBOER:** Senator Brewer, you're recognized to open or you're yielded 9 minutes, 45 seconds.

**BREWER:** Thank you, Madam President. All right. I've kind of gave you a, a little bit of a lead-in on this one. So what we determined was the break point where schools have resource officers because of size and number of students was at about the population of 5,000. So that's where we, we made the line. Below 5,000, then the, the bill would apply to them. Over that, they have resource officers, it wouldn't apply. And that, that, again, was a compromise. So how that breaks out is, is we have 300-- or 244 schools, 192 of them fit in that. But here's kind of the part of it that you might find interesting, that almost 4/5 of the schools are part of that number, but only 1/5 of that is the students. Again, because of the smaller schools. So that was a compromise that allowed us to not include the Lincoln and Omaha bigger schools. And that was just, again, because it wasn't necessary, they already had armed security. So of the 328,000 public school students, this would actually apply to only 68,000 of those. This covers from-- K-12 students across the state and Creighton University.

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With that, I will yield back the rest of my time. Thank you, Madam President.

**DeBOER:** Thank you, Senator Brewer and Senator Murman. Seeing no one else in the queue, Senator Murman, you're recognized to close on AM3102. Senator Murman waives. The question before the body is the adoption of AM3102. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk.

**ASSISTANT CLERK:** 34 ayes, 0 nays on the adoption of the amendment, Madam President.

**DeBOER:** It is adopted. Mr. Clerk, for the next amendment.

**ASSISTANT CLERK:** Next amendment to the committee amendments offered by Senator Conrad, AM3097.

**DeBOER:** Senator Conrad, you're recognized to open on your amendment.

**CONRAD:** Thank you, Madam President, and good after-- good evening, colleagues. This amendment incorporates provisions of LB231 that was introduced by Senator Dungan in the Education Committee. This measure addresses the issue of excessive absenteeism from school and truancy referrals to the county attorney for prosecution. Current law requires each school district to have a policy in place regarding, regarding excessive absenteeism, and a process by which schools are to address that kind of excessive absence. But this policy can be very minimal and is not specifically defined in state law. So since we put that policy requirement on the books many years ago, we have identified that sometimes there is a great deal of discrepancy in terms of how this process plays out district by district. So notably, when a student has 20 days of unexcused absences in a year, school year, current law requires schools to refer those instances to the county attorney for truancy prosecution after the student has 20 days of absence in a year. When a school refers the cases to the county attorney, the schools are then required to provide for written notice of referral to the parent and guardian. So what this amendment does is that it's asking schools-- and some of this are-- some of the schools are really already doing this very well in practice, not all-- but what this amendment does is it, it directs school districts to provide for written communication to the parents and guardians about these kinds of excessive absences way before they make their way to the county attorney. So this requires a more swift and timely intervention and communication between the parents and the school when an issue of absenteeism arises to try and head off these cases from moving into

the juvenile justice system. So this is meant to provide for a collaborative plan to improve attendance and wrap services around that student and family if need be if those are the driving forces behind the excessive absenteeism or truancy. These services shall include, if they're agreed to by the parents, an educational evaluation to figure out what's going on there. Is there an intellectual, academic, physical or social emotional barrier that's contributing to the absenteeism? This amendment also makes minor changes to calculate how the 20 days are thought of in any given school year because some districts and county attorneys interpret the current, quote unquote, year to mean calendar year. So what this amendment is trying to minimize or prevent is a process where a referral for truancy prosecution occurs simply when a kid gets 20 days of absences. The intent is to provide for services, evaluation if the parent agrees, and written communication to spark these conversations between school and parent way further upstream before we see those referrals to the county attorney and more kids and more families are entangled in the juvenile justice system. Nothing in this bill interferes with the ability of county attorneys to be involved at any stage of the process, to address excessive absenteeism or truancy. We do believe this will minimize referrals to the courts and the county attorneys and that's a good thing. I am happy to answer any questions from members. I will tell you that Senator Dungan, when he brought this measure forward, had a great hearing, a host of educational stakeholders in support. I think there were no opponents at the hearing providing live testimony. This has a zero dollar fiscal note and is a modest but meaningful update to our truancy laws to make sure that we're helping more kids and more families a bit earlier in the process when they start to miss, miss school. We're seeing those red flags. We're sparking the communication. We're wrapping services around folks before we just turn [RECORDER MALFUNCTION] --the juvenile justice system, which we know can have a significant amount of negative impacts for kids and families once they're entangled in that system. Finally, I will let you know that during the 2022-2023 school year there were over 69,000 kids in Nebraska, or about 22% of our student population, that were considered chronically absent. And these students who are chronically absent are disproportionately students with disabilities, students of color, students who are economically disadvantaged. And chronic absence also affects kids really at each stage of their educational path. We know from the data that sometimes kids and families can reach these, these 20 absences for a lot of different reasons: religious reasons, health reasons, sports or extracurricular reasons, work reasons, poverty, bullying and/or neglect. And when there are serious issues of child or educational

neglect that are happening, these inner working systems can help to get kids and families the services they need or remove a kid from an unsafe environment. But I think perhaps, friends, we have cast the net too widely, wherein sometimes this reflexive 20, 20-day absence can ensnare too many kids that actually have very engaged parents. And they're missing school for a variety of different legitimate reasons. The last piece I will leave you with, according to some information from the Nebraska judicial branch, that for some of the cases, reaching adjudication and resulting in probation, of the approximately 400 status, status offenses filed in fiscal year 2022, 94% were for truancy, which was a 19% increase over last year. So that shows us we're moving in the wrong direction, friends. We need to make adjustments to our truancy laws. We have been unable to make those meaningful reforms with the current disagreements amongst members of the Judiciary Committee and with opposition from the County Attorneys Association. So while we continue to work on that track, I think this is a commonsense, low-cost way for us to help more kids and more families before they-- before they end up in the juvenile justice system. So again, I'm happy to answer questions. This came out of committee 7-1 and would appreciate your support.

**DeBOER:** Thank you.

**CONRAD:** Thank you.

**DeBOER:** Thank you, Senator Conrad. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Madam President. Good evening. So I listened to Senator Conrad's presentation or explanation. I wondered if she'd yield to a question.

**DeBOER:** Senator Conrad, will you yield?

**CONRAD:** Yes. Yes, of course.

**ERDMAN:** Senator Conrad, did you in your opening, did you just state that most schools are doing this? Was that something I heard correctly?

**CONRAD:** Yes. You're right, Senator Erdman. I-- and I-- what I meant by that reference is that I think many schools try their best to work with kids and families when they see those absences tick up to figure out, hey, what's going on there? Not all schools have that specified in their policy or their practice.

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**ERDMAN:** So do you know of schools that are, what shall I say, violating this 20-day notice or whatever it was you had in your-- in your amendment so that we need to pass a law to make them do that? Aren't they already doing that?

**CONRAD:** Well, I-- this measure, this amendment that's before you does not disturb the existing 20-day requirement in terms of how schools turn cases over to the county attorneys. What this amendment does is it, it simply does provide, I think, some uniformity and clarity, because the existing policies can be very vague and they're kind of all over the map. This just specifies that once you start to see those absences, we want a written communication to the families so that the school and the family can get on the same page and figure out what's going on there before they end up in court.

**ERDMAN:** OK. Is this an unfunded mandate on these schools?

**CONRAD:** I don't believe so, no.

**ERDMAN:** OK.

**CONRAD:** I think they communicate with parents a lot. So I don't think it would raise costs in any regard.

**ERDMAN:** I guess I would-- I would make the assumption that most of these schools are communicating with their parents--

**CONRAD:** Yeah.

**ERDMAN:** --with the parents and the students who are absent more than once or twice or three times. So I'm, I'm trying to figure out why we should pass a statute to do something that the schools are already doing. It just-- it's a commonsense approach that they would make sure the student is getting educated. And, and I guess I'm having trouble seeing the need for passing the statute when they've already been deciding to do this stuff. That's, that's a problem for me.

**CONRAD:** No, I understand, Senator. And I think, again, I don't have specific policies or data from all of the 240-plus districts that we have out there. What we've been hearing at the Education Committee is that sometimes these communications don't happen in the largest school districts just because of sheer volume. So I think you're seeing a lot more organic communication in the smaller schools. But we want to, to get this in place for some of the larger schools so that there's no vagueness and that parents get looped in earlier.

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**ERDMAN:** OK. Very good. So I would maybe suggest then let's amend this to say a school of a certain class, this is applicable to them. And those other schools are exempt. That would make sense to me. So thank you for answering those questions. I'm not going to support AM3097 the way it's drafted now.

**CONRAD:** Very good. Thank you.

**DeBOER:** Thank you, Senator Erdman and Conrad. Senator Kauth, you're recognized.

**KAUTH:** Thank you, Madam President. May I ask Senator Conrad some questions?

**DeBOER:** Senator Conrad, will you yield?

**CONRAD:** Yes, yes, of course.

**KAUTH:** Thank you. First of all, you answered the 20-day question. That was my first one. But can they be notified by email? I know it says written communication, but I've seen several problems with counties where we have written in statute and they can't email. Are we allowed-- will that cover email?

**CONRAD:** I think that would be acceptable from our perspective.

**KAUTH:** OK.

**CONRAD:** Yes.

**KAUTH:** OK.

**CONRAD:** Yes. And if for some reason the family doesn't have an email on file, maybe they could go ahead and send a traditional letter. But I don't know if we need to micromanage that in the policy. But I really appreciate you putting that on the record just so that schools know they have that flexibility.

**KAUTH:** And is it a direct mail to the parent? Because we have all had kids who stick everything in their bag, and there's no finding that piece of paperwork. So is it a direct mail to somehow, directly to that parent?

**CONRAD:** Yes, that would be my understanding,--

**KAUTH:** OK.

**CONRAD:** --Senator, to ensure that the school district and the parents are communicating and understanding that maybe if the kid's skipping school and we give them the, the communication, it might not make it to Mom and Dad

**KAUTH:** Right.

**CONRAD:** Not all kids, of course, but thinking through my own experiences as a young person, and.

**KAUTH:** Thank you, Senator Conrad. And just I'd like to add, as I have been out and about in the community, I spoke with 2 teachers who teach in a different district than Millard, truancy is one of their biggest problems. They we're talking about 30% of the kids are just not showing up. They don't really know why. They don't know if they've kind of decided that the schools move on without them, and, you know, during COVID, whatever it is, kids are not showing up to school. So I like that this is actually trying to connect to the parents a little bit more. So thank you.

**DeBOER:** Thank you, Senator Kauth and Conrad, Senator Linehan, you're recognized. Senator Linehan waives. Seeing no one else in the queue, Senator Conrad, you're recognized to close on your amendment.

**CONRAD:** Thank you so much, Madam President. I appreciate Senator Erdman's questions and Senator Kauth's questions. I would just let Senator Erdman know [INAUDIBLE] for principled purposes he decides to vote against this. But we do hear frequently from schools of all sizes in the Education Committee. They are not shy about sharing their perspective on how various measures impact them, which is great, because then we have a clear understanding of that and a clear record. I will let you know, Senator Erdman, that we did not hear from the rural schools. We did not hear from any of the other school organizations that came in, in, in opposition to this. So just wanted to flag that for you in case that wasn't clear in the opening. Again, I think that this is a commonsense, low-cost way to try and spark important communication between parents and schools, get evaluations and services in place before we resort to what should be a last resort is turning folks over unnecessarily to the juvenile justice system, which I think is ensnaring too many kids and families and in our current iteration. But this doesn't mess with the 20 days. This doesn't remove truancy from the juvenile justice system. This just said, let's get some clarity in the policy and, and try and get some services in place before we get to that point. So appreciate your consideration. Thank you.

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**DeBOER:** Thank you, Senator Conrad. Colleagues, the question is the adoption of AM3097. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** 32 ayes, 4 nays on the adoption of the amendment.

**DeBOER:** It is adopted. Mr. Clerk, for the next amendment.

**ASSISTANT CLERK:** Madam President, Senator Ballard would move to amend the committee amendments with AM3098.

**DeBOER:** Senator Ballard, you're recognized to open on AM3098.

**BALLARD:** Thank you, Madam President. AM3098 is a compromise amendment for my LB550. It's a very simple amendment. Currently, students are able to option only once during their high school, or during their academic career. This amendment would allow them to option once in elementary, once in middle, and once in high school. This came out 8-0 from the Education Committee. And with that I would like to yield my time back to the Chair.

**DeBOER:** Thank you, Senator Ballard. Seeing no one in the queue, Senator Ballard, you're recognized. Senator Ballard waives closing. The question is the adoption of AM3098. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**ASSISTANT CLERK:** 40 ayes, 0 nays on the adoption of the amendment.

**DeBOER:** Mr. Clerk, for items.

**ASSISTANT CLERK:** Madam President, at this time I have several motions and amendments to be withdrawn. Senator Machaela Cavanaugh, I have AM1205 and 1206 with re--to be withdrawn. Senator Murman, MO1209, MO1210, and MO1211 with a note you wish to withdraw those. In addition to that, a series of amendments: AM2475, FA241, FA242, FA267, FA268, FA269, FA270, FA271, FA272, FA273, FA274, all those we have indicated to withdraw.

**DeBOER:** So ordered.

**ASSISTANT CLERK:** In that case, I have nothing further pending to the committee amendments.

**DeBOER:** Seeing no one else in the queue, Senator Murman, you're recognized to close on the committee amendments.

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**MURMAN:** Yes. Thank you. AM2831 is simply the amendment that brought the other 6 bills into the package. And you have heard from all of those senators. The bills are LB673, LB855, LB962, LB1012, LB1339, and LB1385. And I'll yield the rest of my time.

**DeBOER:** Thank you, Senator Murman. Colleagues, the question is the adoption of the committee amendments, AM2831 to LB1329. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk.

**ASSISTANT CLERK:** 39 ayes, 0 nays on the adoption of committee amendments.

**DeBOER:** It is adopted.

**ASSISTANT CLERK:** Madam President, I have nothing further on the bill.

**DeBOER:** Seeing no one else in the queue, Senator Murman, you're recognized to close on LB1329.

**MURMAN:** Well, thank you, Madam President. I would just like to thank all the members of the committee. We had a lot of cooperation and good discussions in committee. And because of that, I think everything went really smoothly. I'd like to thank Senator Albrecht, Senator Conrad, Senator Linehan, Senator Meyer, Senator Sanders, Senator Walz, and Senator Wayne on the committee. And then also my committee staff thank-- I want to thank them also. A lot of hard work by everyone. And with that, I'll yield the rest of my time. Appreciate [INAUDIBLE] LB1329.

**DeBOER:** Thank you, Senator MURman. The question before the body is the advancement of LB1329 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk.

**ASSISTANT CLERK:** 40 ayes, 0 nays on the motion to advance the bill.

**DeBOER:** It is advanced. Mr. Clerk, pursuant to the Speaker's scheduling announcement, you have an item on the desk.

**ASSISTANT CLERK:** I do, Madam President. Senator Hansen would move to return LB1413 to Select File for a specific amendment.

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

**HANSEN:** Thank you, Madam President. Colleagues, I'll try to be brief here, but I'll describe what, what we're doing here. Yesterday, the body adopted the amendment, AM3115. A lot of you remember that was an amendment that I introduced that had to do with unemployment, that 5% less, and then also giving the commissioner some authority to lower the rate if he sees so fit. The appropriations-- OK. I filed the amendment yesterday. It was adopted the same day of introduction. It was a new concept, not a provision of an existing bill. Unbeknownst to me, which I learn a lot of stuff here every year and I've been here 6 years. Nebraska's Constitution has a provision requiring that a bill cannot be voted upon on Final Reading until 5 days after its introduction, and with a 1-day layover. And so that in of itself would then hinder the, the budget from being read before Day 50. So if the amendment remains on LB1413, the earliest the body can pass the bill on Final Reading will be Day 52 to ensure the bill meets the constitutional requirements of the 7 days. In order to pass LB1413 on Day 50, the day our rules require the Final Reading vote on the budget bills, the amendment needs to be removed from LB1413. Additionally, I found out there's a small cleanup needed for the amendment the body adopted yesterday, which I had planned to introduce to LB1393, which is my NIL bill since they are in the same section of statute. My motion to return LB1413 to Select File for a specific amendment is to adopt an amendment to remove AM3115, which is my amendment to require the temporary reduction of the unemployment insurance tax rate from LB1413 to ensure the constitutionality of LB1413 and allow the body to read the budget bills on Day 50. And a side note, when LB1393, my NIL bill, comes up on Select File, I will be-- I will be reintroducing this amendment with the cleanup provisions so that-- to that bill and will ask the body to again adopt this provision. So basically we're taking it off the budget so we can make sure we can read the budget on Day 50. It isn't so we have to wait until Day 52. And then we'll just move it on to the NIL bill since it's the same section of statute. This would be a much easier way to kind of move things forward without hindering the budget and its ability to move forward on time. So thank you, Madam President.

**DeBOER:** Thank you, Senator Hansen. This is a debatable motion. Senator Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Madam President. Would Senator Clements yield to a question?

**DeBOER:** Senator Clements, will you yield?

**CLEMENTS:** Yes.

**M. CAVANAUGH:** Thank you. I'm sorry to put you on the spot. But the State Auditor's Office came out with an audit, I don't know, like an hour or 2 ago about the ARPA funds. And there are some concerning things about that. Have you had a chance to see this?

**CLEMENTS:** No, I hadn't heard about that.

**M. CAVANAUGH:** OK. Because I'm just skimming it now, but I'm concerned that there might be money that was fraudulently used and we might have to pay back. And so, I just want to make sure that as we're potentially moving the budget forward to Final that we are giving ourselves the opportunity to address any shortfalls that are coming. So I guess I wanted to flag that for everyone. I think everybody should have been emailed it.

**CLEMENTS:** I'd be glad to look into that--

**M. CAVANAUGH:** OK.

**CLEMENTS:** --and address that issue. Thank you for letting me know.

**M. CAVANAUGH:** OK. And, well, and I guess letting everyone know to check and see if you have a copy of the audit because we may need to take additional action this evening. Thank you. Thank you, Senator.

**CLEMENTS:** May I add one thing?

**M. CAVANAUGH:** Yeah.

**CLEMENTS:** Regarding ARPA funds, if there are uses that are determined ineligible, we have also put language in the budget that we can shift unused money to other, other purposes that we have approved in the budget. So--

**M. CAVANAUGH:** How much money would be available to shift?

**CLEMENTS:** What-- whatever somebody is unable to use.

**M. CAVANAUGH:** I think these are funds that have been expended that we might have to pay back to the federal.

**CLEMENTS:** Yeah, that's a different-- I know. I'm on a--

**M. CAVANAUGH:** OK.

**CLEMENTS:** I changed topics a little.

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**M. CAVANAUGH:** Oh, OK.

**CLEMENTS:** Changed-- it's still on the ARPA subject but it doesn't, yeah, it doesn't relate to that. We may have to pay some back.

**M. CAVANAUGH:** Yeah. The top line seems to be that they, they've spent \$201 million and questioned costs of \$23 million. So I don't know what that-- I have no idea how that impacts the budget. But yeah.

**CLEMENTS:** We'll definitely look into it as soon as possible.

**M. CAVANAUGH:** OK.

**CLEMENTS:** Thank you.

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

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

**CLEMENTS:** Thank you, Madam President. I stand in support of the motion to return to Select and the, the proposal to remove Senator Hansen's amendment. I was supportive of changing those unemployment tax rates, but I think it is more proper to have it separately, put it in another bill and definitely want to get the budget passed by the prescribed Day 50. So please support this proposal. Thank you, Madam President.

**DeBOER:** Thank you, Senator Clements. Seeing no one else in the queue, Senator Hansen, you're welcome to close on your motion. Senator Hansen waives closing. The question is the motion to return to Select File for a specific amendment. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** 40-- excuse me, 43 ayes, 0 nays on the motion to return.

**DeBOER:** The motion is adopted.

**ASSISTANT CLERK:** President, Senator Hansen would move to amend with AM3136.

**DeBOER:** Senator Hansen, you're welcome to open on AM3136. Senator Hansen waives opening. Returning to the queue, Senator Cavanaugh, Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Madam President. Colleagues, I just found a link and emailed it to all of you and to staff so that you can take a

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look. I genuinely-- I don't know if this is a problem or not a problem, but I thought I should probably flag it since we're at this point. And if it's not a problem, hooray! Let's have a dinner break. If it is a problem, do we want to pause on moving this forward until after dinner? And I'll just put that to the body. Thank you.

**DeBOER:** Thank you, Senator Machaela Cavanaugh. Seeing no one else in the queue, Senator Hansen, you are recognized to close. Senator Hansen waives his closing. The question before the body is the adoption of AM3136. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**ASSISTANT CLERK:** 44 ayes, 0 nays on the adoption of the amendment.

**DeBOER:** The amendment is adopted. Senator Ballard for a motion.

**BALLARD:** Madam President, I move that LB1413 be advanced to E&R for engrossing.

**DeBOER:** Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk, for items.

**ASSISTANT CLERK:** Series of things, Madam President. Several motions from Senator von Gillern pertaining to LB948. And in addition to that, amendment to be printed from Senator McKinney (Re LB1288). That's all I have at this time.

**DeBOER:** Thank you, Mr. Clerk. We will now recognize Speaker Arch for-- Speaker Arch.

**ARCH:** Colleagues, we're going to stand at ease. And we will re-- rejoin at 6:30. Thank you very much.

**DeBOER:** Thank you, Mr. Speaker.

[EASE]

**ARCH:** Mr. Clerk, for items for the record.

**ASSISTANT CLERK:** Thank you, Mr. President. New resolution, LR335, offered by Senator Machaela Cavanaugh. Accompanying that resolution, a communication from the Speaker referring the, the resolution to the Reference Committee. That's all I have at this time.

**ARCH:** Mr. Clerk, next item on the agenda.

**ASSISTANT CLERK:** Next bill, Mr. President, General File, LB1074, offered by Senator Slama. It's a bill for an act related to banking and finance' to adopt updates to federal law relating, relating to banking and finance; change provisions of the Security Act of Nebraska, the Commodity Code, the Credit Union Act; eliminate obsolete provisions; harmonize provisions; repeal the original sections; and declare an emergency. The bill was introduced on January 9 of this year, referred to the Banking, Commerce and Insurance Committee. That committee reports the bill to General File with committee amendments attached.

**ARCH:** Senator Slama, you're welcome to open on LB1074.

**SLAMA:** Thank you, Mr. President. And good evening, colleagues. Today I'm asking for your green vote on LB1074. LB1074 is a Banking, Commerce and Insurance Committee priority bill. It's a bill that will update a number of banking-related statutes. So I'll briefly break down the bill's nature into 5 categories. The bill contains the annual reenactment of the depository financial institution's "wild card" statutes to provide equal rights, powers, and privileges for state-chartered banks, credit unions, and savings and loan associations with their respective federal counterparts. Updates will be to January 1, 2024, so we're simply updating dates here. The bill updates references to specific federal laws and regulations affecting most of the entities under the jurisdiction of the Department, including financial institutions, financial entities, securities firms, and their representatives and agents for which the reference date is currently January 1, 2023. The updates will be very groundbreakingly to January 1, 2024. The bill amends the Credit Union Act to change the designated official to whom the department sends a copy of its examination report in order to better protect the confidentiality of the report. The bill updates the Securities Act of Nebraska in the following ways: It amends Section 8-1116, which authorizes the Department to petition, petition for judicial appointment of a receiver of the assets of a person violating the act. Existing law provides that the director shall not be required to post a bond. This amendment would provide that neither the receiver nor the department would be required to post a bond. We also amend Section 8-1120 to remove obsolete, obsolete language relating to prior years' transfers from the Securities Act Cash Fund. Finally, the bill amends Section 8-1726 of the Commodity Code, which provides for a civil penalty, fines, and costs for violations of the code, to harmonize and clarify those terms. Again, I would appreciate your support for this important bill. Thank you, Mr. President. I can now open on the committee amendment, if you're so inclined.

**ARCH:** You may continue with the committee amendment.

**SLAMA:** Thank you, Mr. President. Good evening again, colleagues. AM2560 is the committee amendment to LB1074. This amendment contains the provisions of LB1074, and also the provisions of 5 other bills that were heard by the Banking, Commerce and Insurance Committee, all of which were made a part of this committee amendment on an 8-0 vote. I'll now go around the room to have each bill's original introducer and qualified substitutes provide an introduction on their bill, and that will start with me and LB1075. LB1075 will change provisions of the Delayed Deposit Services Licensing Act, the Nebraska Installment Loan Act, the Nebraska Installment Sales Act, the Nebraska Money Transmitters Act, and the Residential Mortgage Licensing Act. For those following along at home, that's Section 48-50 and 68-76 of AM2560. LB1075 applies to consumer finance licensees, nondepository financial entities. There are 2 sets of changes for these types of entities found in the bill. The first are those related to data breaches. All consumer finance licensees, namely money transmitters, installment sales companies, mortgage bankers, installment loan companies, delayed deposit servicers, and installment loan companies would be required to notify the department directly when they suffer a data, data breach involving the personal information of a Nebraska resident. This notification would be required within 3 business days of a-- of the data breach, with an exception where a law enforcement agency determines that such notice could impede a criminal, criminal investigation, and the second set of changes, or those related to background checks, the various acts governing the consumer finance licensees currently require background checks of insiders. The bill would make the process uniform by requiring the submission of fingerprints to the FBI, with the nationwide mortgage licensing system, NMLS, serving as a channeling agent for the department. The Money Transmitters Act and the Delayed Deposit Services Licensing Act already contain the requirement. I'll now pass the mic off to Senator Ballard so that he can introduce LB1122.

**ARCH:** Senator Ballard, 8 minutes.

**BALLARD:** Thank you. Thank you, Senator Slama. And thank you, Mr. President. LB1122 is included in the committee package. This is a basic amendment to increase the fines for violating Nebraska Revised Statutes 8-2501 and 8-2505. The violation of fines increases from \$1,000 to \$5,000. These section of statute deals with a person's ability or organization's ability to use a name, trade name, logo, or symbol of a financial institution without the institution's permission. These violators will use the financial institution's

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information to solicit, solicit business from customers who think the solicitation comes from the institution itself. There's been an increase in these occurrences, and so increasing the fine will provide an-- will hopefully provide an adequate deterrent from this occurrence. With that, I'd like to yield my time back to Senator Slama.

**ARCH:** Senator Slama, 9 minutes.

**SLAMA:** Thank you, Mr. President. I will change my approach to where I'm asking a question. I did put Senator Ballard on the spot where he had the potential to double yield me time, and that would mess up the entire introduction. So next up is Senator Clements with LB872. Would Senator Clements be willing to yield to a question?

**ARCH:** Senator Clements will you yield?

**CLEMENTS:** Yes.

**SLAMA:** Thank you, Senator Clements. Would you mind telling us a little bit about your bill, LB872, please?

**CLEMENTS:** I'd be glad to. I want to thank Chair Slama for adding LB872 to this committee priority bill. This amendment prohibits the acceptance of central bank digital currency, known as CBDC, by state and local governments in Nebraska. This bill is written based on a model policy recommended by the American Legislative Exchange Council. I have recently been hearing about central bank digital currency, and have been concerned about what a CBDC would mean for Nebraska. Central bank digital currency means a digital account issued by a federal agency of the United States, such as the Federal Reserve, that is made directly available to the consumer. Central bank digital currency would be processed or validated directly by that federal agency and not by your local bank. A main concern with the implementation of a CBDC is the invasion of financial privacy and personal freedom. A CBDC with a central ledger would allow the government to see all transactions by its citizens. It could be used to greatly expand surveillance by putting our financial records on government databases. That would allow the government to control the availability of finances and what you can buy or sell on approval criteria or social credit scores, such as exist in China. This amendment to LB1074 allows Nebraska to push back on a federal CBDC by prohibiting state and local governments from accepting a central bank digital currency. I want to thank the Nebraska Bankers Association for suggesting this bill and

for their position against a central bank digital currency. Thank you, Mr. President.

**SLAMA:** Thank you, Senator Clements. I, I appreciate that summary. Next up is LB710. Senator Dungan, unfortunately, can't be with us this evening. He has also, unfortunately, appointed what he believes is a qualified substitute to introduce his bill on his behalf. Senator Jacobson, would you yield to a question?

**ARCH:** Senator Jacobson--

**JACOBSON:** Yes, I would. Oh, excuse me, Mr. Chairman-- Mr. President. I would yield. Thank you. Well, thank you, Chair Slama. And thank you, Chair-- Senator Dungan, for having such confidence in me. Well, LB710 is titled the Public Entity Pooled Investment Act. I know money-- many people probably question what are we doing here? Essentially, when you're a public entity, your counties, your cities, your-- any of your municipalities, school districts, etcetera, you're a public entity and you're going to have funds that come in and out. And so you generally have checking accounts with banks, and accounts with banks to be able to handle those transactions. Over the years, there have been 2 pooled entities out there that, that actually work with counties and other public entities to be able to take certain portions of their deposits and pool it and try to get them higher returns. One of the challenges with that is, of course, when you're at a bank, you either have that fully FDIC insured, or we take-- we pledge securities in our securities portfolio, devote it to those dollars, and then pledge it with a, with a margin, in addition to having our capital behind that deposit, as well. So one of the concerns that's been raised as we, as we start looking at new entrants into this market coming in, wanting to attract these deposits, particularly in this higher rate environment, are looking at a situation where they come in and take these dollars and invest them into, today, shorter-term securities, primarily commercial paper, and provide higher returns. And then take a fee or a commission for handling that, and try to generate income from that approach. The problem with that, of course, is how much risk are we putting in the hands of these individuals? So there were 2 material changes that were made in this particular bill. Number 1, we're limiting the length of the maturity of commercial paper, which effectively is an unsecured loan to a larger corporation, to 270 days of maturity. By limiting that to 270 days, the longer you go, the longer you take the risk of it being out there-- something happening with that company, and having problems. We're also limiting their total investment in commercial paper of all the fund securities that they have to 50%. And we're also limiting them to only doing 5%

commercial paper with any 1 issuer. The other part of the bill really deals with requirements relating to licensing that requires them to be licensed specifically, for whatever activity they're doing, whether that's what the SEC, or whether that's a Series 6 or Series 7 license. So that effectively, Chair Slama, summarizes LB710.

**SLAMA:** Thank you very much, Senator Jacobson. I appreciate that summary, and for you substituting in for Senator Dungan. Senator Bostar, would you be willing to yield to a question?

**ARCH:** Senator Bostar, will you yield?

**BOSTAR:** Yes.

**SLAMA:** Thank you very much, Senator Bostar. Would you be willing to tell us a bit about LB1294, please?

**BOSTAR:** Absolutely. And thank you, Chair Slama and Mr. President. And good evening, colleagues. AM2560 includes the provisions of LB1294, the Data Privacy Act. The amount of online information collected about consumers has grown over the years. There is a data point for nearly every activity we do online. And since data collected by many companies in states like Nebraska is unregulated, these companies can sell, use, or share the data without notification or permission. Data privacy has grown increasingly important with the acceleration of generative AI, which is built and trained on more than a trillion data points. Unsurprisingly, consumers want more control over their data. LB1294 addresses these concerns by providing robust, commonsense consumer data protection. The Data Privacy Act provides consumers the right to know whether a controller is processing the consumer's personal data, the right to receive a portable copy and digital format of the consumer's personal data processed by the controller, the right to request deletion of personal data provided by or obtained about the consumer, the right to request a correction of inaccurate personal data, the right to opt out of sales and personal data, targeted advertising and profiling in furtherance of a decision that produces a legal or similarly significant effect concerning the consumer, and the right to appeal any refusal to take any action on any of the aforementioned requests. LB1294 would also require a controller, which is a person or entity that would determine the purpose and means of which processing personal data, and would apply to any entity doing business in Nebraska that is not exempted by size or type of personal data collected, to practice data minimization and take reasonable measures to ensure that data cannot be associated with an individual. The United States Congress has failed to enact any comprehensive

national solution for consumer data protections. While we do have federal laws that deal with elements of consumer privacy, HIPAA, for example, they are limited in scope and sector. These narrowly tailored protections mean that an omnibus solution to privacy concerns across all industries has yet to pass. Because of Congress' continued inaction, States have now stepped up to address these concerns.

**ARCH:** One minute.

**BOSTAR:** Thank you, Mr. President. 15 states as of 2024 have enacted privacy legislation, and several hundred privacy bills have been introduced into state legislatures across the country. Nationally, state privacy bills have been supported by consumer groups, tech companies, chambers of commerce, as well as banking and finance advocates. LB1294 follows the same pro-consumer, pro-business approach as the Texas Data Privacy Act, which gives consumers more control over sensitive personal information, but without the legal complications and intricacies that states like California have enacted. The legislation gives the Nebraska Attorney General the exclusive authority to enforce the bill, and does not afford a private right of action for violations under the act. Additionally, LB1294 provides guardrails for the release of vital records from state agencies. Nebraskans have shared increasing concerns about the amount of data that is not only created, but is shared, analyzed, and stored by tech companies and other businesses. LB1294 is a commonsense proposal that will not only grow consumer trust, but allow for data to be used in ways that are ethical, responsible, and innovative.

**ARCH:** Time, Senator. And you are next in the queue.

**BOSTAR:** Thank you, Mr. President. LB1294 was amended at the Banking, Commerce and Insurance Committee priority on an 8-0 vote. I urge your green vote for AM2560 as well as the underlying bill. Thank you, and I will yield the remainder of my time to Senator Slama if she needs it.

**ARCH:** Senator Slama, 4:45.

**SLAMA:** Thank you very much, Senator Bostar. Between you and Senator Jacobson, I should have assumed that we'd be far too verbose for the 10-minute limit. But just to lay the table for the steps we have up next with the Banking Committee bills. Again, every bill that's been attached to this Christmas tree came out 8-0. Opposition's been resolved. I'm grateful for the bipartisan work of the Banking, Commerce and Insurance Committee. We have the committee amendment up next. And then after that is-- are 2 amendments to the committee

amendment, LB1176, as amended by AM2627. That's from Senator Dungan. Senator Jacobson will introduce that. Senator DeBoer also has a role in there and will be providing her summary of LB1290. With the few minutes I have left, because if all goes well, I won't have to have too much of a close, unless things really do go south. I would like to take a minute to thank my legal co-- committee legal counsel, Joshua Christolear, and committee clerk, Natalie Schunk, for their excellent work on the Banking, Commerce and Insurance Committee this year, along with all of my outstanding committee teammates. I think we've really put together a Banking Christmas tree this year that is worthy of being a Banking Christmas tree, and will make you feel festive, just as a Banking Christmas tree should. Thank you, Mr. President.

**ARCH:** Mr. Clerk, for an amendment.

**ASSISTANT CLERK:** Thank you, Mr. President. Senator Dungan would offer AM2820.

**ARCH:** Senator Jacobson, you're welcome to open.

**JACOBSON:** Thank you, Mr. President. AM2820 actually incorporates what I had visited about earlier on the pooled securities. It covers all those pieces. And then along with that, Senator DeBoer has an amendment that she brought into that, as well. So I believe we'll be yielding time to her to, to answer that question, as well. But while I have the mic, I, too, would like to compliment Chair Slama for the work that she did. She was a great leader, really helped us get through a lot of material, really brought a lot to the table. And I appreciated her experience, particularly coming in last year with a brand new committee chair and committee counsel. And we seemed to be very seamless in the process. So I want to do a shout out for Senator-- Chair Slama for all of her hard work. So thank you, Chairman Slama.

**ARCH:** Seeing no one in the queue, Senator Jacobson, you're welcome to close.

**JACOBSON:** I'll yield time to Senator DeBoer.

**ARCH:** Senator DeBoer.

**DeBOER:** Thank you, Mr. President. Colleagues, I can't be outdone on being verbose by the 2 gentlemen before, so I will now ask you to sit down and relax. No. I'm excited to introduce my portion of this amendment, LB1290, which is Section 74-79 of AM2820, on pages 4-7. Thank you to the Banking, Commerce and Insurance Committee for being

willing to include this bill in their committee priority bill, LB1074, and for Senator Dungan for including it in AM2820. LB20-- LB1290 seeks to resolve an issue brought to my attention during the Supreme Court Commission on Guardianship and Conservatorship meeting this past December, of which I am a member. Individuals with disabilities living in nursing homes are given an allowance from their own money of \$75 to cover all expenses not covered by Medicaid or Medicare. These expenses could be anything from clothing, clothing, shoes, mattresses, and noncovered supported devices like an electric scooter. If an individual qualified for an Enable account had-- or had a first or third party special needs trust, they have the ability to pay for expenses greater than \$75 in any given month. The existence of these Enable accounts or special needs trusts does not count against their eligibility for Medicaid or Medicare. For the transcribers, the acronym I'm going to be using is SNT for Special Needs Trust. Currently, it's unclear how a governmental agency determining eligibility for benefits should treat pooled SNTs. For some individuals, there is no issue at all, but for others they have been disqualified for Medicaid or Medicare because of their pooled SNT. This is troubling to me. First, we should always strive to be consistent in how we handle eligibility for benefits, but perhaps more importantly, because-- it's because of who this impacts the most. Pooled SNTs are most often used by elderly disabled individuals. Eligibility to Enable accounts is limited to those disabled before 26. A first-party SNT requires the individual to be able to administer the funds themselves. And a third-party SNT requires there to be a third party known to the individual with disabilities to administer the trust, but a pooled SNT is administered by a fiduciary nonprofit organization, making them useful to individuals with limited caretakers as options. LB1290 will harmonize how Nebraska treats trusts for our special needs population, and will ensure elderly disabled Nebraskans can cover small needs that remain unmet by their \$75 allowance each month. We have take-- talked a lot about wanting to be sure Nebraskans stay in Nebraska their entire life. I believe LB1290 is an important piece of that puzzle-- puzzle. So thank you very much for including this in the Banking Committee package. And I would encourage your green vote on AM2820, AM2560, and the underlying bill. Thank you, Mr. President.

**ARCH:** Colleagues, the question before the body is the adoption of AM2820. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**ASSISTANT CLERK:** 33 ayes, 0 nays on the adoption of AM2820.

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**ARCH:** The amendment is adopted. Senator Slama, you are welcome to close on AM2560. Senator Slama waives close. Question before the body is the adoption of AM2560. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**ASSISTANT CLERK:** 33 ayes, 0 nays on the adoption of committee amendments.

**ARCH:** AM2560 is adopted. Senator Slama, you're welcome to close on LB1074. Senator Slama waives close. Colleagues, the question before the body is the advancement of LB1074 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**ASSISTANT CLERK:** 33 ayes, 0 nays on the motion to advance the bill.

**ARCH:** LB1074 advances. Mr. Clerk, next item on the agenda.

**ASSISTANT CLERK:** Mr. President, LB1301, introduced by Senator DeKay at the request of the Governor. It's a bill for an act relating to real property; to adopt the Foreign-owned Real Estate National Security Act; to change provisions relating to nonresident aliens taking property by succession or testamentary dispositions; change provisions relating to foreign ownership of real property; provide duties for the Department of Agriculture and the Attorney General; harmonize provisions; provide operative dates; provide severability; repeal the original sections; and to outright repeal Sections 76-403, 76-404, 76-408, 76-409, 76-410, 76-411, 76-412, and 76-415. The bill was introduced on January 16 of this year, referred to the Agriculture Committee. That committee placed the bill on General File with committee amendments.

**ARCH:** Senator DeKay, you are welcome to open.

**DeKAY:** Thank you, Mr. President. And good evening, colleagues. LB1301 is my personal priority bill for the year and would adopt the Foreign-owned Real Estate National Security Act. This bill was heard by the Agricultural Committee on February 6 and came out on a 6-0 vote, with 1 present not voting and 1 absent. During the interim last year, several senators, including myself, got together to try to modernize Nebraska's existing foreign land ownership laws. We came up with 2 ideas, which ultimately resulted in 2 bills, LB1120 and LB1301. If you all recall from the debate on Senator Hardin's LB20-- LB1120 bill, his bill was a proactive part of the package, meant to serve as a tripwire to go after concerning foreign land transactions. LB1301 is the retroactive part of the package that looks at how we-- excuse me--

at how we do enforce our state's foreign land ownership restrictions, and update the process to divest the land held by violators of our laws. The bill's basic intent is to modernize Nebraska's existing statutes pertaining to foreign ownership of land in this state, provide a mechanism for reviewing land purchases, and give the state, not counties, the ability to carry out divestment proceedings to enforce our foreign land ownership laws. According to the National Agricultural Law Center, Center, approximately 24 states specifically forbid or limit nonresident aliens, foreign business entities, or foreign governments from acquiring or owning an interest in private, agricultural land in their state. Nebraska is one of those states with existing laws on the books dealing with foreign land ownership, but many of these statutes have not been looked at or reviewed in decades. If you look up Chapter 76, Article 4, which is the Section 76-404 to 76-415, you will see that other than a few minor updates, most of these sections were last amended in 1943. Obviously, it is not World War II anymore, and times of current threats to our national security, food supply, and agriculture sector have changed dramatically in the 81 years since these statutes were last updated. The centerpiece of LB1301 is modernizing the enforcement mechanism of our state's existing foreign land ownership laws. Currently, county attorneys are tasked with enforcing our current statutes. When I visited with the Nebraska County Attorneys Associations in regards to their duties in Chapter 76, Article 4, I was told they, they are hindered in what they can do to enforce these laws, primarily due to time and resource constraints. LB1301 would instead empower the Attorney General and the Nebraska Department of Agriculture to review whether a violation has occurred. If there is a reasonable suspicion, action can be carried out to divest or resell the property at public auction. These 2 agencies have more money, time, and staff, and resources to investigate violations and pursue an enforcement action when compared to any one county attorney in out-state Nebraska. For this reason, NACO testified in support at the hearing, and agreed that NDA and the AG are more appropriate entities to enforce our foreign land ownership laws. Additionally, under this bill, those designated as restricted entities would be under heavier scrutiny, subject to greater restrictions to own land in Nebraska. There are 2 sets of federal lists referred-- referenced in the bill. The first series of lists of references is that-- the sanctioned individuals or entities identified by the Office of Foreign Assets Control, or OFAC. The OFAC lists covers of individuals and entities linked to terrorist groups or subsidiaries of certain foreign governments. The main list is over 2,000 pages long, while other supplemental lists exist, exist for criminal groups, sanctioned, invaders, and others. The second list

reference 15 CFR 7.4, which is a list of foreign adversaries designated by the United States Secretary of Commerce. The Secretary of Commerce currently designates Russia, the People's Republic of China, including Hong Kong, Cuba, Iran, the Maduro regime of Venezuela, and North Korea as foreign adversaries. By referencing federal lists, we are not just picking names out of a hat, and the lists allow our statute to be adaptable, since threats to our country will no doubt change in the decades ahead. I also want to thank Senator Bostar for this portion. He proposed that we added something being considered in Texas, which creates a mechanism for the Attorney General to report concerning nonnotified real estate transactions in Nebraska to the Committee of Foreign Investment in the United States, or CFIUS. CFIUS reviews the national security implications of foreign investments in United States companies or operations before they can go forward. Now, I want to briefly touch on 4 key points in the committee amendment, AM2594. First, language was added to provide that designated restricted entities that have undergone a review through the CFIUS process can remain here under the section, 76-411, manufacturing, industrial use exemption. These entities would be required to report their CFIUS status to the Department of Agriculture. However, the entities that have undergone the CFIUS process would not be allowed to expand their land footprint. This language makes sure we do not run afoul of existing federal laws, which govern cases when the federal government reviews certain transactions involving foreign investments and acquisitions of American businesses and reals-- real property through the CFIUS process. Other states like North Dakota have also adopted similar language to their statutes. Second, the foreign agricultural land owners would be, be required to report to the USDA through the AFIDA report form, FSA-153, or risk enforcement of divestment proceedings. This provision is already required by federal law under the Agricultural Foreign Investment Disclosure Act, or AFIDA, but a key issue with this law is that the federal government has issues with enforcement. This language adds another tripwire to weed out bad actors, and another layer of review to ensure that there is compliance with the federal AFIDA law on the state side. If we ever need to obtain someone's AFIDA information, our Department of Agriculture can communicate with the USDA. Third, language was added which reinstates the exemptions in Section 76-404, 76-412, and 76-413. These sections contain exemptions relating to oil and gas leases, railroads, public utilities, common carriers, and municipalities. There are foreign companies operating pipelines in this state. Under federal law, in cases of pipeline spills, the EPA or other federal agencies may require the company to purchase land for remediation. Reinstating

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these exemptions would ensure Nebraska does not prevent those companies from complying with federal law. Restricted entities would be unable to utilize those exemptions in Sections 76-404, 76-412, and 76-413, unless they can use the Section 76-411 exemption by undergoing a CFIUS review. Fourth, the committee amendment--

**ARCH:** One minute.

**DeKAY:** Thank you. Fourth, the committee amendment on AM2919 will bring the land-- Nebraska Land Title Association, Farm Bureau and other ag groups in a position where they are comfortable where this bill is at. The NI-- the national-- Nebraska Land Title Association initially came out in opposition to this bill at the hearing. Their initial opposition was technical in nature, and concerned issues such as protecting real estate agents and county clerks from liability, as well as wanting process enhancements, like notifying the pendency of action commencing divestment of action in court. In summary, LB1301 is not doing something which radically deviates from our existing statutes. Nebraska already has existing restrictions on foreign land ownership. My bill simply modernizes our statutes and clarifies the intent that our state wants more oversight and restrictions for foreign [INAUDIBLE].

**ARCH:** Time, Senator.

**DeKAY:** Thank you.

**ARCH:** Senator Halloran, you're welcome to open on the committee amendment.

**HALLORAN:** Thank you, Mr. President. Thank you, Senator DeKay, for carrying this bill, drafting it with the help of Senator Bostar and Senator Hardin. This is an important bill. Senator DeKay pretty much went through the committee amendment. I'm going to go through it again. Bear with me. It'll be, maybe, a little more technical. The committee amendment AM2594 is a white copy amendment which replaces the bill. The committee statement provides a detailed, section-by-section explanation of the amendment, which correlates sections of the amendment to section of LB1301 as introduced, including modifications to the original provisions and any new sections added or original provisions omitted. I'll try to give you an overview of significant changes. Section 4 through 20 of AM2594 become the Foreign-owned Real Estate National Security Act. The amendment continues to incorporate and update portions of Chapter 76, Article 4, which contains current restrictions on the foreign entity acquisition

of interest in real estate in the state, to be responsive to modern-day national security concerns. Existing 76-402 remains as establishing a general prohibition against nonresident alien, foreign business or government entities from acquiring ownership or leasehold interest in real estate except as otherwise permitted by the act. AM2594 would apply the restrictions of the act to acquisitions that occur after the effective date, provided holders of interest have registered those holdings as required by the federal Agriculture Foreign Investment Disclosure Act, if applicable. The amendment would restore 2 sections which were outright repealed by LB1301 as introduced. Statute 76-401 currently states an exception to the general prohibition against foreign-held real estate interest to allow lease interests up to 10 years for oil and gas development. The other restored section, Section 76-412, currently excludes real estate interests held for construction and operation of railroads, public utilities, and common carriers. In both cases, these exempt-- exemptions-- these exceptions are reinstated but modif-- but modified to provide that these exceptions are not available to restricted entities. Additionally, the amendment revises Section 76-414, which currently excludes real estate lying within or within 3 miles of a muni-- municipality from prohibitions against foreign aid-- foreign-held interests. AM2594 narrows this exemption to provide that it is not available to restricted entities. The committee amendment also revises the statute, 76-413, which allows the interest held by foreign persons or entities for purposes of manufacturing or petroleum product distribution and retail. As introduced, LB1301 would have denied this exception to interests held by, by a restricted entity within a restricted area. The amendment eliminates the geographic restriction in the original bill, but would provide that the exception does not permit a restricted entry to acquire new or expand existing facilities anywhere in the state, that any restricted entity holding are in compliance with any national security agreement with the Committee on Foreign Investment in the U.S. With this change, the definitions of restricted area and military installations become obsolete and are omitted. The amendment relocates investigation and enforcement provisions that were contained in Sections 6 and 12 of the original bill, to Section 14-16. Section 14 contains the duties and authorities of the Attorney General under the original bill, to allow the AG to receive reports of property holdings of concern by any person, removing the restriction that the report is limited to "non-notified" interests. Section 15 contains the purposes of Section 2-9 of Section 6 of the bill as introduced. The amendment retains a provision of the bill that vests the Department of Agriculture with authorities to investigate real estate interests, potentially in

violation of the act, and concurrent authority of the department to retain counsel to initiate enforcement actions. The significant modification from the bill as introduced include: the amendment would authorize the Attorney General or Department of Ag retain counsel or subpoena witness documents and testimony to aid wit-- investigations, excuse me. Number 2, the amendment would authorize pre-litigation actions to notify any entities believed to be in violation, and to allow entities to voluntarily divest such holdings, except through sale or transfer to another restricted entity. An action to divest would be brought in the-- in, in, in the event the entity failed to respond or failed to divest. Number 3, a requirement is added for notice of pending divestment, divestment proceedings or court-ordered divesting of property be re-- recorded with the appropriate register of deeds. Number 4, removed that a portion of proceeds from the sale of property be paid to a person who reported real estate interest held in violation of the act. The amendment would add that proceeds to be applied to any taxes or assessments due. The amendments-- the amendment would add new Section 16, to provide that divestments ordered under the act shall be by public auction within a year of the order, and shall be conducted in a manner provided in the Nebraska Trust Deeds Act. Any purchaser would require-- or acquire the property free of any claims by or through the divested owner. Finally, the amendment would add 2 new sections. New Section number 17, provide that a title of the interest in real estate of a current holder is not invalid due to a previous owner in the chain of title being in violation of the act. New Section 18 provides that the parties to a transaction do not have a liability to determine whether a buyer or seller is in violation of the act. I would ask for the adoption of the committee amendments.

**ARCH:** Thank you, Senator. Senator John Cavanaugh would like to welcome some guests this evening: Cory Steckler from New York, Riaz Mohammed from Maryland, J.P. Isabelle from Vermont, and Jason Billick from Minnesota. They are located under the south balcony. Please rise and be welcomed by the Nebraska Legislature. Mr. Clerk, for an amendment.

**ASSISTANT CLERK:** Thank you, Mr. President. Senator DeKay would move to amend the committee amendments with AM2919.

**ARCH:** Senator DeKay, you're welcome to open.

**DeKAY:** Thank you, Mr. President. AM2-- AM2919 is a clean up amendment to the committee amendment. AM2919 would do 3 things. First, the amendment makes the word list plural in reference to the sanctions list published by the Office of Foreign Assets Control. The committee

amendment just referred to 1 singular list when there are actually multiple different lists published and maintained by OFAC. This change probably could have been done through an ER process, but I figured I would like, like to make sure it was not missed. Second, the language was added at recommendation of the Nebraska Banking Association to clarify that a copy of the petition is to be sent to any secured party who has a registered or filed lien, mortgage, or trust deed against the real estate, or filed a financing statement against the real estate as provided by law when a divestment action commences in court. Our initial language was OK. This change just adds more clarity for who gets a copy of the petition. Third, and finally, the amendment would make it required to have receivers sell divested land in accordance with the Nebraska Trust Deeds Act. In committee amendment, a receiver may sell the divested land in accordance to the Trusts Deeds Act. Where there is permissive process like what is in, in the amendment, it usually ends up becoming the de facto required method to ensure transaction. However, by making it permissive, we risk a receiver not selling the land in accordance with the Trusts Deeds Act. That would be legal, but probably would not be insurable, so we could wind up with people that thought they had followed the process correctly, only to find out later that the insurance company does not like it. To put it simply, we could create a real mess with the real estate folks if someone deviates from the Trusts Deeds Act. To make sure that we do not have these issues with title, underwrites, and insure-- insurability, we changed the word "may" to "shall" to establish that the Trusts Deeds Act is the uniform process to sell land divested pursuant to the Foreign-owned Real Estate National Security Act. I would like to thank the Land Title Association for working with me, with the committee amendment, and this amendment, to ensure everything brought up at the hearing is addressed, and we can ensure a smooth process for everyone if a divest-- divestment action takes place. I would encourage a green vote on AM2919. Thank you, Mr. President.

**ARCH:** Returning to the queue, Senator Hardin, you are recognized to speak.

**HARDIN:** Thank you, Mr. President. I stand in support of AM2919, AM2594, LB1301, and I appreciate Senators DeKay, Halloran, and Bostar for all of their work during this interim that took place, because it was a lot of work. It sounds like an easy thing to say, simply keep hostile foreign actors out. And unfortunately, it is not easy. So we also deeply appreciate the work of the Policy Research Office, and their help in synthesizing all of this. And so, I just want to appreciate all of the work that went into this for a very long period

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of time. And with that, I would like to yield the rest of my time back to Senator DeKay.

**DeKAY:** Thank you.

**ARCH:** Sen-- Senator DeKay, 4 minutes, 12.

**DeKAY:** Thank you, Mr. President. Thank you, Senator Hardin. To finish up where I started on my opening, the summary part of it-- in summary, LB1301 is not doing any-- is not doing something which would radically deviate from our existing statutes. Nebraska already has existing restrictions for foreign land ownership. My bill simply modernizes our statutes and clarifies the intent that our state wants more oversight and restrictions of foreign adversaries, especially when we consider our state's role in our national-- nation's agricultural production and housing critical military installations, such as the panhandle missile silos. This bill just makes sure if a physical land threat does come up in the future, the state can actually take actions, since right now, we really cannot do that in out-state Nebraska. I would like to give a special thanks to Quinn Conzemius in Bill Drafters Office, for his patience in helping my office with amendments and drafts in the last 9 months. I would also like to thank the members of the Ag Committee for their assistance with this bill and the committee amendment. Thank you.

**ARCH:** Senator John Cavanaugh, you are recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. And I'll ask Senator DeKay a question in a second. But I just wanted to take this opportunity to reiterate the welcome to my friends from the Vermont Law School, which you-- some of you may know I attended. The Fighting Swans, located in South Royalton, Vermont. And some of you know the origin story of the Vermont Law School, but I won't go into it now. But if you'd like to either ask one of my friends, or I'll tell you about it another time. It's a pretty good story. But so, they came into town for the NCAA tournament in Omaha, which, of course, is a great form of economic development. We're bringing folks in from all over the country to come watch basketball, so out-of-state dollars being spent in Nebraska. But they wanted to come down, have an opportunity to see the Legislature after dark. So welcome to Jason, Cory, J.P., and Riaz. If you have a chance, go say hi to them. But would Senator DeKay yield for a question?

**ARCH:** Senator DeKay, will you yield?

**DeKAY:** Yeah. Yes.

**J. CAVANAUGH:** Thank you, Senator DeKay, and thanks for bringing this bill. And you and I had a chance to just chat off the mic. And I actually think you did cover this, but just sometimes it's helpful to have a, a little conversation about it to clarify. So on page 4, carrying over into page 5, there's this new language for striking out 76-402. And it says, a nonresident alien who is not a citizen or national of the United States, a foreign corporat-- who is not a citizen of the United States, a foreign corporation, a government other than the United States government, or a government of its state, political subdivision, territory, or possession, or its agents, or trustee, or fiduciary thereof-- and then it goes on to say, shall not acquire title to or take any real, real estate or leaseholding interest-- and then, there's other parts. But my, my understanding of your bill-- the intention of the bill is only to ban these foreign adversaries from purchasing land. Is that correct?

**DeKAY:** Exactly.

**J. CAVANAUGH:** OK. And you and I talked about this. I think there's a potential reading of this language that would say it would be a ban on all folks, including foreign-owned companies like, say, I don't know, Smithfield, or somebody like that, or just foreign-born nonresidents, but noncitizens of the United States. But that's not your intention.

**DeKAY:** No.

**J. CAVANAUGH:** So-- and I spoke with committee research analysts about this. And if-- at this point, if there-- if in between now and Select, if it does look like it needs clarification, are you willing to entertain an, an amendment that would clarify that that's not what this bill is supposed to do?

**DeKAY:** Absolutely.

**J. CAVANAUGH:** OK. Well, I appreciate your work on this. Thank you Senator DeKay. Thank you, colleagues, for indulging me about introducing my friends. And, I think--what's-- the-- I do really appreciate the work of Senator DeKay, Senator Bostar, the committee on this. This is, if you haven't read it, it is dense, complicated stuff. I appreciate Senator DeKay working to update some of the anachronistic language that was in this bill. And him undertaking that, that kind of work, I do think wrongfully subjected him to some maligning in the hearing, I heard about. And so, I'm, I'm sorry about that, Senator

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DeKay, that, that somebody took that the wrong way. But-- you don't have to wait for me to ask you any more questions. I'm just-- I'm pontificating now. But I appreciate your work on this. This is, this is important stuff. And with that clarification, I would support AM2919, and AM2594, and LB1301. Thank you, Mr. President.

**ARCH:** Senator DeKay, you are recognized.

**DeKAY:** In response, you know, one, one thing that we did do, according to the questions that Senator Cavanaugh asked me-- this is an example of what happened in Florida. In a recent case law, there is an ongoing case in Florida, Shen v. Simpson, where 4 plaintiffs argued that the state's newly enacted foreign ownership law violates the United States Constitution. The U.S. Court of Appeals for the 11th Circuit ordered an injunction on 2 plaintiffs and allowed the bill to be enforced on the other 2 plaintiffs. Now, Florida did 2 things wrong. First, they called out countries by name without any rational basis. And in this case, it was China. Second, the most recent decision, Florida law attempted to preempt federal government's authority to review transactions through the Committee of Foreign Investment in the United States. The lack of a CFIUS exemption is what ultimately got the injunction for the 2-- 2 of the plaintiffs, though I should note the injunction is limited to 2 individuals, which means the state may continue and enforce its restriction against all other investors subject to their foreign ownership law, including the Shen plaintiffs. I am not a lawyer, but my impression is if an injunction is issued, that pretty much shows where the court is going to land in the end. The fact the injunction just applies to those who made the CFIUS claim shows these laws should be able to stand up to scrutiny. LB1301 first references federal lists, so we didn't come-- just come up with names out of thin air. And second, the bill does not preempt CFIUS. Therefore, we should not run the issues like the ones that were raised in Florida. Thank you.

**ARCH:** Seeing no one in the queue, Senator. DeKay, you are welcome to close on AM2919. Senator DeKay waives close. The question before the body is the adoption of AM2919. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**ASSISTANT CLERK:** 39-- excuse me. 39 ayes, 0 nays on the adoption of the amendment.

**ARCH:** The, the amendment is adopted. Mr. Clerk, for an amendment.

**ASSISTANT CLERK:** Senator Wayne would move to amend with AM3095.

**ARCH:** Senator Wayne, you're welcome to open.

**WAYNE:** Thank you, Mr. President. Thank you, Senator DeKay, for allowing me to amend this on your bill. That was a joke. Nobody's laughing. All right. Nebraska owned, Nebraska led. That's what Governor Pillen said-- what--in the state of his speech, while talking about referring to Chinese companies buying all Nebraska land. When it comes to the future of homeownership, I think having people outside of Nebraska buy land, particularly investors and hedge funds and LLCs, are causing a huge problem in leased Omaha. I have also heard the term this year, East Coast money, when talking about-- to invoke fear about how Omaha is losing to other people buying property. So I want to tell you a little bit about a company in Omaha-- well, not in Omaha. VineBrook Homes. They created a problem. They bought, a couple of years ago, 1 in 5 homes in Omaha that were up for sale, many of them under \$2,000. Over a 2-year period, the Ohio-based company, called VineBrook Homes, went on to gobbling up 153 homes in Senator-- in my district and Senator McKinney's district, almost all of them in north Omaha. They are the biggest landlords now in the state, and they do not live here. This company owns about 27,000 homes that are now in perpetual rentership. If you think about that, we have to stop this invasion of driving up our affordable housing. So when I saw this bill come up on the floor, about foreign ownership, I thought, well, clearly this is germane. This deals with home ownership and foreign entities from foreign states. So this is real simple. The bill is not even a paragraph long. It just says that you have to be a domiciled company in Omaha or a person in Omaha-- not Omaha, in the state of Nebraska, or live in the state of Nebraska, to own a single-family home. Not really complicated. It is a simple, simple bill that I think we need to address, because-- actually, during the testimony, there were 2 young individuals who came into the committee hearing. And they were actually doing a study of a Lincoln neighborhood. And what they found out in the Lincoln neighborhood over the last 10 years, is that almost all of their rental properties in single-family homes that were being bought, were by LLCs, many of them foreign LLCs, who are now turning this into rental properties. But the, but the problem is when they're buying these houses at a certain price, they're buying them typically above market-- typically way above market, driving up the homes for everybody. So this is an issue. And they're walking in and paying cash. And so this is an issue, where we are finding a lot of these in, in east Omaha and in some of the areas in Lincoln, that we are seeing these out of town companies who are coming in and buying up all the affordable homes, charging higher-than-market-rate rents, and driving people out of affordable housing. So I put this on there to

maybe have a debate to talk about it. I think it's important. I look for your support of this great amendment. Senator DeKay has toured the area and seen many of the houses that we're talking about. We need to fix this problem. Thank you, Mr. President.

**ARCH:** Senator McKinney, you are recognized to speak.

**McKINNEY:** Thank you, Mr. President. I support AM3095 for all of the reasons Senator Wayne mentioned. I get calls, and-- a lot of times when I talk to many homeowners in my community, they tell me about the frequent calls they get from random people out-of-state, that call them constantly. Hey, are you trying to sell your home? Hey, are you trying to sell your home? Hey, are you trying to sell your home? And it just happens and happens and happens. And then, you talk to other people, and they say like, yeah, like this, this person that I'm renting from does not even live, live in the state. And I'm having issues and I don't know how to address these issues, because the person that I'm renting this property from is not a resident of the state. They're not even from Nebraska. I really don't even know where they're from. So this is why I support this amendment, because we have too many people that are buying up property, in what I would say, in high-poverty areas or, or, or areas where properties have been devalued for a long time. And people brought up-- brought those prop-- brought those properties or purchased those properties at probably, low prices, and are renting out those spaces. And now, are hiking up the rents at prices in-- if you look at some of these houses, and it's-- I-- like, I talked to some of these people and they're like, oh, my rent. And it's like \$1,300 or \$1,500. And you look at the house, and you're just like, it's no way that you're paying \$1,300 or \$1,500 for that house. And it's no disrespect to the people that live in the house. It's just the house is just not worth paying that, that amount of money for a month. It's, it's just ridiculous. So that's why I support this amendment, because part of our housing crisis is people like this and investors and firms and investment companies. And it's not just a problem in the state of Nebraska. Because I go down You Tube dark holes a lot of times, when I'm home after I leave here, or just after a late night, and you will see that this is a crisis across the country, where investment firms are buying up large swaths of property and then renting out those spaces, whether, whether for Airbnbs or just-- to just rent them out. And they're just raking up the prices and causing problems for the housing market. So I think everybody should support this amendment, because it might not be an issue in your community today. But if we continue to allow this to happen, it will be an issue in, in your community tomorrow. Thank you.

**ARCH:** Senator Vargas, you are recognized.

**VARGAS:** Thank you very much. I rise in support of this amendment for a couple different reasons. And 1, I do hope people support it. We, we, in the Planning Committee, we-- we've looked at a couple different data points. One of the most interesting thing that came out of the Planning Committee this last year was the, the inventory that we currently have right now, across the state, of homes for sale. So in August of 2023, 4,718 homes were for sale in Nebraska. This represents a 12.1% decline from the previous year. What this basically means is this 1 month of supply of homes for sale is significantly lower than what we would consider a healthy housing market across the state. Nebraska is 1 of only 4 states in the nation with only a 1-month supply of homes for sale. So this is, is a result of homes being bought out by out-of-state companies, sometimes foreign-owned companies. People can't compete with cash offers. It's reducing our housing stock, which is increasing the cost of housing across the state, increasing housing prices. It means that we can't keep up and we're forcing rental owners to continue renting, which means we're forcing people that do not have an option to have a piece of the American dream and have an owner-occupied home. I just want you to remember the first home that you had was the first piece of equity. You used it. You leveraged it for maybe a small business. You can refinance. It can pay off some debt. It is the first thing that you have. And we are saying that-- well, this is a very simple bill, making sure that we are keeping housing available and not allowing out-of-state, out-of-country individuals to purchase it or have it domiciled within the state if they're purchasing it. I think this is a good bill. Again, that data is from the report that came out from UNO, that was also shared with the Planning Committee, where we are 1 of 4 states in the nation with only a 1-month supply of homes for sale. At this time, we are in the bottom, bottom 5. Vote green on this amendment. Thank you.

**ARCH:** Senator Jacobson, you're recognized.

**JACOBSON:** Thank you, Mr. President. I remember when I was a kid, I used to watch a mov-- watch a show on TV. It was called The Twilight Zone. I believe [INAUDIBLE]. We're here living it right now. We're in the Twilight Zone. I have never heard of a more ridiculous idea than what this is right now. I mean, you've got to be kidding me. We're going to tell people that they can't sell their home for more than somebody else thinks it's worth? Do we live in America? What are we thinking? Yes, there's a housing shortage. We've been screaming about that for some time. That's why we need rural workforce housing, middle

income workforce housing. That's why we need TIF. That's why we need incentives, because the cost of housing has gone through the roof. And you could go to Washington and ask Mr. Biden why that's happening. It's because of inflation, and it's because of the pandemic. But we're not going to come in here and say that capitalism no longer applies. That's not the answer. You can't tell me, as Senator Vargas said, people buy their first home, and why do they buy it? Because they expect the value to go up, and they build equity. If the government comes in and arbitrarily determines what your value is-- the value of your property is, and that you can't sell it for more than that, we're not living in America. This is so unconstitutional in so many ways, it's laughable. And I'm not an attorney, don't even pretend to be an attorney. But this reeks of unconstitutionality and a complete waste of our time. So I'm assuming Senator Wayne's going to pull the amendment. But I remember listening to this in committee, and could not believe my ears. This is crazy. Thank you, Mr. President.

**ARCH:** Seeing no one left in the queue, Senator Wayne, you're welcome to close.

**WAYNE:** Thank you, Mr. President. So there's a little bit we should know about constitutional law. Anything we pass here is constitutional until a court proves otherwise, just so we know. But in the committee, Senator Jacobson had a-- he did a roundabout face right here. Clearly, the floor has changed him. He didn't say it was unconstitutional. That's a whole new concept here that he just brought out today. He loved it in committee. He love-- he-- Mr. President, I'll pull this amendment. Thank you.

**ARCH:** So ordered, without objection. Seeing no one in the queue, Senator Halloran, you are recognized to close on AM2594. Senator Halloran waives close. Colleagues, the question before the body is the adoption of AM2594. All those in favor vote aye; all those opposed, nay. Mr. Clerk, please record.

**CLERK:** 38 ayes, 0 nays, Mr. President on adoption of the committee amendment.

**ARCH:** The amendment is adopted. Returning to the queue. Senator Wayne, you recognized.

**WAYNE:** Thank you. I just couldn't hold my laughs, and then-- when Senator Jacobson was talking, so I had to re-- re-- regroup. But it is a serious issue in Omaha. It is a-- the problem is, is I don't know how to solve it. Just being very blunt. And so I'm hoping that this

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body, those who will be here the next few years, will figure out a way, if there is a way, to solve this issue of outside agencies. Just like foreign investors on ag land, who are arbitrarily rise-- causing the costs to go up and prices to go up. So I think you-- we should deal with, deal with this. But what I forgot to mention in my amendment, is I-- if you guys vote for my amendment-- I know it's off the board, but I'll put it back up there. I'll fix it from General to Select File. I'll work on it. Me and Jacobson will get an agreement. So go ahead and vote for AM whatever that was, AM2830. And thank you, Mr. President. That was my closing, that we've already missed. Thank you, Mr. President.

**ARCH:** Colleagues, the question before the body is the advancement of-- excuse me. Mr. Clerk, for a couple items.

**CLERK:** Thank you, Mr. President. Senator DeKay, I have FA203 and FA204, both with notes you wish to withdraw. In that case, Mr. President--

**ARCH:** So ordered.

**CLERK:** In that case, Mr. President, I have nothing further on the bill.

**ARCH:** Question before the body is the advancement of LB1301 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 39 ayes, 0 nays, Mr. President, on advancement of the bill.

**ARCH:** LB1301 advances. Mr. Clerk, next item.

**CLERK:** Mr. President, LB1368, introduced by Senator Ibach. It's a bill for an act relating to fertilizer; adopts the Nitrogen Reduction Incentive Act. 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. There are no committee amendments. There are additional amendments, Mr. President.

**ARCH:** Senator Ibach, you are welcome to open on LB1368.

**IBACH:** Thank you, Mr. Chairman. And good evening, colleagues. It's fitting that during National Agriculture Week, I present and ask for your support for my priority bill, LB1368. Before I get into the-- what the bill does, I want to thank the members of the Ag Committee for supporting this bill, and the Governor for his input on this, this

issue. I also want to thank my co-sponsors, Senators Bostar, Conrad, Dorn, Halloran, Hardin, Holdcroft, Jacobson, Kauth, Meyer, Murman, and Sanders. This bill was born from an interim planning committee session that focused on water, specifically nitrates. And I want to thank Senator DeBoer for scheduling very timely and very relevant topics for our committee hearing last interim. But the result of that water hearing mainly focused on reactive approaches, including management of nitrates, nitrates, harmful in our aquatic ecosystem. LB1368 is a proactive approach to help create awareness of sustainable technologies that increase yields while reducing fertilizer use, reducing costs, and having less impact on our environment. Governor Pillen often says, agriculture is the heartbeat of Nebraska, and I completely agree. LB1368 encourages farmers to adopt efficient and sustainable practices that help Nebraska protect its natural resources. It positions our farmers to compete globally. LB1368 is also designed to position Nebraska to win the race to adopt new, innovative farming practices, including, but not limited to the proper use of biological nitrogen products. Here's what the bill does on a very basic level. The Nebraska Department of Natural Resources, in partnership with the Natural Resource Districts, would develop an incentive program. This program would incentivize farmers to reduce the use of commercial fertilizer and incorporate innovative new technologies. The program will provide an annual per acre incentive, incentive for farmers who: 1, verify that commercial fertilizer rates were replaced by the lesser of either 15% or 40 pounds per acre of nitrogen; 2, use a qualifying product in their nutrient plans; and 3, show a historic baseline of fertilizer use to demonstrate nitrogen has been reduced. All these markers must be qualified through documentation of rates, types of products used, and a history of reductions. In consultation with farmers and industry leaders, a per acre payment rate tied to the commercial rate reduction, which is one that is not, that is not less than \$10 per acre, will be established by the NDNR. The department will also be charged with reviewing the rates based on inflation or emerging technology during reviewing years. And we are asking the Department of Natural Resources to assist us in identifying those geographically beneficial target areas, while keeping the program open to all farmers across the state. LB1368 was originally drafted to request \$5 million in general funds to carry out this incentive program. After several conversations with stakeholders, I filed AM3002, that will take the \$5 million from the Cash Reserve Fund instead, and would harmonize the bill language with the trailing A bill. I would also like to note the bill includes a sunset date of December 31, 2029, and that will give future Legislatures the chance to review the effectiveness of the program. And realistically, I think

these biologic products will become so typical in our marketplace that hopefully market-- the markets will drive that change. LB1368 isn't just about protecting and enhancing our natural resources, which is paramount, it also is about retention to ensure our good life remains for the next generation. As I reached out to leaders in agriculture about the concepts in this bill, we discussed some of these new and impressive applications available to grow this sustainable ag industry. The message this bill sends is as, as important as the actual details of the bill itself. This is the start of an even bigger and more exciting discussion involving sustainable agriculture and positioning Nebraska. I want to work with this body and with the Governor on how we take this initiative to the next level. As I mentioned earlier, I have an amendment that would change the funding from general funds to Cash Reserve. But as I look for ways to take this project to the next level, I believe we should look at other sources of funding as well, including water sustainability funds, the Resilient Soils and Water Quality Act fund, checkoff dollars, and even the Environmental Trust Fund, or a combination of these. Addressing water quality must be a top priority for this legislative body. Jon Doggett, the former CEO of the National Corn Growers Association, in an op ed, explained what these biologic products do. He stated, biological fertilizers use microbes to take nitrogen from the air and nourish the plant all season long. These products actively work to build soil health as they feed the plants, without the negative water or air quality impacts of synthetic fertilizers. He closed his letter by stating, the thin margins inherent to agriculture mean that new technologies come with risk. But when you take a full accounting of the cost of dated technologies, it's clear that the impact on the profitability, the predictability, the safety, and the sustainability deserve more attention. And it's time to support new technologies that offer a better solution. This bill represents an investment in agriculture and an investment in Nebraska's future as a global leader. I believe LB1368 can have a profound impact on not only the quality of our land and water in Nebraska, but also on its value. Incentivizing the adoption of new, sustainable technologies is key to getting ahead of impending threats to production practices and allowing our farmers to lead the way. By working together, we can be proactive, and our farmers can be in the driver's seat on this important issue. I also want to note that LB1368 had great support from a wide, wide range of commodity groups, as well as the Chamber of Commerce, the National Association of Resource Districts, along with the Nebraska Farmers Union, our ag-- Aksarben Full Value Agriculture, and the League of Women Voters in Nebraska. I would like to thank you for your attention to this. Thank you for your consideration. And I very humbly ask for

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your support of LB1368 and AM3002, which will become the bill. Thank you, Mr. President.

**ARCH:** Mr. Clerk, for an amendment.

**CLERK:** Thank you, Mr. President. Senator Ibach, I have AM2882, but I note that you wish to withdraw.

**ARCH:** So ordered.

**CLERK:** In that case, Mr. President, Senator Ibach would offer AM3002.

**ARCH:** Senator Ibach, you're welcome to open.

**IBACH:** Thank you. And AM3002 just becomes the bill. It's-- the underlying bill is LB1368. But with the amendment of moving the funding from general, from general funds to Cash Reserve, the, the bill becomes AM3002. I would ask for your support. Thank you.

**ARCH:** Senator Raybould, you are recognized to speak.

**RAYBOULD:** Thank you, Mr. President. And I want to thank Senator Ibach for introducing this. You know, she spoke very clearly, and we're all very aware of our water quality in our state of Nebraska. It's imperative that we take these type of proactive steps. But in addition to that, we need to take way more steps. And unfortunately, I think we are way behind the time on making sure that the communities all across our state of Nebraska have clean, safe drinking water. Last week, I, I sent you all an email from the Natural Resource Office showing exactly \$1.3 billion of requests of aging infrastructure, water contamination issues all throughout our state of Nebraska. And these projects aren't cheap. They're \$30 million a pop. \$5 million to correct. And it's, it's scary. This is, in 2023, \$1.3 billion of requests from communities all across our state, to make sure that we provide safe, clean drinking water to our communities. It's imperative, it's essential, and it's urgent. I have the 2022 report, and it showed \$1 billion worth of requests. We can't keep up with the existing revolving fund to help these communities tackle this very urgent problem. In the 2022 numbers, it showed almost-- well, almost \$400 million, \$400 million were directly related to nitrate and phosphate contaminations in so many communities throughout our state, not only the ground wells, but other areas of runoff. This is an urgent issue facing our agriculture industry, that I'm glad that Senator Ibach introduced this, but we need to be more proactive on other steps. You know, I come from farming families, and I never understood why anyone would want to overfertilize and-- any part of their area. Because to

me, that's just a waste of money. But I know, having talked to enough farmers, they're stubborn. This is the way I've always done it. This is the way I know how to get the best yields possible. And I think steps like this are the way to really educate and create that urgency and that incentive for people to look at different ways of growing the breadbasket of our world. We have to be smarter. We have to come up with these sustainable efforts. It should be regenerative farming. People should be embracing all these new best practices that are going on, that preserve and protect our soil so that it has the nutrients and has the productivity to continue to deliver for generation after generation. So this is just one small step, and I wish we could really offer a tremendous amount of assistance to those communities that are struggling right now with the contamination that they're facing, with antiquated water systems that cannot keep up with trying to purify, or the reverse osmosis equipment that ultimately fails after its performance and its operations. So I want to say I do support this. I want to thank the Ag Committee. And I want to thank Senator Ibach from putting-- bringing it forward. We need to do more.

**ARCH:** Senator Erdman, you are recognized to speak.

**ERDMAN:** Thank you. Thank you, Mr. President, and good evening. So I just looked at the fiscal note and it said it was going to be \$5 million out of general funds. And I think I heard Senator Ibach say she wanted to change that to Cash Reserve. Is that correct? Will you yield to a question?

**ARCH:** Senator Ibach, will you yield?

**IBACH:** Yes, I will.

**ERDMAN:** Senator Ibach, did you say your-- this amendment, AM3002, changes it to cash fund?

**IBACH:** Yes. That's correct.

**ERDMAN:** I don't know, I guess I should say I'm quite confident that I don't think that's going to work. \$5 million out of the cash fund. But as I read through that, it said, not-- the incentive is not more than \$10 an acre. Can you describe or define what that means?

**IBACH:** Well, the incentive for \$10 per acre would be, for those that choose to use the biologic pro-- pro-- products or other technology advances, they would be rewarded or awarded \$10 per acre. Right now, if you look at the costs between an anhydrous fertilizer and a biologic. \$10 seems to be about the, the gauge, as far as cost

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differential. And so by incenting farmers to invest or at least try the biologics approach, then we are incenting them to use those products in a cost-effective manner. When corn is \$7 an acre-- or \$7 a bushel, it becomes a lot more enticing for farmers to try new methods. But when it's down at the \$4 level, which it is now, I think--

**ERDMAN:** OK.

**IBACH:** --farmers are a lot reluctant to take that risk.

**ERDMAN:** OK. So let me see if I'm understanding. Are you saying that \$10 an acre will buy-- that much anhydrous ammonia would buy the other fertilizer? Is that what you're saying? About the same amount, the same \$10?

**IBACH:** The-- that's correct. So, so for 40 pounds of a biologic, it's about \$25 to \$30 an acre. And if you're putting on like we do, like 32 00, I mean, you're looking at the \$15 to \$20 an acre, depending on when you buy it.

**ERDMAN:** Right.

**IBACH:** So we prepay ours in the fall. And so that[-- that's a cost differential.

**ERDMAN:** OK. So, it says not less than \$10. So it could be significantly more than \$10? It could go up from there?

**IBACH:** I, I would propose the \$10 per acre.

**ERDMAN:** That's not what, that's not what it says. It says up-- not less than \$10.

**IBACH:** Yes. And I would rely on the department to help us come up with that amount, but my recommendation will be \$10.

**ERDMAN:** So your recommendation would be something you suggest. But if you don't put it in statute, then the department can do whatever they would like at greater than \$10. Would that be the statement-- would that be a true statement?

**IBACH:** I, I would be able-- I would be happy to, between General and Select, to fix that.

**ERDMAN:** I, I think that-- I think your issue is where you're going to get the money. OK. I understand the concept. I understand what you're

trying to do. We, the state of Nebraska, established NRDs 52 years ago. And part of the charge or part of their, their MO was to deal with the nitrates. And I would say most have done a poor job of actually doing anything to reduce nitrate, nitrate contamination. And so I think, I think incentivizing the farmer makes more sense than giving it to the NRDs, but I'm just concerned about where we're going to get the \$5 million. Thank you.

**IBACH:** And I can appreciate that, too, which is why we've kind of-- my staff has kind of looked at other sources of funding. And so this-- a lot of people--

**ARCH:** One minute.

**IBACH:** --have said \$5 million doesn't get us started. But I think this will, this will get the program underway and get us started. And then we can, we can always look for other sources of funding, as well.

**ARCH:** Senator Jacobson, you are recognized to speak.

**JACOBSON:** Thank you, Mr. President. I really didn't intend to speak on this. But then I started hearing all this stuff about farmers not taking care of the land, and we got to do more and all this. And I don't mean to pick on Senator Raybould, although I would invite her to certainly come out and visit a modern farm today and see how that works. And so, for those that are listening, I, I just want to make sure-- I can't let it slide that those things get said, and you're all thinking that farmers are out there dumping all kinds of nitrogen on their soil indiscriminately, and, and phosphate. And it-- it's just not reality. OK. The nitrate problem we have today is the sins of those back in the 50s and 60s, where there was over-fertilization because anhydrous ammonia at that point in time was dirt cheap. People were putting on more because you were seeing higher yields. They didn't really know what-- to what degree they could put more fertilizer on and get higher yields. The research that's been done since that time has been overwhelming. And I will tell you that the nitrates that went on back in those days are moving down. They're well below the root zone. And so, that nitrogen is going to continue to move down, and it's going to go into the water table. And so no matter what you do today, you could put fert-- quit putting on nitrogen fertilizer on every acre and you will still see the nitrate problem there, because it's already in the soil. I would also argue when you go to cities, look at somebody's lawn, and look at the rate of nitrogen you put on your lawn, and I will guarantee you it's at a higher rate, and you get more leaching into the groundwater in towns

than you do out in the country. If you think about what farmers do today, these farms work like gardens. And that's one reason why we need broadband at the speeds that we need today, with fiber. Because farm--farmers have tractors that have the technology to where they're, they're using G-- GPS. And you've got planters that literally don't overplant. They get to the end of the field. They know where you had already planted, and it shuts the individual row units off. You have the ability to use sprayers, including fertilizer applicators, where they go out and they test it all over their field, put it into a program, into a map, and the fertilizer applicator literally goes across the field and only puts on the specific amount of fertilizer needed for that particular part of the field. That's how scripted it is. I can assure you that farmers are not indiscriminately doing things that are harming the soil. They're also planting cover crops in the fall. They're planting cover crops because they know what the microorganisms-- keeping them working in the wintertime allows for that soil to be mellower. It also keeps-- from being blowing and from, from erosion. It's amazing what's going on out there today. Truly amazing. And so I just want everyone to know that with this bill, the reason I support the bill is you have those leading-edge farmers that are already using biologics like Senator Ibach has mentioned. And then you have those producers who are not early adopters. And this incentive program is going to get those, those not-so-early adopters to try it. And once they do, they're going to see the benefits. And then whether there's an incentive or not, they're going to continue to use them. That's the value of this bill. That's the value of this program. I'm also going to tell you, I'm a big believer in NRDs. Where my farms are at-- we're located in, in the Upper Big Blue NRD. We have high nitrates. I can guarantee you they're managing that. They're managing what we can do in terms of fall fertility. They're managing what they're doing there. I believe the NRDs--

**ARCH:** One minute.

**JACOBSON:** --have done a great job. I, I support what they're doing. And I think they continue to get better and better, in terms of, of looking at the quality and the quantity of water. So with that said, I support the bill. I think it's a start. And I think what it will do is we will-- it will get people engaged, and I think it'll take care of itself. We won't be needing to put big funding in it in the future, because I think we'll get the later adopters to adopt. Thank you, Mr. President.

**ARCH:** Senator Clements, you are recognized to speak.

**CLEMENTS:** Thank you, Mr. President. Well, I also have a concern about the Cash Reserve expense. We, we are right now at our target level of the Cash Reserve. But we have had some large expenses in the past, by the pers-- Perkins Canal estimated at \$560 million. But as time goes on, costs go on. The interest and investment earnings on that is going elsewhere, not adding to that fund, which would have helped with inflation. But I think it's likely we'll have more expense from the Perkins Canal project. The new prison is over a year-- a year or 2 away, the \$360 million there. You know, a 10% increase is \$36 million. I think it's a interesting program, but the \$5 million, I think, would just be a, a, a start. And having a-- state fund it with its cash reserves is questionable to me. I think I would support it if we could find another funding source. I would urge Senator Ibach to look for other ways to fund this, and maybe more that are ag related, to where the people receiving the benefit are agriculture people, rather than just everybody else in Nebraska. Although it, it is going to, hopefully, help the nitrate situation, but I agree with Senator Jacobson. That, that problem was created a long time ago. The town where I live, our well-- the town wells have nitrate above the limit, and we have a reverse osmosis system in, in the city. So, we've been doing that maybe 20 years already. So I am going to have to withhold my approval until we find out what the funding is. The other concept with progressive innovation in agriculture is good to look into. And so, I look forward to this bill. I probably will just be not voting, and, and observe it as it goes along. And hopefully, we can look for other funding sources. Thank you, Mr. President.

**ARCH:** Senator Wayne, you are recognized.

**WAYNE:** NI-- NRAI? Thank you, Mr. President. Will Senator Ibach yield to a question?

**ARCH:** Senator Ibach, will you yield?

**IBACH:** Yes, I will.

**WAYNE:** This is called the Nitrate Reduction Incentive Act?

**IBACH:** That's correct.

**WAYNE:** How do you say that? NAR-- NI--?

**IBACH:** I haven't given it an acronym yet. Sorry.

**WAYNE:** Oh. OK. OK. So no, a serious question. This applies to farmers? To rural. Did you hear that, Senator Jacobson? This is \$10 million

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going to-- \$5 million going to rural? Is that correct? \$5 million. OK.  
So I have a--

**IBACH:** Not to housing, but to-- yes, to rural.

**WAYNE:** So I have a proposal for you, and we'll see if you accept it. Can we split this between urban and rural? So, so \$2.5 can go to homeowners? Homeowners in the urban, and I'm not-- I'm being serious here now, because we water our lawn and we put nitrogen on our lawn, and we should, we should be incentivized to do better, too.

**IBACH:** Well, I'm glad you admitted that, because that is a true statement. However, I think we need to wait until the Residential Lawn Nitrogen Biologics Program is secure before we start throwing money at it.

**WAYNE:** How would I secure it? I, I could start with my lawn.

**IBACH:** So I think there are biologic companies out there that are working on identifying the microbes that would work on residential and golf courses. And I think that's probably in the very near future. But from my experience right now, I don't know that those are available. But I would be willing, in the future, if they become available, to speak to your request.

**WAYNE:** OK. And we'll-- so you'll work with me on this next year?

**IBACH:** Absolutely. Next year.

**WAYNE:** Thank you. I appreciate you taking time and committing to working with me on this resolution next year for the urban farmers. Thank you.

**DeKAY:** Thank you, Senator Wayne and Senator Ibach. Senator Raybould, you are recognized to speak.

**RAYBOULD:** Thank you, Mr. President. I just didn't want Senator Jacobson to get away with creating an impression that I think our farmers aren't doing their jobs and don't take care of our precious land. So-- and I do accept his invitation to go out and visit farms. But I got to tell you, I have been so fortunate to have visited many farms and ranches already, and have seen such innovative practices going on, using technology to make sure that they don't over-irrigate and that they don't over-fertilize. So there is hope out there. I wanted to say there's hope. And our farmers and our Agriculture Committee is trying to do everything they can. Unfortunately, Senator

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Jacobson is right. This type of nitrate and phosphate contamination is going to continue until we are better, until we are better. The data shows that there's more and more contamination. And that's why steps like this are so important. That's like, all the innovative ideas that are coming out of the University of Nebraska and other think tanks are ones that we should be doing. But I'm still happy to go visit many more farms and ranch, and I do appreciate our Agriculture Committee.

**DeKAY:** Thank you, Senator Raybould. Senator Erdman, you are recognized to speak.

**ERDMAN:** Thank you, Mr. President. Off of the mic, I had a conversation with Senator Ibach. And, and I made a suggestion that perhaps, she could find some funding through the NRDs. It would, it would seem to make sense to me that what she's attempting to do here is one of the things that we've charged the NRDs with, is that controlling nitrates or reducing nitrate contamination. And so, Senator Ibach, I would, I would suggest that you contact the NRDs and say, hey, this is the program that I decided we needed to do. And I believe that they would understand the significance of what it is you're attempting, attempting to do. They have a, they have a relationship with the farmers already. And who better to promote a program like this to farmers, but somebody who already has a relationship with them? And so, they may have-- if you got some money from them, it may make a lot, lot easier for-- to find the rest of, of the money to do this. And if you find that it works, the money will be a lot easier to get. And by the way, Senator Wayne is not going to work with you next year, because Senator Wayne is not going to be here next year. Now, if he is, I'll be totally surprised. But, but I think my comments about the NRD are worth checking in to. Thank you.

**DeKAY:** Thank you, Senator Erdman. Seeing no one else in the queue, Senator Ibach, you are recognized to close on AM3002.

**IBACH:** Thank you very much, Mr. Chairman. And to Senator Erdman's point, the NRDs did come and testify in favor of this bill, and so I will certainly reach out to them for their support. I'd also like to thank everyone for the great discussion tonight. And again, I believe that incentives encourage change. Where would we be in the ethanol industry, if we didn't encourage incentives? And I really do believe that this address-- this change will address our water-- some of our water quality issues and definitely promote our sustainability efforts that we make every day. So thank you. I will appreciate your green vote. Thank you, Mr. Chairman.

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**DeKAY:** Thank you, Senator Ibach. Senators, the motion before the body, the adoption of AM3002. All in favor vote aye; all opposed vote nay. Have all voted who chose to? Record, Mr. Clerk.

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

**DeKAY:** Seeing no lights, the amendment is adopted. Senator Ibach, you can close on LB1368.

**IBACH:** As I mentioned, this is the underlying bill I, I appreciate your support for it. Thank you.

**DeKAY:** The question before the body is the advancement of LB1368. All those in favor vote aye; all those opposed vote nay. Have all voted who chose to? Record, Mr. Clerk.

**CLERK:** 35 ayes, 0 nays on advancement of the bill, Mr. President.

**DeKAY:** LB1368 is advanced. Next bill, Mr. Clerk.

**CLERK:** Mr. President, LB126, introduced by Senator Day. It's a bill for an act relating to revenue and taxation; changes provisions relating to homestead exemptions for certain disabled veterans and surviving spouses as prescribed; harmonizes provisions; and repeals the original section. The bill was read for the first time on January 6 of last year and referred to the Revenue Committee. That committee placed the bill on General File with committee amendments, Mr. President.

**ARCH:** Senator Day, you're welcome to open on LB20-- LB126.

**DAY:** Thank you, Mr. President. Good evening, colleagues. LB126 creates a straightforward way to extend our state's homestead exemption to veterans who were partially disabled while serving our country. At the moment, Nebraska only provides a homestead exemption for disabled veterans who have a 100% service-connected disability. Currently, Nebraska offers homestead exemptions to the following categories: Persons over age 65, veterans totally disabled by a nonservice-connected accident or illness, qualified disabled individuals, qualified totally disabled veterans and their surviving spouses, veterans whose home was substantially contributed to by the VA and their surviving, surviving spouses, or individuals who have a developmental disability. Given the challenges that disabled veterans face, LB126 is consistent with Nebraska's existing homestead exemption categories. And an exemption for partial service-related disabilities has already been implemented in other states, including Alaska,

Illinois, Kansas and Vermont. As many of you may recall, this bill is an update of legislation that I brought in 2022, LB853, which reached Select File with no opposition in the final days of session, but we ran out of time and fiscal flexibility, and the bill died. In the original version of the, the bill this biennium, LB126 provided a flat amount of relief based on the disability rating of the veteran, so 90% disabled was \$900, 70% was \$700, and so on, which was an attempt to limit the bill's fiscal note. Under the amended version of the bill, it would provide a relief for anyone with a 50% to 90% disability rating, and your amount of homestead exemption would be based on your income level. You can see the breakdown if you look at the tables on pages 10-12 of AM2941. I will let Senator Linehan explain the changes to the broader homestead exemption with the amendment, but this is how the relief would be given for disabled veterans under the amendment, amendment version of the bill, compared to the original one. When discussing the rating system for partial disabilities under the VA rating system, there's a number of misconceptions, the biggest being that these aren't major injuries. While these are partial disabilities under the VA's rating system, to most of us, these would be considered life-altering disabilities. For example, a case of 70% impairment for post-traumatic stress disorder involves suicidal thoughts, near-constant panic attacks, inability to manage stressful situations, and a projected 70% loss of earnings. To take another example, most arm amputations, unless they're done all the way to the shoulder, are below 90% and considered partial disabilities. Multiple finger amputations is a 60 per 70-- to 70% rating. And toe amputations are a 20 to 30% rating, depending on which toe was amputated. So there's a divergence between the true severity of these disabilities and the rating system. Especially in the 50 to 90% range, these are major and significantly life changing injuries. Although it can often be lost when we're staring at percentages and injury descriptions on a table, I would urge everyone in this room to consider the life-altering changes that those with service injuries go through, and consider the physical and psychological loss as if they suddenly happened to ourselves or a loved one. For roughly 40,000 Nebraska veterans who have a service-related injury, this is their daily reality, a life forever altered by the courage they showed in serving our country and our way of life. I'm not going to pretend that this is anywhere near what veterans have sacrificed to defend us and our way of life, but it is an attempt to make things just a little bit easier for those who have done so much for us. So it's my hope that we can provide targeted property tax relief to those who have made these life-changing sacrifices to us. And please vote green on LB126. Thank you, Mr. President.

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**ARCH:** Senator Linehan, you are welcome to open on the committee amendment.

**LINEHAN:** Thank you, Mr. President. And good evening, colleagues. And thank you, Senator Day. I, I really appreciate what she's done here. She had a bill that she brought last year-- I believe it was last year. Yes. By the number, you know, it's last year, LB126. And she worked hard on it. She had a great hearing with several veterans, including one that was from my hometown, where I went to high school. But this year, what happened is we had bills from Senator Dov-- in front of our committee on the Homestead Act. Senator Dover had a bill, Senator McKinney had a bill, Senator McDonnell, Senator Jacobson, Senator Fredrickson. So clearly, this is an issue that several members have heard about, and know. And we, we all know that we're having a problem with people being able to stay in their home because of property taxes. So what the committee did is we tried, we tried to take what we thought was the best part of each bill, including Senator Day's bill, and then tried to shape it in a way that we could help more people, but also do it in a fiscally responsible way. So some of you have already asked me about the fiscal note that's attached to this bill. That fiscal note is Senator Day's fiscal note from last year, because we don't get a new fiscal note on an amendment until we pass it on General. So this is what-- and I'm going to be try and quick here. AM-- and I also want to say, there is no doubt in my mind that when we get it back from Fiscal, we'll have to make adjustments. Maybe we can do more, maybe we can do less. But we're going to ask for the sky here and see what we get. AM2941 allows anyone-- and this is very important because you'll get questions on this-- allows anyone currently under the homestead exemption law that is in force today to either choose to stay on that or to apply to the new exemption. So everybody who's got a homestead exemption today, if they still qualify-- because people are getting knocked out-- knocked off homestead when their valuations go up. But if they're on that program and that program's working for them, this-- if we pass a new homestead one, they'll be grandfathered into the old system. AM2941 also establishes a new statement-- system of payment under the homestead exemption, where everyone, everyone is required to pay some amount of property taxes, starting at the minimum of \$100 per month. And our thought process was on that, that if you're staying in your house, you're paying insurance, you're paying utilities. The police still have to come by. The fire department still has you there, so you should pay something. So the least you would pay is \$100 a month. Right now, at certain levels, I think, \$37,000, you don't pay anything. AM2941 also further establishes a \$1 million total asset cap

on qualifying for the homestead exemption for married or single persons. So in other words, if you have over \$1 million in assets, you're not going to qualify for the new homestead exemption. A trade off for that, it doesn't matter-- well, obviously, if your house is over \$1 million, you're gonna get knocked off, but we're not going to that thing where you have to worry about your valuation going up. As long as your assets are under \$1 million, the value of your house is irrelevant. So, you can have a \$1 million in assets. And also, this was from Senator McKinney, for those in a qualified census tract, the amendment establishes a new homeowner, entitled to a 50% valuation reduction for their first 5 years. And Senator McKinney brought that bill. And part of that is I talked-- or maybe I was writing it for a press release. I'm doing it for tomorrow. A part of the problem we have in Omaha, and I'm sure, Lincoln and other places, is we have groups like Habitat Humanity who fix up a house or build a new house, actually get a family established in a home, and then the valuations come along and kick them out of the home. So, give them a few years to get established before that valuation starts rising. AM2941 established a qualification for homestead exemption for the elderly, that-- also, that you must have started drawing on Social Security or a equivalent retirement system, like railroad or civil service retirement. In other words, you're not going to be qualified for homestead exemption just because you turned 65, because many of us are 65 and still working, so you actually have to be retired. That is part of trying to save money on the program for the people that can still work and still pay the property taxes, and it's also to encourage people to stay in the workforce. The amendment also establishes parameters, parameters for homestead exemption for disabled veterans. This goes back to Senator Day's priority bill that is-- this amendment is going into-- that they, they must be classified as at least 50%. So today, as you-- as Senator Day said, it's 100%. Now, they will qualify at 50%. So I have a chart here. I'm not going to bore you, but it basically-- anything under \$40,000 income-- and that's AGI, so as we know, that would be after exemptions, that's \$100 a month. \$40,000 would be \$110 a month, \$45,000, \$150. So it goes up as your income goes up. We also-- and if it's not in the bill we meant to put it in. There's also a clawback provision like there is for Medicaid. So if you-- can't wake up one morning, give all your assets away, and then qualify for the homestead exemption the next day, which I have been told has happened. Well, I've actually told people-- I've had people tell me they did that. So there will be a clawback provision. And finally-- I think this is finally. Somebody else on Revenue Committee, if I'm forgetting something, please punch in and help me. The amendment includes language in a provision from LB1151, introduced by

Senator Dover, adding a definition of occupy within the homestead exemption status. What happens now, and Senator Dover, if he would like, could speak to this more specifically, but you move your mother, your grandmother into a nursing home, and she's telling you-- and you're promising, you can, you can go back home, Mom. This is just for a little time. This is to recover. And, and maybe that's not likely, but the minute you're forced to give up that homestead exemption, and you're therefore, as a family, forced to sell that home, that person in the home is not going to last very long. And it's a bad situation, and we shouldn't-- so we need to qualify that. Because in some counties, it might be 6 months, in other counties, it goes 2 or 3 years. So we need to bring those closer together. So I hope that covers it. Again, pass this tonight. We'll get a fiscal note. We'll have to sit down and look at it and see what we can do. But the big picture here was: this is help as many as we can. But let's skinny down the help so we can help more people, and make sure that there's not abuse of the system. Thank you, Mr. President.

**ARCH:** Senator Jacobson, you are recognized to speak.

**JACOBSON:** Thank you, Mr. President. First, let me say I appreciate all the work of the Revenue Committee. I know they've had a lot of things on their plate, and there were a lot of bills to look at. And certainly, when you get that many homestead exemption bills, it's a big load. I do have some concerns. Probably the first thing I would look at is I like Senator Day's base bill. And if we get nothing else done and just adopted her base bill and left everything else the same, I'd be OK. I do like a lot of the enhancements. I know Senator Dover is going to speak to the situation of the intent to be-- to occupy the house. I do like the fact that, that you need to con-- you, you need to be ret-- or just because you're retired-- we, we, we need to keep people in the workforce, so I like that change. And I don't have any issues with the total asset limit. But we've run the analysis in North Platte, for example, and in Lincoln County, where the average home value is \$141,000, and the average household income is \$61,000. And I will tell you, if we adopt the bill the way it is, there will be more people losing their homestead exemption than benefiting from it. The good news is we'll get veterans that are 50% disabled covered, and that's a high priority for me. But we're going to create a lot of damage on the other side. I think, when you start looking at all of the disparity across the state, in terms of household income and average values and tax rates, it makes a-- it, it make-- it creates some problems. So from my standpoint, I would like to see some changes made to the bill. I do intend to vote for the bill to get it to Select, but I can't support the bill in its current form. Because it,

it just doesn't work for too many of my constituents, and I think constituents across rural Nebraska are going to end up losing their exemption. Some other thoughts, might look at, I think, those that are-- that, that-- I've got one example I gave in, in-- when I introduced my bill. A lady who has now lost her husband in 2017. She's retired. She lives in a home that's on Lake Maloney, south of North Platte. It's a, it's a leasehold improvement. It's owned by NPPD. It's a 1-acre lot that's on the water. She and her husband have lived there for decades. The home and the single-car detached garage is tax assessed at \$82,500. But the land underneath it was tax assessed at \$350,000 this past year. So she, she no longer has the homestead exemption. Qualifies on income, and has qualified historically, but over the last few years, these lake properties, this land, has just gone through the roof. So now, she's going to be forced to sell her house because she can't afford to live there. These are the people I thought we were trying to help with the homestead exemption. And this doesn't work for her. And, and if we look at you had to have the homestead exemption existing, well, she lost it a year ago. In fact, I think she lost most of it 2 years ago. So unless we have at least a 3-year lookback and say, if you qualified over that time frame, she and many other people are going to be out because of what's happened to escalation of values over the last few years. Keep in mind, also, when you go into rural areas, you've got a lot of farm homes that are older homes that don't tax assess very high, and it brings your average value down. So if you're living in one of the cities, you're going to find that the averages are too low.

**ARCH:** One minute.

**JACOBSON:** So those are some concerns that I have with the bill. I'm hopeful that I can work with Senator Linehan and the committee to make some changes to that. Otherwise, I would hope that we would just amend the bill to allow for Senator Day's bill to go in, in its, in its entirety and not make any other changes. And potentially, do some interim study in the meantime, to come up with something that's a little more equitable for all areas in the state. Thank you, Mr. President.

**ARCH:** Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. I rise in support of AM2941 and LB126. I brought a bill, I believe, LB924, to provide a homestead exemption for individuals in qualified census tracts. I brought that bill because over the interim, I got invited to have a conversation with some seniors in my districts at-- in my district at Catholic

Charities. And during that conversation, a few of the seniors in my district brought up the homestead exemption, and, and, and they brought up how it really didn't work for them. Although they were seniors, it, it, it just didn't work for them. So I was like, well, I'll at least try to bring a bill to address it a little bit. And I brought my bill to try to provide a homestead exemption for individuals in qualified census tracts. And I'm happy to see some provisions in this amendment. And hopefully we get this passed, that it does something. And these-- everything else in here, you know, I'm good with, as well. Because I think we, as a body, should do all we can to try to assist our seniors that are retiring, and, and also those that, that have served our country. I think that's important, especially with rising property taxes, rising housing costs, and those type of things. And that's, and that's what was brought up in that conversation. They were like, we're on fixed, fixed income. My property taxes are rising. I'm on a fixed income. I don't really qualify for the homestead exemption, but I don't make a lot of money. Can, can you, Senator McKinney, try to do something about it? And that's why I brought the bill, to provide a homestead exemption for individuals in qualified census tracts. So I was happy to see this added to the amendment. And I hope that everybody can support this all the way through, because I think this amendment and this bill serves not only my district, not only Senator Day's district, but I think it serves individuals across the state. So I hope that everybody will see the value in this, especially for our seniors and those who have served our country, because I think it's very important to do what we can to honor them and provide any type of help that we could, to-- at least once they retire, some type of comfort in, in, in those retirement years. So thank you. And I yield the rest of my time to Senator Day, if she would like.

**ARCH:** Senator Day [RECORDER MALFUNCTION] --2 minutes, 14.

**DAY:** Thank you, Mr. President. And thank you, Senator McKinney. That is helpful. I did want to mention, I appreciate Senator Jacobson's remarks. He and I have discussed it briefly. I did have some questions about the amendment, particularly the issue that he mentioned with the \$1,200 minimum. And so, I think first, when the amendment was given to us after the bill was moved out of committee, we did go talk to AARP, because we figured they would have the best ability to analyze any potential benefits to seniors or any potential drawbacks to seniors on this particular piece of legislation. And they assured us twice that, from their analysis of the amendment, that seniors will be better off overall, even with the \$1,200 minimum. So, I did want to mention that. Although I will say going forward, I am, I am flexible with that, if

that's a sticking point for several people. Again, I would like to move this to Select so we can get a fiscal note on it and see what that looks like, and what we need to move around to make improvements--

**ARCH:** One minute.

**DAY:** Thank you, Mr. President-- to make improvements to the bill, and to get everybody on the same page with being able to support this. So I will yield the rest of my time to the Chair. Thank you.

**ARCH:** Senator Dorn, you're recognized.

**DORN:** Thank, thank you, Mr. Speaker. Echo a lot of-- some of the comments that have been made, I've been hearing about from different senators, that there, there were going to be some amendments or some, I call it putting some bills together to come up with a program, hopefully a revised program, I call it, on the homestead exemption. I-- in the green book that everybody got, the Appropriations Committee proposal, part of what's going on in the last few years is because as valuations have gone up-- and that's part of our property tax discussion, is valuations have gone up. It had-- has also put the homestead exemption, that has increased-- that has increased. This last year-- right, right now, this year, we had to increase or we did increase in the budget a little over \$14 million. And currently, per 2024 session, the homestead exempt-- exemptions are listed at a-- in our budget, \$142 million-- just over-- a little over \$142 million. Next year, it'll be \$149 million. So I'm very, very thankful that the committee-- a lot of people did a lot of work at looking at this process and seeing what we can maybe, I call it making sure the program is working the way it was intended to work, so that we don't have some people with-- heard some stories about \$300,000 house and didn't pay any property taxes because they were homestead exempt. I don't think that's the purpose of the program. The purpose of the program is to help those that need the help. Our elderly people, our disabled veterans, our-- other people like that, that need the help to pay their property taxes so that they can stay in that property or whatever. So, very, very glad that they worked-- did a lot of work on this. I, too, would like to see, very much, the fiscal note. I looked at the fiscal note on Senator Day's original bill. It had \$19 million. Well, at that time, we were paying about \$120 million total in homestead exemptions. That meant 1/6 of them were now going to be brand new disabled veterans. I really, really question that, that if 1/6 of the people on the homestead exemption were going to be now new people that were so-called disabled veterans, I don't see-- I'm not

questioning the \$20 million. But I don't think we have that much of a percentage-wise, of that population, that would bring it up to be 1/6 of that dollar amount. So that's why really excited or really waiting for word on this bill here to see after we hopefully pass this on General and get it to Select, so that we can see a-- another fiscal note and see what that-- how that plays into our budget, and all those things. So I will be supporting AM2941 and LB126 as we vote on them tonight here. Be interested, as we have our discussion on Select. Thank you. Yield my time.

**ARCH:** Senator Meyer, you're recognized.

**MEYER:** Thank you, Mr. Chairman. I rise in support of both a-- LB126 and AM299-- AM2941. I think-- you know, I'm new at this, but I, I have quite a bit of experience with the homestead exemption program. My wife's been a real estate broker for 40-- 44, 45 years. Last week, she sold a house for \$300,000 to a lady who was widowed. She was moving into her mother's \$500,000 house and taking her tax exemption with her. And so my wife checks the real estate records at the courthouse. And, yeah, she owned a couple of farms besides that. I am 100% in support of homestead exemptions for, for people that really need it. I, I will go to bat for those all day long. But I will not, for people who somehow go around the program to take advantage of it. And when I hear Senator Dorn's figures, the escalating value of that total for property tax exemptions, that's a little bit scary. I think the, the amendment are some real commonsense approaches to kind of getting a handle on the total that will be involved in this going forward. I think the \$1 million cap is very reasonable. Like Chairman Linehan said, you could have a couple of shares of Berkshire Hathaway stock who don't pay dividends, and you would qualify for homestead exemption. I mean, in what world is that OK? It's just, it's just plain not. That means that everybody else has to pay more. For everybody else that cuts a corner someplace, somebody who really struggles to make ends meet but doesn't qualify-- say they have a family that has their kids in school, they're struggling to pay their property taxes. That's a problem. So, I will support AM2941 and LB126. I want to thank Senator Day for allow-- allowing the Revenue Committee to tack this on. But I think there are some long overdue changes that are involved in this, in this amendment. I think the 3-year lookback is-- kind of coincides with a Medicaid example. And I think that's necessary. Because I know that there's legal gyrations that take place in families to get their loved one qualified for homestead exemption, and thereby, again, maybe cutting somebody out who should qualify for it, who doesn't. So, I stand in support of both of those, and I'll yield my time. Thank you.

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**ARCH:** Senator Vargas, you are recognized.

**VARGAS:** Thank you very much. I rise in support of the amendment, AM2941. Thank Senator Day for her work. I'm just gonna add a little context from the Appropriations side. Because whenever we get a chance, Senator Dorn was, was alluding to this-- he was touching upon this. We balanced the budget based off of large expenditures and large exemptions. And one of the things I'm the most proud of, from our committee, is we make sure that we're balancing the budget, assuming that this is going to continue to grow, because we're trying to do more. As Senator Dorn mentioned, the current appropriation for homestead exemption in '24 is \$142 million. For FY '25, it's \$149 million. I say this because it's important to know how much we are budgeting within the appropriations process, setting aside for the homestead exemption. And while it is a very good thing and I look forward to seeing the final version, it also is a, a caution in the future, for all the bills and the things that we, we intend to do that have a General Fund expenditure. Because 2 things were the biggest items within our budget. One was TEEOSA. Number 2 was our increased amount we had to go to homestead exemption. I will do or we will do as much as we possibly can within the appropriations process to balance around the big rocks. That's our responsibility. We don't always get credit for the revenue things. But I think we are-- we're building around those things. So I just want to make sure that's really clear. That's, that's the work of what we do in Appropriations. But it also means that every single bill that's a new General Fund expenditure on the floor also is future revenue loss, or future, future amounts that are off our budget in the future. And I just want to make sure that's clear. And I support this, and I support what we're trying to do. And I, and I really do appreciate the committee for looking at the fiscal note in the round and figuring out how it's all going to work. But it's something that we work around in the Appropriations Committee, because it's a good program and we're trying to, to do that. And, and with the additional tax relief that we've done the last several years, significant tax relief in different areas, we want to make sure that we're balancing the budget around these big rocks. Thank you for the Appropriations Committee for that work. And I just wanted to make that shout out to our committee.

**ARCH:** Mr. Clerk, for an amendment.

**CLERK:** Mr. President, Senator Holdcroft would move to amend the committee amendments with AM3133.

**ARCH:** Senator Holdcroft, you're welcome to open.

**HOLDCROFT:** Thank you, Mr. President. And colleagues, thank you for the opportunity to discuss AM3133 to AM2941. AM3133 contains the language for my LB1019. The intent of LB1019 is to eliminate the need for a County Board of Equalization to vote on a final order from the Tax Equalization and Review Commission, or TERC, on a taxpayer's valuation appeal. Currently, after a final order has been made on a taxpayer's valuation appeal by TERC, County Boards of Equalization must hold a hearing, wherein the board, by law, must reaffirm the decision of TERC. This current process of having the County Board of Equalization formalize TERC's decisions can be a source of frustration to the appealing taxpayer. The taxpayer may we-- may, may wait weeks for their case to be processed and sent to the County Board of Equalization, hoping their case can be heard by the board, only to find out at the hearing that the board cannot deviate from the TERC's decision. Adopting LB1019 would eliminate this confusion, clarifying the valuation appeal process for the appealing taxpayer, and streamlining the process for the County Board of Equalization. So this was brought to me by actually, the county-- Sarpy County Board of Equalization. And it is just to streamline the process. If someone-- a taxpayer appeals their, their valuation to the Board of Equalization and they don't like the result, they can go to the TERC, the state level, and then the TERC-- the state level makes a decision. And by the current statutes, it's then sent back to the Board of Equalization, where they have to approve it. This would eliminate that extra step. So, this came out of committee, 8-0. It originally was submitted as a consent calendar, but judging by we may not be able to get that-- to that, Senator Linehan has allowed me to amend it to this-- to AM2941. Thank you, Mr. President.

**ARCH:** Senator Clements, you are recognized.

**CLEMENTS:** Thank you, Mr. President. I appreciate what Senator Vargas said regarding the budget and the dollars that we already spend on homestead exemption. The base bill showed over \$19 million of fiscal note. And we've talked about the fact that there's maybe \$20, \$23 million max to the floor. I think it's reduced a little bit now. And so that would use all of the money to the floor for A bills. And so, I'm hoping that the adjustments in the amendment will hold the-- bring that down some. I'm going to vote this on to Select so we can see what the fiscal note would be with the adjustments, but I don't think we have room for \$19 or \$20 million in 1 A bill. So thank you, Mr. President.

**ARCH:** Senator Bosn, you are recognized to speak.

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**BOSN:** Senator Hughes pushed my button.

**ARCH:** Senator Erdman, you are recognized to speak.

**ERDMAN:** Thank you, Mr. President. So I, I just went down and visited with Senator Holdcroft about his bill on TERC. So let me just explain that. Senator Wayne had asked me a question. So, Senator Dorn, you'll like this one. So what he's trying to say and do is that once TERC makes a decision, the decision comes back to the County Board of Equalization. Then they have to have a hearing and decide and set the price-- or set the value. And so what Senator Holdcroft was trying to do is say once TERC has made a decision, that's the value. So he's trying to cut out 1 step. So, so I think that's, I think that's appropriate until we eliminate TERC. But I think that's a good program, so I'm going to vote for that. Thank you.

**ARCH:** Seeing no one in the queue, Senator Holdcroft, you're welcome to close. Senator Holdcroft waives close. Question before the body is the adoption of AM3133. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 40 ayes, 0 nays on adoption of the amendment, Mr. President.

**ARCH:** AM3133 is adopted. Senator Linehan, you're welcome to close on AM2941.

**LINEHAN:** I'm just going to-- 3 quick things. I repeat, because I have already gotten a couple questions on this, and you will get emails, so have your staff aware that anybody who's on the current system, the current homestead exemption, is grandfathered. We're not going to take anybody off the system. This doesn't. And Senator Holdcroft already said his amendment was friendly. It's already passed. The other thing, just to echo what Senator, I think, Vargas and Senator Dorn said. When I first became Chair of Revenue Committee, the homestead exemption was just under \$100 million a year. I had a bill to say that the counties had to pick up anything over \$100 million. They came in clearly against it, because they could see what was going to happen. So that's in 5 years, it's grown that much. So it's an issue we're going to have to address. I would appreciate your support on this amendment. And again, want to express our great appreciation to Senator Day, for letting us do-- use her bill and her priority to help get a lot bigger, bigger project done, hopefully. Thank you.

**ARCH:** Question before the body is the adoption of AM2941. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

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**CLERK:** 39 ayes, 0 nays on adoption of the committee amendment, Mr. President.

**ARCH:** The amendment is adopted. Senator Day, you're welcome to close on LB126.

**DAY:** Thank you, Mr. President. I'll keep this brief. This is an issue that I have been working on for years and years and years. It was one of the very first things that I heard about when I was a brand new senator. I had a constituent. I'm sure many of you have probably received emails and phone calls from him. His name is Lance [PHONETIC], and he has been following this the whole way. It is something that he has wanted for a long time, and I would love to be able to get this done this year for him, and for all of the other partially disabled veterans that deserve this benefit. I also want to make sure that I thank Jim Shuey, from Disabled American Vets. He has also been working extremely hard on trying to get to a decent place with a fiscal note on our bill. And obviously, we are still continuing to work on that. Hopefully it will be cleaned up a little bit on Select File. And lastly-- well not quite lastly. I want to thank my co-sponsors, Senators Aguilar, Conrad, Holdcroft, Brewer, Blood, and Jacobson, who are helping me work on this bill and get it through Final Reading this year. And especially, a huge thank you to Chairwoman Linehan and the entirety of the Revenue Committee and their incredible work on this package, and allowing me to use my priority bill to help work on the homestead exemption as a whole. So thank you. I appreciate your green vote.

**ARCH:** Question before the body is the advancement of LB126. All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

**CLERK:** 39 ayes, 0 nays on advancement of the bill, Mr. President.

**ARCH:** LB126 does advance. Next item, Mr. Clerk.

**CLERK:** Mr. President, LB1027, introduced by Senator Clements. It's a bill for an act relating to education; changes provisions relating to schools which elect not to meet accreditation or approval requirements; and repeals the original section. The bill was read for the first time on January 5 of this year and referred to the Education Committee. That committee placed the bill on General File with committee amendments. There are additional motions and amendments, Mr. President.

**ARCH:** Senator Clements, you're welcome to open.

**CLEMENTS:** Thank you, Mr. President. LB1027 revises Section 79-1601, which covers requirements for exempt schools, which include private, parochial, group, and home schools. LB1027 aims to eliminate some cumbersome barriers for parents or guardians who elect to educate their children in exempt schools. The bill was heard in the Education Committee, January 22, and had 14 proponents, no opponents, and 3 neutral testifiers. LB1027 is the first major update of the homeschool law since LB1920-- LB928 was passed in 1984. At that time, the track record for home schools and church schools was very short, so several oversight provisions were placed in law, but have never been used. Since then, the track record of exempt schools has proven to be very good, and they currently have over 13,000 students enrolled. Currently, both parents are required to sign an election form for their child to attend an exempt school every year. This has caused problems with single-parent households in divorce situations, where 1 parent refuses to sign the annual application. My bill would provide that only 1 parent or guardian signature is required. This change would align the requirement with that for public school enrollment, where only 1 parent's signature is required. The bill would replace an annual acknowledgment requirement with an annual assurance statement. The assurance is a signed statement by 1 parent or guardian that the education provided will comply with the law. My original bill removed the annual notice requirement. During the hearing. NDE, Department of Education testified neutral, and suggested that an annual notification would be their preference. To address these concerns, the annual requirement is retained in the committee amendment, AM2440, which I support. I'm encouraged to hear NDE's plan to streamline the enrollment notification system for the coming year, by making it an online form for a parent to update and submit. The bill removes some of the 1984 provisions which have not been used. First, the requirement to offer evidence of teaching competence has never been used and is removed. Second, student achievement testing has also never been used and is being removed. Third, provisions in Section 79-1601 for visitation and inspection of exempt schools have also never been used and are being removed. A separate school superintendent inspection provision in 7-- 79-1605 has also never been applied to exempt schools. Amendment AM3075 would remove its application for exempt schools. I believe it's important to respect the privacy of parents in their choice of educational settings for their children. I was pleased to hear that the department has allowed exempt schools to operate without heavy oversight. NDE testified at the hearing in a neutral capacity, with concerns about the annual requirement and some other language regarding administration of exempt schools. I was happy to address those concerns in AM2440, and I'm

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pleased to report the department is now a proponent of LB1027 with AM2440. I provided their letter as a handout to the body. Thank you for your consideration of LB1027. Thank you, Mr. President.

**ARCH:** Senator Murman, you are recognized to open on the committee amendment.

**MURMAN:** I'll yield on the committee amendment to Senator Clements.

**ARCH:** Senator Clements, 9 minutes, 40.

**CLEMENTS:** The committee amendment keeps the original bill intact, except that it does-- the original bill said that a parent could only re-- only had to report 1 time that they were going to be exempt, or if their student changed schools, they would have to report, but not every year if they were still in the same school. So-- but the department requested an annual notification and assurance from the parents. And the committee amendment adds the, the provision that the parent will send an annual notification to the Department of Education. And I support that provision, and the home schoolers were also acceptable. Thank you, Mr. President.

**ARCH:** Mr. Clerk, for a motion.

**CLERK:** Mr. President, I have MO1267, MO1268, and MO1266, offered by Senator Clements, all with notes that he wishes to withdraw.

**ARCH:** So ordered. Without objection.

**CLERK:** Mr. President, Senator Conrad would move to amend the committee amendments with AM2677.

**ARCH:** Senator Conrad, you are recognized to open.

**CONRAD:** Thank you, Mr. President. Good evening, colleagues. Good evening, Nebraska. I had an opportunity to be a part of this public hearing as a member of the Education Committee. I think Senator Clements brought forward a very interesting and important issue on behalf of homeschool families in Nebraska. We hear a lot about what's happening in our public schools, and, of course, in our private schools, as well. We don't hear a lot about what's happening with our homeschool parents and our homeschool families. And just so that people know, the amount-- the, the amount of Nebraska families who've decided to homeschool their children has increased over time, and particularly since the pandemic, for a lot of different reasons. And I think it's important that our legal and regulatory framework is

modern, and is not overly intrusive, and respects and understands that parents have a fundamental right, a fundamental constitutional right to direct the education of their children and their families. That being said, I think that this is 1 issue that popped up at the hearing. I think there was a lack of clarity when it came to how the proposed legislation may impact family law issues, like custody agreements or arrangements or orders. I pledged to work with Senator Clements and others who were working on this measure, to try and address that with this amendment. And that is what is before you. AM2067 amends AM2440 and makes a minor but important change, as it's meant to be an improvement to the bill and its purpose. This addresses situations in which a court has designated 1 or both parents. Or perhaps even another person, with the authority to make educational decisions on behalf of a child. The concern that I had and what had motivated me to bring this amendment, would be to prevent confusion, in which a court has directed that only 1 parent can make educational decisions, but the other parent or the school believes that this statute might trump a court order and allow another parent to contravene the existing court order. This could cause unnecessary confusion and conflict with school administrators and parents. And hopefully, that would not arise frequently. But just in case, I think there was a lurking family law issue in the original bill, and-- that was not remedied by the committee amendment. I brought this forward to Senator Clement-- Clements. I believe he accepts it as a friendly amendment that does not alter the overall intent of his bill, but that is important to bringing legal clarity to these situations. Friends, as you know, most, if not all, divorce and custody cases award both parents with equal authority to make educational decisions on behalf of their children. This amendment would accommodate and understand that reality. One final note. When it comes to the term educational decision-makers, in some circumstances, courts will actually appoint a family member or even a guardian ad litem, besides the parents, who will be responsible for making educational decisions on behalf of the children. This pops up in cases of abuse or neglect by the parents, and-- or in instances where the parents cannot essentially be, be-- carry out that parental duty and educational decision-making because of disability or imprisonment or some other obstacle. So that's a note on the terminology. That's a note on the why. I'm happy to answer questions. I appreciate Senator Clements working with me to address this, and would urge your favorable consideration. Thank you, Mr. President.

**ARCH:** Senator Wayne, you are recognized to speak.

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**WAYNE:** Mr. President, I don't know who pushed my button. I was sitting over there the whole time, so I'll waive. But I support the amendment.

**ARCH:** Senator Hunt, you are recognized to speak.

**HUNT:** Thank you, Mr. President. First I want to say, seriously, don't push each other's buttons. Like no, I'm serious. I'm not kidding. It gets late and we're fooling around and we're being funny, but it's-- I don't know. I just think we have to have some standards in here, institutionally. And it's, it's messed up. I have a question. Would Senator Clements yield to a question, just for clarification?

**ARCH:** Senator Clements, will you yield?

**CLEMENTS:** Yes.

**HUNT:** Thank you. Would there-- under, under LB1027, including these 2 amendments, were they to be adopted, Senator Clements, could there be a scenario where 1 parent wants to remove their child from school against, perhaps, the wishes of the other parent? Would that be possible under this bill?

**CLEMENTS:** The amendment from Senator Conrad talks about legal guardian or educational decision-maker. We're hoping that the people will have declared an educational decision-maker in their divorce agreements. And the-- it would be possible for a challenge, but there's-- the-- I'd say currently, the person that is refusing to sign, is creating a problem for the person who wishes to continue the homeschool, because that, that, that does require litigation. There could be-- one or the other could end up in litigation. But-- and so, I'm not exactly sure if this is-- cures everything. But I-- we were hoping to ha-- this educational decision-maker language would help clarify who is in authority.

**HUNT:** OK. Thank you very much. I, I know that in not all divorce decrees an educational decision-maker is necessarily designated. In, in my divorce-- I got divorced, maybe 2012. I don't know, a long time ago. And, and we have a child, and we don't have a educational decision-maker designated in our agreement because, you know, it was pretty amicable. And it remains to this day. And we, we make decisions together about our child's education, and it works fine. But I know that for-- of course, for all couples, that's not the case. And I have heard concerns from constituents about, you know, there, there is an increase in homeschooling. And I think that most homeschoolers are excellent educators and it works for their families. You know, I can

imagine many scenarios where I, myself, would like to homeschool. But I'm, I'm a little concerned about the possibility of a parent removing their child from school without the best interest of their child at heart, and that-- the other parent maybe being against that. And, you know, I'm, I'm, I'm also sympathetic to the problem that was described by Senator Clements in the opening about, you know, the statute as it is, being kind of antiquated. So I guess I'm just looking for some reassurances that something like that's not going to happen. And also, back to-- before I finish-- it's late, you know. Last year, some of the funny things that were happening on the floor, like people getting tired, people pushing each other's buttons, throwing candy across the aisle during Final Reading, talking really loudly, and laughing really loudly, let's not-- you know, this is coming from me. I get it. Let's not forget decorum in here. Even when it's late, even when we're tired, we can play lots of pranks on each other that don't, you know, kind of, kind of insult or demean the institution. Thank you, Mr. President.

**ARCH:** Senator Wayne, you are recognized to speak.

**WAYNE:** Thank you, Mr. President. Colleagues, I did push my button. I just want to own it. I didn't know I did, because we had multiple committee amendments. And so, by the time it came to me, I actually thought I got out the queue, so we were over here having a conversation. Let me tell you why I support-- I-- first, I vote-- I was a not present not voting on this. And I'll tell you why I'm moving differently, is because the 1 parent is actually the same 1-parent requirement in all public schools. So if it's good enough for public schools, it should be good enough for any school, that if 1 parent can move the-- my only issue was if there was a divorce or if there's a custody thing. But at the end of the day, no divorce decree or custody decree at this point, should not have a final say provision. If you don't have one, then we need to go back and get one, if you're people out there who don't have one. But how it is, is if somebody has legal custody and joint custody for educational decisions, medical decisions, but whoever is-- but they always say somebody has a final say. And that's because we kept running into this lit-- in litigation. You'd always get brought back for-- typically around school. But we've always started putting in there, at least for the last 5 years, of all divorce decrees, who has-- or custody decrees, who has final say, particularly, if, if one only has joint legal custody for-- legal custody, but one other one has a primary physical custody. And then you always need that final say with the person with the physical custody. At the time of the hearing, that there were some amendments-- or at Exec Session, there were some amendments floating around. So I

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was present not voting, because I haven't had a chance to read those. But I want to be clear here. This is the same standard, right now, that Omaha Public School uses, and everybody else. So that's why today I will be switching my vote. If people are asking why, it's the exact same standard in public schools. Thank you, Mr. President.

**ARCH:** Seeing no one in the queue, Senator Conrad, you're welcome to close on AM2677. Senator Conrad waives close. Question before the body is the adoption of AM2677. All those in favor vote aye; all those opposed vote nay. Mr. Clerk.

**CLERK:** 38 ayes, 0 nays, Mr. President, on adoption of the amendment.

**ARCH:** AM2677 is adopted. Mr. Clerk, next item.

**CLERK:** Mr. President, I have FA295, from Senator Clements.

**ARCH:** Senator Clements, you are recognized.

**CLEMENTS:** I move to withdraw.

**ARCH:** Without objection. So ordered. Next item.

**CLERK:** Mr. President, Senator Clements would move to amend with AM3075.

**ARCH:** Senator Clements, you are recognized.

**CLEMENTS:** Thank you, Mr. President. We found that we needed AM3075 to harmonize another section, 70-- 79-601 regards the Department of Education inspection ability for exempt schools, but there's a 79-1605 which allows a superintendent in that area to inspect exempt schools. And this was an oversight on our part. This will also remove the language in 79-160-- let me just make sure-- 79-1605, and say that it does not apply to exempt schools, which-- and again, a provision which has never been used. Thank you, Mr. President.

**ARCH:** Senator Walz, you are recognized to speak.

**WALZ:** Thank you, Mr. President. I'm just wondering if Senator Clements would yield to a question.

**ARCH:** Senator Clements, will you yield?

**CLEMENTS:** Yes.

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**WALZ:** Thank you, Senator Clements. We had asked you off the-- before, if you had asked the Department of Education about that-- this amendment and how they felt. Did you--

**CLEMENTS:** We have not heard back. We have, this afternoon, tried to reach the commissioner, who was at a conference. And we have not heard back from him. But-- so, I'm sorry that we, we haven't, but we definitely will make sure the department is in compliance. If they're not, I'd be glad to remove the provision on Select.

**WALZ:** OK. All right. Thank you, Senator Clements.

**ARCH:** Seeing no one left in the queue, Senator Clements, you're welcome to close. He waives close. Colleagues, the question before the body is the adoption of AM3075. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 35 ayes, 0 nays on adoption of the amendment, Mr. President.

**ARCH:** The amendment is adopted. Next item, Mr. Clerk.

**CLERK:** I have nothing further on the bill at this time, Mr. President.

**ARCH:** Senator Murman, you are welcome to close on AM2440.

**MURMAN:** Waive.

**ARCH:** Senator Murman waives close. The question before the body is adoption of AM2440. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 37 ayes, 0 nays on adoption of the committee amendment, Mr. President.

**ARCH:** The amendment is adopted. Senator Clements, you are recognized to close. Senator Clements rate-- waives close. Question before the body is the advancement of LB1027 to E&R Initial. All those in favor vote aye; all those opposed vote any. Mr. Clerk, please record.

**CLERK:** 36 ayes, 0 nays on advancement of the bill, Mr. President.

**ARCH:** LB1027 does advance. Next item, Mr. Clerk.

**CLERK:** Mr. President, General File, LB1051, introduced by Senator DeBoer. It's a bill for an act relating to juveniles; changes provisions relating to filing deadlines; eliminates obsolete provisions; reorganize and harmonize provisions; provides duties for

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the Revisor of Statutes; repeals the original section; outright repeals Section 43-247.04. The bill was read for the first time on January 8 of this year, and referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments, Mr. President.

**ARCH:** Senator DeBoer, you're welcome to open on LB1051.

**DeBOER:** Thank you, Mr. President. Good evening, colleagues, I stand before you tonight to open on LB1051, as amended by AM2641. Despite its length, LB1051 is actually a cleanup bill and is the outcome of work done on the LR386, from my interim study last summer. LR386 introduced-- I'm sorry, in 2022. We did do this for 2 years-- was an interim study to examine the Nebraska Juvenile Code. To aid that effort, a work group of experts in juvenile issues consisting of judges, attorneys, and researchers was formed. They began their work in the fall of 2022 and continued through the summer of 2023. The goal of the work group was to recommend changes to make the juvenile code easier to read, navigate, and to provide consistency across the code. The work group made 6 recommendations, the 3 of which are reflected in LB1051 are nonsubstantive. That is, there is no policy change being made by LB1051. Colleagues, the crazy things which we are doing in LB1051 are: Number 1, providing a topical index to the Juvenile Code. This recommendation is reflected in Section 19 of the bill. Number 2, reorganizing Nebraska Revised Statute 43-200 and-- or 43-248 and 43-250 to flow more cohesively. This change is made in Sections 7 and Section 8 of the bill. And finally, to eliminate obsolete provisions of the code. AM2641, the Judiciary Committee amendment, removes 1 section, Section 13, at the request of the county attorneys. This section was included as a conversation starters-- starter at the request of the committee that worked on the bill, and was one of the substantive issues that the work group identified. Conversations on that issue are ongoing, and so it has been removed and is no longer part of the bill. LB1051 was heard by the Judiciary Committee on February 15 of this year, with proponent testimony from the Nebraska State Bar Association and the County Attorneys Association, no opposition testimony, and was advanced from committee on an 8-0 vote on March 7. I want to thank the Speaker for selecting LB1051 as a Speaker priority this bill. LB1051 is a simple but important cleanup code to the Nebraska-- cleanup bill to the Nebraska Juvenile Code, which we put in place in order to make our code, code more comprehensible to those who are reading it. Thank you, Mr. President.

**ARCH:** Senator Wayne, you are recognized to open on the committee amendment.

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**WAYNE:** Thank you, Mr. President. LB51 [SIC] was heard by the Judiciary on February 15, 2024. The committee voted 8-0 to amend the bill with AM2641. The-- and advanced the bill to General File. AM2641 strikes the provision, Section 13, from the introduced bill. Section 13 would have amended 43-255 to change the time limit for a juvenile to be detained-- to be released unconditionally if the motion alleging a violation of a court order, or a juvenile's petition or a criminal complaint has not been filed. The current law is 48. The introduced bill would have changed it to 24. And so, all we're doing is changing it back to the current bill-- or the current law, which is 48 hours. Thank you, Mr. President. And vote green on AM2641.

**ARCH:** Seeing no one in the queue, you're welcome to close. Senator Wayne waives close. Question before the body is the adoption of AM2641. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 38 ayes, 0 nays, Mr. President, on adoption of the amendment.

**ARCH:** The amendment is adopted. Senator DeBoer, you're recognized to close.

**DeBOER:** Thank you, Mr. President. I want to thank all the members of the work group who worked on this bill, as I said, for 2 years. And I want to make a special thanks to my LA, Brian Murray, who worked with the work group, who shepherded this bill through, whose dedication to his job means that we have a more comprehensive and cohesive Juvenile Code. And I think that's something that is really important, and I'm very, very thankful for him and his service. Thank you, Mr. President.

**ARCH:** Question before the body is the advancement of LB1051 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 38 ayes, 0 nays to advance the bill, Mr. President.

**ARCH:** LB1051 advances to E&R Initial. Mr. Clerk, next item.

**CLERK:** Mr. President, the next item, LB874, introduced by Senator Bostar. It's a bill for an act relating to child care licensing and child care facilities; changes requirements for child care licensing, liability insurance for child care license applicants, background checks for child care employees, and the use of blankets in child care facilities; provides reporting requirements to the Legislature for the Department of Health and Human Services, State Fire Marshal, and municipalities; provides a property tax exemption; harmonizes

provisions; repeals the original section. The bill was read for the first time on January 3 of this year, and referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments, Mr. President.

**ARCH:** Senator Bostar, you are recognized to open on LB874.

**BOSTAR:** Thank you, Mr. President. LB874 is legislation crafted to streamline, clarify, and standardize various state licensing requirements and local regulations under the Child Care Licensing Act, to enable child care programs to operate more efficiently and effectively. It was advanced from committee, committee unanimously, and enjoys support from First Five Nebraska, the Nebraska Children and Families Foundation, the Nebraska Farm Bureau, Nebraska Cattlemen, Nebraska Corn Growers Association, Nebraska Pork Producers Association, the Nebraska State Chamber of Commerce, the Greater Omaha Chamber of Commerce, the Lincoln Chamber of Commerce, the Columbus Area Chamber of Commerce, the Platte Institute, and the Center for Rural Affairs. With the committee amendment, the League of Municipalities also supports the legislation. It's clear the demand for quality, safe, affordable child care is extremely high. It's also clear that recent years have been an extremely difficult period to be a licensed child care provider in Nebraska. It requires an enormous investment of time, focused attention, and material resources to ensure children's safety and meet developmental needs while operating a financially viable child care business. In addition to these challenges, excessive regulatory obligations place undue strain on already overburdened child care providers. Much of current law and regulation effectively ensures the well-being of our children. However, some of these regulations are needlessly burdensome, unnecessarily complicated, and conflict with one another. Our current jumble of child care licensing regulations make an already difficult profession harder than necessary. LB874 is designed to mitigate some of these challenges. Current regulatory demands come from all levels of government: federal, state, and local. This includes state licensing requirements, separate federal child care subsidy requirements, federal and state background checks, local zoning, building and safety, fire code enforcement, and numerous inspections at each level. There are multiple provisions contained in LB874, but I'll highlight the most substantive. In Section 3, LB874 allows dual licenses for child care providers. Enrollment in child care programs can fluctuate significantly throughout the year, increasing during the school year and decreasing over the summer. This legislation allows providers to obtain dual licenses that enable a program to operate under a lower, lower capacity Family Home Child Care II license when

enrollment is down, but return to a higher capacity Child Care Center license when more children are enrolled. This provision will be particularly helpful in rural Nebraska, which rely primarily on Family Home Child Care providers. Currently, the Department of Health and Human Services requires previously authorized child care employees to reapply to the department for a background check when applying for a position with a new child care provider. Under Section 5, LB874 allows for the results of the background check to be portable between employers. This does not compromise state and federal requirements for child care background checks. It simply allows the results to be viewed by both a current employer and a prospective employer. This change does not allow background checks to be portable if they are not current. Sections 8 and 9 of the legislation creates a standard 5-year regulatory review that the Department of Health and Human Services and the State Fire Marshal's Office must conduct to evaluate and determine that the current regulations are still valuable and necessary. This is similar to legislation passed by former Senator Laura Ebke, for a regular review of small business regulations. This mechanism ensures a process for eliminating outdated regulations and clarifying any issues that arise with new rules. The committee amendment, AM2803 provides cleanup language and strike Section 7 of the legislation, which prohibits political subdivisions from instituting residency requirements for family child care home providers. This was done at the request of the League of Municipalities. And as I stated before, the inclusion of the amendment moves them into a position of support for LB874. Regulatory compliance is essential and necessary for the safety of our-- of child care in Nebraska. We also want to ensure that the regulatory environment for child care is not needlessly burdensome on an industry that is already struggling to keep programs financially afloat. LB874 creates a safer and clearer regulatory environment in Nebraska for our child care providers. And speaking as a parent, safety is my top priority. The complexity and confusion in current law doesn't keep our children safe. The clarifications and streamlining of LB874 improve both safety and access to care. I want to thank Speaker Arch for designating LB874 as a priority. And I want to thank Chairman Hansen and the Health and Human Services Committee for advancing this legislation unanimously. And I thank my colleagues for their time and consideration. I would encourage you all to vote for LB874 and the underlying committee amendment. Thank you.

**ARCH:** Senator Hardin, you are recognized to open on the committee amendment.

**HARDIN:** Thank you, Mr. President. The standing committee amendment is a page and line amendment that makes 2 substantive changes to the

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original bill. First, it strikes the entirety of Section 7, which prohibited political subdivisions from establishing residency requirements for a family child care home. Secondly, on page 13, it removes the requirement for DHHS to submit a report on zoning and ordinances and instead, requires the report to be on rules and regulations and renumbers the remaining sections accordingly. As amended, LB874 was advanced to General File by the Health and Human Services Committee with 7 yes votes, and I would like to ask the body to adopt AM2803.

**ARCH:** Seeing no one in the queue, Senator Hardin, you're welcome to close on the amendment. Senator Hardin waives close. Colleagues, the question before the body is adoption of AM2803. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 37 ayes, 0 nays on adoption of the amendment, Mr. President.

**ARCH:** The amendment is adopted. Senator Bostar, you're welcome to close on LB874. Senator Bostar waives close. Question before the body is, is the advancement of LB874 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 38 ayes, 0 nays on advancement of the bill, Mr. President.

**ARCH:** LB874 advances to E&R Initial. Mr. Clerk, in consultation with the primary introducer, we will be passing over LB71. Please proceed to the next item on the agenda.

**CLERK:** Mr. President, pursuant to your agenda, LB1335, General File, introduced by Senator Moser. It's a bill for an act relating to Nongame and Endangered Species Conservation Act; defines terms; change provisions of and provides duties and exemptions from the Nongame and Endangered Species Conservation Act relating to transportation infrastructure; harmonizes provisions' and repeals the original section. Bill was read for the first time on January 17 of this year, referred to the Natural Resources Committee. That committee placed the bill on General File with committee amendments, Mr. President.

**ARCH:** Senator Moser, you are welcome to open on LB1335.

**MOSER:** Thank you, Mr. President and Speaker. Good evening, colleagues and fellow Nebraskans. Today I am happy to present LB1335, my personal priority bill this session. It came out of Natural Resources on an 8-0 vote with committee amendment, AM2947. This bill amends the Nongame Nebraska Endangered Species Conservation Act, NESCA, to provide an exemption from NESCA for transportation infrastructure occurring

within the area of any existing road or highway, including any associated right-of-way. The bill states that roads, highways and their associated right-of-way are manmade structures and not critical habitat. As it stands, without this bill and its amendment, NESCA is more restrictive than the federal Endangered Species Act, and it has fewer tools for balancing transportation interests and conservation interests than the environ-- Endangered Species Act. Under LB1335, exempted parties are still required to consult with the Nebraska Game and Parks through NESCA for any new areas that they disrupt, but would be exempted from these requirements for subsequent work in the same area. Senator Bostelman will introduce AM2947, which represents the results of extensive collaboration between the Department of Transportation and Game and Parks. It also adds additional tools that allow for the balance of the state's conservation interests and the needs of the state transportation system. After the introduction, I will provide more details about the modifications in the amendment. I would ask you to vote green on LB1200 and AM2508 and pass them on to Select File. Thank you.

**ARCH:** Senator Bostelman, you are recognized to open on the committee amendment.

**BOSTELMAN:** Thank you, Mr. Speaker. Good evening, colleagues. As previously stated, this amendment was negotiated in good faith between the Nebraska Department of Transportation, the Nebraska Game and Parks Commission, and other interested parties. It amends LB1335 to provide additional tools for the Nebraska Game and Parks Commission, clarifies language in the original bill, and cleans up some provisions in the Nongame and Endangered Species Conservation Act. The amendment creates a process for the Nebraska Game and Parks Commission to, to permit incidental take of listed species. The incidental take of threatened or endangered species is allowed through a formal consultation process. This valuable tool provides flexibility for all types of projects and their impacts on species. It applies to all Nebraskans, not just those engaged in transportation projects. The federal Endangered Species Act also allows incidental take through a permitting process. This amendment gives all Nebraskans greater predictability by requiring the Nebraska Game and Parks Commission to assume federal incidental take statements from U.S. Fish and Wildlife Services. This amendment also contains a restoration standard for exempted parties on areas temporarily impacted by transportation projects. I ask for your green vote on LB1200 and AM2508 and pass them on to Select File. Thank you, Mr. Speaker.

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**ARCH:** Seeing no one in the queue, Senator Bostelman, you're welcome to close. Senator Bostelman waives close. Colleagues, the question before the body is the adoption of AM2947. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 36 ayes, 0 nays, Mr. President, on adoption of the committee amendment.

**ARCH:** AM2947 is adopted. Senator Moser, you're welcome to close on LB1335.

**MOSER:** Just very briefly. In the past, when the Department of Transportation did more work on a road after they had built it, they'd have to get full permits the second time. So they'd offset the first time sometimes 2 to 1. So if they disturbed 20 acres, they had to buy 40 acres and put that into a permanent easement. And then that's the first time. Then the second time, you know, it might grow up wildflowers or something and look like habitat again. And so then you'd have to offset that and you'd have more permanent easements. So this change in the law allows us to be more conservative with the money we spend on roads. And it should save us tens of millions of dollars, potentially. And it could save us a lot of time. Because before you had to go to the federal government and let them analyze all your work, and then you had to go to Game and Parks and they had to analyze all your work. And there was always something that one or the other found that we missed. So this really helps. Thank you.

**ARCH:** As we're having some problems with the voting system right now, we will be taking roll call vote. The question before the body is the advancement of LB1335 to E&R Initial. Mr. Clerk, please call the roll.

**CLERK:** Senator Aguilar. Senator Albrecht. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood. Senator Bosn voting yes. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator John Cavanaugh. Senator Machaela Cavanaugh. 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. Senator Erdman voting yes. Senator Frederickson voting yes. Senator Halloran voting yes. Senator Hansen. 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 voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe voting yes. Senator McDonnell voting yes. Senator McKinney voting

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yes. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders. Senator Slama. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. Mr. President, the bill is advanced.

**ARCH:** LB1335 is advanced to E&R Initial. Mr. Clerk, next item.

**CLERK:** Mr. President, LB20, introduced by Senator Wayne. It's a bill for an act relating to voting rights; provides for the restoration of voting rights upon completion of a felony sentence; harmonize provisions; and repeals the original section. The bill was read for the first time on January 5 of this year, and referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File. There are no committee amendments nor additional items, Mr. President.

**ARCH:** Senator Wayne, you're welcome to open on LB20.

**WAYNE:** Thank you, Mr. President. Colleagues, this is going to be interesting. When you have some people gone, but we're going to, we're going to go with it. I'm not going to go through the whole introduction because it's late. I won't tell you about the history of how Nebraska became a state, and how this was the section that was used to veto us not once, but twice. But here's what I will tell you. Nebraska is the only state that has an arbitrary-- after somebody has finished their con-- sentence, that there is a 2-year arbitrary penalty in voting. I'm going to keep this very, very short and see where we are. Iowa, in 2020, through an executive order, decided to restore all people who completed their sentence, the ability to vote. That's what this bill does-- says once you are done with your sentence, once you have served your time, you are off paper, that means you are no longer on probation, post-supervised release, or parole, you can vote. So essentially, once you are done with your sentence and completed your time, you can vote. Right now, there-- again, there is an arbitrary 2 years, and we are the only state that has an arbitrary 2 years. And why-- here's why I call it arbitrary, and I'll end with this. This bill was first introduced over 20-some years ago. They decided to put a 2-year limitation because they were worried about some elections. They met underneath the north balcony to the right of me, and they randomly picked 2 years because everybody was comfortable. That is not me saying that. That was Senator Dan-- Lowen Kruse and others, who came and testified at the first year I introduced this bill. This was heard in the Education Committee. It

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came out of the Education Committee. And I would ask for a green vote. Again, we are the only state-- Government Committee. Sorry. I said Education because I was looking over here. Government Committee. I apologize, Senator Brewer. But we are the only state left in the country that has this arbitrary-- many states have found these arbitrary things to be unconstitutional. And again, the reason why I call it arbitrary is there's no condition on the 2 years. There's no you have to be good. You have to do this. It is just a 2 years, you can vote. I believe that everybody I've talked to understand that, at the end of the day, when you have completed your sentence, when you are done, you should be able to participate in our society fully and completely. And with that, I will ask for a green vote. Thank you, Mr. President.

**ARCH:** Returning to the queue, Senator Brewer, you're recognized to speak.

**BREWER:** Thank you, Mr. Speaker. I want to get up and, and speak on this bill in particular, because I've been around long enough to see it come full cycle, from the 2 years now, to try and change it. It came through Government Committee. We had a lot of testimony on it. It came out with full support. I have spent my share of time out at the Nebraska State Penitentiary. And I think that there is a point we have to come to the realization that when you-- when you've paid your dues, when you've served your time, you have to be able to allowed, allowed-- be allowed back into society, or were destined to have folks in a constant cycle of going back and forth. So I want to stand in support of Senator Wayne's bill, and ask that you would support it also. Thank you, Mr. President.

**ARCH:** Senator Raybould, you are recognized to speak.

**RAYBOULD:** Thank you, Mr. President. I want to thank Senator Wayne and Senator Brewer, as the Chair of the Government Affairs Committee. You know, this bill has been around for many, many, many years. And it was interesting when we had all the senators come back today, former senators. And I had a chance to speak to Senator DiAnna Schimek. She was the one who had originally introduced legislation so that once you have served your sentence, either probation or parole, that you would have your voting rights restored, for any felony conviction. And she tried 3 times. It was on that third time that she wanted it to pass. And so they did gather, as Senator Wayne said, underneath the balcony-- just said, how about 2 years? And that's how they came to it. And I want to thank Senator Wayne. He has been consistently

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pushing this forward. All I can say, it's long overdue. It's a fairness. And I ask for your support on this. Thank you.

**ARCH:** Senator Erdman, you are recognized to speak.

**ERDMAN:** Thank you, Mr. President. I appreciate that. So, Senator Wayne had brought this bill several times. And I went to the Pardons Board hearing. I guess it was back in maybe, September. Never been to one of those before. I had an opportunity to listen to the issues that these people had gone through, that were asking for a pardon. And I came away from that hearing with a different perspective about what it means to pay the penalty that you were charged to pay. And I had voted for this bill a couple of times. I think the last time, I didn't vote on Final Reading. But I've, I've changed my opinion. And I just sent a note to Senator Wayne; told him I'm going to vote for this, this amendment, for this bill. And so, I would encourage you to consider that, as well. And, and I think it's time for us to catch up with the other states. So, I know we can't vote green, but at least vote yes. Thank you.

**ARCH:** Senator Hunt, you are recognized to speak. Senator Hunt waives. Senator Clements, you are recognized to speak.

**CLEMENTS:** Thank you. Mr. President. I do not agree with this bill. I'm not going to support it. I voted no in the past. I think somebody should wait 2 years, to make sure that they haven't gone back into criminal activity. And that-- in the past, you know, they-- I'm, I'm sure in the past, the, the felony conviction, you lost your voting rights for life. And then I think it was 10 years. And now, 2 years, I think, is still reasonable. I'm-- so I'm not in favor of, of this bill. Thank you, Mr. President.

**ARCH:** Senator Lowe, you are recognized to speak.

**LOWE:** Thank you, Mr. Speaker. Senator Brewer made a comment when he spoke, that it came out unanimous. I do want to make the record clear that there were 2 no votes for it coming out, Senator Halloran and myself. Thank you, Mr. Speaker.

**ARCH:** Senators, with our system down, I want to make sure that everyone has an opportunity to speak. If you, if you do want to speak, please come forward and identify yourself. Senator Raybould, you are recognized to speak.

**RAYBOULD:** Thank you, Mr. President. I want to say that in the committee, we had 14 testifiers who came in support of passing this.

And we had 1 speak in opposition, and 2 were in neutral. But then the online comments, we had 78 people respond in support and 5 in opposition. So I wanted to say that there has been great debate and discussion in-- during the committee. We've seen veterans and people that have done service to our country, who've gotten in trouble, got sentenced, convicted, and served their time. Did probation and parole. It's time that we allow them to have the full right of democracy that some of our veterans have fought so hard for. Thank you.

**ARCH:** Senator Halloran, you are recognized to speak.

**HALLORAN:** Thank you, Mr. President. As Senator Lowe pointed out, in the committee, I did vote no. That's true, but I have since reconsidered. Sometimes you have to put yourself in the position of someone that has served their time in prison, for whatever purpose they had to serve it for. Sometimes, you have to put them in that-- in, in their shoes. It's called empathy. And that's what I've done. I've tried to imagine being in that position. So I have changed my position on this. I'm supporting this bill. Thank you.

**ARCH:** Are there any other senators? I don't want to cut this off short. Any other senators that would like to speak to this bill? See none. Senator Wayne, you are recognized to close.

**WAYNE:** Thank you, colleagues. And I know it's late. And I know people are scrambling. And I know we want to get out of here. I really appreciate Senator Brewer, Senator Erdman, Senator Halloran, and yes, even Senator Clements and Senator Lowe for speaking on this, because all of them been having-- have been engaged. I've been talking to Senator Clements about it. I've talked to Lowe about this for 8 years. So regardless of where the vote is, I just appreciate people being engaged and people talking. I think it's how we get better bills, and how we get things done. So I would ask for a roll call vote, Mr. Speaker, Mr. President.

**ARCH:** Question before the body is the advancement of LB20 to E&R Initial. Mr. Clerk, please call the roll.

**CLERK:** Senator Aguilar. Senator Albrecht. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard not voting. Senator Blood. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman not voting. Senator Brandt voting yes. Senator Brewer voting yes. Senator John Cavanaugh. Senator Machaela Cavanaugh. Senator Clements voting no. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn

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voting yes. Senator Dover voting yes. Senator Dungan. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen. 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 voting yes. Senator Linehan voting yes. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Meyer voting yes. Senator Moser. Senator Murman voting yes. Senator Raybould voting yes. Senator Riepe. Senator Riepe, I'm sorry? Voting yes. Senator Sanders. Senator Slama. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting yes. Senator Wishart voting yes. Mr. President, 34 ayes, 3 nays on advancement of the bill.

**ARCH:** LB20 advances to E&R Initial. Mr. Clerk, for items.

**CLERK:** Mr. President, your Committee on Nebraska Retirement Systems, chaired by Senator McDonnell, reports LB686 to General File with committee amendments. Name adds: Senator Vargas, name added to LB2. Senator Vargas to LB686 and LB1082. Senator McDonnell, name added to LB1284. Finally, Mr. President, a priority motion. Senator Raybould would move to adjourn the body until Thursday, March 21, 2024 at 9:00 a.m.

**ARCH:** You have heard the motion. All those in favor say aye. All those opposed, nay. We are adjourned.